

OUT-OF-HOME RESIDENCE OR VACATIONS FOR JUVENILES

- AUTHORITY:** Administrative Directive
Sections 362.7, 727, 777, 778, 11402, and 16519 Welfare and Institutions Code
Sections 11166 and 11166.3 Penal Code
Civil Code Section 265
Sections 1502, 1522 and 1536.1(c) Health and Safety Code
California Code of Regulations, Title 22, Division 6
Adam Walsh Act
- RESCINDS:** Procedure Manual Item 2-6-202, dated 08/12/16
- FORMS:**
- | | |
|-----------------------------------|-------------------|
| CJI and Multipurpose Record Check | (F057-9914.11) |
| Child Abuse Central Index | Electronic Format |
| Placement Referral Form | Electronic Format |
| Visitation/Travel Permit | Electronic Format |
| Authorization for Medical Care | (F057-7001.10) |
| Residential Waiver | Electronic Format |
| Record check Request – Adult | (F057-1064) |
| Request for Live Scan Service | (BCII 8016) |
| Checklist | (Attachment) |
- PURPOSE:** To provide decision-making criteria and procedures regarding the granting of authorization by the assigned officer for youth to reside away from the parental home when a crisis arises, when permission is sought, or when ordered/authorized by the court. This procedure applies to youth who are on informal or formal probation. This procedure does not apply to youth residing with an approved Resource Family (RFA) or Short Term Residential Treatment Program (STRTP) under a placement order.

I. GENERAL INFORMATION

- A. A standard condition of formal or informal probation is that a **youth** will reside with his or her parents. A specific court order authorizing an alternate residence is also subject to review by the assigned Deputy Probation Officer (DPO) to ensure the health and safety of the **youth (based on relative/non-related extended family member (NREFM) standards)**.
- B. When the parent, guardian, and/or **youth** seek or the court orders a **youth** to reside in an alternate residence, the assigned DPO must evaluate and approve the alternate residence. (See Sections V & VI.) **The assigned DPO will continue efforts to reunify the youth with the parent/guardian whenever possible, by providing resources that include but are not limited to: referrals to Youthful Offender Wraparound, counseling, shelters, etc.** The alternate residence should be approved by the assigned DPO (under the guidelines provided for relative/non-relative caretakers) prior to the **youth** moving to the alternate residence.

- C. All procedures to review the alternate residence are to be initiated **immediately upon** notification of the **youth's** alternate residence, **or within one work week of receiving notification of the youth's intent to move.**
- D. Whenever a ward is residing or pending residence in an alternate residence (i.e., boarding school, residential community resource), **the assigned DPO will initially notify the Placement Monitor DPO who assesses similar facilities and will be able offer assistance/advice to the assigned DPO as to what licensing and/or certifications might be required of the alternate residence.**
- E. A family friend providing care for brief periods of time for reasons including but not limited to family emergencies, vacations and military leave, and not for financial profit is exempt from licensing up **to 30 days**. Whenever a **youth** is residing in an unlicensed home which is not exempt from licensing and licensing is not being pursued, the assigned DPO must report the name and address of the home to the Licensing Division of the Social Services Agency in the county where the home is located or be guilty of a misdemeanor under Section 1536.1(c) H&S Code. For information on contacting the appropriate Licensing Division, contact the Placement Monitor DPO. This contact should be documented in the case file with the licensing worker's name and telephone number
- F. When the assigned DPO discovers the move after it has been made, discretion may be used in determining whether the **youth** should be removed immediately or allowed to remain while the necessary checks are made. Added initial scrutiny is necessary to insure the health and safety of the **youth** during the formal review and approval stages. If the initial inquiry suggests that the alternate residence is inappropriate, the **youth** is to be removed unless **he/she** is there by court order. In case of a court order, the **youth** should be allowed to remain while the court is informed of the problems via a modification petition (unless the home presents a threat to the **youth's** health or safety).
- G. Boarding schools must be licensed as **residential program** if they take **youth** adjudicated as dependents under 300 WIC or wards under 601 or 602 WIC. If they are only licensed by the State Department of Education as a boarding school, a ward or dependent **cannot** be placed there. This applies even if the **youth** does not have a placement order and the parents want permission to place their child in the boarding school at their own expense [Title 22, Division 6, Section 80007(a)(6)].
- H. This manual item is not to be used by the assigned DPO to initiate or encourage a placement in an alternate residence. If the officer rather than the **youth**, parents or court wishes to initiate the placement, the procedure outlined in Manual Item 2-6-201 shall be followed.
- I. **The Continuum of Care Reform (CCR) signed into legislation on October 15, 2015 by Governor Edmund G. Brown Jr., draws together existing and new reforms to California's child welfare services program. It is designed from an understanding that children who must live apart from their biological parents do best when they are cared for in committed, nurturing family homes. Also known as AB 403, CCR provides the statutory and policy framework to ensure that services and supports for the children or youth and their families are tailored toward the ultimate goal of maintaining a stable permanent family. In order for a youth to reside out of their parents' home, the relative/NREFM standards must be applied. Contact the**

Placement Unit Supervisor or designee for current standards related to out-of-home placements.

- J. When evaluating an **alternate** residence, dual consideration should be given to the safety of the **youth** and safety of the community. If the alternate residence presents a concern for the **youth's** well-being (i.e., the prospective **Resource Family caregiver** has a record of drug abuse), it should not be approved. If the alternate residence presents concern for the community (i.e., the **youth** has a history of child molest and the prospective **Resource Family** has young children or lives next to a pre-school), it should not be approved. For specific standards, contact the Placement Monitor DPO.
- K. **Youth** may be placed educationally within the state of California or outside of the state of California through their school district and their parents. Once the **youth's** school district and parents determine that educational placement is necessary and appropriate, **Interstate Compact for Placement of Children (ICPC)** paperwork will be generated by a school district representative or the Health Care Agency. The assigned DPO does not have to sign any of the ICPC paperwork since the **youth** is being educationally placed by the parents and school district. Once proof has been provided to the assigned DPO that a facility has accepted the **youth**, the assigned DPO will submit a Modification Petition informing the court that the **youth** will be educationally placed in the facility. Once the Modification Petition has been signed and the **youth** has been transported to the facility, the assigned DPO must complete an Interstate Compact Travel Permit if the **youth** is placed out of state informing the receiving state that an Orange County Probation **youth** is educationally placed in their state and that the stay is indefinite. The case can then be transferred to the Administrative Unit.
- L. Circumstances in Which Alternate Residence Approval is Necessary
1. The need for the assigned DPO to inquire into an alternate residence may arise from any of several circumstances. The most common are:
 - a. Crisis situations in which the natural parent's home is not appropriate for the **youth's** residence, but another residence is available.
 - b. Vacation or travel with adults other than the parent.
 - c. Court order for residence with a specific person.
 - d. A ward who is released to the parental home is in or requests an alternate residence. This may be initiated by the ward or parents.
 - e. This procedure does not apply to **youth** with placement orders.
- II. PROCEDURE FOR EVALUATING AND APPROVING VACATIONS OR TRAVEL WITHOUT PARENTS (Refer to Checklist - Attachment)
- A. Run record checks for any adults that will accompany the **youth** on the vacation.
 - B. Have parents fill out a Visitation/Travel Permit and an Authorization for Medical Care.

- C. If the vacation is outside of the United States or for 30 days or more, the assigned DPO must obtain court approval via a modification petition.

III. PROCEDURE FOR EVALUATING AND APPROVING ALTERNATE RESIDENCE WITH RELATIVE OR **NON-RELATED EXTENDED FAMILY MEMBERS (NREFM)** (Refer to Checklist - Attachment)

- A. In all cases the following steps are necessary for the approval of the assigned officer:

1. The assigned DPO will discuss the alternate residence with the **youth**, parents, and person wishing to provide the alternate residence. **The assigned DPO should gather the names and contact information for any other relatives or NREFMs should the proposed alternate residence be deemed inappropriate. Efforts to reunify the youth with his/her parent should continue with the provision of resources including: Youthful Offender Wraparound (YOW); Dual Handling; Inter-Agency Placement Committee meeting; Child Abuse Report for abandonment; counseling; shelters, etc.**
2. If, after initial discussion, the alternate residence appears to be appropriate, the assigned DPO will complete the following steps:
 - a. Fill out an automatic record check on all adults living in the home or visiting over 20 days, and all adults who may be supervising the **youth** alone.
 - b. Contact the Child Abuse Registry in the county of residence to determine if any reports have been made on any members of the family. If any of the members of the residence have resided out of state in the past five years, the registry of that state must be contacted.
 - c. Check ICMS for active or inactive cases on all persons living in the home. If the residence is in another county, check with that county's Probation Department.
 - d. If there are children placed in the home by another agency, contact the placing agency. Some agencies do not allow the mixing of dependents and wards. If the **youth's** placement in the alternate residence is jeopardizing the placement of a **youth** already in the residence, the **youth** may not be placed there.
 - e. **Conduct** a home call within two days if the **youth** is in residence or within one week if the **youth** is in his/**her** home, to evaluate the alternate residence.
 - f. If the alternate residence is outside Orange County, the assigned DPO will either evaluate the alternate residence him/herself or request the probation department in the county of residence to conduct an evaluation. In general, officers will make personal contact with alternate residences in adjoining counties unless otherwise determined by the SPO.

g. The assigned DPO will document the findings **in ICMS and place all record checks and child abuse registry results in the youth's case file.**

3. After the checks, if the DPO determines the home is inappropriate, the **youth** is to be removed immediately.

4. If the home is found to be satisfactory, the following steps must be completed:

a. If the **youth** has any history or criminal background which might result in injury or harm to the person or family providing the alternate residence, the assigned DPO will inform the family in writing using the Residential Waiver form.

b. The assigned DPO will ensure the alternate residence is willing to work with the Probation Department and comply with all the rules of probation.

c. The DPO must ensure the parents have signed an Authorization for Medical Care form and given it to the person providing the alternate residence.

B. If the alternate residence is projected to be over 30 days, **the court should be advised and a placement order requested if necessary. (section VI.)** The case will also need to be staffed with the unit SPO **and placement unit SPO** for approval.

IV. PROCEDURE FOR EVALUATING AND APPROVING ALTERNATE RESIDENCE IN A BOARDING SCHOOL, PRIVATE FACILITY OR **RESIDENTIAL FACILITY**

A. Alternate residence in a boarding school cannot be approved unless the school has a group home license. For additional information, refer to Section I.D., General Information.

B. Private facilities/**residential facilities** assessed and approved by the Probation Department may be approved by the assigned DPO as an alternate residence.

1. The assigned DPO must verify the **programs' current licensing or certifications as required by local, state and federal regulations.**

2. **The licensing status for the facility should be noted in ECR.**

C. Private facilities/group homes which are not on the approved list.

1. The **youth** is to be removed if the private facility/group home has been assessed by our department and is not approved for usage.

2. The **youth** is to be immediately removed if the private facility/group home does not have a license, and the name and address of the facility is to be reported to the appropriate licensing agency. (Failure to report is a misdemeanor under Section 1536.1(c) H&S.) The Placement Monitor DPO will assist the assigned DPO with any questions about licensing or reporting.

3. If the private facility/**residential facility** has a license but has not been assessed by our department, the assigned DPO has two options:
 - a. The assigned DPO may provide the parents with information on similar approved facilities and require the **youth's** placement in one of them.
 - b. The assigned DPO may allow the **youth** to remain in a licensed but unassessed facility pending an assessment by our department.
 - (1) The assigned DPO will make an on-site visit (if in or near Orange County), or will call the local probation department of the county in which the facility operates to verify the safety of the **youth** and the appropriateness of the facility.
 - (2) The assigned DPO, via the Division Director, will contact the Placement Monitor DPO and request an assessment if the alternate residence is a private facility (i.e., psychiatric hospital, shelter facility, boarding school, etc.).
 - (3) The Placement Monitor DPO will:
 - (a) Conduct a review of the private facility/ residential facility home if it is in Orange County.
 - (b) Conduct a telephone check on the facility's license status and reputation with the probation and/or police department where it operates if it is outside Orange County.
 - (c) Report the findings and approval or disapproval to the assigned DPO.
 - (4) If the facility is approved, the DPO may approve the residence and submit a modification petition to get court approval.
 - (5) If the facility is disapproved, the DPO will initiate the **youth's** removal (see Section VII).

V. WHEN TO REQUEST A PLACEMENT ORDER

- A. **Youth** who are residing with a suitable relative/**NREFM** caregiver for less than 30 days do not **require court notification** or a placement order.
- B. **The court should be notified via a Modification Petition**, of a **youth** residing with **relatives/NREFM** caregivers for more than 30 days. **The Modification Petition may request authorization for that youth to continue to reside in the alternate residence or request a Placement Suitability Hearing be calendared.** Before initiating court proceedings, however, the assigned DPO must complete the **steps outlined in section IV** to ensure the caretaker's suitability. If they are determined to be unsuitable, an alternate placement must be found or the **youth** must be taken into custody **and a 778 WIC petition filed.**

VI. PROCEDURE FOR REMOVING A **YOUTH** FROM ANY ALTERNATE RESIDENCE WHICH IS OR BECOMES INAPPROPRIATE

- A. The following shall result in the **youth's** removal from the alternate residence:
1. Failure to seek, acquire, or maintain the appropriate license.
 2. Presence of a deficiency that presents immediate or substantial threat to the physical health, mental health or safety of the **youth**.
- B. When the removal is due to a deficiency in the placement, notify the Placement Monitor DPO. That DPO in turn will notify the appropriate licensing agency.
- C. The manner of removal will depend on how the **youth** entered the alternate residence and the **youth's** safety.
1. If placed by the parents/**youth** (without court order):
 - a. Request the parents return the **youth** to their home.
 - b. If parents refuse to have the **youth** returned home:
 - (1) The assigned DPO shall staff the circumstances of the case with their assigned SPO and Division Director in order to decide whether the **youth** should be taken into custody, **with a relative/NREFM** or placed at a shelter. The DPO will also have to call SSA to file a CAR report in order to report the fact that the parents are refusing custody of their child.
 - (2) If on formal probation, located within Orange County or a reasonable distance and the decision is to take custody of the **youth**, file a WIC 778 petition, and submit a Placement Referral form (see PMI 2-6-201).
 - (3) If on formal probation and outside the state or an unreasonable distance from Orange County, file a 777 WIC petition, request a warrant, and submit a Placement Referral form (see PMI 2-6-201).
 - (4) If on informal probation, consider whether to file or dismiss the original charges. If charges are filed, submit a Placement Referral form (see PMI 2-6-201).
 - (5) The decision to continue the alternate residence or detain the **youth** in Juvenile Hall during adjudication will be made with consideration of the **youth's** safety.
 - c. If the **youth** refuses to return to the parents' home.
 - (1) If on formal probation and within Orange County or a reasonable distance, file a probation violation.

- (2) If on formal probation and outside the county and an unreasonable distance, file a probation violation and request a warrant.
 - (3) If on informal probation, consider whether to file or dismiss the original charge. If charges are filed, submit a Placement Referral form (see PMI 2-6-201).
 - (4) If a return to the parental home is inappropriate, see Manual Item 2-6-201.
 - (5) The decision to continue the alternate residence or detain the **youth** in Juvenile Hall pending adjudication will be made with consideration of the **youth's** safety.
2. If placed by court order directing a residence other than with the parent or guardian:
- a. File a 778 WIC petition.
 - b. The decision to continue the alternate residence or detain the **youth** in Juvenile Hall pending adjudication is made with consideration of the **youth's** safety.
 - c. If out-of-home placement is needed, submit a Placement Referral form (see PMI 2-6-201).

VII. PROCEDURE FOR REQUESTS FOR FUNDING AND TRANSFER OF A CASE TO THE PLACEMENT UNIT

- A. Manual Item 2-6-201 details procedures that must be followed before a case is transferred to the Placement Unit for supervision. The **youth** must have a complete placement order. The following outlines the procedures when an alternate residence requests payment for the **youth's** expenses.
- B. Relative Requests AFDC-FC Funding
 1. Alternate residence with a relative must be transferred to the Placement Unit if SSA approves the relative for AFDC-FC or Kingap funding under Miller/Youakim funds.
 2. The Placement Unit will assist the DPO with any questions about the type of funding and/or the paperwork.
- C. **Resource Family/Private Facility Requests AFDC-FC Funding**
 1. The assigned DPO is under no obligation to obtain funding when the placement has been made by the parents, just because the placement or parents request it. However, the DPO should assist with the process for the benefit and stability of the **youth**.

2. To be eligible for AFDC-FC, the **youth** must have a complete placement order. If the **youth** meets the placement suitability criteria, follow the procedure outlined in Manual Item 2-6-201 to make a placement referral.
3. The approved **resource family**/private facility must also be eligible for AFDC-FC funding. In general, licensed or certified resource family homes and STRTPs are eligible for funding.
4. Case Responsibility
 - a. If the **youth** does not have a placement order or the place of residence is ineligible for AFDC-FC funds (i.e., relative home, psychiatric hospital, etc.), the field supervises.
 - b. If both the **youth** and place of residence are eligible (i.e., **youth** has a complete placement order and the placement is both eligible for AFDC-FC and approved for Department use), transfer the case to the Placement Unit for supervision. Any question about AFDC-FC eligibility should be referred to the Placement Unit.

REFERENCES:

Procedures:	1-1-103	Teletype Services
	2-5-003	Juvenile Court Report Recommendations
	2-6-005	Interstate Compact for Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact for Juveniles
	2-6-201	Juvenile Placement Referral Process
Policies:	B-1	Case Confidentiality - Client's Right to Privacy
	F-1	Out-of-Home Placement; Temporary Placements for Minors
	F-3	Foster Home Placements with County Employees

Attachment

T. Medina

APPROVED BY:

CHECKLIST

Necessary Steps for Approval of Out-of-Home Residence
(Procedure Manual Item 2-6-202)

	Vacation or Travel Without Parents	Residence With Relatives/ NREFMs
1. Automated Record Checks	X	X
2. Child Abuse Registry Check	X	X
3. CMS Check	X	X
4. Home Call		X
5. Contact Placing Agency (if other youths are placed in the home), e.g., SSA.		X
6. Modification Petition	(Outside USA or If 30 days or more)	(If 30 days or more)
7. Authorization for Medical Care	X	X
8. Travel Permit	X	
9. Resource Family Application		X
10. Residential Waiver		(If appropriate)
11. Documentation of checks & contacts in minor's file	X	X
12. Copy of Juvenile Court Policy on Confidentiality		X

This checklist provides a quick reference, but is not intended to be used in place of the Manual Item. For definitions, explanations, and samples, please refer to Manual Item 2-6-202 (Out-of-Home Residence or Vacations for Juveniles: Criteria and Procedure for Approval). Also, the Manual Item has a section on the procedure for evaluating private facilities, **STRTPs**, which the checklist does not address.