

PLACEMENT PRIORITIES - KIN-FIRST<sup>1</sup> APPROACH

SOCIAL WORKER (SW) SHALL IMMEDIATELY INVESTIGATE CIRCUMSTANCES AND ATTEMPT TO MAINTAIN THE CHILD WITH THE CHILD'S FAMILY THROUGH THE PROVISION OF SERVICES.<sup>2</sup> EMERGENCY PLACEMENT AVAILABLE.

IF PROBATION OFFICER (PO) RECOMMENDS REMOVAL FROM PHYSICAL CUSTODY, RELATIVES SHALL BE GIVEN PRIORITY FOR PLACEMENT<sup>3</sup>

## RELEASE FROM TEMPORARY CUSTODY

**Social Worker** shall immediately investigate & release child to:

- *parent [non-custodial parent] or*
- *legal Guardian or*
- *Indian custodian or*
- *relative*

Unless:

- None of the above are willing to provide care for the child OR
- Continued detention – immediate & urgent necessity for protection AND There are no reasonable means to protect child in home or with relative OR
- See Welf. & Inst. Code, §309(a)(2-6); §319(b).

**Probation Officer** shall immediately release minor to:

- *parent or*
- *legal guardian or*
- *responsible relative*

Unless evidence shows continuance in home is contrary to the minor's welfare AND one or more of the following conditions exist:

- Continued detention of minor is of immediate & urgent necessity to protect minor or reasonable protection of persons/property of another.
- Minor is likely to flee the jurisdiction of the court.
- Minor has violated an order of the juvenile court.<sup>4</sup>

## EMERGENCY PLACEMENT (EP)

County welfare department (CWD) **shall** initiate assessment for any relative or NREFM who requests EP pending or after Detention hearing and pending disposition.<sup>5</sup>

Probation Agency (PA) may make an emergency placement of minor with relative or NREFM.<sup>6</sup> PA shall conduct an assessment prior to Emergency placement.

- Assessment includes<sup>7</sup>
  - In-home inspection
  - CLETS (criminal records check)
  - Prior child welfare history check
- Upon completion of assessment, child may be placed in that home on an emergency basis.
- The CWD and PA shall require that relative or NREFM to submit an RFA application within 5 business days thereafter.<sup>8</sup>

- Assessment obstacles<sup>9</sup>
  - **Resources:** if sole issue preventing placement is lack of items such as cribs/car seats, agency shall use reasonable efforts to assist the relative or NREFM in obtaining those items.
    - **Criminal conviction** – pending exemption<sup>10</sup> - Placement may be made pending exemption if:
      - Conviction not offense against a child,
      - CWA Director/County PA determines best interest for this placement AND
      - No party objects.

## COURT CAN OVERRIDE A RECOMMENDATION NOT TO PLACE CHILD/MINOR ON EMERGENCY BASIS.

Notwithstanding placement recommendation of County PA or CWA, the court may authorize the placement of a child on an emergency basis in the home of a relative, regardless of the status of a criminal record exemption or RFA approval, if court finds that placement does not pose a risk to the health and safety of the child.<sup>11</sup>

**PREPARING FOR DISPOSITION:** Within 30 days of removal/risk of removal – SW or PO shall identify, locate, and provide notice to relatives.<sup>12</sup> This includes an investigation<sup>13</sup> to identify and locate all grandparents, parents of a sibling of the child if the parent has legal custody of the sibling, adult siblings, other adult relatives as defined<sup>14</sup> including any other adult relatives suggested by the parents and if it is known or there is reason to know the child is an Indian child, any extended family members as defined<sup>15</sup>. Notice shall be provided to those whose identity and whereabouts are located.<sup>16</sup>

## Questions to ask about Kin

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| <ul style="list-style-type: none"><li>▪ <b>If the father is not present or identified:</b><ul style="list-style-type: none"><li>○ Where is he?</li><li>○ What do we know about him?</li><li>○ Is there anyone in Court today that has information?</li><li>○ Can court determine paternity today through testimony?</li><li>○ What are the next steps for the SW/PO to locate father?</li><li>○ Do we know any of his relatives or friends?</li><li>○ Should the Court continue this hearing for one day to properly notice the father?</li></ul></li><li>▪ <b>If the child/minor is not placed with a relative:</b><ul style="list-style-type: none"><li>○ Why not? What are the barriers?</li><li>○ What due diligence has the agency done so far?</li><li>○ Are the relatives in the courtroom or in hallway?</li><li>○ Court can inquire of those relatives about support/placement.</li></ul></li><li>▪ <b>If the child/minor is with a relative:</b><ul style="list-style-type: none"><li>○ What is the plan for that relative?</li><li>○ Are there other family members available who are safe to provide respite or who can accept placement if current relative unable?</li><li>○ Did agency ask kin who else in the family/network we should reach out to? Who are we missing?</li><li>○ Did agency ask kin if they would like to attend a meeting to help the child and family plan for the child/minor's future?</li></ul></li></ul> | <ul style="list-style-type: none"><li>▪ <b>Who was present at the time of removal?</b><ul style="list-style-type: none"><li>○ What efforts were made to ask about or search for kin?</li><li>○ Who was identified and where are they today?</li></ul></li><li>▪ <b>Did the SW/PO begin their required due diligence?</b><ul style="list-style-type: none"><li>○ Has a computer-based search been done? By whom?</li><li>○ Where are the results of that search?</li></ul></li><li>▪ <b>What other diligent efforts have been employed prior to and including today?</b></li><li>▪ <b>Did the SW/PO call any identified kin?</b></li><li>▪ <b>If yes, what was the outcome?</b></li><li>▪ <b>What is the plan to follow up?</b></li><li>▪ <b>Did the SW/PO ask the child/minor about kin?</b><ul style="list-style-type: none"><li>○ If yes, what was their response?</li><li>○ If not, why not?</li><li>○ What is preventing you from asking?</li></ul></li><li>▪ <b>Who can take physical custody of child today?</b></li><li>▪ <b>Who has asked for placement?</b><ul style="list-style-type: none"><li>○ <b>Has Assessment been conducted?</b><ul style="list-style-type: none"><li>▪ What is the outcome of assessment?</li><li>▪ If no assessment has occurred, what is the reason?</li></ul></li><li>○ If more than one relative is requesting placement, all relatives should be assessed. Has this occurred?</li></ul></li></ul> |
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<sup>1</sup> All statutory references are to the Welfare and Institutions Code, unless otherwise specified. Kin includes: 1. Relative who is related to child to the 5<sup>th</sup> degree of kinship (§361.3(c)(2); §319(h)(2); §628(d)(2); CRC 5.502(34); 2. Nonrelative extended family member (NREFM): An adult caregiver who has an established familial relationship with a relative of the child or a familial or mentoring relationship with the child. (§362.7) and 3. Extended family member of an Indian child §362.7; 25 U.S.C. Sec. 1903(2)).

<sup>2</sup> Welf. & Inst. Code, §309(a).

<sup>3</sup> Welf. & Inst. Code, §281.5.

<sup>4</sup> Welf. & Inst. Code, §628 (a)(1)(A)-(C).

<sup>5</sup> Welf. & Inst. Code, §309(d)(1)

<sup>6</sup> Welf. & Inst. Code, §727.05(a).

<sup>7</sup> Welf. & Inst. Code, §361.4(a)(1-3); §727.05(b)(1-3)

<sup>8</sup> Welf. & Inst. Code, §309(d)(2), §727.05(d).

<sup>9</sup> Welf. & Inst. Code, §309(d)(3).

<sup>10</sup> Welf. & Inst. Code, §361.4(b)(3)(A-C); §727.05(c)(3)(A-C).

<sup>11</sup> Welf. & Inst. Code, §361.4(b)(6); §727.05(c)(6)

<sup>12</sup> Welf. & Inst. Code, §309(e)(3); §628(d)(2)

<sup>13</sup> Welf. & Inst. Code, §309(e)(1); §628 (d)(2);

<sup>14</sup> Welf. & Inst. Code, §319(h)(2); §628(d)(2)

<sup>15</sup> Sec. 1903 of Federal Indian Child Welfare Act of 1987 (25 U.S.. 1901 et seq.), Welf. & Inst. Code, §224.1.

<sup>16</sup> California Rule of Court, rules 5.637, 5.695.