



MEMORANDUM

TO: HUMAN SERVICES COMMISSION

THROUGH: TRENT RHORER, EXECUTIVE DIRECTOR

FROM: JOAN MILLER, DEPUTY DIRECTOR
 JOHN TSUTAKAWA, FCS PROGRAM DIRECTOR

DATE: JUNE 25, 2020

SUBJECT: STATE AGREEMENT FOR THE PROVISION OF LEGAL
 CONSULTATION AND REPRESENTATION FOR THE
 RESOURCE FAMILY APPROVAL PROGRAM:

GRANT TERM: 07/01/19 – 6/30/21

	<u>New</u>		<u>Contingency</u>		<u>Total</u>
GRANT AMOUNT:	\$0		\$0		\$0

	<u>FY 19/20</u>	<u>FY 20/21</u>
ANNUAL AMOUNT:	\$0	\$0

	<u>County</u>	<u>State</u>	<u>Federal</u>	<u>Contingency</u>	<u>Total</u>
FUNDING:	\$0	\$0	\$0	\$0	\$0
PERCENTAGE:					

The Department of Human Services (DHS) requests retroactive authorization to enter into an agreement with the California Department of Social Services for the period of July 1, 2019 to June 30, 2021 and for Trent Rhorer to sign on behalf of the Human Services Agency. This agreement covers the provision of legal and other services related to the Resource Family Approval Program (RFA).

While there is no cost for this service, the state requires approval by a Commission or Board that authorizes the Executive Director to sign on behalf of the county. As the Human Services Commission approves the executive director to sign contracts on behalf of the agency, the Commission is the appropriate body to approve Trent Rhorer to sign on behalf of HSA and the County.

Background

The Resource Family Approval Program (RFA) was started in San Francisco in August, 2014 to create consistent standards for the approval of relative, foster and adoptive homes. San Francisco was an early implementer in California. The state mandated RFA for all counties starting January 2017.

The concept of RFA was to replace separate approval processes for relative, foster, legal guardianship, and adoptive placements and create one consistent process and standard for all placements. In addition to ensuring the same safety and permanency standards for different types of placements, the RFA concept made it easier to move towards adoption as the relative or family home has already met the standard for an adoptive placement.

During the RFA process, applications are sometimes denied or rescinded. Additionally, waivers for a criminal record exemption are sometimes denied or rescinded. If an application or waiver is denied or rescinded, the county sends a Notice of Action (NOA) and the applicant is entitled to an appeal process.

Through this agreement, the state offers legal consultation and representation to the counties, including San Francisco on legal matters that arise pertaining to the RFA appeals and related matters. These legal services have been provided by the state since the start of the SF RFA Program in 2014. Prior to RFA, the state provided legal representation services for foster care licensing approvals and actions.

Services to be Provided

CDSS will provide the following services:

- 1) Legal consultation and representation on RFA notice of actions including on denials or rescissions of approvals and criminal record exemptions.
- 2) Consultation and representation on requests for information, placement issues, CACI grievance hearings, temporary suspension orders, actions on complaint investigations, and other matters related to the RFA program.
- 3) Representation at prehearing conferences, settlement conferences, and other hearings.
- 4) A county liaison for informal consultation
- 5) Monthly consultation meetings to discuss pending actions and appeals.

County responsibilities

The county is responsible for the following:

- 1) Serving Notice of Actions and operating the RFA program in accordance with the Welfare and Institutions Code.
- 2) Consulting with CDSS prior to denying applications or rescinding approvals for RFA homes and also waivers of criminal exemptions.
- 3) Coordinating administrative actions related to the NOA appeal process.
- 4) Complying with state requirements regarding the NOA appeal process.
- 5) Preparing a statement of facts and other documents in working with the CDSS Legal Division. Obtaining court, law enforcement and other documents as required by the CDSS Legal division.

Selection

CDSS provides legal services for all CA counties related to RFA as part of its operation of the State RFA program. This helps create consistent standards and adherence to state regulations by all counties.

Funding

There is no cost attached to this service.

ATTACHMENTS

Standard Agreement 19-5063 between the California Department of Social Services and the San Francisco Human Services Agency