



# FOR YOUR INFORMATION

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Issue 23-20

Date: 12/27/2023

## VOLUNTARY PLACEMENT AGREEMENT FOR PLACING A CHILD WITH A PARENT IN A SUBSTANCE ABUSE TREATMENT FACILITY

This FYI is to inform staff of the Voluntary Placement Agreement (VPA) which allows for a new placement type to be funded under the “Family First Prevention Services Act”. An Aid to Families with Dependent Children Foster Care (AFDC-FC) maintenance payment is available to facilities who meet the criteria outlined in [ACL 21-103](#) for children who are placed with their parent in a licensed family-based substance abuse treatment facility. This new placement type creates an opportunity for the child to remain with their parent while the parent is undergoing substance abuse treatment. In the case of an Indian child, all placements should be utilized in partnership with the child’s Tribe as required under Welfare and Institutions Code (WIC), section 16507.4, subdivision (b)(3). When evaluating the appropriateness of a VPA, keep in mind:

- The Child and Family Team Meeting (CFTM) approach may be utilized to determine if Voluntary Placement is appropriate. Consult with the SCSW to determine whether to use Voluntary Placement services.
- The [SOC 888](#) is the Voluntary Placement Agreement form between DCFS, the placing agency, and the residential treatment facility. The VPA and case plan must be signed prior to placement in order to qualify for federal participation in the foster care maintenance payment.
- Parents can keep their public assistance benefits if they go into a treatment facility and the child goes with them under the VPA. However, the maintenance payment will be made directly to the facility, not the parent.

### Key Points

1. Child Placement Criteria: There are no age specifications, but individual family-based treatment facilities have age criteria for children that are allowed to reside in the facility with the parent. DCFS is responsible for making child placement arrangements in the best-suited facility based on the needs of the family.
2. Duration of Payment: DCFS may pay the foster care maintenance payment to the licensed residential substance abuse treatment facility for room and board of the child for up to 12-months, within the standard time limitations of the VPA.
3. If placement is needed for longer than 180-days (approximately six months), the rules of WIC Section 16507.6 apply, requiring either the return of the child to the legal custody of the parent or a referral for filing of a petition to the juvenile court. A judicial determination that continued placement is in the best interests of the child is required prior to the 180th day from signing of the VPA, or funding ceases.

If you have any questions regarding this release, please e-mail your question to:

[Policy@dcfs.lacounty.gov](mailto:Policy@dcfs.lacounty.gov)

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4. Eligibility Conditions: To qualify for a foster care maintenance payment (Basic Level Rate only), the following conditions must be met:
  - Both DCFS and the parent have signed the Voluntary Placement Agreement;
  - A case plan has been created and signed that specifies it is in the best interest of the child(ren) to be placed with the parent in an approved licensed residential substance abuse treatment facility;
  - The VPA and case plan must be signed prior to placing the child(ren) with the parent (who may have already enrolled in the residential substance abuse treatment facility);
  - In the case of an Indian child, the voluntary placement conforms with WIC section 16507.4, subdivision (b)(3) and notice has been provided pursuant to section 224.2, as applicable.
5. Court Involvement: Voluntary cases may not have court involvement for up to 180-days.
6. Legal Custody: Although the child is placed in the same facility with the parent (and the parent has physical custody of the child), the child is NOT in the legal custody of the parent for the duration of the VPA. DCFS has placement and care responsibility for the child.
7. Court Ordered Reunification: A child who is court-ordered for reunification services, or reunified via court order with a parent residing in this type of facility, is not eligible for a VPA as payment is made directly to the treatment facility.
8. Facility Eligibility: For a facility to be eligible to receive the established basic rate maintenance payment, the residential substance abuse treatment facility must be licensed through the Department of Health Care Services (DHCS) ([VPA Licensed Treatment Facilities \(includes all counties in California\)](#)), and *must* offer Parenting Skills Training, Parenting Education, and Individual & Family Therapy in a trauma informed network. The listed VPA licensed treatment facilities most likely include these components, but CSWs should confirm with the facility prior to placing the child. The payment will be made directly to the facility for provision of food, clothing, shelter, and daily supervision of the child.
9. Notices of Action: DCFS will continue to use the standard Notice of Action (NOA) for termination of payments to the licensed residential substance abuse treatment facility. Substitutions of the form will be permitted as approved by California Department of Social Services (CDSS). Any county decision to grant, deny, change, or terminate payments must be communicated by providing adequate written notice to the provider.

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## Eligibility Determination Process

The following steps outline the eligibility determination process when a child is placed with their parent in a Residential Substance Abuse Treatment Facility under a VPA:

CSW/Service Bureau Liaison:

- **CSW:** Submit a [DCFS 4213](#) and signed [SOC 888](#) (VPA) to their Bureau Liaison.  
Please note: There is no need for Out-of-Home Care Management Division (OCHMD) clearance and approval on the DCFS 4213 form for the VPA involving a child placed in a substance abuse treatment facility. Please refer to the [Special Placement](#) policy for further instructions on the completion of the DCFS 4213.
- **Bureau Liaison:** Submit all documents to the 4213 inbox for review and Revenue Enhancement approval. Once the approved 4213 is received, return the documents to the CSW.
- **CSW:** Submit a [FCSS Automated 280](#) with approved 4213 and SOC 888 to the TA staff for placement and payment processing.

CSW will review the case at one hundred fifty (150) days, or one hundred five (105) days before the minor turns eighteen (18) years of age, to determine if the child can be safely returned to the parents

- If after five (5) months, or one hundred five (105) days before the minor turns eighteen (18) years of age, the situation is not resolved and the CSW cannot return the child home and close the case, or the child cannot return home with a Voluntary Maintenance Agreement, the CSW must:
  - a. File a WIC 300 petition. The petition must be prepared and filed no less than fifteen (15) days prior to the conclusion of the 180-day period, or the 90-day period before the minor turns eighteen (18) years of age, whichever comes first.
  - b. Obtain court findings to remove the child before the conclusion of the 180-day period or 90-day period before the minor turns eighteen (18) years of age, whichever comes first.

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