

February 16, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-18

This All County Letter (ACL) is to provide county child welfare agencies and juvenile probation departments with guidance and recommendations regarding conducting family and sibling visitation for children in out-of-home care during the Novel Coronavirus (COVID-19) pandemic while still ensuring their safety, permanency, and well-being.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

February 16, 2021

ALL COUNTY LETTER NO. 21-18

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL FOSTER FAMILY AGENCY DIRECTORS
ALL TITLE IV-E AGREEMENT TRIBES
ALL CDSS ADOPTION REGIONAL OFFICES
ALL CHILDREN'S RESIDENTIAL LICENSEES
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF
HOMES CERTIFIED OR APPROVED BY A FOSTER FAMILY AGENCY

SUBJECT: FAMILY AND SIBLING VISITATION FOR CHILDREN INVOLVED
IN THE CHILD WELFARE AND PROBATION SYSTEM DURING
COVID-19

REFERENCE: [ALL COUNTY LETTER \(ACL\) 15-100](#), [ACL 19-26](#), [ACL 19-87](#), [ACL 20-25](#); [CALIFORNIA EMERGENCY RULE OF COURT 6\(c\)\(7\)](#); [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 361.2](#), [WIC SECTION 362.1](#), [WIC SECTION 362.6](#), [WIC SECTION 366.26](#), [WIC SECTION 16507](#)

The purpose of this letter is to provide guidance and recommendations to county child welfare agencies and juvenile probation departments regarding in-person and virtual visitation between children¹ in foster care and their families during the COVID-19 pandemic.

The California Department of Social Services (CDSS) recognizes that COVID-19 continues to impact visitation between children in care and their families. This guidance has been established based on the State's color-tiered system developed for the [Blueprint for a Safer Economy](#). As counties implement the following guidance, they must also ensure they are working with tribal partners to meet the needs of Indian children.

¹ For the purpose of this letter, child includes minors and nonminor dependents that are child welfare and probation supervised, as applicable.

BACKGROUND

On August 28, 2020, Governor Newsom unveiled the [Blueprint for a Safer Economy](#), which outlined the State's color-tier system for determining the severity of the COVID-19 viral outbreak on a county-by-county basis. In the system, each county receives a color designation based on the level of outbreak in that county. Each color corresponds to a level of severity and determines the activities and restrictions that are required to be in place for the county. The color levels of severity are:

- **Purple**—Represents Widespread outbreak of the virus in the county.
- **Red**—Represents Substantial outbreak of the virus in the county.
- **Orange**—Represents Moderate outbreak of the virus in the county.
- **Yellow**—Represents Minimal outbreak of the virus in the county.

FAMILY/SIBLING VISITATION

Child welfare law and policy recognize that family time is important for child and parent well-being, as well as for efforts toward reunification. Family time is especially important during times of crisis. Caseworkers are tasked with ensuring compliance with the child's case plan regarding family and sibling visitation in order to develop and maintain familial relationships and promote the stability and well-being of children in out-of-home care.

Many court orders regarding family or sibling visits provide caseworkers with the flexibility they need to plan for safe, effective visitation, even during the pandemic. Caseworkers should review case specific court-ordered visitation plans to determine if such orders provide flexibility for changes in the manner of visitation, if changes are wanted or needed due to the specific situation of each youth, birth family and resource family. If any such court order does not allow for changes in the manner of visitation, [Emergency Rule of Court 6\(c\)\(7\)](#) allows for such changes, provided that certain noticing requirements are followed. [Emergency Rule of Court 6\(c\)\(7\)](#) provides that changes in the manner of visitation must be made on a case-by-case basis, balance the public health directives and best interest of the child, and take into consideration whether in-person visitation may continue to be held safely.

Developing a safe, individualized plan for visitation must involve the agency working with resource families, natural parent or guardian's families and youth (when developmentally appropriate) as respected partners. Plans should be driven by children and youths' needs, as well as families' individual situations and tolerance for risk (their own, as well as that of their household members, including children, and others in their care).

In-person visitation is preferred when visits can be conducted safely for involved parties and when otherwise appropriate for the child's case plan. When appropriately utilized, virtual visits can also be meaningful for family members and can demonstrate efforts and participation toward reunification.

Color-Tier Visitation Recommendations

In the absence of a court order, below are recommendations for facilitating family and sibling visitation. However, individual plans should consider the importance of family time and the above individual child and family considerations. These recommendations may also be considered when pursuing flexibility in the manner of visitation as permitted by [Emergency Rule of Court 6\(c\)\(7\)](#).

For counties in the **purple** tier status, CDSS recommends that family and sibling visitation be conducted as follows:

- For children under three (3) years of age, in-person visitation with proper use of EPG is strongly recommended, unless someone in the natural parent/legal guardian or caregiver's household is diagnosed with COVID-19, has symptoms of COVID-19, or has been exposed to COVID-19 within the past two weeks. In these circumstances, it is recommended that videoconferencing visitation be utilized. Further, if caregivers or families have additional concerns regarding in-person visitation due to COVID-19 risk factors present in household members (age, underlying health issues, etc.), CDSS recommends the convening of a CFT to discuss those concerns and any alternatives, including videoconferencing, to in-person visitation.
- For children over three (3) years of age, in addition to the recommended exceptions to in-person visitation outlined above related to COVID-19 symptoms, diagnosis, or exposure of risk factors that may be utilized, CDSS recommends that videoconferencing be used in place of in-person visits as the result of a decision made by the CFT or if all parties agree to virtual visitation, including the caseworker, care providers (facility and/or Resource Family), and natural parent(s) or legal guardian(s).

For counties in the **red**, **orange**, or **yellow** tier status, CDSS recommends family and sibling visitation be conducted as follows:

- In-person with proper use of EPG, unless someone in the natural parent/legal guardian, sibling's caregiver or child's caregiver's household is diagnosed with COVID-19, has symptoms of COVID-19, or has been exposed to COVID-19 within the past two weeks. In this circumstance, CDSS recommends that videoconferencing visitation be utilized.

All children may struggle with changes to visitation routines. The lack of in-person visits may be especially difficult for children who are very young. Consistent with the recommendations outlined above, CDSS recommends that placing agencies work to maintain in-person visits for children under three (3) years of age, which allows them to develop critical early bonds with their natural parent(s) or legal guardian(s), unless there are health-related risks that prevent this from happening.

TEAM WITH THE FAMILY TO PREPARE FOR IN-PERSON VISITATION

When a determination has been made that in-person visitation is appropriate, the caseworker should engage families and tribes to assist in the planning and decision-making regarding the visit and to facilitate the sharing of information that will lead to a safe and productive in-person children/youth and family visit. Questions the families, tribes, caregivers, and caseworker can take into consideration when planning an in-person children/youth and family visit are:

- Who will attend?
- Can a consistent schedule be created?
- What is the frequency and duration of the visit?
- Where will the visit take place?
 - Can it occur outdoors?
 - In a family home or indoor location if all family members and household members feel safe and safety measures described below are followed?
 - In other public spaces (preferably outdoors)?
- Who is transporting the children/youth? Are safety precautions in place for transportation, due to the close proximity of individuals in the car?
- Should there be a Child and Family Team (CFT) meeting to discuss and confirm in-person visit expectations with all parties prior to the visit?

SAFETY PRECAUTIONS

When in-person visits occur, county child welfare social workers and probation officers (“caseworkers”) will need to prepare the children and families for the visits. The caseworker shall work with the visit participants to ensure they have proper Essential Protective Gear (EPG)² according to California Department of Public Health (CDPH) guidelines. Please work with your county Office of Emergency Services to obtain EPG, as needed. If the visit participants are unable to secure their own EPG, the county should assist the visit participants with obtaining the gear. For visit participants and

² Inclusive of required Personal Protective Equipment (PPE), EPG may include, but is not limited to, gloves, face coverings, hand soap, hand sanitizer, and disinfectant.

caseworkers, the [CDPH guidelines regarding face coverings](#)³ and local public health guidelines must be followed.

Prior to scheduled in-person visitation, caseworkers should call the natural parent(s) or legal guardian(s) or sibling's caregiver and the child's caregiver to pre-screen for COVID-19 [symptoms/exposure](#) by asking the following questions:

- Has anyone in the household tested positive for COVID-19 in the past 14 days?
- In the past 14 days have you, your children, and/or anyone else in your household had any of the following symptoms?
 - Fever
 - Cough
 - Shortness of breath
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore Throat
 - New loss of taste or smell
- Have you, your children, and/or anyone in your household had close contact with a person who tested positive for COVID-19 with a laboratory-confirmed test in the last 14 days?

If someone in the household has been exposed to COVID-19 or is experiencing symptoms, they should be encouraged to contact their doctor and let them know about their exposure and/or symptoms. If someone in the natural parent/legal guardian or caregiver's household is diagnosed with COVID-19, has symptoms of COVID-19, or has been exposed to COVID-19 within the past two weeks, CDSS recommends the visit should occur through videoconferencing, consistent with the recommendations above and information below.

When in-person visits occur, the following preventative practices are recommended:

- Wear the appropriate EPG.
- Conduct visits outdoors when practical and appropriate.
- Practice physical distancing when in someone's home – stay six feet away from people when possible in order to accomplish the purpose of the visit.
- Minimize the number of people in the home, if possible, to only those necessary to complete the purpose of the visit.
- Open windows and doors within the home to increase air circulation while

³ Please note that [public health guidance](#) recommends that children under the age of two or anyone who has trouble breathing or is unable to remove the mask without assistance should not wear face masks or coverings.

conducting indoor visits.

- If in the home of the caregiver, natural parent, or legal guardian, the visit facilitator should ask the family members or caregivers to wear a mask during an in-person visit.
- Frequently wash hands with soap and water for at least 20 seconds. If this is not feasible, use hand sanitizer.
- Avoid touching eyes, nose or mouth.
- Cover your cough or sneeze with a tissue or your elbow or a tissue. Wash hands afterwards. If this is not feasible, use hand sanitizer.
- Follow guidance from public health officials.
- Ensure hygiene practices are adhered to on the day of the visit, including hand washing, sanitizing surfaces, toys, and play mats.
- Clean and disinfect touched objects before and after the visits.

VIRTUAL VISITATION RESOURCES

When done frequently and with clear goals, virtual contacts can be an important tool to protect and grow family relationships. They can allow the natural parent(s) or legal guardian(s) to participate in routine daily activities, like reading bedtime stories or participating in homework.

When in-person visits do not occur, caseworkers should assist caregivers in ensuring family visitation still occurs through videoconference and increased phone calls with family members. Such virtual contacts are valuable and provide a necessary connection between the children and family members. Virtual visits can often be done from the comfort of the natural parent or legal guardian's home and the child's placement, and allow for more frequent, relaxed visits to occur.

The document "[When You Can't Be There in Person](#)" is a very useful and practical tool to assist with helping parents and caregivers use technology to stay connected to their children. Below are additional resources:

- [QPI Webcast: Supporting Meaningful Connections: Family Time Visits During a Pandemic](#)
- [QPI Strategies and Activities to support meaningful connections during virtual visits](#)
- [QPI Webcast: Using Media Effectively with Young Children and Virtual Visitation/ Part One: Virtual Communication with Young Children](#)
- [QPI FAQs on Young Children and Virtual Visits](#)
- [QPI Key Research Takeaways on Virtual Visitation and Young Children](#)
- [QPI and CDSS Covid-19 Visitation Health Consideration for Resource and Birth Parents](#)

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If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau at (916) 657-1858 or CFSD@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division