

California CASA Association

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Social Workers' Monthly Visits

By Phil Ladew

When a child is removed from home and initially placed into foster care, the law mandates that the social worker visit the child at least three times in the first 30 calendar days (including the initial in-person response). ¹

Subsequently, the general rule has always been that social workers are legally required to have face-to-face contact with the child on a monthly basis. However, California regulations have long allowed exceptions (e.g. supervisor-approved waivers when the child's placement is stable and with a relative, etc.). ²

Now, I am happy to say, the time for these exceptions to monthly visits is coming to an end. A decade ago Congress found that there was a strong correlation between frequent caseworker visits and positive outcomes for children. Therefore, the 109th Congress passed Public Law 109-288, ³ also known as the "Child and Family Services Act of 2006." This federal law mandated that by October 1, 2011:

- 1) **90% of children foster care must be visited by a caseworker monthly.** ⁴
- 2) **A majority (at least 51%) of those visits must occur in the child's home.** Of course, face-to-face visits made by Foster Family Agency (FFA) social worker count toward these month visits. ⁵

In response to this new federal mandate, county agencies have been phasing out visitation waivers and building up staff to allow for the increased visitation. Therefore, visitation waivers should be a thing of the past – and existing waivers should be discontinued in due course.

CASA Practice Tips

With social workers visiting the child monthly, there should be an opportunity to do the following required things:

- 1) Have a private discussion with the child – away from the hearing and presence of the caregiver; ⁶
- 2) Review Foster Youth Bill of Rights with the child at least once every 6 months; ⁷
- 3) Discuss the child's wishes to be present at the court hearing, and ensure that those wishes are honored; ⁸
- 4) Ensure that the child, if 12 or older and in a permanent placement, was given the opportunity to review his or her case plan, sign it, and receive a copy; ⁹
- 5) Have contact with the caregiver at least once a month. ¹⁰

Continued:

Therefore, CASAs should:

Ask the Child if the Social Worker is Talking to Them Privately

Also, though, it is important to note the quality of the visit as well. The number one thing I would suggest you concern yourself with is whether the social worker is taking the child aside – away from the presence of the foster parent or group home staff – and asking them how things are going. It can be awkward to ask to speak to the children alone, especially if the foster home seems to be a wonderful one. However, this sort private, face-to-face talking with the child is a form of protection that cannot be undervalued.

Revisit Foster Youth Rights

As a CASA, you should constantly be looking to ensure that the child's rights are being protected. If you are aware that the child is not being visited by either their county social worker, or an FFA social worker at least once a month, then this is something you should be working to remedy.

Therefore, CASAs should ensure that the child knows his or her rights in foster care. While the social worker must discuss this with the child at least once every six months – you, as the CASA can – and should – discuss the foster youth rights with the child as appropriate.

Take a Gander at ACLs

Lastly (and this is an advanced level tip), it is often helpful to look at All County Letters (ACLs) where the California Department of Social Services (CDSS) informs individual counties about a new law, procedure, or policy. CDSS promulgated ACLs 09-11 and 10-19 to inform counties about this transition to increased monthly visitation. They can be found here:

ACL 09-11: <http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl/2009/09-11.pdf>;

ACL 10-19: <http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl/2010/10-19.pdf>.

Thank you again for all of your hard work and service toward the CASA mission – ensuring that children have a voice, and an advocate. Keep up the good work.

¹ California Department of Social Service Manual of Policies and Procedures (CDSS MPP), section 31-320.2 Available as of 1/24/11 at: <http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/cws3.pdf>.

² CDSS MPP, sections 31.320.31, .411, .412, and .6.

³ Public Law 109-288 was implemented in California by SB 703 (2007).

⁴ This is calculated as one visit for each full calendar month the child has been in foster care.

⁵ See California's IV-B State Plan: California Department of Social Services, Children and Family Services Division, *Child and Family Services Plan, Federal Fiscal Year 2010 - 2014*, 2nd Revised Final (October 28, 2009). Available as of 1/24/11 at: http://www.dss.cahwnet.gov/cfsweb/res/TitleIV-B/CFSP_2010-2014.pdf

⁶ See Cal. Welf. & Inst. Code §§ 16516.5, 16516.6 that clarify that the conversation with the child should not be communicated to the caregiver or group home staff unless disclosure could prevent harm, it is necessary to meet the needs of the child, or the child consents to the disclosure.

⁷ See Cal. Welf. & Inst. Code § 16501.1(f)(4) that states, " At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child."

⁸ See Welf. & Inst. Code § 349 for dependent youth, and § 679 for delinquent youth.

⁹ See Welf. & Inst. Code § 16501.1(f)(13).

¹⁰ If a child is placed out of home, the social worker must have contact with the caregiver at least once each calendar month unless the child is living with his or her legal guardian and has been permanently planned, or the child has been placed with the same relative caregiver for five years or longer and there are no problems with the placement. See CDSS MPP sections 31-330.2, .2, 211.