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**Revised: September 4, 2008**
**Revised: May 22, 2013**
**Revised: February 1, 2014**

# Staff as Placement Resources

**Purpose**

To provide guidelines for approval and use of licensed, relative, Non-Relative Extended Family Member (NREFM), and adoptive homes when the caregiver is employed by the County of Orange (County).

**Approved**

This policy was approved by Gary Taylor, Director of CFS, on February 1, 2014. *Signature on file*.

**Most Recent Revision**

This revision of the Policy and Procedure (P&P) includes amended NREFM definition due to the passage of Assembly Bill (AB) 545, Chapter 294, Statutes of 2013.

**Background**

County employees seeking a foster care license are referred to either the State of California, Community Care Licensing (CCL) Division, or to the CFS Licensing program. County employees who are licensed for foster care through CCL may only receive placements from other counties.

For a child who cannot safely remain with a parent, child welfare practice prioritizes placement with relatives and NREFMs. A County employee may be considered as a placement resource when identified as a relative or NREFM.

County employees seeking to adopt are referred to either an adjacent county for application and home study completion, or to the CFS Adoptions program. County employees with an approved home study from another county may only receive concurrent planning or adoptive placements from other counties.

**Definitions**

For purposes of this P&P, the following apply:

**Approved Home:** Home of a relative or NREFM that is exempt from licensure and is approved as meeting the same standards as those in Article 3 of the California Code of Regulations, Title 22, Division 6, Chapter 9.5.

**Caregiver:** Person who is licensed or approved to have authority and responsibility for the care and supervision of a child and operation of the home.

**Licensing Agency:** CDSS or any state, county, or other public agency that is authorized by CDSS to assume specific licensing responsibilities pursuant to Health and Safety Code section 1511.

**Licensed Home:** A home that is licensed by CDSS, CCL Division, or a county.

**Non-Relative Extended Family Member (NREFM):** Per Welfare and Institutions Code (WIC) Section (§) 362.7, an adult caregiver who has an established familial relationship with a relative of the child as defined in WIC § 361.3(c)(2), or a familial or mentoring relationship with the child.

For guidelines on assessing and verifying a NREFM relationship, refer to CFS P&P Relative/NREFM Placement Assessments (K-0105).

**Preferential Relative:** An adult relative who is a grandparent, aunt, uncle, or sibling of a child given preferential consideration for placement.

**Relative:** Per WIC § 361.3, an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

## POLICY

**Foster Care Licensing/ Certification**

In accordance with the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Community Care Licensing (CCL) Regulations, Title 22, Division 6, Chapter 9.5, applications for licensing through the CFS Licensing program

will be accepted from any adult meeting the qualifications outlined in Section 89317, including:

- Non-CFS County employees
- Employees of private agencies that interact or contract with CFS

Licensing requests from these applicants will be assessed on a case-by-case basis to determine if a conflict exists (e.g., applicant has access to confidential child or court records; applicant has prior knowledge of a child's or family's history). Any applicant found to have a conflict of interest will be referred to CCL.

Applicants who are licensed by the CFS Licensing program may be used for placement of Orange County dependent children unless a conflict is discovered during or subsequent to the placement assessment.

Per Orange County's existing MOU agreement with CDSS (No. E65018), CFS County employees, and their spouses, seeking a foster care license will be referred to the regional CCL office for licensure by CDSS.

- Licensed or certified homes of CFS employees will not be used for placement of Orange County dependent children

Per CFS policy, exceptions to the placement of Orange County dependent children with licensed or certified CFS employees may be made only if special circumstances exist, it is in the child's best interest, and approval is provided by the Deputy Director (DD) who oversees the Foster Care Licensing program. Special circumstances may include, but are not limited to:

- A child placed in an employee's home by another county that later requests courtesy supervision or jurisdictional transfer to Orange County
- A child already living in the home of a licensed or certified caregiver who subsequently becomes a CFS employee
- Court-ordered placements

A placement assessment will be completed to determine if special circumstances exist.

**Relative/ NREFM**

Per WIC 362.7, a NREFM may include an adult caregiver who has an established familial or mentoring relationship with the child. Per CFS policy, a familial or mentoring relationship with a child does not meet the criteria for an established relationship if the

relationship is developed as a result of the CFS staff person's work assignment that brings him or her into contact with the child.

Per CDSS MPP Division 31, Chapter 31-405, County employees may be considered for relative and NREFM placement. County employees are subject to the same assessments and clearances as any other relative/NREFM. Completion of the relative/NREFM assessment will be assigned to a Placement Coordination Senior Social Services Supervisor (SSSS). The final assessment decision will be made by the Placement Coordination Program Manager (PM), in consultation with the employee's PM and with the approval of the Deputy Directors (DDs) who oversee Placement Coordination and the employee's program.

In accordance with SSA Administrative P&P Conflict of Interest (C 30), the use of CFS employees as relative/NREFM placements is considered a potential conflict of interest due to the relative or NREFM caregiver being subject to the control, inspection, and review of the agency in which they are employed.

As outlined in CDSS MPP Division 31, Chapter 31-445, the Placement Coordination SSSS responsible for the relative/NREFM assessment will discuss with the CFS employee issues to consider prior to beginning the assessment process, which may include but is not limited to:

- Requirement for child abuse and criminal history clearances on all adults residing in the home
- In the event of a child abuse and neglect report, an investigation, which may potentially conclude with a substantiated allegation
- A request to provide court testimony in the role of caregiver
- On-going monitoring and assessment of the placement by CFS staff
- Participation in a Team Decision Making (TDM) meeting in the role of caregiver
- Possible disagreement with staff regarding foster care issues (e.g., rate and/or removal decisions)
- Potential disapproval of or rescinded placement assessment
- Requirement that the employee report a potential conflict of interest, as specified in SSA Administrative P&P Conflict of Interest (C 30)

The Placement Coordination SSSS will report a potential conflict concerning any placement (i.e., licensed or certified foster care, relative/NREFM) by:

- Completing *Request for Child Placement With Employee (F063-25-525)*, and obtain required signatures, and
- Obtaining the employee's signature on *Acknowledgment of Conflict of Interest Reporting Requirements* (*F063-01-56*)

**Note:** Placement staff will provide the *Request for Child Placement With Employee (F063-25-525)* and *Acknowledgment of Conflict of Interest Reporting Requirements (F063-01-56)* to County employees, relatives, or NREFMs who transfer to CFS.

A PM, SSSS, or Senior Social Worker (SSW) may decline assignment of a case if it is determined that there is a potential conflict of interest with the CFS employee relative/NREFM.

**Adoption**

Per CFS P&P Adoption Full Assessment (C-0102), all applicants seeking to adopt a child must be assessed per state regulations (Title 22, Division 2, Adoption Users Manual). A comprehensive evaluation will be completed for applicants who have expressed an interest in adopting:

- A child or children
- A specific child or children (i.e., Specific Interest Request)
- A relative or NREFM

Per best practice, CFS employees seeking to adopt a child or children may be referred to a contiguous county agency or to a private adoption agency for the home study process.

- CFS employees with an approved home study will not be used for concurrent planning or traditional adoptive placement of Orange County dependent children

Non-CFS county employees, and employees of private agencies that interact or contract with CFS, may apply to adopt through the Orange County Adoptions program. These requests will be assessed on a case-by-case basis, as conflicts may exist with individual situations (e.g., access to confidential child information or court records; level of interaction with CFS or Adoptions staff, etc.).

- Non-CFS county employees, and employees of private agencies that interact or contract with CFS, who do not have a conflict of interest, may be used for concurrent planning placement of Orange County dependent children

The final decision on a conflict of interest will be made by the Adoptions PM. If it is determined that a conflict of interest exists, the home study will be referred to either a contiguous county adoption agency or to a private agency.

**Adoption—Specific Child**

Per CFS policy, CFS employees requesting to adopt a specific child (i.e., Specific Interest Request) must have an established familial or mentoring relationship with the child. The relationship cannot be established as a result of the employee's work assignment that brings him or her into contact with the child.

For additional information on Specific Interest Request adoption, refer to CFS P&P Adoption Full Assessment (C-0102).

**Confidentiality**

Referrals, cases, and Adoptions case records will be designated as Highly Sensitive (i.e., Z status) when CFS employees are a placement home for an Orange County dependent child as a:

- Relative
- NREFM
- Adoptive resource (i.e., approved home study)

For additional information on Z status referrals and cases, refer to CFS P&P Sensitive/Highly Sensitive Referrals and Cases (F-0107).

**Grievances**

County staff, in the role of caregiver or potential caregiver may utilize the following grievance processes, as needed:

- For denial of a relative/NREFM home assessment or approval, refer to CFS P&P State Hearings (B-0122)
- For removal of children from placement, refer to CFS P&P Placement Grievance Review (K-0206)
- For results of abuse or severe neglect investigations submitted to the Child Abuse Central Index, refer to CFS P&P Grievance Reviews for Child Abuse Central Index (CACI) Submissions (A-0301)

Assigned grievance review agents may decline involvement in a grievance review if it is determined that there is a potential conflict of interest due to their relationship with the employee.

## REFERENCES

**Attachments and CWS/CMS Data Entry Standards**

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

None.

**Hyperlinks**

Staff accessing this document by computer may create a direct connection to the following references by clicking on the hyperlinks provided.

- CFS P&P Adoption Full Assessment (C-0102)
- CFS P&P Grievance Reviews for Child Abuse Central Index (CACI) Submissions (A-0301)
- CFS P&P Placement Grievance Review (K-0206)
- CFS P&P Relative/NREFM Placement Assessments (K-0105)
- CFS P&P Sensitive/Highly Sensitive Referrals and Cases (F-0107)
- CFS P&P State Hearings (B-0122)
- SSA Administrative P&P Conflict of Interest (C 30)

## FORMS

**Online Forms**

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

| Form Name | Form Number |
|---|---|
| None. | |

**Hardcopy Forms**

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

| Form Name | Form Number |
|---|---|
| Acknowledgment of Conflict of Interest Reporting Requirements | F063-01-56 |
| Request for Child Placement With Employee | F063-25-525 |

**CWS/CMS Forms**

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

| Form Name | Form Number |
|---|---|
| None. | |

**Brochures**

Brochures to distribute in conjunction with this procedure include:

| Brochure Name | Brochure Number |
|---|---|
| None. | |

## LEGAL MANDATES

California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP), Title 22, Division 2, Adoption Users Manual specifies information to be obtained from adoptive applicants.

CDSS MPP Community Care Licensing (CCL) Regulations, Title 22, Division 6, Chapter 9.5, Section (§) 89317 outlines the qualifications required for an applicant for a FFH license.

CDSS MPP Division 31, Chapter 31-405 provides for the consideration of relatives and NREFMs as a placement resource.

CDSS MPP Division 31, Chapter 31-445 specifies the approval standards for relative and NREFM assessments.

Government Code Section (GOV) § 1126 gives each local governmental appointing power (i.e., Social Services Agency [SSA]) the role to determine those activities which are inconsistent with, incompatible to, or in conflict with their duties as agency officers or employees.

Health and Safety Code (HSC) § 1511 authorizes California Department of Social Services (CDSS) to contract for state, county, or other public agencies to assume specific licensing, approval, or consultation responsibilities.

Welfare and Institutions Code (WIC) § 361.3(c)(2) defines relative and specifies which relatives will be given preferential consideration for placement.

WIC § 362.7 defines non-relative extended family member (NREFM).

Attorney General Opinion No. 96-407, 1996 Cal. AG Lexis 45, dated December 13, 1996, concludes that there are no statutory prohibitions against social workers serving as foster parents for Juvenile Court dependents, if they do not participate in any licensing or placement decisions and provided that the appointing power (i.e., SSA) has not adopted an incompatible activity rule prohibiting licensing or placement. It does recognize, however, that an appearance of impropriety might still be present and could fall within the scope of GOV § 1126.

Board of Supervisors Resolution No. 68-780, dated July 23, 1968, adopted policy based on GOV § 1126, describes one of the prohibited activities involving conflict of interest as "the performance of an act in other than his capacity as a county employee, knowing that such act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the employee or the department in which he is employed."

Memorandum of Understanding (MOU) No. E65018 between the CDSS and County of Orange, signed August 8, 1995, states the County shall not license a foster family home if the licensee, applicant, or spouse thereof is employed by the County's Child Welfare Services Department. Orange County agreed to refer all such cases to the regional office for licensure by the State.