

May 6, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 22-35**

The purpose of this All County Letter is to provide guidance to county Child Welfare Services agencies and Juvenile Probation Departments clarifying the timeframes for when Child and Family Team (CFT) meetings must occur. This guidance also includes updates of CFT requirements including Foster Care Bill of Rights, Indian Foster Children in California, and a First District Court of Appeal decision reviewing county probation placement of a youth in a Short-Term Residential Therapeutic Program.



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**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

May 6, 2022

ALL COUNTY LETTER NO. 22-35

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL COUNTY BEHAVIORAL HEALTH PROGRAM  
DIRECTORS  
ALL COUNTY FISCAL OFFICERS  
ALL COUNTY ADMINISTRATIVE OFFICERS  
CHIEF PROBATION OFFICERS OF CALIFORNIA  
COUNTY WELFARE DIRECTORS ASSOCIATION OF  
CALIFORNIA

SUBJECT: TIMING AND FREQUENCY OF CHILD AND FAMILY TEAM MEETINGS

REFERENCE: ASSEMBLY BILL [\(AB\) 153](#), [AB 175 \(CHAPTER 416, STATUTES OF 2019\)\(AB175\)](#), WELFARE AND INSTITUTIONS CODE, SECTIONS [\(WIC\) Section 224.1\(b\)](#), [WIC 224.2](#), [WIC 241.1](#), [WIC 352](#), [WIC 4096](#), [WIC 706.5](#), [WIC 706.6](#), [WIC 11400, SUBD. \(V\)](#), [WIC 11462.01](#), [WIC 16501](#), [WIC 16001.9](#), [WIC 16010.7](#), [WIC 16501.1](#), [ALL COUNTY INFORMATION NOTICE NO. I-21-18](#), [MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES \(MHSUDS\) INFORMATION NOTICE \(IN\) NO. 18-022](#), ALL COUNTY LETTER (ACL) [ACL 16-84](#), [ACL 17-122](#), [ACL 18-09](#), [ACL 18-23](#), [ACL 18-81](#), [ACL 19-26](#), [ACL 21-69](#), [ACL 21-113](#), [ACL 21-114](#), [ACL 21-115](#), [ACL 21-116](#), [IN RE AM. \(2020\) 53 CAL.APP.5TH 824 \[FILED AUGUST 18, 2020\]](#), JUDICIAL COUNCIL OF CALIFORNIA, 2021 CALIFORNIA RULES OF COURT [\(JCC\) RULE 5.785](#), [COUNTY FISCAL LETTER \(CFL\) 19/20-37](#), INDIAN CHILD WELFARE ACT OF 1978 [\(ICWA\) 25 UNITED STATES CODE \(U.S.C.\) SECTION 1901\(4\)](#), [SECTION 475 OF TITLE IV-E OF THE SOCIAL SECURITY ACT \(42 U.S.C. 675\(8\)\)](#)

## **CHILD AND FAMILY TEAM (CFT) GUIDANCE SUMMARY**

The purpose of this All County Letter is to provide guidance to county Child Welfare Services (CWS) agencies and Juvenile Probation Departments (JPD) clarifying the timeframes for when CFT meetings must occur for foster children and youth<sup>1</sup> involved the county child welfare or probation systems. This guidance also includes updates of CFT requirements related to the Foster Youth Bill of Rights (FYBOR), Indian foster children in California, and *In re A.M.* (2020) 53 Cal.App.5th 824 (First District Court of Appeal decision reviewing Alameda County probation placement of a youth in a Short-Term Residential Therapeutic Program (STRTP)).

This letter addresses the following areas:

- The timing of initial CFT meetings, including initial CFT meetings involving Indian children.<sup>2</sup>
- Requirement for CFT recommendations to be incorporated into the case plan.
- Timing of engagement with the CFT and frequency of CFT meetings for STRTP placements.
- Frequency of CFT meetings for foster youth receiving the following specialty mental health services (SMHS): Intensive Care Coordination (ICC), Intensive Home-Based Services (IHBS) and Therapeutic Foster Care (TFC).
- Timing of CFT meetings held by JPDs when making a recommendation to the court for foster care placement, when the court orders foster care placement without probation's recommendation for foster care, and timing for JPDs to engage with the CFT during an emergency placement.

## **BACKGROUND**

During the statewide and regional cross-system CFT collaboratives held in Fall 2020, the timing of CFT meetings was identified as an area needing further clarification for both CWS agencies and JPDs. In addition, the recent opinion in *In re A.M.*, highlighted inconsistencies between the general statutory timeframes to conduct a CFT meeting and the statutory timeframes for making dispositional recommendations for foster care in juvenile justice proceedings. Due to these circumstances, the California Department of Social Services (CDSS) has determined that additional guidance is necessary to

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<sup>1</sup> [1] The use of "children and youth" or each term independently refers to child as defined by [Section 475 of Title IV-E of the Social Security Act \(42 U.S.C. 675\(8\)\)](#), and includes nonminor dependents as defined by state law ([WIC 11400, subd. \(v\).](#)).

<sup>2</sup> As used in this letter, "Indian child/children" refers to an Indian child as defined by the Indian Child Welfare Act ([ICWA](#)) ([25 U.S.C. section 1901\(4\)](#)) and [WIC section 224.1\(b\)](#), and to whom the substantive and procedural requirements of the ICWA apply.

ensure CWS agencies and JPDs convene CFT meetings consistent with the statutory timeframes in order to provide appropriate services to foster children and their families who are impacted by either the child welfare system, juvenile justice system, or both. The information provided in this letter was synthesized with the collaboration and feedback from JPD representatives, Chief Probation Officers of California (CPOC), the CFT/Child and Adolescents Needs and Strengths (CANS) Implementation Team and other individuals who use CFTs in practice.

## **GUIDANCE FOR BOTH JPD AND CWS**

### **Frequency of CFT Meetings**

The CFT process can be a powerful intervention. When teams are effectively engaged and facilitated, the frequency of meetings should be largely driven by the voice and choice of the team members. The following provides guidance that relates to both CWS agencies and JPDs.

Initial CFT meetings for foster children involved with either CWS agencies or JPDs must be convened within 60 days from entry into foster care (i.e. initial physical removal of child from parents/guardian) or no later than the date of the dispositional hearing, whichever is earlier ([WIC 16501.1\(e\)](#)). In cases where it is known, or there is reason to know, the child is an Indian child, the CFT meeting must be held within 30 days of entry into foster care in order for the dispositional hearing to occur within the time required by [WIC 224.2\(i\)\(1\)](#) and [WIC 352\(b\)](#). Furthermore, a representative from the Indian child's tribe is required to be included for all CFTs for cases involving an Indian child. In cases where petitions under section 300, 601, or 602 may be filed for child, inquiries into whether a child may be an Indian child should be made beginning with initial contact pursuant to [WIC 224.2\(a\)](#). Practice expectations require collaboration with the Tribe to determine a time, date, and location of the CFT meeting. The CWS agency or JPD should make every effort to allow for the Tribe or tribal representative to participate, including telephonic, digital, or virtual access to the CFT meeting. If the CWS agency or JPD has made every effort to collaboratively determine a time, date, and location of the CFT meeting with the Tribe, and if informed the Tribe is not available, the best practice would be to determine next steps together with the tribe, including postponing or proceeding without the Tribe. The Department of Health Care Services (DHCS) and the CDSS have issued joint guidance ([ACL 16-84](#)) and the CDSS has issued frequently asked questions ([ACL 18-23](#)) addressing the CFT meeting requirements in greater detail.

After the initial CFT meeting, subsequent CFT meetings shall be held whenever there is a need for a placement change and, in most cases, at a minimum of every six months to inform the case plan throughout the duration of the case ([WIC 16501\(e\)](#)). As noted in

[ACL 16-84](#), after the initial CFT meeting, subsequent CFT meetings can be initiated by the child, youth, family, or another CFT member. In cases where foster youth are receiving SMHS via ICC, IHBS, or TFC services, a CFT meeting must occur at least every 90 days. ([WIC 16001.9\(a\)\(39\)\(B\)](#), [Medi-Cal Manual for ICC, IHBS, and \(TFC\) Service for Medi-Cal Beneficiaries, Third Edition](#).) Also, as a best practice, CFTs should be convened as frequently as needed to address the needs of the foster child and family as described in [ACL 18-23](#).

### **CFT and 241.1 Determination**

In preparation for the [WIC 241.1](#) hearing, it is best practice to hold a CFT meeting and use the findings of the meeting to inform the recommendation to the court as to whether supervision by CWS, JPD, or both CWS and JPD will best serve the youth.

### **CFT and Case Planning**

[WIC 16501.1, subdivisions \(c\) and \(g\)](#) require that the case plan for children in foster care must be developed with input from the CFT for both dependency and juvenile justice proceedings. While a CFT is not mandated for children who have an open child welfare case and remain with their family of origin, i.e., family maintenance or voluntary family maintenance cases, this is a strongly recommended best practice consistent with the Integrated Core Practice Model. With the passage of [AB 153](#), there are new case plan requirements associated with CFTs for foster youth entering into STRTPs. [ACL 21-114](#) describes the new case plan requirements that require when an assessment is conducted by a Qualified Individual (QI), it must be conducted in conjunction with the CFT. Case plan updates are required whenever the foster child's and/or family's service needs dictate, but at a minimum, once every six months. ([WIC 16501.1\(e\)](#).)

### **CFTs and New Placement into STRTPs**

As described in [ACL 21-113](#), as of October 1, 2021, an assessment by a QI is required in most cases<sup>3</sup> before placement in an STRTP. Pursuant to [WIC 16501\(I\)\(1\)](#) in the case of an Indian child, a person may be designated by the child's tribe as the QI<sup>4</sup>. As part of that assessment, the QI must engage with the members of the CFT. The role of the QI is to determine which setting will provide the foster child with the most effective and appropriate level of care in the least restrictive environment, consistent with the

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<sup>3</sup> In cases where completion of the QI assessment will delay placement of the foster child and such delay is contrary to the best interests of the child, the child may be placed prior to completion of the assessment. ([WIC 4096\(g\)\(2\)](#); [ACL 21-113](#).)

<sup>4</sup> In the case of Indian children, according to [WIC 16501\(I\)\(1\)](#), in the absence of a QI designated by the child's tribe, the qualified individual shall have specialized knowledge of, training about, or experience with, tribes and federal Indian Child Welfare Act of 1978 ([25 U.S.C. Sec. 1901 et seq.](#)).

short-and long-term behavioral health goals for the foster child in accordance with [ACL 21-113](#). Because the CFT has a wealth of resources and information about the youth and their family, engagement with the members of the team is critical to determining the appropriate level of care and services for the youth. The [ACL 21-114](#) also describes that when youth under the supervision of either CWS or JPD are placed in an STRTP, there must be a new court hearing to approve the STRTP placement based on an objective assessment by a QI. This court hearing must occur within 45 days, and in no event later than 60 calendar days, from the start of each new STRTP placement.

### **CFTs and CANS**

The CANS tool is completed by either child welfare, behavioral health, or a CANS certified contracted agency as part of the CFT process to capture and share input from the youth, parents, caregivers, and other team members. The CANS tool serves to identify the child and caregivers' strengths and needs and to develop a collaborative and uniform case plan. Please refer to [ACL 18-09](#) and [ACL 18-81](#) for additional information regarding integration of CANS within the CFT process.

Additionally, the CANS tool is instrumental to the QI assessment required as of October 1, 2021. While the CANS tool is not required to be completed by JPDs, [ACL 21-113](#) notes, that in performing their assessment, the QI must either update an existing CANS, including Integrated Practice (IP) items, or complete a new CANS with IP items, to assess the foster child and caregivers' current strengths and needs.

### **CFTs for Youth in STRTPs**

Previously, as described in [ACL 17-122](#), foster youth entering STRTPs were required to have CFT meetings to inform the Interagency Placement Committee (IPC) for placement determination, and every six months thereafter or more often if needed as described in [ACL 16-84](#). With the passage of [AB 175](#) in 2019, updating the FYBOR and pursuant to [\(WIC 16001.9\(a\)\(39\)\(B\)](#) ["The rights [for foster youth] are as follows: . . . [i]f placed in a short-term residential therapeutic program, . . . to have a child and family team meeting at least every 90 days."]. The requirement for foster youth placed in STRTPs to have a CFT every 90 days applies regardless of whether the foster youth are receiving SMHS. Increased frequency of CFT meetings for youth identified as having urgent or high-risk needs are funded in the current allocation methodology [CFL No. 19/20-37](#). For further information regarding changes made to the FYBOR in 2019, please refer to [ACL 21-69](#).

## **Placement Prevention Strategy and CFTs**

Pursuant to [WIC 16010.7](#), and as addressed in [ACL 19-26](#), a placement preservation strategy that is required to be developed when a caregiver is requesting removal of the foster child from their home or facility, must be developed in consultation with the CFT prior to the placement change. In the case of an Indian child, [WIC 16501\(B\)\(I\)\(VII\)](#) notes the CFT shall include a representative of the child or youth's tribe. As a required member of the CFT, the child's tribe must also be included when discussing the placement preservation strategy.

## **Continuous Quality Improvement**

The CDSS will partner with counties to evaluate data from CWS/CMS and Safe Measures on a reoccurring basis to promote continuous quality improvement efforts. This data provides CDSS with valuable insight and the ability to engage counties and provide technical assistance. Additionally, with data informed technical assistance, CDSS can support agencies in their efforts to consistently incorporate CFT requirements into practice with fidelity.

## **JPD SPECIFIC GUIDANCE**

The following guidance is specific to JPDs.

### **CFTs and Court Timelines**

CFT meetings are required in juvenile justice cases only when foster care is being recommended by probation or is court ordered. In the recent case of *In re A.M., supra*, the First District Court of Appeal issued an opinion that highlighted the discrepancy between the general statutory timeframes to convene a CFT meeting and the statutory requirement for probation to conduct a CFT meeting when recommending foster care placement to the courts. In the *A.M.* case, a juvenile court ordered a youth placed in an STRTP without the JPD first convening a CFT meeting to inform the case plan. The Court of Appeal determined that order was in error because the case plan submitted to the court with the social study report did not reflect input from the CFT, and, where the JPD recommends foster care, [WIC 706.6](#) requires a case plan to incorporate the recommendations of the CFT or to explain why the case plan differs from the CFT's recommendations. Considering this decision, the CDSS issues this further guidance clarifying the time frames for CFT meetings in juvenile justice cases.

California Rules of Court, [JCC Rule 5.785](#), requires a probation officer (PO) to submit the social study and copies of it to the clerk of the court, at least 48 hours before hearing as the clerk must make copies available to all parties and attorneys. The social

study must include the case plan consistent with [WIC 706.5](#). Because of these requirements, where the JPD is recommending foster care placement, the JPD effectively has eight calendar days after the youth's petition is sustained to conduct the CFT meeting and incorporate the CFT's recommendations into the case plan to be submitted with the social study for the dispositional hearing. This timeframe does not allow the JPD to take 60 days from the date of placement within which to complete the initial CFT meeting, as was implied by previous guidance issued regarding the timing of CFT meetings.

### **CFT and Case Planning**

[Section 16501.1 of the WIC](#) requires that the case plan for children in foster care must be developed with input from the CFT. [Section 706.5](#) and [706.6 of the WIC](#) incorporate this requirement into the development of case plans for children in the juvenile justice system where foster care is recommended by the JPD or ordered by the juvenile court without a recommendation by the JPD.

According to [WIC 706.5](#), when a JPD recommends that the juvenile court adjudicate the child a ward and order the child placed in foster care, the JPD is required to submit to the juvenile court a case plan as part of the social study addressing the dispositional recommendation.

Additionally, according to [WIC 706.6](#) when developing that case plan, the JPD must consider the recommendations of the CFT. If there are inconsistencies between the CFT recommendations and those of the PO, the case plan must reflect the rationale for those inconsistencies. Thus, in cases where the JPD will recommend foster care placement for a ward, the CFT meeting must occur as soon as possible for the case plan to satisfy the statutory requirements. There is no set statutory time for the CFT meeting to be convened, but it must be convened early in the assessment process for the JPD to submit a timely dispositional report to the juvenile court. In cases where the court orders a youth into foster care placement when the JPD did not recommend foster care, the JPD is required to prepare a case plan and file it with the court within 30 days of the court's order, as required in [WIC 706.5](#). This case plan must also incorporate the CFT recommendations and document any inconsistencies. Thus, in order to meet the 30-day timeline for submission of the case plan to the juvenile court, a CFT meeting would need to be convened as soon as possible after the juvenile court orders foster care placement over the JPD's recommendation.

### **CHILD WELFARE SPECIFIC GUIDANCE**

The decision in *In re A.M., supra*, is not applicable to CWS agencies. The DHCS and CDSS joint guidance issued in [ACL 16-84](#) and the CDSS frequently asked questions in



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[ACL 18-23](#) remain valid with respect to the requirement that the initial CFT meeting for children in foster care in the juvenile dependency system must be convened no later than 60 days of the child entering out-of-home care.

**CFT TABLES**

Figures A and B below present CFT requirements and best practices for JPDs, while figures C and D below present CFT requirements and best practices for CWS agencies.

**Probation: CFT Tables**

Figure A – Timeline Requirements for Juvenile Probation CFT Meetings and Engagement with CFTs

Probation:

Event	Required Timelines
Initial CFT Meeting	A CFT meeting must occur no later than the date of the dispositional hearing if recommending youth to be placed in foster care.
Indian Children	Inquiries into whether the child is an Indian child should begin with the initial contact ( <a href="#">WIC 224.2</a> ). A CFT meeting must be convened within 30 days from initial entry into foster care, i.e. initial removal of child from home parent/guardian, in order for the dispositional hearing to occur within the required timeframe <a href="#">WIC 352(b)</a> . The child’s tribe is a required member of the CFT ( <a href="#">WIC 16501</a> ).
Court orders foster care placement <u>without or absent</u> the probation recommendation	A CFT meeting must be held as soon as possible after court orders foster care placement in order to satisfy requirement that case plan be submitted to court within 30 days of order for foster care pursuant to <a href="#">WIC 706.5</a>
Recurring CFT Meetings – Foster youth Receiving Medi-Cal (MC) SMHS: ICC, IHBS, or TFC	For foster youth receiving MC SMHS such as ICC, IHBS, TFC, a CFT meeting is required to occur at least every 90 days in accordance with the <a href="#">MC Manual for ICC, IHBS, and TFC Service for MC Beneficiaries, Third Edition</a> , and the FYBOR ( <a href="#">WIC 16001.9 (a)(39)(B)</a> ).
Recurring CFT Meetings- Foster youth Placed in an STRTP	When a youth is placed in an STRTP, the youth is required to have a CFT meeting at least every 90 days regardless of whether the youth is receiving SMHS in accordance with the FYBOR ( <a href="#">WIC 16001.9 (a)(39)(B)</a> ).
Updated Case Plans	The CFT meeting shall be held whenever service needs change and at a minimum every six months to inform every case plan throughout the duration of the case, pursuant to <a href="#">WIC § 16501.1(e)</a> .

Figure B – Best Practice for Juvenile Probation CFT Meetings

Event	Best Practice Timelines
241.1 Hearing	In preparation for the 241.1 hearing, it is best practice to hold a CFT meeting and use the findings of the meeting to inform the recommendation to the court, whether the youth is best served through CWS, JPD, or both agencies.
IPC and CFT	If the CFT meets prior to the IPC convening, the IPC must strongly consider the CFT recommendations when making their determination pursuant to <a href="#">WIC 11462.01</a> and further explained in <a href="#">ACL 17-122</a> . Additionally, in the case of an emergency placement, where the youth is placed in an STRTP prior to the IPC convening, the IPC must also strongly consider the recommendations from the CFT when making a determination regarding the appropriateness of the emergency placement.
Placement in Community Treatment Facilities (CTF)	CTFs are licensed by CDSS as group homes but are permitted to be locked facilities. Although A CFT meeting is not required for most locked settings pursuant to <a href="#">ACL 16-84</a> , it is best practice for a CFT meeting to be held anytime a youth is being considered for placement in a community treatment facility to ensure that the CFT is aware of the nature of the setting.

**Child Welfare: CFT Tables**

Figure C – Timeline Requirements for Child Welfare CFT Meetings

Child Welfare:

Event	CFT timeline requirements
Initial CFT Meeting	A CFT meeting must be held within 60 days from entry into foster care (i.e. initial removal of child from parents/guardian) or must occur no later than the date of the dispositional hearing, whichever is earlier <a href="#">WIC 16501.1</a>
Indian Children	Inquiries into whether the child is an Indian child should begin with the initial contact ( <a href="#">WIC 224.2</a> ). A CFT meeting must be convened within 30 days from initial entry into foster care, i.e. initial removal of child from home parent/guardian, in order for the dispositional hearing to occur within the required timeframe <a href="#">WIC 352(b)</a> . A child's tribe is a required member of the CFT in accordance with <a href="#">WIC 16501</a> .

Event	CFT timeline requirements
Recurring CFT Meetings- Placement in STRTPs	When a foster child is placed in an STRTP, they are required to have a CFT meeting at least every 90 days regardless of whether the youth is receiving SMHS in accordance with the FYBOR ( <a href="#">WIC 16001.9 (a)(39)(B)</a> ).
Receipt of MC SMHS	When a foster child is receiving MC SMHS, a CFT meeting is required to occur at least every 90 days in accordance with the <a href="#">MC Manual for ICC, IHBS, and TFC Service for Medi-Cal Beneficiaries, Third Edition</a> , and the FYBOR ( <a href="#">WIC 16001.9 (a)(39)(B)</a> ).
Updated Case Plans	The CFT shall be held whenever service needs change and at a minimum every six months to inform every case plan throughout the duration of the case, pursuant to <a href="#">WIC 16501.1 (e)</a>

**Figure D – Best Practice Child Welfare CFT Meetings**

Child Welfare:

Event	CFT timeline best practice
241.1 Determination	In preparation for the 241.1 hearing, it is best practice to hold a CFT meeting and use the findings of the meeting to inform the recommendation to the court whether a youth is served best by CWS, JPD, or both agencies.
IPC and CFT	If the CFT meets prior to the IPC convening, the IPC must strongly consider the CFT recommendations when making their determination pursuant to <a href="#">WIC 11462.01</a> and further explained in <a href="#">ACL 17-122</a> . Additionally, in the case of an emergency placement, where the youth is placed in an STRTP prior to the IPC convening, the IPC must also strongly consider the recommendations from the CFT when making a determination regarding the appropriateness of the emergency placement.

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**Inquiries**

If you have any questions or need additional guidance regarding the information in this letter, please contact the Integrated Services unit at (916) 651-6600 or by email at [CWSCoordination@dss.ca.gov](mailto:CWSCoordination@dss.ca.gov) or by emailing the FFPSA inbox at [FFPSA@dss.ca.gov](mailto:FFPSA@dss.ca.gov).

Sincerely,

***Original Document Signed By***

ANGIE SCHWARTZ  
Deputy Director  
Children and Family Services Division