

Recommending Guardianship at the Dispositional Hearing

(Revised 10/11/19)

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Forms

The following forms are referenced in this file:

- 04-24scp Authorization for Release of Information – Caregiver/Prospective Caregiver
- 04-253 Information About the Kin-GAP Program
- 04-253sp Information About the Kin-GAP Program (Spanish)
- 04-271 Guardianship Questionnaire
- 07-65 Placement Information and Payment Authorization (*CWS/CMS Template*)
- [JV-330](http://www.courts.ca.gov/forms) Letters of Guardianship (<http://www.courts.ca.gov/forms>)
- [JV-350](http://www.courts.ca.gov/forms) Guardianship Pamphlet (<http://www.courts.ca.gov/forms>)
(form is in Spanish, Chinese, Korean and Vietnamese)
- SOC 369 Agency-Relative Guardianship Disclosure(*CWS forms*)

Policy

The CI SW will follow the procedure below when:

- The parent does not want Family Maintenance or Reunification Services, **and**
 - There is someone willing, available and appropriate for **Guardianship, and**
 - The parent(s) and child (if of appropriate age) *agree* to Guardianship, **and**
 - The parent(s) so informs the court.
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Procedure

If it is appropriate to recommend Guardianship, the CI worker will:

Step	Action
1	Review the CWS Guardianship Policy.
2	Give the prospective guardian the JV-350. If the prospective guardian is a relative go to Step 3. If the prospective guardian is not a relative go to Step 4
3	See Kin-GAP eligibility requirements below. Or Provide the 04-253 or 04-253sp. Have the prospective relative guardian indicate his/her intent to assume guardianship and choice of payment option, by completing and signing the SOC 369.
4	Advise the prospective guardian of the financial assistance options available to guardians. Contact the regional Placement Unit to discuss Resource Family Approval (RFA). All prospective guardian homes must meet RFA requirements. The child cannot be placed and the guardianship cannot go forward if there is no Resource Family Approval.
5	Address the parent's and child's desire for Guardianship in the Juris/Dispo Hearing Report (J&D Report). NOTE: A Court Report Addendum should be prepared if the J & D Report has already been submitted to court without this information.

Procedure (cont.)

Step	Action
6	<p>Prepare an Assessment for the Dispositional Hearing. Use the 04-271 form to collect the social history information needed for the report.</p> <p>Pursuant to WIC 360(a) the report and assessment must include the following information:</p> <ul style="list-style-type: none">• Current search efforts for any absent non-custodial parent.• An evaluation of the child’s medical, developmental, scholastic, mental and emotional status• A review of the amount and nature of any contact between the child and his parents and other members or his or her extended family since the filing of the petition.• A preliminary assessment of the prospective guardian’s eligibility and commitment to guardianship, e.g.:<ul style="list-style-type: none">○ Ability to meet the child’s needs.○ Understanding of the legal and financial rights and responsibilities of guardianship.○ Motivation for seeking guardianship.• A social history of the prospective guardian, including a screening for criminal records and prior child abuse referrals. The SW cannot release specific criminal history unless the SCP has signed a 04-24scp form. If a 04-24scp has been signed, only a summary criminal history may be disclosed.• A SCP cannot sign to release their CWS history as that information belongs to the Juvenile Court. Only the Juvenile Court, via an 827 - Petition for Disclosure of Juvenile Case File, can authorize the release of CWS history. The relationship of the child to the prospective guardian, the duration and nature of the relationship.• A statement from the child concerning the guardianship unless he child’s age or physical, emotional, or other condition precludes the child’s meaningful response. If so, state the condition/reason.

Procedure (cont.)

Step	Action
7	<p>Complete Case Plan. Make sure to include Additional Case Plan Elements for Specific Situations including:</p> <ul style="list-style-type: none">• children residing with a prospective relative guardian who will be seeking Kin -GAP funding.• children with PP of Guardianship.• children age 10 and older if applicable.• children 14 and older if applicable.• children age 16 and older if applicable.• contact requirements for non-relative guardians . <p>For prospective relative guardians GO to Step 8.</p> <p>For non- relative prospective guardians Go to Step 9.</p>
8	<p>Verify with the Foster Care Eligibility worker that the caregiver is eligible for Kin-GAP prior to recommending that the Guardianship be ordered and Court jurisdiction be terminated.</p> <p>NOTE: The relative caregiver will not be eligible for Kin-GAP payments until the child has been in the approved RFA home for six consecutive months. As a result the matter will probably need to be continued</p>
8	<p>Use Dispositional Recommendation Set G to make 360(a) guardianship recommendation to the court.</p> <p>Complete the JV-330, attaching 2 originals to the court copy of each child’s court report.</p> <p>NOTE: JV-330 is a Superior Court form. Contact the Guardianship Unit if assistance is needed to complete the form.</p>

Kin-GAP Eligibility

The following requirements must be met in order for relative to receive Kin-GAP:

- Child has been removed from the parental home pursuant to a voluntary placement agreement or as a result of a judicial determination and have been adjudged a dependent child of the juvenile court pursuant to W&IC 300 or a ward of the Juvenile Court pursuant to W&IC 601 or 602;
 - OR**
 - Voluntary out of home placements established in a juvenile court under WIC 360;
 - AND**
 - Been residing for at least six consecutive months in the approved home(must be completed RFA, an Emergency RFA is not sufficient) of the prospective relative guardian while under the jurisdiction of the Juvenile Court
 - OR**
 - A voluntary placement agreement immediately prior to going into guardianship;
 - AND**
 - A written binding agreement must have been entered between the relative guardian and the county welfare or probation department or the tribe that has a Title IV-E agreement with the State;
 - AND**
 - A kinship guardianship established pursuant to W&IC 366.26, 360 or 728(d);
 - AND**
 - A dependency dismissed pursuant to W&IC Section 366.3 or wardship terminated pursuant to W&IC Section 728(e) concurrently or subsequently to the establishment of the kinship guardianship;
 - AND**
 - An assessment/guardianship study completed and documented pursuant to WIC section 366.21.
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Once the Guardianship is Finalized

The CI SW will follow these steps when the court orders guardianship and terminates jurisdiction:

Step	Action
1	<ul style="list-style-type: none"> • Within one work day, complete sections D and E on the 07-65. • If guardian is a relative go to Step 2. • If guardian is a non-relative go to Step 3.
2	<ul style="list-style-type: none"> • To terminate foster care payment if the guardian is a relative, complete Section D2 under “Termination.” • For reason for foster care termination dependency select “placed with relative guardian.” <p>NOTE: Inform relative guardians that they are eligible to apply for CalWORKs if they are not eligible for Kin-GAP. .</p> <ul style="list-style-type: none"> • Attach a copy of the minute order establishing the guardianship to the 07-65, and immediately forward to the Registrar. • Close the case
3	<ul style="list-style-type: none"> • Within one working day complete Sections D and E of the 07-65. • For section D Change of Placement check placed with Guardian, • Section E 1 select Legal Guardian, section E2 select Non-relative guardian under relationship to child. • Attach a copy of the minute order establishing the guardianship to the 07-65, and immediately forward to the Registrar. • Change Service Component to Permanent Plan and Voluntary • Transfer case to Continuing Services. See Case Transfers. • Regional assignment is based on address of child’s placement.

Alignment with SET

This policy aligns with SET [Value #1](#) Relationships with Children, Youth and Families Are the Foundation by partnering with the whole family to create long-term safety, ongoing permanency, and well-being.