

FOR YOUR INFORMATION

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Issue 18-27 (REV)

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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 a reminder to staff regarding Assembly Bill (AB 1299).

What is AB 1299?

AB 1299 ushered in a [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 the implementation of AB 1299.

AB 1299 applies to dependent children/youth/NMDs placed in out of home care, 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 [Intercounty 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 In-Box](#) at: AB1299@dcfs.lacounty.gov. Additional information on AB 1299 can also be found on the AB 1299 [website](#).

These steps will occur for each child/youth/NMD placed in out of home care, out of county, and within California:

- Automatic notification to the AB 1299 unit will occur when a placement packet is generated.
- The case-carrying worker will receive the AB1299 Questionnaire to determine if the child needs specialty mental health services (SMHS).
- The AB 1299 unit will complete the presumptive transfer of the child's SMHS or waiver of presumptive transfer, including mailing required notices to parties.
- The AB 1299 unit will act as a liaison for AB 1299 matters including 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:



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- 1) A demonstration that the Mental Health Provider Plan (MHP) 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.
- 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 Child and Family Team (CFT) framework.

What is the role of the Case-Carrying CSW in this process?

- Ensures that the CFT involvement and input are incorporated into the decisions regarding AB 1299 presumptive transfer.
- Provide, as requested, any information and documentation requested by the AB 1299 Desk.
- Direct inquiries to the [AB 1299 Desk In-Box: AB1299@dcsf.lacounty.gov](mailto:AB1299@dcsf.lacounty.gov).
- 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 In-Box: AB1299@dcsf.lacounty.gov](mailto:AB1299@dcsf.lacounty.gov).

How are mental health services secured for a child placed in out of home care, outside of L.A. County?

CSWs should send notification to the [AB 1299 Desk In-Box](mailto:AB1299@dcsf.lacounty.gov) at: AB1299@dcsf.lacounty.gov. The CSW must provide any information and documentation requested by the AB 1299 Desk. The AB 1299 Desk will initiate the process to notify the Mental Health Plan (MHP) in the county where the child resides. The MHP is responsible for determining all mental health service needs and linking appropriately. The array and intensity of the mental health services offered by the Out-of-County MHP will differ from county to county.

Will newly-detained children placed out of county receive a Multidisciplinary Assessment Team (MAT) assessment?

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

[ACL 18-60](#) contains further AB 1299 policy guidance.



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