



# FOR YOUR INFORMATION

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Issue 24-15

Date: 09/03/24

## GUIDANCE ON AB 954: ENSURING FINANCIAL ACCESSIBILITY FOR COURT-ORDERED PARENT SERVICES

This FYI outlines updates to existing California law that authorizes the Court to make reasonable orders for family reunification and maintenance services. In addition, it provides an overview of the Department's short and long-term plan to mitigate financial barriers to complying with court-ordered parent services.

As of January 1, 2024, **AB 954**: amends Welfare & Institutions Code § 362 and adds Welfare & Institutions Code § 362.8, and will require the following:

- A court **must inquire** whether the parent/guardian can **afford** court-ordered services.
- A parent or guardian who qualifies for the services of court appointed counsel (in Los Angeles, LADL is the court appointed law firm for parents) is presumed to be unable to pay the cost of court-ordered services.
- A court **may not declare** a parent/guardian **noncompliant** at a review hearing under sections 366.21, 366.22, 366.25, 364 and 388 if: The parent/guardian **cannot pay** for the service; or if payment would create an **undue hardship** and the social worker did not provide a **comparable free and accessible service**.

What this means for DCFS:

Responsibility lies with DCFS to provide reasonable efforts to connect parents/guardians to low/no-cost services. In order for the court to find reasonable efforts by the Department at review hearings (.21(e), .21(f), .22, .25, 364 and 388), DCFS needs to demonstrate that **either the parents were provided referrals to low/no-cost services that are accessible and available or DCFS covered the cost of the programs that were not covered by other sources (such as DPSS, DMH, Medi-Cal or private insurance.)**

If a parent/guardian has been court-ordered to participate in parent services and qualifies for court appointed counsel or if payment would create an undue financial hardship, the assigned Children's Social Worker (CSW) is required to complete the following steps:

1. Ensure the family is screened for potential eligibility for California Work Opportunity and responsibility to Kids Program (CalWORKS) or General Relief and refer potentially eligible families/individuals to Department of Public Social Services (DPSS) for an expedited intake.

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

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

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Follow the “[Service Linkages between the Department of Public Social Services \(DPSS\) and DCFS](#)” policy.

- a. Connect the family to GAIN Services Workers (GSWs) who are co-located at DCFS Regional Offices and can screen for eligibility and refer families to CalFresh and/or Medi-Cal or other Health Care Services.
  - b. Families who are eligible/enrolled in Medi-Cal or private insurance may have access to services and treatment through their healthcare provider.
2. Review referral resources and consult/collaborate with the office of Community Based Liaison and any co-located staff for low cost/free resources. Follow the “[Community Based Resources](#)” policy.

The following additional resources may be considered to search for low/no-cost services:

- a. Consultation with trusted partners who may know of resources in the community (i.e. Faith-Based Organizations, Sponsors, etc.)
  - b. Department of Mental Health Helpline (1-800-854-7771 or ([www.dmh.lacounty.gov/get-help-now](http://www.dmh.lacounty.gov/get-help-now))).
  - c. Department of Public Health-Substance Abuse Prevention and Control (DPH-SAPC) Substance Abuse Services Helpline (1-844-804-7500), [SUD-TIPS program](#) via Client Engagement Navigation Services (CENS) Navigators, and Service & Bed Availability Tool (SBAT) (<https://sapccis.ph.lacounty.gov/sbat/>).
  - d. Free online service provider registries such as One Degree ([www.1degree.org](http://www.1degree.org)) and FindHelp ([www.findhelp.org](http://www.findhelp.org)).
3. Consult with the SCSW and ARA if needed to explore additional resources.
4. If the above efforts have been exhausted without success in locating services that do not pose an undue hardship for the parent or guardian, the following options are available to request funding:
- Consult with the regional office Supportive Therapeutic Options Program (STOP) Liaison and submit a request for STOP funds if determined appropriate. Please send all STOP fund requests to: [STOPfunds@dcfs.lacounty.gov](mailto:STOPfunds@dcfs.lacounty.gov).

Note: If the Minute Order specifically documents that DCFS shall pay for a particular service, submit a request for Special Payments by sending an email to [SpecialPaymentRequests@dcfs.lacounty.gov](mailto:SpecialPaymentRequests@dcfs.lacounty.gov).

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**CSW's are recommended to include the following information in the WIC 366.21, 366.22, 366.25, 364 and 388 Court Reports:**

- Detail efforts to mitigate barriers to receiving and accessing to free, culturally appropriate, and timely court-ordered parent services.
- Document what specific documents were reviewed with the parents (i.e., referral packet, minute orders, and court-ordered case plan).
- Detail which resources were provided to the parents/guardians and date on which they were provided, including the name and contact information for each referral agency, type of service parent or guardian was referred to at the referral agency, confirmation that the agency was accepting new clients at the time of the referral, and the cost to the parent (if any).
  - CSW are encouraged to document verification using [receipt of referral form](#) as this could help DCFS when demonstrating our Reasonable Efforts.
- CSWs are recommended to document their consultation with any co-located staff from other departments.
  - For example, if the parent was receiving GAIN or other services through DPSS, their DPSS case plan may already include some of the required services and offered free of charge.
- If parents/guardians pay for any portion of the court-ordered case plan, the report should include confirmation that DCFS spoke with the parents regarding the amount they are paying and that the parents confirmed that the cost will not create an undue hardship. If the parent is unable to pay the cost and the CSW submitted a special payment or STOP fund request, the report should indicate that the CSW is following the process to request payment.
- If the parents/guardians are paying for their programs the report should include information that DCFS continued to inquire about undue hardship as financial situations may change during a review period.

Document details regarding efforts to assist with enrollment if there are barriers (i.e., as waitlist, or accessibility due to location, etc.) and any information that verifies efforts.

If CSWs do not document the above in the reports, and the parents are unable to pay for court ordered services or payment would create an undue financial hardship, the court may not be able

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to find the Department provided reasonable services to help the parents/guardian reunify if the parent did not comply with services. This could result in the Department being required to provide six additional months of reunification services.

CSW should contact County Counsel if the parent or guardian indicates paying for services would create an undue hardship but DCFS believes the parent does have the ability to pay. The Department is developing a long-term structure which includes the following:

- **Creation of Centralized Parent Services** –Explore the creation of a centralized parent services section in order to support CSWs, SCSWs and managers in assessing needs, providing referrals and tracking court ordered parenting services. The implementation team will identify resource needs and existing resources. The team will also partner with internal subject matter experts and other agencies/stakeholders to ensure alignment throughout the project.
- **Medi-Cal Focused Strategic Solution** – Explore feasibility of developing a long-term systemic model for a fiscal and managed care solution to parent services.
- **Digital Navigation Platform Solution** – Explore the adoption of a universal resource tool, as well as identify and integrate standard criteria/vetting process for all parent services.

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