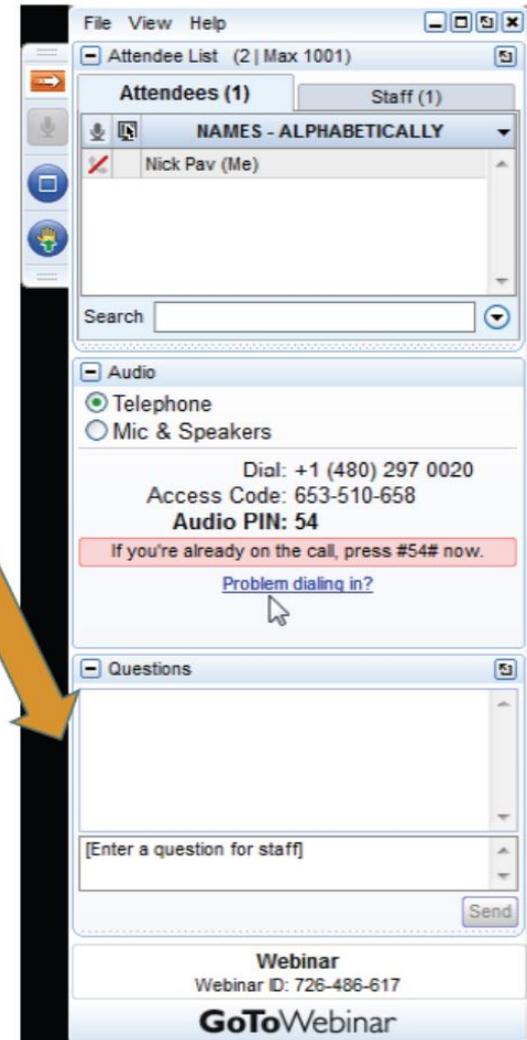


Preparing Families for Permanency in the Context of Resource Family Approval

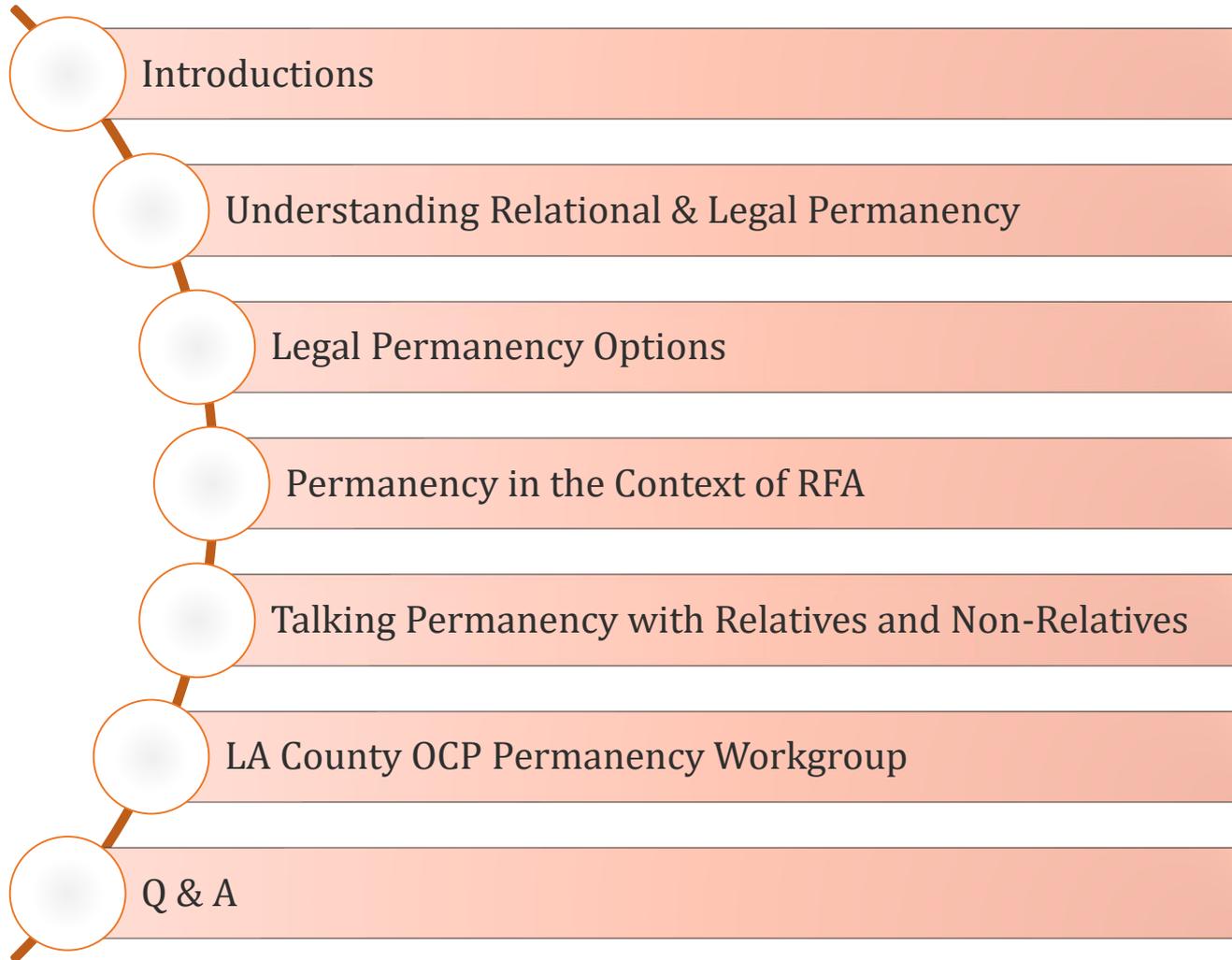


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Agenda



Presenters

Kelsey Dahlin, ACSW

Program Supervisor
Lilliput Families

Carol Ramirez, LCSW

Chief Program Officer
Lilliput Families

Terese

Relative Caregiver

Charm Lee

Foster Caregiver Policy & Support Unit
California Department of Social Services

Christina DeSmet

Resource Family Approval Unit
California Department of Social Services

Lisa Wetzel

Adoption Policy Unit
California Department of Social Services

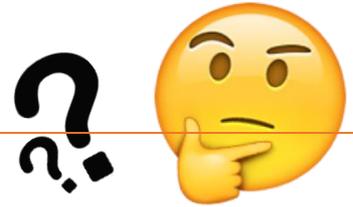
Cynthia Billey

Director, Foster Care Adoption Program
Alliance for Children's Rights

RELATIONAL & LEGAL PERMANENCY

Understanding definitions and distinctions between relational and legal permanency

What is Relational Permanency?

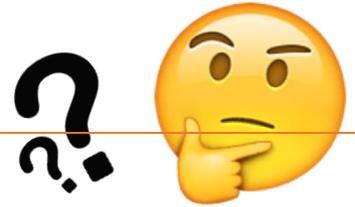


- Relatives and nonrelative extended family members (NREFMs).
- Committed and willing to take placement and support the child/youth but not willing to commit to adoption or guardianship.

Building Permanent Connections

- There is value in establishing familial permanent connections, even if there is no placement.
- Further, these connections may also create options for respite and support (i.e., child care, transportation, visitation supervision).

What is Legal Permanency?



Achievement of a court-sanctioned legal status

- Reunification
- Adoption
- Legal Guardianship
- Placement with fit and willing relative

Kinship vs Traditional Foster Care

Kinship Care	Traditional Foster Care
Unplanned, immediate/crisis-oriented	Planned decision to become a resource parent
Changes existing relationships/family roles	Builds new relationships
Hopes and expectations for reunification	May hope to adopt
Knowledge of family dynamics	Limited knowledge of a family
Mixed feeling about role change	Excitement of a new role of parent
Mixed feelings about loss of parent to child	Celebration of new family
Limited preparation	Prepared and supports in place
Unanticipated requirements to become approved for placement	Anticipated requirements to become approved foster parent
Guilt over the issues of birth parents	No guilt over issues of birth parents
Feelings of betraying birth parents	Displaying loyalty to the child
Feel entitled to be in “driver’s seat” – distrusting of system	Emotional entitlement is more gradual; legal entitlement only after adoption
Hesitation to legalize – doesn’t indicate a lack of commitment to child	Low motivation to legalize triggers concerns about commitment to child

Why Not Always Legal Permanency? ?



Preserving family relationships

- Pressure/anger from family to not commit as legal permanency may impede birth parent(s)' ability for reunification in the future.

Children with high needs

- Nature of relative placements is typically unplanned: family must assess if they have the capacity to provide placement vs. maintaining natural support.
- Prior placements
- Not the first relative child in care.

Case Example – Relational Permanence (NREFM)

Bauer Family

- Contacted to accept placement of a high school student because the mother was the student's teacher. After accepting placement, the Bauer family was contacted again as the youth's two siblings also needed placement.
- Throughout the RFA assessment process and placement, the Bauer family continually communicated they were not open to permanency, as they had raised their children to adulthood and did not desire to provide permanency for all three children on an on-going basis. The children were placed in the Bauer's home for over a year and then were transitioned to their maternal grandparents.
- The Bauer family maintains a connection with the children and see them on an at least weekly basis through different avenues, including at school, church and the children's extracurricular activities.

Case Example – Legal Permanence (MGF)

Mr. F

- Contacted when his granddaughter came into foster care. Through the reunification period, it became apparent that the child's mother was not going to be able to reunify with her due to on-going mental health and substance use challenges.
- At the time of termination of services, the mother asked for the child to remain with her grandfather through a guardianship, despite that Mr. F was committed to adopting the child. The court initially granted guardianship, however after Mr. F petitioned the court for adoption, because he believed this level of permanency would ensure that the mother's chronic instability would not negatively impact the child.
- As this adoption was finalizing, the mother gave birth to a baby. Mr. F said no to placement of the baby in his home, as he did not believe he could support both a toddler and a newborn. The baby was placed with another relative. Mr. F adopted his granddaughter and has maintained continual contact with the baby to promote the sibling connection.

CAREGIVER EXPERIENCE

Navigating relational and legal permanency



*Caring adoptive grandmother of two grandchildren
and in the process of adopting another grandchild*

LEGAL PERMANENCY OPTIONS

Reunification, Adoptions, and Legal Guardianships

Federal Law – Relative Preference

- **42 U.S. Code § 671** under title IV-E of the Social Security Act
 - Requires states to locate and notify all relative and nonrelative extended family members (NREFMs) and to give preferential consideration to a relative requesting placement of a child, provided that the caregiver meets all health and safety standards.
- California requires this for initial detention and temporary (i.e., emergency) placement (**WIC 309(e) & WIC 628**), as well as for judgements and orders (**WIC § 361.3**).
- **WIC § 319(h)(2)** defines relative and provides that relatives are given preferential consideration. **WIC § 362.7** defines NREFM.

California Law – Relative Preference

Temporary Custody and Detention

- **WIC § 309** (when the CWD has taken temporary custody of the child) and **§ 628** (when the CPD has taken temporary custody of the child) provides that counties shall identify, locate and notify the specified relatives of a child who has been removed from his or her home. These requirements specify both the timeframe and the scope of the required investigation (**See, ACL 18-42**).

Judgments and Orders

- **WIC § 361.3** preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative, regardless of the relative's immigration status.
- If a change in the child's placement becomes necessary, statute requires that consideration shall either again be given to relatives who have not been found unsuitable and who will fulfill the child's reunification or permanent plan requirements to a relative that has not been previously assessed (**See, ACL 17-65**).

Adoption and Legal Guardianship

Adoption

- Adoption is a legal process which permanently transfers all rights and responsibilities of a child from the biological parent(s) to the adoptive parent(s).
- If qualified, adoptive parents receive Adoption Assistance Program (AAP) funding until the child turns 18 or 21. AAP can be established any time after formal Adoptive Placement. AAP does not transfer to another caregiver.
- Dependency is dismissed when the adoption is finalized. Parents have full and final custody as if the child was born to them.

Guardianship

- Guardianship is a legal relationship created when the court appoints or orders someone other than the child's parent to have custody of the child.
- If eligible, the legal guardian can receive Kinship Guardianship Assistance Payment Program (Kin-GAP) or AFDC-FC funding on behalf of the child until the child turns 18 or 21.
- The child must be placed in an approved home for a consecutive six months, the Kin-GAP Agreement should be completed prior to the guardianship order, and dependency must be terminated before Kin-GAP payments can begin. AFDC-FC may be available to non-related legal guardians.

Relatives and Legal Guardianship

Although adoption is a more permanent plan, one exception to terminating parental rights is the circumstance in which the child is living with a relative who is willing to provide stability and permanence through legal guardianship. See [WIC § 366.26\(c\)\(1\)\(A\)](#).

- [WIC § 11360 – 11379](#) – State funded Kin-GAP
- [WIC § 11385-11393](#) – Federally funded Kin-GAP

Kin-GAP: Basic Eligibility

Child:

- Age
- Dependent or delinquent (WIC § 300 or 602)
- Placed with an approved relative at least **6 continuous months**



Relative:

- Appointed guardian **by juvenile court**
 - Entered into a written, signed negotiated agreement with the child welfare agency (or probation or tribe)
- Foster care case dismissed by the court after (or at the same time as) that the court appoints the relative as guardian.

AAP: Basic Eligibility

- “Special needs”
AND
- **Written and signed AAP agreement** with state stipulating amount of AAP entered into *before* the adoption is finalized (no means test)
- **AND one** of the following:
 - Subject of an independent OR agency adoption and meets SSI requirements – OR -
 - Subject of an agency adoption and under supervision of county welfare department – OR -
 - Subject of an agency adoption and would have been at risk of dependency – OR -
 - Subject of an agency adoption and committed to care of the department



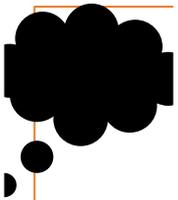
Adoption or Guardianship?

Relatives may choose the permanency option of guardianship over adoption. See [WIC § 366.21\(i\)\(2\)\(A\)](#).

What is different?

- Legal rights for the child: Adoptive parents (all); legal guardians (most) until guardianship ends.
- Birth parents' rights: Terminated in adoption; not in guardianship.
- Visitation with parents: Adoptive parents may decide; court can set up terms for visitation in guardianships.
- Changing last name: May be part of adoption process; not for guardianship.
- Birth parents can seek child returned to them in guardianships.

Tips for Supporting this Decision



If (this), then what” conversations.



Continual conversations and support over time.



Distinguishing between the needs of the child and needs of adult.



Recognizing the presence of loyalty, guilt and loss in this decision.



Advocacy on systemic levels of what is in the best interests of the family/child.

RESOURCE FAMILY APPROVAL (RFA)

Pathway to Permanency

Continuum of Care Reform (CCR)

A comprehensive framework that supports children, youth and families across placement settings (from relatives to congregate care) in achieving permanency.

- Limited use of congregate care.
- Increased capacity for home-based care.
- All children live with a committed, nurturing and permanent family.



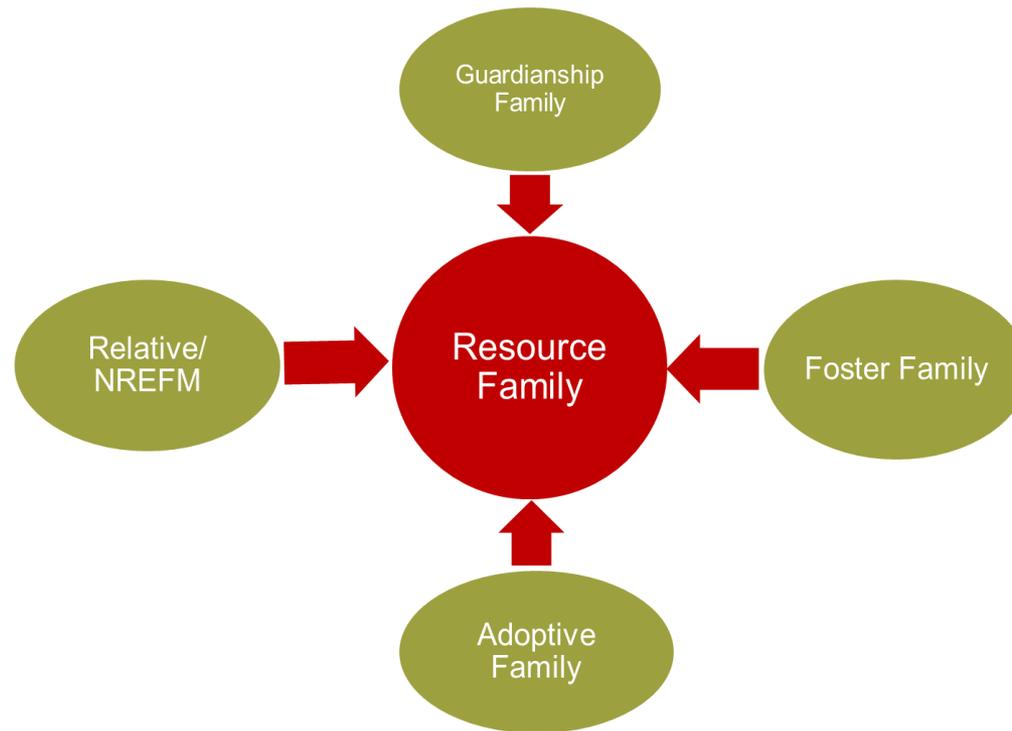
Resource Family Approval (RFA)

- A streamlined, unified, family friendly, child centered process for approving relatives, Nonrelative extended family members, foster parents, and adoptive parents to care for foster children.
- A Resource Family is approved to care for a child temporarily or permanently, eliminating the requirement for any other approval, license or certificate.



RFA – Combined Multiple Processes

An enhanced foster caregiver approval process that combines approval elements of adoption, guardianship, and relative approval into one united process for all families.



Approval Standards	Adoption (Pre-RFA)	Relative/NER FM (Pre-RFA)	Foster Home (Pre-RFA)	RFA
Criminal Records/Child Abuse Review	✓	✓	✓	✓
Standardized Criteria for Criminal Record Exemptions		✓	✓	✓
Home Health and Safety Assessment	✓	✓	✓	✓
Training Required			✓	✓
Family Evaluation	✓			✓
Screen for Risk Factors	✓		✓	✓
Applicant References	✓			✓
Yearly (minimum) Updates on all families		✓		✓

RFA – A Streamlined Process

Eliminates Duplicative Process

- One application.
- One criminal background check.
- One single approval process.

Combines Home Environment and Family Evaluation

- Looks at family as a whole, rather than just a home.
- Concerns addressed and mitigated with the family ongoing.

Not a Linear Process

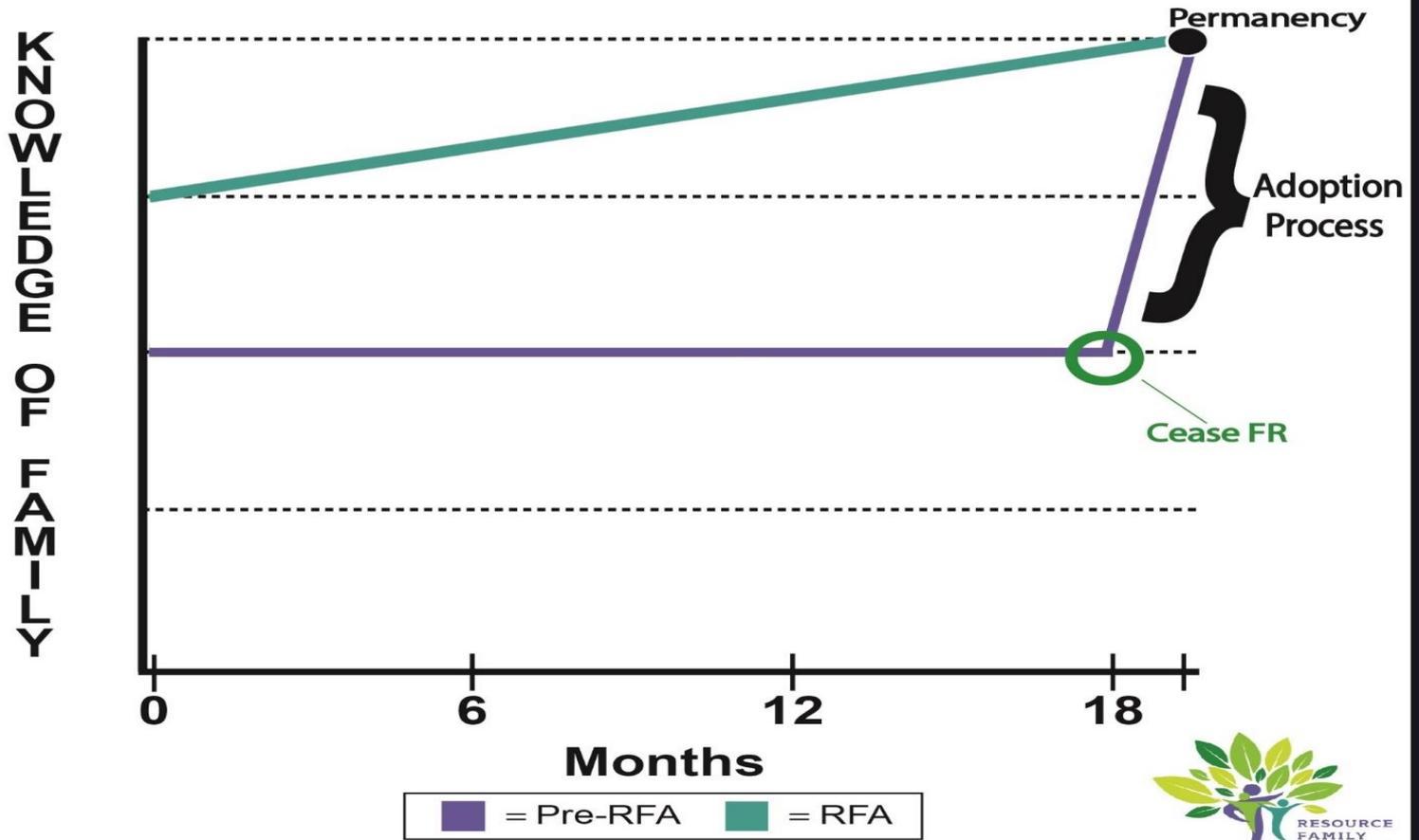


Preparation for Permanency



- **Upfront training**
 - Pre-approval and post-approval for all families.
 - Additional as determined necessary.
- **Ongoing support services**
 - Individualized and coordinated services and supports.
 - Partnering in the process.
- **Family Evaluation**
 - In depth look at family structures, values, coping strategies, etc.
 - Evaluation of strengths and areas in need of more support.
- **Ongoing updates and reviews**
 - Meeting with caregivers to discuss any changes to their family and relook at any areas they may need support or additional training.

Pre-RFA and Post-RFA



RFA to Adoption

- Once approved, a Resource Family is considered approved for adoption or guardianship
 - Eliminates the Home Study Process for Resource Families.
- Approval does not necessarily guarantee an adoptive placement.
- Adoption placement components
 - Completed with an adoption qualified social worker.



Resources

CDSS RFA Website:

<http://www.cdss.ca.gov/inforesources/Resource-Family-Approval-Program>

- For more RFA information or questions email rfa@dss.ca.gov.

CDSS CCR Website:

<http://www.cdss.ca.gov/inforesources/continuum-of-Care-Reform>

- For more CCR information, questions or subscribe to CCR newsletter, email ccr@dss.ca.gov.



Adoption Requirements for Resource Families

- Marriage and divorce decrees, if applicable.
- Two references, if not obtained as part of the RFA process.
- TB test for all adults in the adoptive home.

- Child Services:
 - Assessment of the child's willingness to be adopted.
 - Consent to the adoption if the child is age 12 or older.

- Family Services:
 - Information regarding AAP, reimbursement of non-reoccurring adoption expenses, and federal adoption income tax credit.
 - Information regarding the legal and financial right and responsibilities of adoption. Including inheritance.
 - Importance of choosing specialized mental health providers who specialize in adoption and permanency clinical training.
 - Plan of care for the child in case of death and or incapacitation of adoptive parents.
 - Importance of post-adoption services and post-adoption contact agreements.

What Happens When Case Plan is Adoption?

- *An adoption qualified social worker will be assigned to the case to supervise the rest of the placement and to assist the family in completing the adoption when the child's case plan has become adoption.*

- *This adoption qualified social worker may come from the public agency (the county) responsible for the child, from your FFA agency, or from a licensed adoption agency, if your FFA agency or the public agency doesn't complete adoption work.*
 - Ensure all marriages/dissolutions/death certificates of resource family have been verified.
 - Resource family provided with adoption specific information (WD 13-01(c)).
 - Child's adoption worker determines if resource family is appropriate adoptive placement for the child.
 - Adoptive placement, AAP and post placement visits completed by appropriate adoption agency.
 - Once family files petition for adoption, appropriate adoption agency completes report for the court with recommendation for granting/denying petition for adoption.

Parent Child Suitability Summary

- There are child specific permanency components that should be assessed before moving into adoption placement. The assessment includes commitment, motivation and attachment between the prospective adoptive parents and the child, the parents' ability to meet the child's life-long needs, the parents understanding of grief and loss, how the family understands the specific child's trauma, etc.
- This summary will be completed by an adoption qualified social worker. This social worker will also supervise the remaining placement, enter into formal Adoptive Placement with the public agency responsible for the child, and assist in finalizing the adoption.
- This assessment is not another approval, but only to assess the "fit" between the specific child and prospective adoptive family. The main purpose of the assessment is to assess the family's ability to provide permanency and where, if any, the family could use additional assistance, resources, and training.
- For additional information on adoption by Resource Families, please see [ACL 18-142](#).

Relative Adoptions

- For relative adoptions, it is especially important to discuss the changing role and responsibilities they will have with the child and the child's parents following adoption.
- Given the change in their role and relationships through the adoptive process, it is natural and understandable that many relative caregivers experience grief and loss issues as well as parenting challenges and issues too. Utilizing specially trained permanency mental health providers and support groups for relative caregivers can be very helpful, and is supported and encouraged for the well-being of relatives too.
- A resource for locating a specially trained permanency therapist is the following publication: "A Competent Therapist" [form Pub 511](https://www.cdss.ca.gov/inforesources/Forms-Brochures/Forms-Alphabetic-List/M-P):
<https://www.cdss.ca.gov/inforesources/Forms-Brochures/Forms-Alphabetic-List/M-P>.
- Questions regarding adoption or need for additional information can be sent to apu@dss.ca.gov.

APPROACHING AND ACHIEVING PERMANENCY FOR FAMILIES

Navigating discussions of permanency with relative and non-relative caregivers

Five Critical Strategies for Supporting Kinship Families During RFA Process

- 1. Understand Dr. Crumbley's 15 Clinical Issues for Kinship Care Providers**
 - For Kinship Caregivers: <https://www.aecf.org/blog/training-series-coping-with-the-unique-challenges-of-kinship-care//>
 - For Professionals: <https://www.aecf.org/blog/engaging-kinship-caregivers-with-joseph-crumbley/>
 - Book: *Relatives Raising Relatives Children: An Overview of Kinship Care* by Dr. Joseph Crumbley
- 2. Meet the caregiver where they are.**
- 3. Understand the difference in motivation** from a kinship caregiver to a traditional foster parent.
- 4. Provide knowledge and understanding** to the system, the process, expectations for them, the unknowns that lie ahead, the court, CPS, CCL regulations, etc.
- 5. Self-care** is the key to success.

Initial Engagement is Key

- Do not jump into interview/assessment
 - Show genuine interest in your desire to learn more about their circumstance.
- Build rapport by asking:
 - How they are doing?
 - What their immediate needs are?
 - What their fears are?
 - How you can help access resources?
- Help family prioritize their needs, assist in completing paperwork, linking them to services, be accessible.
- Allow for time, as all of this takes more time than is generally anticipated.

Creation and Execution of a Permanent Plan

- Permanency discussions begin at placement
 - Start where the caregiver and court is. Generally, this is reunification.
- Refrain from using the term adoption at the onset of services.
- Understand each relative's unique motivation for permanence and support their plan.
- Build on permanency discussions at each visit (pre and post approval)
 - This should be a regular, on-going conversation.

Challenges for Kinship Families: RFA Process

- Child/Family Stabilization: Nature of ER placement creates myriad of dynamics and immediate needs.
- Finances/Time
- Invasiveness of process
- Family dynamics: Role and relationship changes.
- New and unexpected boundaries with family and friends: (ex. Who needs to be fingerprinted, who can come to the house and who cannot, etc.).
- Loss of natural support systems due to system involvement and fears/opinions/value systems.

IMPROVING PERMANENCY FOR OLDER FOSTER YOUTH

LA County Permanency Task Force and Non-Minor
Dependent Adoptions

Non-Minor Dependent (NMD) Adoption

- California law makes it legally possible for a youth to be adopted at age 18 and older (AB 1712)
 - Young adults ages 18-20 that remain in Extended Foster Care and under the jurisdiction of the juvenile court can be adopted and retain their AB12 benefits (incl. ILP benefits), as well as receive AAP benefits and MediCal coverage.
 - RFA approval is not required for NMD adoption (CDSS Statewide RFA Technical Assistance Call 11/8/18).
 - NMD adoption does involve **an assessment** of the prospective adoptive parent(s) appropriateness for the NMD's adoption, as specified in **WIC 366.31(f)(5)** and **All County Letter 13-100**.
- Statutory framework for NMD is under **WIC 366.31(f)**.

NMD Adoption – Nuts and Bolts

Case planning for NMD adoptions should include at least:

- *Assisting the NMD in identifying permanent connections*, including facilitating contact with a relative;
- *Documenting the NMD's desire to be adopted* by an adult who has been established as the NMD's permanent connection.

Social worker or probation officer responsible for **preparing assessment of the potential adoptive family** ([ACL 13-100, Attachment A](#))

- Youth-focused
- Evaluate length and nature of the relationship, including the motivation to adopt
- Criminal background clearances
- Face to face interviews
- Mutually consent to the adoption
- Determination that adoption is in best interests of NMD and adoptive parent(s)
- Recommendation re: the NMD adoption

Disclosure of NMD's medical, psychosocial and historical background information as determined by the NMD

- Social worker responsible for providing specific advisement and instructions to NMD
- NMD has sole authority to disclose or permit disclosure of the information to the prospective adoptive parent(s)

Case Example of NMD Adoption

Omar

- Adopted at age 19 by his foster parents, Andrew and Shelley Villaescusa, 7/6/17.
- Featured on Fox11 “Wednesday’s Child” program and matched with the couple at age 16.
- A strong bond formed, but Omar wasn’t quite ready for a permanent family; he wanted his independence, and went back to his previous group home.
- After turning 18, he realized he wanted to be adopted and Keith and Shelly welcomed him back into their home.
- Pictured with Judge Margaret Henry.



LA County OCP Permanency Workgroup

LA County Board of Supervisors Motions, 8/22/17 and 12/4/18:

- Office of Child Protection (OCP), in collaboration with CEO, DCFS, DMH, Juvenile Court, Probation, legal advocates, and other stakeholders to:
 - Develop and implement a **comprehensive plan** to increase permanency for foster and probation youth, and in turn decrease the number of youth who age out of the system without permanency

OCP Permanency Report for LA County Youth (8/20/18) finds:

- TAY aging out of the system don't do as well as those who achieve permanency
- AB 12 support does not replace family as a safety net
- 12% of youth are exiting the system without permanency
- There is a lack of urgency on permanency for LA County's foster youth

OCP Permanency Report Recommendations

Recommendations from the *OCP Permanency Report for LA County Youth* include, among others:

- Expand current permanency efforts
 - Expand upfront family finding pilot
 - More emphasis on NMD adoption as a permanency option
 - Monitor outcomes for YPUs and PCFTs to determine if they should be expanded
- Increase Post-Permanency services
- Target youth in system 3+ years and specialized populations (e.g., mental health, LGBTQ, Dual-Status) for increased permanency efforts
- Strengthen processes to increase placement stability
- Culture change
- Increase permanency for older TAY
- Monitor outcomes for foster youth post-permanency
- Leverage existing successful permanency models

Culture Change Needed to Support Permanency

- **Make permanency (legal or relational) a priority at a systemic level** so that youth can successfully exit the system with a permanent family or adult connection *and* in a better position to become self-sufficient
 - Discussing permanency at every CFT meeting
 - Including youth in all decisions about their permanency plans
- Approach permanency as a **process** that can be achieved only through **continual youth-centered efforts** to understand what permanency for each individual youth looks like, and by helping the youth understand what options are available
- Goal is to ensure that all foster youth achieve some form of permanency - legal or relational. While legal permanency is preferred, the child welfare system should ensure that youth have at least one secure long-term adult connection as soon as possible after they enter the system, and help to strengthen their personal network before they exit care

Increase Permanency for Older TAY

- Imperative to use the extra time (18 – 21) to continue to explore permanency options
- Increase training and education on NMD adoption as a permanency option
 - Training – system stakeholders need to be better informed
 - Education – youth and caregivers are not aware of this option
- Increase education to address misconception that youth lose their AB 12/ILP benefits if adopted

OCP Permanency Workgroup Recommendations

In February 2019, OCP Executive Director (Ret.) Judge Michael Nash convened workgroup of stakeholders to develop and monitor implementation of the recommendations to enhance permanency for youth

- OCP Report to BOS 9/4/19 with series of initial permanency workgroup recommendations, including:
 - To use data for good, we need good data
 - Increasing family reunifications
 - Formal evaluation of YPUs
 - Expand Wendy's Wonderful Kids Program
 - Develop Benefits Analysis Guide

Questions?

- To submit questions, click on the “Questions” panel, type your question, and click “Send”
- PowerPoint slides, webinar recording, and certification of participation will be posted at www.kids-alliance.org/webinars

