

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MARCH 15, 2022**

MINUTE ORDER NO. 4

SUBJECT: AUTHORIZE RENEWAL OF AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES FOR LEGAL CONSULTATION AND LEGAL REPRESENTATION IN ADMINISTRATIVE ACTION APPEALS ASSOCIATED WITH THE RESOURCE FAMILY APPROVAL PROGRAM (DISTRICTS: ALL)

OVERVIEW

The Resource Family Approval (RFA) Program is a statewide caregiver approval process for related and non-related caregivers of children in foster care. The RFA Program combined elements of the previous foster parent licensing, relative approval, and approvals for adoption and guardianship and replaced those processes with one comprehensive approval process. The RFA process improved the way related and non-related caregivers are approved and prepared to parent vulnerable children and youth interacting with the child welfare and juvenile justice systems. Under the RFA Program, if a family is denied as a resource family or the family's prior approval is rescinded by the county administering the RFA Program, the family has a legal right to appeal the decision to an administrative law judge.

On May 19, 2020 (10), the San Diego County Board of Supervisors authorized the Agency Director, Health and Human Services Agency and the County Counsel to enter into and sign Agreement 19-5062 with the California Department of Social Services (CDSS). This agreement permitted legal representation in administrative action appeals associated with the RFA Program for the period of January 1, 2019 through June 30, 2021. A new agreement is required for the period of July 1, 2021 through June 30, 2024.

The purpose of Agreement 21-5040 is to outline the terms and conditions for the CDSS Legal Division to act as the sole legal representative on behalf of the County of San Diego (County) Health and Human Services Agency, Child Welfare Services (CWS) and the San Diego County Probation Department (Probation) for all matters related to appeals of an RFA denial or rescission. Today's action requests authorization for CWS and Probation to receive legal representation from the CDSS Legal Division on all RFA related appeals for the period of July 1, 2021 through June 30, 2024.

This item supports the County's vision of a just, sustainable, and resilient future for all, specifically those communities and populations in San Diego County that have been historically left behind, as well as the ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe and thriving communities. This will be accomplished by ensuring equity, access, and justice for families applying to be a resource parent, improving outcomes for children and youth and furthering efforts to provide accelerated permanency to children and youth interacting with child welfare and juvenile justice systems.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Authorize the Agency Director, Health and Human Services Agency, and the County Counsel, or designees to enter into and sign Agreement 21-5040 with the California Department of Social Services for the provision and receipt of legal representation for the period of July 1, 2021 through June 30, 2024, and to execute any subsequent amendments thereto.
2. Adopt a resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO AGREEMENT 21-5040 WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES FOR LEGAL CONSULTATION AND LEGAL REPRESENTATION IN ADMINISTRATIVE ACTION APPEALS ASSOCIATED WITH THE RESOURCE FAMILY APPROVAL PROGRAM.

EQUITY IMPACT STATEMENT

The County of San Diego Health and Human Services Agency, Child Welfare Services (CWS) Resource Family Approval (RFA) Program has received over 4,416 applications for potential resource families since its inception in January 2017. The RFA process improves the way caregivers (related and non-related) of children in foster care are approved and prepared to parent vulnerable children, whether temporarily or permanently.

As of November 2021, there are 2,231 youth in out of home care, which includes 1,617 Black, Indigenous, and People of Color (BIPOC) youth. CWS actively recruits resource families that are representative of the youth in out of home care by partnering with faith-based and community organizations. CWS provides a comprehensive overview of the temporary and permanent placement options for applicants by presenting the information at in-person events, on local news outlets, and a dedicated website.

The number of RFA placement denials from January 2017 to December 2021 is broken down by ethnicity in the table below, which includes a total of 132 placement denials. To ensure just and equitable opportunities for applicants of the resource family home approval process, CWS partners with nonprofit entities to provide items such as beds, dressers, pool fences and other needed household items that could present barriers to prospective resource families completing the approval process.

Year	African American/ Black	White	Hispanic	Asian/ Pacific Islander	American Indian	Unk	Decline to state	Multiple ethnicity	Total
2017	60% (3)	40% (2)	N/A	N/A	N/A	N/A	N/A	N/A	100% (5)
2018	19% (7)	50% (18)	14% (5)	3% (1)	N/A	N/A	3% (1)	11% (4)	100% (36)
2019*	13% (5)	57% (21)	8% (3)	N/A	N/A	13% (5)	5% (2)	3% (1)	100% (37)
2020	19% (7)	31% (11)	19% (7)	3% (1)	3% (1)	14% (5)	N/A	11% (4)	100% (36)
2021	28% (5)	33% (6)	28% (5)	N/A	N/A	11% (2)	N/A	N/A	100% (18)
Total	20% (27)	44% (58)	15% (20)	2% (2)	1% (1)	9% (12)	2% (3)	7% (9)	100% (132)

*Due to rounding the total does not equal 100%.

The California Department of Social Services (CDSS) Legal Division created the regulations for the RFA Program and has the most expertise and experience in this area. Therefore, having the CDSS Legal Division provide free legal representation ensures strong legal guidance for CWS and the San Diego County Probation Department. By utilizing the CDSS Legal Division it also creates a transparent, consistent process for applicants during rescissions and denials.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-018, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO AGREEMENT 21-5040 WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES FOR LEGAL CONSULTATION AND LEGAL REPRESENTATION IN ADMINISTRATIVE ACTION APPEALS ASSOCIATED WITH THE RESOURCE FAMILY APPROVAL PROGRAM.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter