

**SAN BERNARDINO COUNTY  
PROBATION DEPARTMENT PROCEDURE**

**NOTIFICATION OF RELATIVES WHEN A YOUTH IS REMOVED FROM THE HOME**

**Purpose:**

This procedure establishes compliance with Public Law 100-351, Assembly Bill 938, and Welfare and Institutions Code sections 309 and 628, requiring juvenile probation officers to exercise due diligence to identify and engage relatives and to provide notice to those relatives when a youth is removed from their home.

**Definitions:**

Public Law 110-351: Federal Law governing notification of relatives when a youth is removed from the home and placed in foster care.

Assembly Bill (AB) 938: Enacted January 1, 2010, amending Welfare and Institutions Code sections 309 and 628 to comply with Public Law 110-351.

Relatives: An adult who is related to the youth by blood, adoption, or the spouse of any of these persons even if the marriage was terminated by death or dissolution.

Non-Relative Extended Family Member (NREFM): An adult who has an established familial relationship with a relative of the youth, or a familial or mentoring relationship with the youth.

Notification of Relatives: A written or verbal notification that a youth is being removed from the home. The written notification shall include an explanation of the various options to participate in the care and placement of the youth along with the probation officer's contact information.

AB 938 Relative Notification (Attachment A): Includes a notification letter and a question-and-answer informational pamphlet which must be provided to relatives notified of the youth's placement status.

At Promise: The determination of "at promise" for this notification shall be the probation officer's intention to recommend out of home placement for a detained youth at disposition. The youth must be detained and "at promise" for the Notification of Relatives to be required. At promise has the same meaning as "at risk."

For this procedure "Relatives" refers to both the youth's birth family and non-relative extended family members.

**Responsibilities:**

I. Probation Officers:

- A. The probation officer who prepares the dispositional report shall obtain as much information as possible for any adult relatives of the youth. Document the names, addresses, and telephone numbers in Caseload Explorer (CE) under Event-Supervision-Family Findings Contacts.
- B. Once the probation officer determines a detained youth is "at promise" and it is the probation officer's intention to recommend out of home placement at disposition,

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the probation officer shall immediately initiate the notification of relatives and provide the required information within thirty (30) days. (Attachment A)

- C. If the probation officer does not recommend placement, but the Court subsequently orders out of home placement, the probation officer shall conduct an investigation to find and notify relatives within thirty (30) days.
  - D. Shall check Caseload Explorer (CE) under Family Findings for all known adult relatives and shall ask the youth and youth's family for contact information of any additional relatives.
  - E. Shall check CE under Events-Supervision-AB 938 Relative Notification for previous notification of relatives which may have been made on the youth's current case.
  - F. Shall proceed with notification of relatives both verbally (by phone or in person) AND in writing when contact information is available, and shall note each attempted contact in CE under Events-Supervision-AB 938 Relative Notification. Written notifications shall be made using the "AB 938 Relative Notification" form under documents in CE (Attachment A).
  - G. Verbal notifications shall only require basic information (possibility of placement and an offer to send written notification and information, or advisement it has been sent). An email is not an acceptable method of written communication.
  - H. Each notification shall be entered separately under Events-Supervision-AB 938 Relative Notification and the officer shall include the name of the person notified in the comments field on the notification page.
  - I. If no contact is possible because no valid addresses or phone numbers are available for the names provided by the youth's family, this shall be noted in CE as well in the event comment field under AB 938 Relative Notification.
  - J. Shall provide additional assistance to relatives who respond to the notification if appropriate and evaluate any information or offers of assistance received from relatives according to the circumstances of the case.
  - K. Shall not provide any confidential information to any person not authorized to receive it, pursuant to the Offender Record Security Procedure, and Welfare and Institutions Code Section 827, which govern the inspection of case files.
  - L. All responses from relatives shall be noted in CE under Family Contact at the time the response is received, as well as any subsequent action taken by the officer.
  - M. Shall use the obtained information to complete the Family Findings section of the dispositional report or dispositional memos.
- II. Supervising Probation Officers:
- A. Shall check cases at transfer to ensure notification of relatives has been made when appropriate.
  - B. Shall include spot checks of notification of relatives on applicable cases when conducting their monthly caseload audits.

### **Guidelines:**

Phone messages left are considered verbal notification and should be noted as such in comments under AB 938 Relative Notification.

### **Inspections:**

Refer to the Policy and Procedure Inspection Matrix.

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**Foundation:**

Welfare & Institution Code (Sections 309, 362.7 and 628)

Public Law 110-351

AB 938 (Enacted January 1, 2010)

California Department of Social Services All-County Letter No. 09-86: Notification of Relatives, issued December 29, 2009

Assembly Bill (AB) 938 (Chapter 261, Statutes of 2009); Welfare and Institutions Code (W&IC) Sections 309, 319, 361.3 and 628; Family Code (FC) Section 7950; Public Law (PL) 110-351

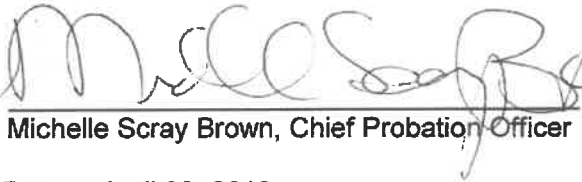
AB 413

**References:**

Welfare and Institutions Code, Section 827

Offender Record Security Procedure

Issued By:

  
Michelle Scray Brown, Chief Probation Officer

8/19/20  
Date

Original Issue Date: April 28, 2010

Revised Date: July 9, 2018

Revised Date: August 19, 2020

Attachment A - AB 938 Relative Notification



TRACY REECE  
Chief Probation Officer

JULIE FRANCIS  
Assistant Chief Probation Officer

Re:

Dear \_\_\_\_\_ :

This letter is to inform you that proceedings have been started to remove \_\_\_\_\_ from his/her parent or guardian's home and temporarily place the youth in court-ordered out of home placement.

California law requires that when a child is removed from their home, adult relatives should be located, contacted and told about the child's removal and how the relative(s) can choose to help the child during this difficult time. You have been identified as an adult relative of \_\_\_\_\_. Enclosed please find information about ways you can be of assistance, including such things as: letting us know about other relatives who may want to help; visiting \_\_\_\_\_ at placement (if appropriate); or providing a stable home environment once the youth finishes placement. Not all of these options may be appropriate in \_\_\_\_\_ case. You may also provide information to the juvenile court verbally or in writing.

This will be our only notification to you about the proceedings. You are under no obligation to respond, but if you choose not to respond, this may result in \_\_\_\_\_ placement and care without your input. Please contact me at the number(s) listed below if you have any questions or information to offer.

Sincerely,

«PersonId.Officer.Full»  
«PersonId.Officer.Job»  
«PersonId.Officer.Address»  
«PersonId.Officer.Phone»

## **Important Information for Relatives**

**Q1: I am the relative of a youth who is being removed from his or her home. What should I do?**

**A1:** If you want to be involved in helping the youth or family, please contact the child's probation officer.

**Q2: What can I do to help?**

**A2:** Connections with relatives and family friends are important for all children, especially for children whose families are in crisis. You can give the family support and encouragement as the parents try to resolve the problems that led to the youth being removed from them. You can also help by calling and visiting the child, inviting them to your home for holidays and other occasions, remembering birthdays, etc. You can assist the youth's probation officer in locating other relatives and family friends who might be able to help the youth and family, including those who live out of state. You may also want to consider having the youth live with you until he/she can safely return home.

**Q3: What about the child's brothers and sisters?**

**A3:** In most cases, the goal is to keep brothers and sisters together, but this is not always possible. Even if brothers and sisters have to live in separate homes, you may be able to help them keep in touch through visits and family events.

**Q4: If I want the youth to live with me instead of being placed (or after they complete placement), what do I need to do?**

**A4:** You may request to be approved as a relative caregiver. You should consider whether you are able to provide for the youth on a long-term basis if the youth is not able to return to the home of his or her parents. By law, preferential consideration for placement of the child is given to adult grandparents, aunts, uncles, brothers and sisters. Certain requirements must be met:

- Criminal record clearances are obtained for all adults living in the home;
- All adults are screened for prior child abuse histories;
- The home must meet health and safety standards;
- There must be a demonstrated ability to care for and supervise the youth;
- The relative must agree to ensure the child's rights are protected.

**Q5: There is someone in my household who has a criminal background. Does that mean the youth can't live with me?**

**A5:** Some crimes may be exempted allowing for placement in your home. Each case is reviewed carefully. The probation officer will let you know if this is an option for you.

**Q6: What kind of financial and social support will I receive if I choose to be a caregiver?**

**A6:** Once a youth is placed in your home you are eligible to apply for financial support, which may be available either through the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program or foster care funding. The youth's probation officer will do the following things:

- Assist you in obtaining financial and medical assistance;
- Work with you to access health and dental care for the child;
- Give you information on what to do and who to call if problems occur;
- Have contact with you and the child at least once a month;
- If eligible, provide a yearly clothing allowance for the child;
- Provide assistance with emergencies; and
- Help arrange parent-child visits, counseling and other services the youth may need.

**Q7: If my home is approved will the youth get to live with me?**

**A7:** Not necessarily. There are other considerations, such as orders of the court and the needs of the youth. You and other relatives may be assessed and approved. This allows the county to have a group of interested relatives from which to choose. Where the youth will live will be carefully considered based on many factors. The approved home should meet the youth's best interests while minimizing further disruption to the youth's life and activities. Things that must be considered are the youth's proximity to the following:

- Their current school;
- Their family and friends;
- The programs and activities the child currently participates in; and
- Your ability and willingness to supervise the youth, and cooperate with Probation and the court's orders regarding probation.

**Q8: What about visits between the youth and the birth parents? How does that work?**

**A8:** The probation officer and the court, and any other parties involved in the proceedings (such as a social worker), will determine how often the child and parent can visit. Relatives and other caring adults may help in many ways to ensure that visits are safe and productive. They may be able to provide a safe space for visits, transport parents and the youth to and from visits, and be a supportive familiar presence for the parent and youth.

**Q9: What happens if the youth cannot return home?**

**A9:** Living with a family permanently is the primary goal. When a youth isn't able to return to the parents, the family the child is living with is usually considered first as a permanent family. You may be asked about becoming the child's legal guardian or adopting the youth. Ongoing financial and medical assistance may be available through the Adoption Assistance Program, the Kinship Guardianship Assistance Payment program or CalWORKs. Information about these programs is available from the youth's probation officer and online at <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/pub344.pdf>.

**Q10: I live out of state. How can I get involved?**

**A10:** In some circumstances, a youth may be placed with a relative out of state. The probation officer can discuss this option with you. You can also be supportive by maintaining contacts and visits.

**Q11: If the youth has American Indian heritage, how can I help the child maintain connections with his or her cultural heritage?**

**A11:** The probation officer is required to ask all relatives about the child's connections with American Indian tribes so the youth can benefit from any services available to American Indian children. If you can help answer questions about yourself and other relatives who may be enrolled members of American Indian tribes, please let the probation officer know.

**Q12: If I want to give information to the court about the youth, how do I do that?**

**A12:** You may write a letter to the judge. The letter will also be seen by everyone in the case (parents, social workers, and lawyers). You can tell the court how you know the child, what things you have done with the youth, and share your concerns about him/her. Beginning in January 2011, there will be a Relative Information Form you can give to the court. You can ask the probation officer to give you this form, or you can ask for it at the court clerk's office.