

# Presumptive Transfer

(Created 04/13/18)

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## Forms

Forms used in the Presumptive Transfer (PT) process are described below:

Form	Form Name	Purpose
04-24p (English, Spanish)	Consent for Examination and Treatment of a child (English and Spanish)	Provides consent for outpatient mental health treatment.
04-24C	Order authorizing medical examination and treatment	Provides consent for outpatient mental health treatment. Also used if there is no parent available to sign a 04-24P.
04-750 (English, Spanish)	Notification of Out-of- County Placement and Presumptive Transfer of Specialty Mental Health	Provides written notification that a decision was made to move a youth out of county <b>and/or</b> to provide written notification that the youth's Specialty Mental Health Services will be presumptively transferred to the county where the youth will reside. Also explains the steps to dispute the move <b>and/or</b> the presumptive transfer.

**Forms (cont.)**

<b>Form</b>	<b>Form Name</b>	<b>Purpose</b>
04-751 (English, Spanish)	Presumptive Transfer Waiver Request	This form is provided along with the Out of County Placement and Presumptive Transfer Notification Letter (04-750) and is submitted by any <a href="#">legal party</a> (or filed by the SW) as a formal request for a waiver of presumptive transfer.
04-752 (English, Spanish)	Notification of Presumptive Transfer Waiver Determination	This letter is provided after the Child and Family Team discuss a waiver request and CWS makes a determination to approve or deny the waiver. It explains to all <a href="#">legal parties</a> how to request judicial review of they disagree with CWS's determination on a waiver.
04-753	Notification of Presumptive Transfer (CWS/CMS Template)	This form is provided to the county Mental Health Plan (MHP) in the county where the youth will reside (COR) and to Behavioral Health Services (BHS) in the County of San Diego (COSD) as an official notice of PT or a waiver of PT.
04-754	Presumptive Transfer Declaration of Service	The Declaration of Service form documents that the SW sent out notices and forms as required by WIC section 1417.1
04-755 (English, Spanish)	Presumptive Transfer of Specialty Mental Health Services (SMHS) Brochure- informational brochure for Child and Family Team Members	The PT Brochure explains the PT process, answers common questions, and summaries forms and letters that will be provided to CFT members.

## Forms (cont.)

Form	Form Name	Purpose
04-756	Presumptive Transfer Special Matter Order (SMO)- Authorizing the disclosure of information between the HHSA, COSD, and the County of Residence County (COR) Mental Health Plan (MHP)	Allows the County of San Diego HHSA to release information to the county MHP in the County of Residence (COR).
<a href="#">JUV-273</a>	Request for Judicial Review of Decision on Waiver of Presumptive Transfer and Order	This Juvenile Court form is provided by the SW along with the Notification of Waiver Determination (04-752) and it allows any <a href="#">legal party</a> to submit a request to the juvenile court to set a special hearing to review the decision that CWS made on the waiver.

The following letters and forms are provided together and all can be provided in the CFT meeting:

- 04-750, 04-751 and 04-755 are provided together during the CFT convened to discuss the out of county placement.
- 04-752 and JUV-273- are provided together during the CFT convened to discuss the waiver.

## Introduction

Presumptive Transfer (PT) of Specialty Mental Health Services (SMHS) was established by Assembly Bill 1299 (September 25, 2016), which was enacted by the State of California to ensure that foster-care and non-minor dependent (NMD) youth up to age 21, are able to receive timely mental health services when residing in a county other than the county that holds jurisdiction of their case.

Effective July 1, 2017 the Medi-Cal benefit billed for foster youth and NMD's to receive mental health services is to be transferred by the SW to the youth's county of residence (COR). When PT occurs, the Mental Health Plan (MHP) in the COR becomes responsible for the authorization, provision, and payment of SMHS.

When a youth is placed out of county, PT will always occur unless a legal party to the case requests a waiver that is approved by CWS and/or the Juvenile Court. CWS can approve a waiver without involvement of the Juvenile Court if all parties are in agreement. The waiver can be reviewed by a Juvenile Court Judge if any of the [legal parties](#) dispute CWS's decision to approve or deny a waiver.

The policies and procedures below explain the steps that need to occur prior to sending a Notification of PT (04-753) to another county when a waiver is not requested, the steps for when a waiver is requested, the steps for establishing and approving a waiver, and the steps for sending case records and mental health documents after a Notification of PT has been provided to the county where the youth is placed or NMD resides.

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## Introduction (cont.)

PT is a key component of Safety Enhanced Together (SET) and aligns with the following SET values:

- [Value 1](#): building shared understanding and agreement through family engagement; ensuring the child/youth's voice is gathered/represented at every meeting to inform key decisions on well-being
  - [Value 2](#): consistent communication and information sharing; and seeking and creating opportunities for biological families, kinship, and resource families to communicate and work together for the child/youth's best interests
  - [Value 3](#): continual focus on children's well-being, while they are in our care
  - [Value 4](#): maintaining open communication and transparency with families and community partners.
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## Definitions

The following table defines terms used in this policy:

Term	Description
Behavioral Health Assessment (BHA)/Mental Health Assessment	<p>A comprehensive psychosocial assessment document that includes presenting problems, relevant mental health history, risk factors, pertinent family information, and a clinical formulation where a formal diagnosis is stated and an appropriate plan for treatment is outlined.</p> <p>A BHA or mental health assessment is needed to determine if a youth meets medical necessity criteria to be eligible to receive SMHS.</p> <p><b>NOTE:</b> A BHA is an assessment completed by a BHS Org provider and a mental health assessment is completed by a fee for service licensed clinician (most often a TERM therapist).</p>
Behavioral/Mental Health Screening	All children/youth will receive a mental health screening (see CANS (Child and Adolescent Needs and Strengths)) within 30 days of a CWS case being opened. This includes family reunification, family maintenance, and voluntary services cases. DSEP screens youth ages 0-5 and Pathways to Well-Being Care Coordinators screen youth ages 6-17.
Behavioral Health Services (BHS)	BHS is a division of the County of San Diego's (COSD) Health and Human Services Agency (HHSA) that provides a continuum of mental health and alcohol and other drug services for children, youth and families, adults, and older adults. BHS is the Mental Health Plan (MHP) division of the COSD HHSA.

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**Definitions (cont.)**

<b>Term</b>	<b>Description</b>
Care Coordinator	The professional responsible for intensive care coordination (ICC) for Enhanced Services youth, including developing the Child and Family Team and providing case management services for the youth/family to ensure that plans from any partners are integrated and coordinated to support safety, permanency and well-being.
Child and Family Team (CFT)	A CFT is comprised of the youth, the family and their formal and informal support system, who are working with them toward their successful transition out of the Child Welfare System.
County of Jurisdiction (COJ)	The county whose juvenile court holds jurisdiction of the dependency case.
County of Residence (COR)	The county where the youth is placed/resides.
Enhanced Youth (aka Katie A. subclass)	Youth who receive Enhanced Services, as mandated by Katie A (Pathways to Well-Being), are youth who meet eligibility criteria. These youth have more intensive needs and meet medically necessary criteria to receive SMHS. These youth must have a Care Coordinator, receive Intensive Care Coordination, 90 day CFT meetings, and are eligible for Intensive Home Bases Services (IHBS).
Intensive Care Coordination (ICC)	A service that is responsible for facilitating assessment, care planning and coordination of services for Enhanced Youth.
Legal Parties	Legal Parties, in this policy, refers to a youth, parent(s) with parental rights, a youth's attorney, and a tribal representative.
Medi-Cal Eligibility Data System (MEDS)	MEDS is a computer system that is used for a variety of eligibility and reporting functions specific to Californians receiving Medi-Cal benefits.
Mental Health Plan (MHP)	An entity that enters into a contract with the Department of Health Care Services to provide or arrange and pay for SMHS. Each county in the state of CA has a county MHP.

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**Definitions (cont.)**

Term	Description
Organizational Providers (Org Providers)	Community Based agencies (contractors) and county operated sites that provide behavioral health treatment services through the county's MHP.
Point of Contact (POC)	A POC for PT has been designated for CWS, Juvenile Probation, and BHS. Each county has identified points of contact to facilitate and streamline PT communication. The CWS POC is the policy analyst listed at the bottom of this file.
Presumptive Transfer (PT)	A prompt transfer of the responsibility for the provision of, or arranging and payment for Specialty Mental Health Services from the county of jurisdiction to the county in which the foster child resides.
Specialty Mental Health Services (SMHS)	Medi-Cal term to define a class of therapeutic services made available to Medi-Cal recipients who are identified as needing such services in order to address significant problems with living. These services include individual, group and family psychotherapy, rehabilitation, targeted case management, collateral services, and Therapeutic Behavioral Services (TBS).
Waiver of Presumptive Transfer	A waiver of presumptive transfer allows the county of jurisdiction to provide SMHS for a youth who is placed in a county in the State of California that is outside of the county of jurisdiction. When a waiver is approved, provisions, arrangement and payment of SMHS remain with the COJ.

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**Policy**

This table describes the **general steps** of Presumptive Transfer SWs follow for all youth and NMDs who will reside or be placed out of county, within the state of CA (details for each step are provided throughout the rest of this document):

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Policy (cont.)

Step	Action
1	<ul style="list-style-type: none"> <li>• Convene a CFT meeting to discuss Out-of-County Placement and Presumptive Transfer (PT). The discussion should include information about waivers and how to file waivers.</li> <li>• Discuss PT and waivers with the youth’s attorney separately if the attorney didn’t attend the CFT meeting.</li> </ul>
2	Provide the 04-750, 04-751, and 04-755 to all <a href="#">legal parties</a> .
3	Convene another CFT meeting to discuss the waiver (if a waiver of PT is requested after the initial CFT meeting when PT was discussed).
4	After approving or denying the waiver request, provide the 04-752 and JUV-273 to all <a href="#">legal parties</a> .
5	If judicial review of a waiver is requested, provide an addendum report to the court.
6	Request the contact information for the PT Point of County (POC) in the county of residence from the CWS PT policy analyst or from your regional/program PT expert.
7	Send regional/program PT expert the 04-753 to review, track, and enter Special Project Code (SPC) prior to sending the notification to the MHP points of contact.
8	<p>After regional/program PT expert approves 04-753, email, via encrypted email, (see Email Policy) a completed Notification of Presumptive Transfer (04-753) a signed Consent to Treat (04-24) <b>and</b> the Special Matter Order (SMO) (04-756) to the BHS POC and the COR POC in the county where the youth or NMD will reside.</p> <p><b>NOTE:</b> The 04-753 is needed regardless of whether or not the youth is already receiving mental health services, qualifies for SMHS, and whether or not a waiver applies.</p>
9	Upon receiving confirmation of acceptance of PT from the COR, send the most current behavioral/mental health assessment and other related PT documents to the COR POC.

Policy (cont.)

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Step	Action
10	Document PT in a CWS/CWS contact, the youth's case plan and court reports.
11	Work collaboratively with the MHP in the COR to ensure the youth is receiving appropriate mental health services.

For all youth and NMDs **who are currently placed out of county, but PT has not yet occurred**, the SW will complete the items listed above **and** in addition will:

Step	Action
1	Ensure the youth has had a mental health screening within the past 12 months or request a screening via DSEP or Pathways to Well-Being, prior to sending a Notification of PT (04-753) to another county.  <b>NOTE:</b> DSEP screens children 0-5 years 10 months and Pathways to Well-Being staff screen youth ages 6-17.
2	Complete the PT process at least 10 days prior to the youth's upcoming status review hearing and document the transfer or waiver in the court report.

The MHP in the COR is required to:

- accept PT for any youth residing in their county,
- accept a behavioral health assessment (BHA) or mental health assessment, if one was completed for the youth prior to the youth moving out of county.

**NOTE:** The MHP in the COR may update or conduct a new assessment if clinically indicated, but updates or new assessments may not delay the COR from setting up timely SMHS for the youth.

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**Mental health screenings and mental health assessments**

All children/youth (ages 0-17) receive a mental health screening (see CANS (Child and Adolescent Needs and Strengths)) within 30 days of a CWS case being opened. This includes family reunification, family maintenance, and voluntary services cases.

If a mental health screening yields a positive result, the Child and Family Team will determine if a mental health assessment from a TERM or BHS provider is warranted. Either of these assessments can be used to determine if a youth meets medical necessity criteria for SMHS.

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**Mental health screenings and mental health assessments (cont.)**

The assessment will evaluate the current status of the youth’s mental, emotional, or behavioral health. The results of the mental health assessment will determine if the youth meets the Medi-Cal standards for medical necessity criteria to be eligible for SMHS, as set forth in CCR, Title 9, Section 1830.205 or Section 1830.210.

Meeting medical necessity for SMHS is one of the criteria used to determine if a youth qualifies for Enhanced Services through Pathways for Well-Being.

**Process for sending notification of presumptive transfer (04-753) without a waiver**

**Presumptive Transfer Process Table:** The table below shows the steps for sending a Presumptive Transfer Notification (04-753) when a **waiver is not requested**:

Step	Who	Action
1	SW	<ul style="list-style-type: none"> <li>• Convene a CFT meeting to discuss Out-of-County Placement and Presumptive Transfer (PT).</li> <li>• During the CFT meeting, explain the requirements of presumptive transfer and the exceptions for a waiver to the team.</li> <li>• Provide the following to the Team members: PT brochure (04-755), Notification of Out of County Placement and Presumptive Transfer Letter (04-750), and Waiver Request form (04-751).</li> <li>• Share all of the same information separately with any <a href="#">legal party</a> not present at the CFT meeting and with the youth’s attorney, if the attorney was not present at the CFT meeting.</li> </ul>
2	SW	<p>In consultation with the CFT, a decision is made to move the youth to another County within the State of CA.</p> <p><b>REMINDER:</b> The Out-of-County Placement policy noticing requirements must be reviewed and followed in addition to the PT policies outlined here before the placement can occur.</p>
3	SW	<p>Within 3 days of the CFT meeting for parties not present at the meeting and at least 14 days prior to the placement, send a PT brochure (04-755), Notification of Out of County Placement and Presumptive Transfer Letter (04-750), and a Waiver Request form (04-751) as described in the table below:</p>

**Process for sending notification of presumptive transfer (04-753) without a waiver (cont.)**

Step	Who	Action						
3 (cont.)	SW	<table border="1" data-bbox="716 233 1476 611"> <thead> <tr> <th data-bbox="716 233 1021 352">Provide 04-755, 04-750 and 04-751 to...</th> <th data-bbox="1021 233 1476 352">By...</th> </tr> </thead> <tbody> <tr> <td data-bbox="716 352 1021 480">Parent</td> <td data-bbox="1021 352 1476 480"> <ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by the SW.</li> </ul> </td> </tr> <tr> <td data-bbox="716 480 1021 611">Youth over the age of 10</td> <td data-bbox="1021 480 1476 611"> <ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by SW,</li> </ul> </td> </tr> </tbody> </table> <p>The <b>04-750</b> explains:</p> <ul style="list-style-type: none"> <li>○ the reasons for the out of county placement</li> <li>○ how to object to the out of county placement</li> <li>○ the requirements of presumptive transfer</li> <li>○ exceptions needed for a waiver, and</li> <li>○ how to make a waiver request.</li> </ul> <p><b>NOTE:</b> Waivers must be returned to the SW within 7 calendar days from the date of the decision to place the youth out of county.</p> <p>The <b>04-751</b> provides all parties an opportunity to file a waiver.</p>	Provide 04-755, 04-750 and 04-751 to...	By...	Parent	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by the SW.</li> </ul>	Youth over the age of 10	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by SW,</li> </ul>
Provide 04-755, 04-750 and 04-751 to...	By...							
Parent	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by the SW.</li> </ul>							
Youth over the age of 10	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by SW,</li> </ul>							
4	SW	Fills out a PT Declaration of Service (04-754) and uploads to CWS/CMS.						
5	SW	<ul style="list-style-type: none"> <li>• <b>If no party disputes the youth’s out-of-county placement or requests a waiver</b>, go to Step 6.</li> <li>• <b>If the out of county placement is disputed:</b> <ul style="list-style-type: none"> <li>○ the Juvenile Court will hold a hearing no later than 5 days after the objection and prior to the move.</li> <li>○ PT is put on hold until the placement decision is approved by the court.</li> <li>○ Once court approves the out of county placement, go to Step 6.</li> </ul> </li> <li>• <b>If the placement decision is not disputed, but a waiver is requested to prevent presumptive transfer</b>, refer to the section in this policy for sending: <ul style="list-style-type: none"> <li>○ <a href="#">Process for Making a CWS Determination on a Waiver and Sending Notification of PT after a CWS</a></li> <li>○ <a href="#">Process for Judicial Review of a Waiver and Sending Notification of PT after a Judicial Determination on a Waiver.</a></li> </ul> </li> </ul>						

**Process for sending notification of presumptive transfer (04-753) without a waiver (cont.)**

Step	Who	Action
6	SW	<ul style="list-style-type: none"> <li>• Complete 04-753 and provide to regional/program PT expert for review, tracking, and entering Special Project Code (SPC).</li> </ul> <p><b>NOTE:</b> To complete the 04-753, the SW will need to call the <b>CWS Eligibility Information Line at 619-767-5000</b> and request the following information:</p> <ul style="list-style-type: none"> <li>○ Medi-Cal CIN-BIC# and issue date</li> <li>○ verification that the youth’s address in MEDS is accurate, and</li> <li>○ verification that the residency code in MEDS matches the county of residence.</li> </ul> <p><b>NOTE:</b> On the 04-753, enter the date that the Eligibility line was called to verify the above information.</p>
7	Regional/ Program PT expert	<ul style="list-style-type: none"> <li>• Review 04-753 for accuracy and completeness</li> <li>• Turn on the PT <b>or</b> the Waiver of PT Special Project Code in CWS/CMS: <ul style="list-style-type: none"> <li>○ Open the child’s case. The screen should default to the <b>Identification tab</b> (green).</li> <li>○ Click on <b>Special Project page</b>.</li> <li>○ Click on the (+) button in the <b>Special Project</b> grid.</li> <li>○ Select the appropriate SPC from the Special Project Name drop-down list.</li> <li>○ Enter the <b>Start Date</b> for the SPC</li> </ul> </li> <li>• Provide email address for MHP POC in COR to SW</li> <li>• Track on PT spreadsheet that 04-753 was sent.</li> </ul>
8	SW	<p>Email, BHS POC and COR POC, the following documents via encrypted email, (see Email Policy) <b>within 3-business days:</b></p> <ul style="list-style-type: none"> <li>• Notification of Presumptive Transfer (04-753)</li> <li>• Signed Consent to Treat (04-24)</li> <li>• SMO (04-756)</li> </ul>

**Presumptive transfer waivers**

The purpose of presumptive transfer is to provide children and youth in foster care who are placed outside of their county of jurisdiction with access to Specialty Mental Health Services (SMHS) in a timely manner. However, if any [legal party](#) does not agree that it is the youth’s best interest to transfer the provision of, or arrangement and payment of SMHS to the county of residence, a waiver to block PT can be requested if:

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**Presumptive transfer waivers (cont.)**

1. San Diego County Behavioral Health Services (BHS) can contract and provide SMHS within 30 days **and**
  2. one or more of the following exceptions is met:
    - The transfer would negatively impact mental health services being provided to the child/youth or delay access to services provided to the foster child.
    - The transfer would interfere with reunification efforts documented in the individual case plan.
    - The out of county placement is expected to last less than 6 months.
    - The foster child’s residence is within 30 minutes of travel time to their current SMHS provider in the County of San Diego (e.g. Youth is placed in Temecula and is already receiving TERM therapy with a provider in Fallbrook).
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**Overview of PT process when a waiver is requested**

When CWS or any legal party wants a waiver of PT, CWS must contact BHS to determine if BHS has an existing contract, or can establish a contract to provide SMHS for the youth within 30 days.

If a legal party requests a waiver, the decision to approve or deny the waiver is made by CWS with input from the CFT. However, if any member of the CFT disagrees with the CWS determination on the waiver, judicial review can be requested. If judicial review is requested than a juvenile court judge’s decision on the waiver will be the final determination on the waiver.

If all legal parties agree with the CWS determination on a waiver follow steps in [Process for making a CWS determination on a Waiver and Sending Notification of PT after a CWS Determination on a Waiver](#).

If all legal parties don’t agree with the CWS determination on a waiver and judicial review is requested, follow steps in [Process for Judicial Review of a Waiver and Sending Notification of PT after a Judicial Determination on a Waiver](#).

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**Making a CWS determination on a waiver and sending notification of PT after a CWS determination on a waiver**

If a waiver was not discussed with and/or agreed upon by all [legal parties](#) at the first CFT meeting, or a waiver is received by the SW within 7 calendar days after the decision was made to place the youth out of county, the table below explains the steps that must occur:

Step	Who	Action
1	SW	Upon receipt of an 04-751 the SW will submit a referral for a CFT meeting within 3 days and will: <ul style="list-style-type: none"><li>• convene an additional CFT meeting to discuss the waiver and,</li><li>• discuss the waiver with the youth’s attorney if the attorney is not present at the CFT meeting.</li></ul>
2	SW	Make a decision to approve or deny the waiver based on input from the CFT and the youth’s attorney.

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**Making a CWS determination on a waiver and sending notification of PT after a CWS determination on a waiver (cont.)**

Step	Who	Action												
3	SW	<p>Will provide all <a href="#">legal parties</a> a 04-752 and a JUV-273 at the CFT meeting. For any parties not present at the CFT meeting, the table below describes how to provide these documents:</p> <table border="1" data-bbox="743 411 1437 1270"> <thead> <tr> <th data-bbox="743 411 987 548">Provide 04-752 and JUV-273 to...</th> <th data-bbox="987 411 1437 548">By...</th> </tr> </thead> <tbody> <tr> <td data-bbox="743 548 987 678">Parent</td> <td data-bbox="987 548 1437 678"> <ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by the SW</li> </ul> </td> </tr> <tr> <td data-bbox="743 678 987 808">Youth over the age of 10</td> <td data-bbox="987 678 1437 808"> <ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by SW</li> </ul> </td> </tr> <tr> <td data-bbox="743 808 987 938">Youth's Attorney</td> <td data-bbox="987 808 1437 938"> <ul style="list-style-type: none"> <li>• Email, or</li> <li>• Personal delivery by SW</li> </ul> </td> </tr> <tr> <td data-bbox="743 938 987 1068">Juvenile PO</td> <td data-bbox="987 938 1437 1068"> <ul style="list-style-type: none"> <li>• Email</li> <li>• Personal delivery by SW</li> </ul> </td> </tr> <tr> <td data-bbox="743 1068 987 1270">Tribal Representative</td> <td data-bbox="987 1068 1437 1270"> <ul style="list-style-type: none"> <li>• Mail,</li> <li>• Personal delivery by SW or,</li> <li>• Encrypted email (see Email Policy).</li> </ul> </td> </tr> </tbody> </table> <p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>• The 04-752 provides written notification of the CWS decision to approve or deny a waiver.</li> <li>• The JUV-273 provides all <a href="#">legal parties</a> an opportunity to request a juvenile court judge to review the waiver request, the CWS decision on the waiver, and to make a judicial finding to approve or deny the waiver.</li> </ul>	Provide 04-752 and JUV-273 to...	By...	Parent	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by the SW</li> </ul>	Youth over the age of 10	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by SW</li> </ul>	Youth's Attorney	<ul style="list-style-type: none"> <li>• Email, or</li> <li>• Personal delivery by SW</li> </ul>	Juvenile PO	<ul style="list-style-type: none"> <li>• Email</li> <li>• Personal delivery by SW</li> </ul>	Tribal Representative	<ul style="list-style-type: none"> <li>• Mail,</li> <li>• Personal delivery by SW or,</li> <li>• Encrypted email (see Email Policy).</li> </ul>
Provide 04-752 and JUV-273 to...	By...													
Parent	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by the SW</li> </ul>													
Youth over the age of 10	<ul style="list-style-type: none"> <li>• Mail to last known address, or</li> <li>• Personal delivery by SW</li> </ul>													
Youth's Attorney	<ul style="list-style-type: none"> <li>• Email, or</li> <li>• Personal delivery by SW</li> </ul>													
Juvenile PO	<ul style="list-style-type: none"> <li>• Email</li> <li>• Personal delivery by SW</li> </ul>													
Tribal Representative	<ul style="list-style-type: none"> <li>• Mail,</li> <li>• Personal delivery by SW or,</li> <li>• Encrypted email (see Email Policy).</li> </ul>													
4	SW	Complete PT Declaration of Service (04-754) for the 04-752 and JUV-273 and upload to CWS/CMS.												
5	SW	If all legal parties are in agreement with the CWS decision to approve or deny the waiver, the SW will complete a 04-753.												

**Making a CWS determination on a waiver and sending notification of PT after a CWS determination on a waiver (cont.)**

Step	Who	Action
5 (cont.)	SW	<p><b>NOTE:</b> To complete the 04-753, the SW will need to call the <b>CWS Eligibility Information Line at 619-767-5000</b> and request the following information:</p> <ul style="list-style-type: none"> <li>• Medi-Cal CIN-BIC# and issue date,</li> <li>• verification that the youth’s address in MEDS is accurate,</li> <li>• verification that the residency code in MEDS matches the county of residence.</li> </ul> <p><b>NOTE:</b> Enter the date on the 04-753 that the eligibility line was called to verify the youth’s address and residency code.</p>
6	SW	Provide 04-753 to regional/program PT expert for review, tracking and entering SPC.
7	Regional/ Program PT expert	<ul style="list-style-type: none"> <li>• Review 04-753 for accuracy and completeness</li> <li>• Turn on the PT <b>or</b> the Waiver of PT Special Project Code in CWS/CMS: <ul style="list-style-type: none"> <li>○ Open the child’s case. The screen should default to the <b>Identification tab</b> (green)</li> <li>○ Click on <b>Special Project page</b></li> <li>○ Click on the (+) button in the <b>Special Project grid</b></li> <li>○ Select the appropriate SPC from the Special Project Name drop-down list</li> <li>○ Enter the <b>Start Date</b> for the SPC</li> </ul> </li> <li>• Provide SW email address to MHP POC in COR</li> <li>• Track on PT spreadsheet that 04-753 was sent.</li> </ul>
8	SW	<p>Send BHS POC and COR POC, the following documents via encrypted email, <b>within 3-business days</b>:</p> <ul style="list-style-type: none"> <li>• Notification of Presumptive Transfer (04-753)</li> <li>• Consent to Treat (04-24)</li> <li>• SMO (04-756)</li> </ul>
9	SW	Follow steps for <a href="#">Information Sharing AFTER Notification of PT has occurred and has been acknowledged by the MHP in the COR.</a>

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**Judicial review of CWS determination on waiver**

Once CWS makes a determination on the waiver, all [legal parties](#) have an opportunity to request judicial review by submitting a JUV-273 to the Juvenile Court.

If judicial review is requested, the SW will follow the steps described in the [Process for Judicial Review of a Waiver and Sending Notification of PT after a Judicial Determination on a Waiver](#).

Once the court makes a decision, the court's decision will be considered the final determination.

**NOTE:** Whenever a youth moves from the COJ to another county in the state of CA, Notification of Presumptive Transfer (04-753) is always sent regardless if there is a waiver or not and regardless of if the waiver is approved or denied.

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**Process for judicial review of a waiver and sending notification of PT after a judicial determination on a waiver**

The table below explains the steps that are to occur when any [legal party](#) submits a request for judicial review of waiver. If a request is made for a judicial review, the court may set a Special Hearing.

Step	Who	Action
1	SW	Submit an Addendum report to the court. The Addendum will include: <ul style="list-style-type: none"><li>the steps followed by the SW to provide notification of PT and process to file a waiver (04-750 and 04-751).</li><li>the steps to provide notification of PT Waiver Determination and process to request judicial review (04-752 and JUV-273).</li><li>youth's placement information and reasons for out-of-county placement.</li><li>information regarding who initially requested a waiver and exceptions they claimed apply.</li><li>information regarding discussion of waiver request with CFT.</li><li>basis for SW's decision to approve or deny waiver request.</li></ul>
2	Juvenile Court Judge	Approve or deny the waiver. The court's decision will be considered the final determination on the waiver.
3	SW	Complete the 04-753 and provide to regional/program PT expert for review, tracking, and entering SPC.

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**Process for judicial review of a waiver and sending notification of PT after a judicial determination on a waiver (cont.)**

Step	Who	Action						
3 (cont.)	SW	<p><b>NOTE:</b> To complete the 04-753, the SW will need to call the <b>CWS Eligibility Information line at 619-767-5000</b> and request the following information:</p> <ul style="list-style-type: none"> <li>• Medi-Cal/CIN-BIC# and issue date</li> <li>• verification that the youth’s address in MEDS is accurate</li> <li>• verification that the residency code in MEDS matches the county of residence.</li> </ul> <p><b>NOTE:</b> Enter the date on the 04-753 that the eligibility line was called to verify the youth’s address and residency code.</p> <p>Refer to table below when completing the 04-753:</p> <table border="1" data-bbox="777 758 1474 1564"> <thead> <tr> <th data-bbox="777 758 971 837">If...</th> <th data-bbox="971 758 1474 837">then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="777 837 971 1182">the court <b>denies</b> the waiver,</td> <td data-bbox="971 837 1474 1182"> <ul style="list-style-type: none"> <li>• complete the section on the 04-753 with the instruction, <b>“Please complete this section if a waiver does not apply”</b> and</li> <li>• follow the steps in <a href="#">PT Information Sharing Table</a> after being notified that PT has been accepted by the COR.</li> </ul> </td> </tr> <tr> <td data-bbox="777 1182 971 1564">the court <b>approves</b> the waiver,</td> <td data-bbox="971 1182 1474 1564"> <ul style="list-style-type: none"> <li>• complete the 04-753 section with the following instruction: <b>“Please complete this section if a waiver does apply”</b> and,</li> <li>• work with BHS regional Pathways liaison to ensure the County of San Diego contracts mental health services for the youth within 30 days.</li> </ul> </td> </tr> </tbody> </table>	If...	then...	the court <b>denies</b> the waiver,	<ul style="list-style-type: none"> <li>• complete the section on the 04-753 with the instruction, <b>“Please complete this section if a waiver does not apply”</b> and</li> <li>• follow the steps in <a href="#">PT Information Sharing Table</a> after being notified that PT has been accepted by the COR.</li> </ul>	the court <b>approves</b> the waiver,	<ul style="list-style-type: none"> <li>• complete the 04-753 section with the following instruction: <b>“Please complete this section if a waiver does apply”</b> and,</li> <li>• work with BHS regional Pathways liaison to ensure the County of San Diego contracts mental health services for the youth within 30 days.</li> </ul>
If...	then...							
the court <b>denies</b> the waiver,	<ul style="list-style-type: none"> <li>• complete the section on the 04-753 with the instruction, <b>“Please complete this section if a waiver does not apply”</b> and</li> <li>• follow the steps in <a href="#">PT Information Sharing Table</a> after being notified that PT has been accepted by the COR.</li> </ul>							
the court <b>approves</b> the waiver,	<ul style="list-style-type: none"> <li>• complete the 04-753 section with the following instruction: <b>“Please complete this section if a waiver does apply”</b> and,</li> <li>• work with BHS regional Pathways liaison to ensure the County of San Diego contracts mental health services for the youth within 30 days.</li> </ul>							



**Process for judicial review of a waiver and sending notification of PT after a judicial determination on a waiver (cont.)**

Step	Who	Action
4	Regional/ Program PT expert	<ul style="list-style-type: none"> <li>• Review 04-753 for accuracy and completeness</li> <li>• Turn on the PT or the Waiver of PT Special Project Code in CWS/CMS:               <ul style="list-style-type: none"> <li>○ Open the child’s case. The screen should default to the <b>Identification tab</b> (green)</li> <li>○ Click on <b>Special Project page</b></li> <li>○ Click on the (+) button in the <b>Special Project grid</b></li> <li>○ Enter start date</li> </ul> </li> <li>• Provide SW email address to MHP POC in COR</li> <li>• Track on PT spreadsheet that 04-753 was sent.</li> </ul>
5	SW	<p>Send, BHS POC and COR POC, the following documents via encrypted email (see Email Policy) <b>within 3-business days:</b></p> <ul style="list-style-type: none"> <li>• Notification of Presumptive Transfer (04-753)</li> <li>• Consent to Treat (04-24)</li> <li>• SMO (if court denied the waiver) (04-756)</li> </ul> <p><b>NOTE:</b> Whenever a youth moves from the COJ to another county in the state of CA, Notification of Presumptive Transfer (04-753) is always sent regardless if there is a waiver or not and regardless of if, the waiver is approved or denied.</p>
6	SW	<p>Follow steps for <a href="#">Information Sharing After Notification of PT has occurred.</a></p>

**Information-sharing AFTER notification of PT has occurred**

Notification of PT occurs for **all** youth placed in out of county placements in the State of CA. The Notification of PT (04-753) informs BHS and the MHP in the COR if a waiver was approved or if PT is being requested and what next steps the COSD CWS is requesting.

Once the MHP in the COR acknowledges receipt of the Notification of PT, the SW will send additional information needed for the MHP to establish appropriate services for the child/youth.

**NOTE:** If a final determination on a waiver was **approved**, the SW won’t send any additional information.

**Information-sharing  
AFTER notification of  
PT has occurred  
(cont.)**

If a **waiver doesn't apply** (either one was not filed or it was denied) the table below explains information sharing based on the youth's mental health status as the SW indicates on the Notification of PT (04-753):

If	Then
<p>a screening was not able to be completed and no further action is being requested,</p> <p><b>NOTE:</b> the only time a screening might not be completed is if the youth is 18 or older.</p>	<p>no additional records need to be sent.</p>
<p>a screening was not able to be completed but an assessment is being requested,</p> <p><b>NOTE:</b> this may apply if a youth is 18 or older and is expressing need for mental health services.</p>	<p>the SW will provide, via encrypted email (see Email Policy), the following documents to the MHP in the COR:</p> <ul style="list-style-type: none"> <li>• Copy of JUV-220 and JUV-223 (if applicable)</li> <li>• available mental health records,</li> <li>• case records, such as court reports and the case plan.</li> </ul>
<p>A youth had a <b>negative screening</b> within the past 12 months, and the SW is not requesting an assessment at this time,</p>	<p>no additional documents need to be sent at this time.</p>
<p>A youth had a <b>negative screening</b> within the past 12 months, but the SW is requesting the MHP in the COR to assess for SMHS.</p> <p><b>NOTE:</b> This may apply if the youth is expressing emotional and/or behavioral indicators that suggest SMHS might be needed.</p>	<p>the SW will provide, via encrypted email, the following documents to the MHP in the COR:</p> <ul style="list-style-type: none"> <li>• Signed copy of mental health consent to treat (04-24P, 04-24C)</li> <li>• Copy of JUV-220 and JUV-223 (if applicable)</li> <li>• available mental health records,</li> <li>• case records, such as court reports and the case plan.</li> </ul>
<p>a youth had <b>positive screening</b> within the past 12 months, but has not had a mental health/behavioral health assessment,</p>	<p>the SW will provide, via encrypted email, the following documents to the MHP in the COR:</p> <ul style="list-style-type: none"> <li>• Signed copy of mental health consent to treat (04-24P, 04-24C)</li> <li>• Copy of JUV-220 and JUV-223 (if applicable)</li> <li>• available mental health records,</li> <li>• case records, such as court reports and the case plan.</li> </ul>

**Information-sharing  
AFTER notification of  
PT has occurred  
(cont.)**

If	Then
a youth had a mental health/behavioral health assessment and was found <b>NOT TO</b> meet medical necessity criteria for SMHS,	no additional case records at this time.  <b>NOTE:</b> The SW can request for an additional assessment to be completed by the MHP in the COR.
a youth had a mental health/behavioral health assessment and was found <b>TO</b> meet medical necessity criteria for SMHS,	the SW will provide, via encrypted email, the following documents to the MHP in the COR: <ul style="list-style-type: none"> <li>• Signed copy of mental health consent to treat (04-24P, 04-24C)</li> <li>• Copy of JUV-220 and JUV-223 (if applicable)</li> <li>• available mental health records,</li> <li>• case records, such as court reports and case plans.</li> </ul>

**Behavioral  
health/mental  
health assessments  
after PT has been  
accepted by COR**

The chart below describes the actions of the MHP in the COR, depending on whether or not a Behavioral Health/Mental Health Assessment is need at the time of PT.

If	Then
a Behavioral Health Assessment or Mental Health Assessment <b>was not completed</b> prior to the youth moving to an out of county placement, <b>and</b> the youth had a <b>negative</b> mental health screening,	no further action will be taken by the MHP in the COR unless the SW requests an assessment based on current indicators of a mental health concern or requests an assessment at any time future need arises.
a Behavioral Health Assessment or Mental Health Assessment <b>was not completed</b> prior to the youth moving to an out of county placement, <b>and</b> the youth had a <b>positive</b> mental health screening,	the MHP in the COR will conduct an assessment and set up services based on the outcome of that assessment.
a Behavioral Health Assessment or Mental Health Assessment <b>was completed</b> prior to the youth moving to an out of county placement,	<ul style="list-style-type: none"> <li>• the MHP in the COR will use the most current assessment to set up mental health services. However, if clinically indicated, the MHP in the COR may update or complete a new assessment at a later date.</li> <li>• Updating or completing a new assessment cannot delay establishing and paying for SMHS for any youth who meets medical necessity criteria.</li> </ul>

**Behavioral health/mental health assessments after PT has been accepted by COR (cont.)**

If the MHP in the COR completes the Behavior Health or Mental Health Assessment, the outcome of the assessment will determine if the youth meets medical necessity criteria to qualify for SMHS. This table describes actions taken by the MHP and SW depending on the outcome of the assessment:

If	Then
<p>The outcome of the assessment indicates the youth <b>meets</b> medical necessity criteria for SMHS,</p>	<ul style="list-style-type: none"> <li>• the MHP in the COR will set up and pay for SMHS, to include Intensive Care Coordination (ICC) and Intensive Home Based Services (IHBS).</li> <li>• the MHP in the COR will provide mental health provider contact information to the SW.</li> <li>• the SW will coordinate CFT meetings to include the mental health provider in the COR.</li> </ul>
<p>The outcome of the assessment indicates the youth <b>does not meet</b> medical necessity criteria for SMHS,</p>	<ul style="list-style-type: none"> <li>• the MHP will send a Notice Of Action to the youth/ caregiver.</li> <li>• the SW will discuss services with the youth and CFT.</li> <li>• if it is agreed upon that the youth might benefit from individual therapy or needs conjoint services with a caregiver, the SW will consult with CWS Staff Psychologist to determine if a Non-Term provider referral should be submitted to Optum through the Non-TERM process (see Non-TERM Providers), to contract with an individual (fee for service) therapist paid for with CWS funds.</li> </ul> <p><b>NOTE:</b> Medi-Cal funding can only be used when billing for SMHS.</p>

**Process for providing PT information packet to the MHP in COR**

The **PT Information Sharing Table** below describes which documents are included in the presumptive transfer packet and explains the process for sharing this information.

Step	Who	Action
1	MHP in COR	Acknowledge receipt of PT Notification (04-753), Consent to Treat (04-24) and SMO (04-756).
2	SW	If no approved waiver, email a copy of JUV220 and JUV223 (if applicable) via encrypted email to the COR POC.
3	SW	<ul style="list-style-type: none"> <li>• If a Mental Health (Behavioral Health) Assessment is available, and youth meets medical necessity for SMHS, GO to step 4.</li> <li>• If the youth has not had a Mental Health (Behavioral Health) Assessment, GO to step 7.</li> </ul>

**Process for providing PT information packet to the MHP in COR (cont.)**

Step	Who	Action
4	SW	<ul style="list-style-type: none"> <li>• Provide COR POC a copy of the assessment and mental health records via encrypted email.</li> <li>• If SW does not have the documents, refer COR POC to COSD BHS POC. BHS POC will provide COR POC the contact information for most recent provider.</li> </ul>
5	MHP in COR	<ul style="list-style-type: none"> <li>• Must accept assessment provided and set up services. <b>NOTE:</b> MHP in COR may complete a new assessment at a later date, if clinically appropriate.</li> <li>• Provide SW the contact information for service provider in COR.</li> </ul>
6	SW	Establish contact with the mental health provider in COR, request treatment plans, treatment plan updates, and coordinate CFT Meetings. STOP.
7	SW	<ul style="list-style-type: none"> <li>• If the youth had a positive outcome from a mental health screening, request MHP in COR to complete a mental health (behavioral health) assessment.</li> <li>• If the youth <b>has not had a mental health screening</b> within the past 12 months, the SW will request the regional Pathways Care Coordinator to conduct a screening.</li> <li>• If the outcome of the <b>screening is positive</b> the SW will request the MHP in the COR to complete a BHA.</li> <li>• If the <b>screening is negative</b> but the youth is exhibiting mental health concerns, the SW can request the MHP in the COR to assess the youth for SMHS.</li> </ul>
8	SW	<ul style="list-style-type: none"> <li>• If youth qualifies for SMHS, establish contact with the mental health provider, request treatment plans, treatment plan updates, and coordinate CFT meetings per the CFT Meetings policy. STOP.</li> <li>• If the youth does not qualify for SMHS, convene a CFT meeting to determine if youth needs individual or conjoint therapy, if NO, STOP. If, YES, GO to step 9.</li> </ul>
9	SW	Follow Non-TERM Providers process to set up individual therapy for the youth, paid for with CWS funds.

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**Intensive Care Coordination (ICC)**

Intensive Care Coordination is a service that is responsible for facilitating assessment, care planning and coordination of services, including urgent services for youth who qualify for Enhanced Services. Therefore, when an enhanced youth moves to another county in the state of CA, if a waiver is not filed, ICC will be provided by the MHP in the youth's COR.

SW's with youth receiving ICC from the MHP in another county will have monthly contact with the Care Coordinator assigned to their youth to ensure mental health services are meeting the youth's individual needs.

Monthly contact with the Care Coordinator will be documented as a service provider contact in CWS/CMS.

If a waiver is filed and presumptive transfer does not occur, ICC will continue to be provided by a San Diego County BHS provider or a CWS Pathways care coordinator.

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**Role of the Child and Family Team**

All CWS youth with an out of home placement have a CFT meeting (see Child and Family Team Meetings ). Teaming can be done through a formal Child and Family Team meeting and informally via regular team member communication. A CFT is a group of individuals that includes the child or youth, family members, professionals, natural community supports, and other individuals identified by the family who are invested in the child, youth and family's success.

For youth placed out of county, their mental health provider in their COR, becomes part of the youth's CFT and is to be included in CFT meetings.

The CFT shares responsibility to assess, plan, intervene, monitor, and refine services and supports over time. Recommendations concerning placement, services, and supports should be discussed within the CFT process.

Discussions regarding presumptive transfer must occur with the CFT. These discussions need to include:

- requirements of presumptive transfer
- anticipated length of placement
- whether presumptive transfer of SMHS would benefit the youth
- if presumptive transfer supports Family Reunification efforts
- an explanation of waiver qualifications and process.

Youth attorneys and investigators are not mandatory members of CFT's. Although attorneys/investigators do not typically attend CFT meetings, there may be instances when attendance by an attorney/investigator does occur. If an attorney is identified as a natural support who will be present for the child, youth, nonminor dependent and/or family, it is important s/he not ask questions for the purposes of fact-finding related to the court process or to create some legal advantage on behalf of the client. If the attorney does attend the CFT meeting then PT noticing will be shared with them along with all other CFT members. If the youth's attorney is not at the CFT meeting, separate noticing for the attorney will need to occur.

The SW is responsible to ensure CFT meetings are convened for youth in out of county placements. SWs can coordinate these CFT meetings with their regional/program Pathways to Well-Being care coordinators or contracted CFT meeting facilitators.

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**Documenting Presumptive Transfer**

The SW must document PT and waivers of PT in the following areas:

- CWS/CMS contacts
- Mental and Emotional Status section of all court reports
- CFT Summary (04-445)
- Case plans
- Any addendums where there are new recommendations for placement or services since the last report to the Court
- Case Notes/Transfer Notes/Closing Summaries.

Documentation should include:

- Date of PT
- Date of waiver determination (if applicable)
- BHS has verbally or in writing agreed to enter into a contract with a SMHS provider within 30 days of the waiver decision and has demonstrated the ability to deliver timely SMHS directly to the youth placed out of county.

**Undoing PT when a youth returns to San Diego County**

The table below explains the process for undoing PT when a youth returns to live in San Diego County after PT was established in another county.

Step	Who	Action
1	SW	Complete sections A, C, and E on the 04-753 and provide the form to their regional/program PT expert.
2	Regional/ Program PT expert	<ul style="list-style-type: none"> <li>• Review 04-753</li> <li>• Provide SW MHP in COR POC info</li> <li>• Turn off SPC for PT               <ul style="list-style-type: none"> <li>○ Open the child’s case. The screen should default to the <b>Identification tab</b> (green)</li> <li>○ Click on <b>Special Project page</b></li> <li>○ Click on the (+) button in the <b>Special Project grid</b></li> <li>○ Select the appropriate SPC from the drop down list</li> <li>○ Enter the End Date for the SPC.</li> </ul> </li> </ul>
3	SW	Email (via encrypted email) the 04-753 to the MHP POC in COR and to Optum.
4	SW	Document steps taken to undo PT in a contact and case note in CWS/CMS.

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**Points of contact (POC)**

Each county within the state of California has established and published on their website a POC who can provide information and help facilitate communication regarding Presumptive Transfer cases.

The County of San Diego has identified the following points of contact:

CWS: Policy Analyst listed at the bottom of this file.

Juvenile Probation: Frank Andrade, Supervising Probation Officer.

BHS: Serena Richards, Utilization Management Supervisor, 1-800-798-2254 option 4,

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**HIPAA Requirements**

All information shared electronically with MHPs outside of San Diego County, must be sent through encrypted email (see Email Policy). All parties must comply with Health Insurance Portability and Accountability Act (HIPAA) of 1996 requirements and all applicable Federal and State regulations promulgated from HIPAA when making presumptive transfers, providing notifications, and requesting information regarding dependent youth.

Please click on encrypt email prior to sending documents to out of county MHP.

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**Resources**

The following tools are in Resources:

- Presumptive Transfer Process (Flow Chart I)
  - Presumptive Transfer Waiver Process (Flow Chart II)
  - Process for Setting Up SMHS in COR for Youth Receiving or Determined Eligible to Receive SMHS (Flow Chart III)
  - Process for Setting Up SMHS in COR for Youth Not Currently Receiving SMHS (Flow Chart IV).
-