

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 05: Placement

Item 039: Emergency Placements

Suggested changes send to: [DSS PSOA](#) Mailbox

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References: [WIC§309\(a\)](#); [WIC§309\(d\)\(1\)](#); [WIC§319](#);
[WIC§361.3](#); [WIC§361.31](#); [WIC§361.4](#); [WIC§361.45](#);
[WIC§362.7](#); [WIC§224.1](#); [WIC§281.5](#);
[WIC§16504.5\(a\)\(1\)\(B\)\(i\)](#) and [Health and Safety Code\(HS\)§1522](#); [Division 31 Regulations 31-405](#);
[ACL 17-65](#); [ACL 19-26](#); [ACL 22-33](#); [Title 25 US Code§1903](#); [WIC§16010.7](#); [SB354](#)

NEW

Preamble

Child Welfare Policy and Procedure Guides (PPG) are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

Policy

Upon the DSS Child Welfare Emergency Response Social Work staff investigation and assessment that a child could not be released to the custody of the parent (custodial and non-custodial), guardian, Indian custodian, or relative pursuant to Welfare and Institutions Code (WIC)§309(a) the social work staff shall ensure that an emergency placement assessment, which means an immediate determination of the suitability of placement of a child with a relative, nonrelated extended family member (NREFM) or extended family member, in the case of an Indian Child, prior to Resource Family Approval (RFA) or Tribal Approved Home (TAH), pursuant to WIC§309(d)(1) and subject to completion of the requirements of WIC§361.4.

Whenever there is a placement disruption for dependent minors and all placement preservation efforts are exhausted pursuant to [WIC§16010.7](#) and [ACL 19-26](#), an emergency placement assessment of relatives or NREFM shall be conducted. In addition, [WIC§361.45](#) states, in part, that when a sudden unavailability of a foster caregiver require a change in placement on an emergency basis for a child under the jurisdiction of the court pursuant to section 300, if an able and willing relative, or an able and willing NREFM, 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 NREFM's suitability and upon completion of this assessment, the child may be placed in the home.

DSS Child Welfare Social Workers (SW) shall consult with the tribal representative regarding any placement of an Indian child and follow the tribe's placement preference and prevailing social and cultural standards of the child's tribe or the Indian community in which the parent or extended family members resides.

Purpose

This policy provides guidance to DSS Child Welfare SW staff on placement considerations for children and general requirements for completing emergency placements with relatives, extended family member and/or NREFM when an emergency removal of a child from their home is necessary or whenever there is a placement disruption. [All County Letter 17-65](#) states in part that the child welfare services (CWS) agency has an obligation to locate any family members to determine if the child can be placed with a relative, NREFM, or extended family member of an Indian child in order to preserve and maintain family connections.

Definitions

[WIC§319\(f\)\(2\)](#) defines who is considered a relative. A relative means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all 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 of dissolution.

[Title 25 of the United States Code \(USC\) §1903](#) defines who is considered an extended family member of an Indian Child. An extended family member shall be defined by the law or custom of the Indian Child’s tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or a stepparent.

[WIC§362.7](#) defines who is considered a nonrelative extended family member. A nonrelative extended family member is defined as an adult caregiver who has an established familial relationship with a relative of the child, or a familial or mentoring relationship with the child.

Procedure

The CWS SW shall review and refer to the required [Business Process regarding Emergency Placements](#) and in the case of an Indian child shall also contact the tribal representative (refer to list for [local tribes](#) or connect with the ICWA Unit supervisor for assistance).

An emergency placement can take place if the California Law Enforcement Telecommunications System (CLETS) are obtained for all adults in the home and they reveal no convictions other than an infraction (refer to [Crime List Reference Guide](#)) such as minor traffic violations, and the information from searches of CWS/CMS and Child Abuse Central Index (CACI) check indicates that there are no determined risk posed to the child.

A consultation with the Division Chief (DC) is required whenever the results of the background checks reveal any arrests or convictions (other than an infraction).

Pursuant to [WIC§361.4\(b\)\(3\)](#), an emergency placement may also occur if the person has been convicted of an offense pending an exemption if the conviction does not involve an offense against a child and the offense is not any described in [Health and Safety Code§1522\(g\)](#) and the DC determines

that placement is in the best interest of the child and no party (i.e. parent, child, tribe) objects to the placement.

Note: No child can be placed pending an exemption for a misdemeanor conviction for statutory rape, indecent exposure or financial abuse of an elder.

Per [WIC§361.4\(b\)\(4\)](#), if a prospective caregiver has been arrested for any of the crimes requiring further investigation (i.e. Odyssey or police report review), a child cannot be placed until there is an investigation and the Department and the court determine that the placement is in the best interest of the child after having considered the investigation results. These crimes include:

- Any Crime listed in Penal Code (PC)§290: sex offender registry
- PC§245: assault with a deadly weapon
- PC§273ab: willful injury to a child 8 years of age or younger
- PC§273.5: corporal injury to a spouse
- PC§273a(b): misdemeanor willful injury to a child
- PC§273a, paragraph 2 (prior to 1994)
- Any crime listed in HS§1522(g) – non-exemptible crimes (refer to [Crime List Reference Guide](#)), including crimes that require an exemption

SW Responsibilities

It is the SW's ultimate responsibility to ensure that information is accurate and documentation related to emergency placements are completed. In addition, in the absence of support staff it is the responsibility of the SW to complete all tasks related to emergency placement. The SW shall make every effort to prepare children for out of home placement or placement changes (refer to [PPG 03-05-013](#) Initial Out of Home Placement and Placement Changes).

Emergency Response (ER) and Voluntary Family Maintenance (VFM)

The Emergency Response (ER) or Voluntary Family Maintenance (VFM) SW shall follow the procedure outlined in the [Emergency Clearance Desk Guide](#), as summarized below, whenever an investigation of a referral of child abuse and neglect results in the removal of a child(ren) from the home of the custodial parent or guardian and the child is unable to be released and removal is the only option:

- Obtain relative/mentor information
- Contact identified Office Assistant (OA) staff to provide required information to begin background checks
- Conduct formal in person inspection of the home [WIC§361.4] referencing the [Buildings and Grounds](#) checklist and in a case of an Indian Child, using the tribe's own socially and culturally appropriate standards
- Complete placement and obtain necessary signatures
- Complete a narrative indicating that the minor was placed with the relative or NREFM, as well as all conversations related to the relative/NREFM suitability as a caregiver (i.e.,

capacity, ability and desire to maintain current school, commitment in the care of the child, and other factors to consider per [WIC§361.3](#)).

Note: Do not document criminal history details in the narratives beyond “cleared” or “not cleared”. All criminal history checks and results should be uploaded in CWS/CMS Client Services Referral or Case Management Notebook under Case Documents)

Family Reunification (FR), Permanency Planning (PP), and Assessments/Adoptions

SWs assigned to court-related case management shall ensure that unless there is imminent danger or applicable waiver, that placement preservation efforts are conducted prior to any placement change (refer to [PPG 03-05-035](#) Placement Change Requirements). SWs in these task areas shall follow the procedure outlined in the [Emergency Clearance Desk Guide](#) whenever a placement disruption requires that an emergency placement assessment of a relative or NREFM be conducted. The case managing SW should review the pre-screening questions with the interested relative/NREFM to see if they would be suitable prior to submitting their names for clearances (i.e., is there a current pending application with the RFA Unit and/or assigned RFA worker (contact them if the answer is “yes”), capacity, ability and desire to maintain current school and provide a concurrent plan, any recent arrests, and other factors to consider per [WIC§361.3](#)).

Emergency placements may occur for prospective caregivers who have already been granted a criminal records exemption pursuant to Senate Bill ([SB](#)) [354](#), therefore it is important for the case managing SW to inquire if the relative has been involved in the RFA process.

In instances when there is a placement disruption and a relative has already submitted an application that is pending approval with RFA, the case managing SW will contact RFA and advise them of the need for a “compelling reason” approval in order for placement to occur. The RFA Unit will share whether a health and safety assessment of the home and grounds has been completed and documented, verify the status of background checks or any criminal records exemptions that have been approved for all adults residing or regularly present in the home, and whether a capacity determination has been completed. If all three components are met, the compelling reason placement may occur prior to approval as a resource parent.

OA Responsibilities

The OA staff is responsible for monitoring the CWS RFA Emergency Placement mailbox for incoming request for emergency placements. The OA staff shall follow the procedure outlined below and refer to the [Emergency Placement Clearances Clerical Business Process](#) whenever a request for emergency placement is received:

- Submit CLETS and CACI requests
- Pull CWS/CMS history
- Conduct Megan’s Law Check
- Pick up all CLETS Reports from the Fresno Sheriff’s Office if necessary if the SW is not cleared to receive CLETS results electronically

- Email the SW, Social Work Supervisor (SWS) and the Social Worker Aide (SWA) that results/documents are ready and attach the documents within the email
- Refer to the [OA Checklist for Emergency Placement](#) to ensure that all required tasks associated with the emergency placement clearance request are completed.

SWA Responsibilities

The SWA shall follow the procedure outlined below whenever a request for emergency placement is received:

- Review CLETS, CACI and Megan's Law background checks results
- Review CWS/CMS history
- Upload the results of all CPS clearances in CWS/CMS Case Management Notebook
- Consult with the SW, SWS, and DC to advise if emergency placement can take place and/or as necessary
- Contact the relative or NREFM and complete the [suitability assessment](#) for emergency placement consideration and document the results in CWS/CMS
- Submit gift card and vouchers as needed
- Problem solve any other placement barriers in consultation with the SW, SWS, and DC
- Generate the placement documents
- Complete the [SWA Checklist for Emergency Placement](#) and provide it to the SW and/or SWS

In the event the outcome of the Team Decision Making (TDM) meeting is court involvement, the ER SW will complete the procedure outlined below:

- Provide the relative/NREFM with the Resource Family Application ([RFA01A](#)) and Resource Family Criminal Record Statement ([RFA01B](#)) and advise they must be submitted at time of Live Scan and within five business days of the placement
- Provide the relative/NREFM information on how to schedule a Live Scan appointment and advise the relative/mentor they will be required to complete an extensive RFA process which is time sensitive (i.e., attend orientation, training, etc.) in order to be approved as a resource parent which must occur within 90 days of placement
- Transfer the EP to RFA by sending an email to [CWS RFA Emergency Placement Request](#) mailbox and include all placement documents, the Resource Family Home Approval Placement Request ([RF-HAP](#)) and all criminal clearances, along with the [Emergency Placement Transfer Sheet](#) (form 0037)

The procedure directly above applies to ongoing case managing SWs upon completion of emergency placement. In addition, case managing SWs shall ensure that the child's attorney is notified of the placement decision and provided the new placement information (address, phone number and caregiver name) as soon as possible but no later than the close of the following business day after the placement change [[WIC§16010.6](#)].

Unplanned foster care placement changes shall not take place between 9:00 p.m. and 7:00 a.m., unless agreed upon by the child (if 10 years or older), their attorney or another individual authorized

by the child's attorney (if under 10 years of age), the current caregiver, the prospective caregiver and the child's SW [[WIC§16010.7\(f\)](#)]. It is therefore important that ongoing SWs ensure that placement assessments and decision are completed timely and an alternate plan be in place (i.e. submission of 6252, etc.) in case the relative/NREFM cannot be cleared for an emergency placement

Afterhours Procedure

- Advise the Swing SWS and provide the required information to begin background checks
- The Swing SWS will assign a Placement Facilitation Team (PFT) member to complete the procedures outlined on pages 4 and 5 under OA and SWA responsibilities as well as conduct the in person home inspection if it has not yet been completed
- The Swing SWS will advise the Standby SWS of any pending tasks that were unable to be completed during the Swing work hours
- The Standby SWS will assign any pending tasks to the Standby Extension or a Standby worker
- For any new removals during Standby shift hours, the Standby SW will follow procedures and consult with the Standby SWS regarding the use of PFT or Standby Extension to complete the emergency placement process/assessment if necessary