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Placement Prior to Resource Family Approval

0100-520.05 | Revision Date: 11/27/19

Overview

This policy reviews the process for an emergency placement or a placement based on a compelling reason with relatives and Non-Related Extended family members. These placements can occur at any time during the child's case, including pre or post disposition.

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Version Summary

This policy guide was updated from the 01/26/18 version to provide instructions for CSWs on the new process for completing and submitting the Resource Family Approval (RFA) Application (RFA 01A). [Assembly Bill \(AB\) 1811](#) indefinitely extends the requirement for counties to provide emergency assistance or Approved [Relative](#) Caregiver (ARC) payments to a caregiver who provides emergency placement if the caregiver signs and submits an RFA application to the county. Instructions were added on documenting the date the following was conducted and completed: The home environment assessment, the applicant background search conducted through California Law Enforcement Tracking System (CLETS), [Child Abuse](#) Central Index (CACI), and Child Welfare Services/Case Management System (CWS/CMS). Further, information regarding criminal exemptions were updated to include current statutes.

POLICY

Resource Family

A Resource Family is considered eligible to provide foster care for related and unrelated children in out-of-home placements and is considered and approved for adoption or legal guardianship, and although they do not have to undergo any additional approval or licensure, additional information may be needed to proceed with adoption per [ACL 18-142](#).

Placement Prior to Resource Family Approval

Placement of a child or nonminor dependent may be made prior to the Resource Family Approval, at any time during the child's case, including pre or post disposition, if either of the following situations apply:

1. The placement is made with a relative or NREFM on an emergency basis.
2. There is a compelling reason for the placement based on the needs of the child or nonminor dependent. A compelling reason may include, but is not limited to, the following:
 - The unique needs of the child or NMD, or
 - The best interest of the child or nonminor dependent to maintain his or her family or family-like connections with an applicant.

Placement of a child or NMD does not ensure approval as a Resource Family. However, the family evaluation must consider the nature of the relationship between the relative or NREFM and the child.

The RFA referral process begins at placement when the DCFS 280 Placement Request is made. The RFA process is time-sensitive and requires completion of a comprehensive background check and home environment assessment within ten (10) calendar days following the criminal records check conducted through CLETS, or five (5) business days after a child or NMD is placed with a relative or NREFM, whichever is sooner. All components of the RFA must be completed within ninety (90) days.

For placements in adjacent counties, refer to [Out-of-County Placements](#).

Out of state placements are not allowed prior to the completion of the ICPC process. Funding is affected when a child is placed prior to the completion of the ICPC process. Placements from one state into another require the cooperation and agreement of agencies in both states. Placement cannot be made until the Los Angeles County ICPC Liaison has received the approval from the receiving state.

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Support for Caregivers

DCFS is contracting with Community Based Organizations (CBOs) to assist relatives/NREFMs residing in LA County with the RFA process. Relatives/NREFMs residing in LA County with the RFA process. Relatives/NREFMs will be assigned to CBOs that will offer online or provide in-home orientations, provide Pre-Approval and Post-Approval Training, assist with obtaining documents required for the RFA process, assist in developing correction action and documented alternative plans, assess for basic needs and access tangible supports. The caregiver will be asked to authorize the release of information to the CBO and should be provided with general information regarding the action steps needed for Resource Family Approval. Refer to [Becoming a Resource Family](#) for detailed information.

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Placement vs. Approval

This policy is focused on the RFA process and does not provide instruction on placement of a child. It is, however, important to know that approval pursuant to RFA is separate from placement of a child into a caregiver's home.

Approval

It is the sole responsibility of the Resource Family Recruitment and Approval Division (RFRAD) to determine if a person can or cannot be approved as a resource family. The RFRAD will work with regional staff to make every effort to approve an applicant as a resource family.

The approval of an applicant as a resource family by the RFA Division does not automatically entitle that caregiver to placement of a child in his or her home. A prospective caregiver's home can meet the RFA standards and be approved, but placing the child in the home may still not be in the best interest of the child.

Placement

RFRAD staff do not make or determine child placements. The decision to place a child or Nonminor Dependent (NMD) on an emergency basis, or for a compelling reason, or in an approved home is solely the responsibility of the child's or NMD's Children's Social Worker (CSW) and/or Supervising Children's Social Worker (SCSW) or the placement may be ordered by the court. It is the responsibility of the RFA CSW and/or SCSW to communicate barriers or issues that may lead to the RFA application denial of a relative or NREFM when a placement occurred prior to approval.

Before placement, the regional CSW must assess the prospective caregiver to determine his/her suitability to care for the child/NMD. The DCFS 724, Placement Assessment, is completed by the regional CSW and is used to determine if the caregiver can meet the child's/NMD's needs and placement requirements.

For additional information on placement decisions, see [Placement Considerations for Children](#).

Funding for Relatives and NREFM

Emergency assistance or ARC payments provide foster care funding to families caring for a foster child while completing the RFA process per [AB 110](#), [AB 1811](#), and [WIC 11461.36](#). If the emergency caregiver has signed and submitted an RFA application to the Department, funding will start at the time of placement. (The caregiver completes the RFA 01A at the time of the emergency placement and gives it to the placing CSW.)

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Prospective Caregivers with Criminal History

An arrest record must not be used to deny or rescind an approval unless the Department investigates the incident and secures evidence to establish that the conduct of the person may

pose a risk to the health and safety of any person who is or may become a client, per [Health and Safety \(HSC\) 1522\(e\)\(1\)](#). If however, a prospective caregiver has been arrested for any of the crimes listed below, per [Welfare and Institutions \(WIC\) Code 361.4\(b\)\(4\)](#), a child cannot be placed until there is an investigation and the Department and court determine that the placement is in the best interest of the child, after having considered the investigation results.

Any crime listed in Penal Code 290: sex offender registry

Penal Code 245: assault with a deadly weapon

Penal Code 273ab: willful injury to a child 8 years of age or younger

Penal Code 273.5: corporal injury to spouse

Penal Code 273a(b): misdemeanor willful injury to a child

Penal Code 273a, paragraph 2 (prior to 1994)

Any crime listed in HS §1522(g) – see Category 1 below

Please reference the [chart for a list of non-exemptible convictions, standard exemptions, and simplified exemptions](#).

The review and approval of all criminal exemptions will remain the responsibility of the Resource Family Recruitment and Approval Division (RFRAD). The RFRAD will maintain record of all approved and denied criminal exemptions.

Prospective caregivers do not Live-Scan until the RFA application is received. The RFRAD shall receive subsequent arrest reports for all caregivers, other adults residing the home, and any persons having significant contact with the child after the RFA approval.

The Regional Administrator (RA) or designee is allowed to approve an emergency placement if the prospective caregiver, any other adult residing in the home, and/or any persons having significant contact with the child, has a conviction that allows for an exemption. Please refer to the [chart for a list of non-exemptible convictions, standard exemptions, and simplified exemptions](#).

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PROCEDURE

Emergency Placement with a Relative or NREFM / Placement Based on Compelling Reason

Complete the following prior to placement

CSW Responsibilities

1. Conduct a criminal records check for all adults residing or having significant contact in the home, including a search of:
 - CLETS,
 - CACI, and
 - CWS/CMS.
2. Do not have the caregiver(s) LiveScan at this time.
 - If criminal clearance reveals convictions or misdemeanors or if the CACI has a hit, submit the criminal clearance results/CACI and DCFS 280, Placement Request, to the RA/RA Designee for review.
 - i. If approved, document the approval in CWS/CMS in the Contact Notebook. Proceed to the next step.
 - ii. If denied, search for an appropriate placement.
3. File the hard copy of the CLETS and CACI results in the light brown folder.
4. Create the Placement Packet Request (PPR) in FCSS.
5. Document the Emergency Pre-Placement Checks in CWS/CMS.

Complete the following during placement

CSW Responsibilities

1. Inspect the home and grounds and determine that they are free of conditions that may pose an undue risk to the health and safety of the child or nonminor dependent. Use the [RFA Environment Checklist](#) as a guide.
2. Have the caretakers sign the RFA 01A, Resource Family Application.
 - a. Provide the caregiver with a signed copy of the RFA 01A. If a copy is not available, provide the caregiver with a blank RFA 01A.
 - b. Instruct the caregiver to complete the blank RFA 01A to take with them to LiveScan.
4. Inform the caregiver(s) that they and all adults residing or regularly present in the home need to [Live Scan](#) within three (3) business days.
5. Provide the caregiver with the Placement Packet Caregiver LiveScan Letter that provides a list of Live Scan locations and the acceptable forms of identification that can be used when submitting to a Live Scan.
6. Document in CWS/CMS that the caregiver was provided the RFA 01A and the Placement Packet Caregiver LiveScan Letter.

Complete the following after placement

CSW Responsibilities

4. Document completion of the initial home environment assessment in CWS/CMS.
5. Submit the DCFS 280 and RFA 01A to the Technical Assistant (TA).
5. Within two (2) calendar days from the date of placement, submit the RFA 01A to the RFA Intake mailbox at RFA_Intake@dcfs.lacounty.gov (Outlook search: DCFS RFA Intake).

- The completed and signed RFA 01A will initiate payment from the date of placement.
6. Consult with the Public Health Nurse (PHN) within three (3) days of receiving a referral regarding serious medical problems. The medical problems include but are not limited to:
- Diabetes
 - Shaken baby syndrome
 - Failure to thrive
 - Allegations of severe neglect
 - A child has a known or suspected medical problem or developmental condition

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RA/RA Designee Responsibilities

1. Review the criminal clearance records. Refer to the Criminal Exemptions section, if necessary.
- If exemptible, sign the DCFS 280 and approve the emergent placement.
 - If non-exemptible, return to CSW to continue the search for an appropriate placement.

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APPROVALS

RA or Designee Approval

- CWS/CMS results
- DCFS 280. Placement Request

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HELPFUL LINKS

Attachments

[Becoming a Resource Family](#)

[Data Entry Instructions for Documenting CLETS, CACI, and CWS/CMS Search in the Foster Care Search System](#)

[Data Entry Instructions Documenting the Completion of the Home Environment Assessment in CWS/CMS](#)

[Data Entry Instructions for Creating the Placement Packet Request \(PPR\) in the Foster Care Search System \(FCSS\)](#)

[List of Non-Exemptible, Standard Exemptions, and Simplified Exemption Convictions](#)

[Placement Packet Caregiver Live Scan Letter](#)

[RFA Environment Checklist](#)

Forms

CWS/CMS

[DCFS 280, Technical Assistance Action Request](#)

[DCFS 5122, DCFS Referral Notice](#)

[DCFS 6086, Authorization for Release of Information RFA Intake](#)

[DCFS 6087, Resource Family Assessment \(RFA\) Intake Request](#)

[RFA Environment Checklist](#)

Referenced Policy Guides

[0070-548.01, Child and Family Teams](#)

[0100-510.46, Out-of-County Placements](#)

[0100-510.60, Placement Considerations for Children](#)

[0100-520.70, Exemptions for Criminal History Records](#)

[0300-508.30, Identifying and Notifying the Court of Recurring Efforts to Locate Relatives and Non-Relative Extended Family Members \(NREFMs\)](#)

Statutes

[All County Information Notice 29-14 – Relative Caregiver and nonrelative Extended Family Member \(NREFM\): Smoke-Free Environment](#)

[All County Letter \(ACL\) No. 12-12 – Provides the revised and new SOC forms for nonminor dependent placement.](#)

[ACL No. 13-27 – State hearing procedures for cases where county child welfare agency denied a relative or non-extended family member approval to provide care for a juvenile court dependent.](#)

[ACL 18-142 – Provides guidance to child welfare and probation departments and other interested stakeholders as to how an adoption will be completed for Resource Families \(RF\) and existing foster caregivers.](#)

California Department of Social Services (CDSS) – Resource Family Approval Written Directives

CDSS – Resource Family Approval: Background Assessment Guide (BAG)

Family Code (FAM) Section 7950(a) – Sets forth placements considerations when a child enters foster care such as the proximity of the natural parents to the placement, placement in the home of a relative unless the placement would not be in the best interest of the child.

FAM Section 8708 – States, in part, the neither DCFS nor a licensed adoption agency may deny a person the opportunity to become an adoptive parents, or delay the placement of a child for adoption, based on race, color, or national origin of the person or the child involved.

FAM Section 8709 – States, in part, the DCFS or a licensed agency may consider a child's religious background in determining an appropriate placement, This, however, shall not be construed to affect the placement of Indian children.

Health and Safety Code (HSC) Section 1505.2 – Establishes the conditions by which a licensing agency may authorize a foster family home to provide 24-hour care for up to eight foster children, for the purpose of placing siblings or half siblings together in foster care.

HSC Section 1521.6 – States, in part, that prospective foster parents must meet specified health and safety requirements. It also states that licensed foster parents must be ready, willing, and able to meet the varying needs of children, including hard-to-place children.

HSC Section 1522 – Provides information on fingerprinting and criminal records, exemptions, and criminal record clearances.

HSC Section 1522.1 – Provides the Child Abuse Central Index check prior to licensing or approving a person to care for or reside with children.

Penal Code (PEN) Section 11105(t) – Provides state criminal history information and persons to which information may be furnished; provides details on copy of criminal history information to the subject person.

PEN Section 11105.2 – Subsequent arrest or disposition notification to authorized entities.

PEN Section 11170 – States, in pertinent part, that the Child Abuse Central Index is a database maintained by the Department of Justice that contains records of child abuse investigations that resulted in either substantiated or inconclusive dispositions in California.

United States Code, Title 22, Section 671(a)(18) – States, in pertinent part, that in order for a state to be eligible for federal funding, it must have an approved plan that does not deny any person the opportunity to become an adoptive or foster parent or delay or deny the placement of a child for adoption or into foster care, based on race, color, or the national origin of the person or child involved.

Welfare and Institutions Code (WIC) Section 281.5 and 361.3 – States, in part, that CSW should give primary consideration to place a child with a relative of the child, if such a placement is in the best interest of the child and will be conducive to reunification of the family.

WIC Section 309(d)(1) – Describes steps to be taken when considering temporary placement with a relative or nonrelative extended family member.

WIC Section 309(d)(2) – States in part that immediately following the emergency placement of a child in the home of a relative or nonrelative extended family member, the county welfare department shall evaluate and approve or deny the home pursuant to Section 16519.5.

WIC Section 309(e)(1) – States, in part, that the social worker is to initiate efforts in locating relatives within 30 days of the child's removal from the home and to give written and oral notification of the proceedings, if appropriate. Such notification must include all of the following:

- That the child has been removed from the custody of his or her parent(s)/guardians;
- An explanation of the various options to participate in the care and placement of the child and support of the child's family including:
 - Any options that may be lost by failing to respond;
 - Information about providing care for the child while the child received reunification services with the goal of returning the child to the parent/guardian;
 - How to become an approved resource family and additional services and support that are available in out-of-home placements;
 - Information regarding Kin-GAP, CalWORKS, adoption assistance, as well as other options for contact with child, including, but not limited to, visitation.

WIC Section 309(e)(1)(3) – States, in part, that the social worker must use "due diligence" in investigating the names and locations of relative, including, but not limited to, asking the child in

an age-appropriate manner about relatives important to the child's best interest, and obtaining information regarding the location of the child's adult relatives.

WIC Section 319(f)(1) – States, in pertinent part, that when the child is not released from custody, the court may order that the child shall be placed in the approved home of a relative, in an emergency shelter or other suitable licensed place, in a place exempt from licensure designated by the juvenile court, or other suitably licensed place, in a place exempt from licensure designated by the juvenile court, or in the approved home of a nonrelative extended family member for a period not to exceed 15 judicial days.

WIC Section 319(f)(2) – Defines who is considered a relative.

WIC Section 361.3 – Describes steps and preferential consideration to be taken when a child is removed from the physical custody of their parent and a placement is needed.

WIC Section 361.4 – States, in pertinent part, that prior to placing a child in the home of a relative, or the home of any prospective guardian or other person who is not licensed or certified foster parent, the county social worker shall visit the home to ascertain the appropriateness of the placement.

WIC Section 361.45 – States, in part, that when the sudden unavailability of a foster caregiver require a change in placement on an emergency basis for a child who is under the jurisdiction of the juvenile court pursuant to Section 300, if an able and willing relative , or an able and wiling nonrelative extended family member, is available, and requests temporary placement of the child pending the resolution of the emergency situation, the county welfare department shall initiate an assessment of the relative's or nonrelative extended family member's suitability. Upon completion of this assessment, the child may be placed in the assessed home.

WIC Section 362.7 – States that when the home of a nonrelative extended family member is being considered for placement of a child, the home shall be evaluated, and approval of that home shall be granted or denied, pursuant to the same standards set forth in Title 22 regulations. A "nonrelative extended family member" is defined as an adult caregiver who has an established familial relationship with a relative of the child, as defined in paragraph (2) of subdivision (c) of Section 361.3, or a familial or mentoring relationship with the child.

WIC Section 11402.4 – Sets guidelines regarding annual reassessment of an approved home of a relative or nonrelative extended family member and frequency of monthly visits to the home required of the social worker.

[WIC Section 16001.9](#) – Lists, in part, the rights of children placed in out-of-home care.

[WIC Section 16002\(b\)](#) – States, in part, that the responsible local agency shall make a diligent effort in all out-of-home placement of dependent children, including those with relatives, to develop and maintain sibling relationships.

[WIC Section 16504.5](#) – Authorizes a child welfare agency to initiate a criminal background check through California Law Enforcement Telecommunications Systems when evaluating the home of a relative or nonrelative extended family member.

[WIC Section 17739](#) – States when determining the placement of a foster child who is medically fragile, as defined in subdivision (b) of Section 1760.2 of the Health and Safety Code, priority consideration is given to placement with a foster parent who is an individual nurse provider, as defined in subdivision (m) of Section 14043.26 of the WIC, who provides health services under the federal Early and Periodic Screening, Diagnosis and Treatment program (Section 1396d(a)(4)(B) of Title 42 of the United States Code. The priority consideration shall be subordinate to the preference granted to a relative of the child.

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