

FOR YOUR INFORMATION

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Issue 18-27

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PRESUMPTIVE TRANSFER of the RESPONSIBILITY for SPECIALTY MENTAL HEALTH SERVICES (SMHS) WHEN a DEPENDENT CHILD/YOUTH RESIDES OUT-OF-COUNTY

This is to inform staff about Assembly Bill (AB 1299).

What is AB 1299?

AB 1299 ushered in a recent law, which specifies that absent any exceptions, the responsibility for providing or arranging for SMHS must promptly transfer from the county of original jurisdiction to the county in which the foster child resides. [ACL 17-77](#) provides further guidance on AB 1299's implementation.

AB 1299 applies to dependent children/youth/NMDs placed out of county and within California. DCFS, the county of jurisdiction, will continue to have jurisdiction over and supervision of the child/youth, unless the case meets criteria for and has been processed for an [Inter-county Transfer](#).

How does Presumptive Transfer happen?

Most of the functions are centralized through the Bureau of Clinical Resources and Services (BCRS), with a designated Single Point of Contact (SPOC) who can be reached via the [AB 1299 Desk](#). Additional information on AB 1299 can also be found on the AB 1299 [website](#).

The following steps will occur for each child/youth/NMD placed out of county and within California:

- Automatic notification to the AB1299 unit will occur when a placement packet is generated
- The AB 1299 unit will contact the case-carrying worker to determine if a presumptive transfer or waiver of presumptive transfer is recommended
- The AB 1299 unit will complete and submit all required documents for a presumptive transfer or waiver, including mailing required notices to parties
- The AB 1299 unit will act as a liaison for AB 1299 matters including contests, responding to inquiries from other counties, service providers, etc.
- The AB 1299 unit will track cases processed for presumptive transfer or waiver and will document in CWS/CMS Special Projects Page

Will all cases be presumptively transferred to the county of residence?

No, not all cases will need to be presumptively transferred. A waiver of the presumptive transfer shall be considered under the following conditions:

- 1) A demonstration that the Mental Health Provider Plan (MPH) in the county of original jurisdiction i.e. for Los Angeles County, the Department of Mental Health (DMH) can contract and arrange for services within 30 days.

AND (AT LEAST ONE OF THE FOLLOWING IS TRUE):

- The transfer would negatively impact mental health services, or delay access to services.



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- The transfer would interfere with the family reunification efforts documented in the individual case plan.
- The foster child's placement in a county other than the county of original jurisdiction is expected to last less than six months.
- The foster child's residence is within 30 minutes of travel time to his or her established SMHS care provider in the county of original jurisdiction.

NOTE: The evaluation of the appropriateness of the Presumptive Transfer or its waiver should be on-going taking into account the current circumstances and case plan, within the CFT framework.

What is the role of the case-carrying CSW in this process?

- Ensures that the CFT's involvement and input are incorporated into the decisions regarding presumptive transfer
- Provide, as requested any information and documentation requested by the AB 1299 Desk
- Direct inquiries to the [AB 1299 Desk](#)
- In rare situations where contests cannot be resolved within the CFT process and/or through the AB 1299 Desk, prepares a court report for a Judicial Review Hearing if one is ordered. Input for the hearing can be requested from the [AB 1299 Desk](#)

How are intensive mental health services secured for a child placed out of county?

CSWs should begin the linkage process by completing a CSAT packet through the Referral Portal. The Service Linkage Specialist will review the packet and assist with contacting the Mental Health Plan (MPH) in the county of residence where the child resides. The array and intensity of mental health services offered by an out of county Mental Health plan will differ from county to county. The Mental Health Plan (MPH) where the child resides is responsible for determining all mental health service needs and linking appropriately.

Will newly-detained children placed out of county receive a MAT assessment?

Children placed out-of-county will not be referred for a MAT assessment.

AB 1299 Rules of Court and additional guidance from the State are anticipated to be forthcoming. A Procedural Guide on AB 1299 will be issued in the future.



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