



# Presumptive Transfer

Partnership for CCR Success: A Better Future for  
Probation Foster Youth  
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California Department of Social Services  
California Department of Health Care Services

## Presumptive Transfer

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## Presumptive Transfer-Reference

### > Key Terms and Definitions

- **County of Jurisdiction** – county in which a child or youth was removed from the care of their parent
- **County of Residence** – county in which a child or youth resides
- **Placing agency** – County child welfare or juvenile probation agency responsible for the care and placement of a child or youth
- **Mental Health Plan (MHP)** – County mental health agency
- **Specialty Mental Health Services (SMHS)** – a category of mental health services provided to Medi-Cal beneficiaries
- **Presumptive Transfer** – responsibility to provide, arrange, and pay for SMHS for a child or youth in foster care transfers from the county of jurisdiction to the county of residence

3

## Presumptive Transfer

### Why Presumptive Transfer?

### How does presumptive transfer happen?

The starting point is the placement decision.....

4

## Presumptive Transfer

- › Placement decisions should always be made in consultation with the child and family team (CFT).
  - The CFT process is a strategy intended to help children & families develop and maintain respectful, trusting relationships that, over time, can lead to greater stability.

5

## Presumptive Transfer

### Role of the CFT in Presumptive Transfer

- › The CFT process can be leveraged to facilitate meeting notification requirements associated with out of county placements, as well as presumptive transfer.

6

## Presumptive Transfer

### Role of the CFT in Presumptive Transfer

- › Placing agencies should convene a CFT meeting to discuss:
  - out of county placement and presumptive transfer;
  - questions & concerns about possible changes to existing services and service provider;
  - the exceptions necessary to waive presumptive transfer, including information on how to request a waiver.

7

## Presumptive Transfer

### Role of the CFT in Presumptive Transfer

- › The CFT process should be seen as the primary venue for addressing questions and concerns, coordinating care, and focusing on solutions.
  - Provide written notices during CFT meeting, when they can be explained and discussed face-to-face.
  - Any legal party who is not present or who is not a member of the CFT must receive notification and any required forms within established timeframes.

8

## Probation Responsibilities

- › Required to provide information on presumptive transfer requirements pursuant to ACL No. 17-77
- › Required to confer with the CFT
- › Responsible for ensuring residence address is updated in MEDS
- › Determine if a waiver is granted
- › Manage disputes regarding waiver determinations
- › Update the court and provide required documents if a hearing is requested regarding their determinations relating to a waiver

9

## Mental Health Plan Responsibilities Reference Sheet

- › MHPs are required to provided or arrange and pay for SMHS for foster youth who reside in their county, unless an exception exists and a waiver is granted.
- › Under the conditions of a Waiver, the MHP in the county of jurisdiction must be able to demonstrate they can enter into a contract with a SMHS provider in order to ensure SMHS can be provided to the foster youth placed out of county
- › The MHP in the county of residence are to be notified of youth placed in their county who have been assessed and require SMHS, have been screened and need to be assessed of SMHS, and have not been screened or assessed but a determination is made by a guardian, family member or provider that the child should be assessed for SMHS.
- › The MHP in the county of residence shall accept the county of jurisdiction's assessment and may conduct a additional assessment if needed.

10

## Presumptive Transfer-Youth Receiving Specialty Mental Health Services (SMHS)

- › When placement will be in another county:
  - Placing agencies are required to provide written notice to parents, the child or youth (age 10 and older), and the child or youth's attorney at least 14 days prior to the placement date {WIC 361.2(h)}

11

## Presumptive Transfer *Placement in Another County (Continued)*

- When a child or youth will be placed in another county
  - Placing agencies are also responsible to inform the child or youth, the child's attorney, the person responsible for making mental health care decisions on behalf of the child or youth, and CFT coordinator:
    - › Presumptive transfer conditions and requirements
    - › Description of exceptions necessary to waive presumptive transfer
    - › Right to request a waiver
      - Including how to access forms and the process to submit formal request to waive presumptive transfer

12

## Presumptive Transfer

### > Probation's Role.

- Probation is responsible for providing notice regarding presumptive transfer for children and youth who are placed in another county.
- The MHP in the receiving county should be made aware that the child or youth is living in their county and is part of their caseload. In other words, the responsibility for the provision, arrangement, and payment of SMHS for that child has transferred to the receiving county.
- The receiving county MHP becomes responsible for providing needed SMHS for the child or youth placed in their county.

13

## Presumptive Transfer-For Youth Not Receiving SMHS

- Since the youth hasn't been determined to need SMHS, what other materials, such as reports, consents to treat, or authorizations to release information need to be sent to the receiving county?
- The informing notice that Probation sends to receiving county should indicate that the child or youth does not currently need SMHS.
- While Probation is required to send a notice of presumptive transfer, it is equally important to provide the receiving county with the consent to treat, relevant court orders, and reports as available to facilitate timely SMHS if later they should be needed.

14

## Presumptive Transfer-For Youth Not Receiving SMHS (continued)

- › Placing agencies should notify the Mental Health Plan in the county of residence about any child or youth placed in their county.
  - Notice is required, even if SMHS are not currently needed or being provided.
    - › For children and youth not currently receiving services, notice should include information, such as:
      - if a screen was completed – including the results,
      - if a referral for a clinical assessment is included or expected,
      - if an assessment was completed, or
      - if no mental health needs were identified, and no further action is needed at this time.

15

## Presumptive Transfer

- › If the CFT determines that the out of county placement and presumptive transfer serve the best interests of the child or youth, the placing agency worker will take the following steps:
  - Ensure the child or youth's address is updated in MEDS
  - Provide notice to Mental Health Plan in county of residence
  - Update child or youth's case file to reflect CFT's decision

16

## Presumptive Transfer Notice

Notice sent to MHPs in county of residence must include:

- Name and contact information of Probation Officer
  - Youth's identifying information
  - Anticipated date of placement
  - Name and contact information of individuals who can sign:
    - › authorization for release of information form
    - › consent to treat forms
  - Most recent signed consent to treat and consent for medication forms \*
  - Completed JV 220 form
  - Current mental health records, including most recent mental health assessment
- \* To ensure access to care is not delayed, consent forms and court orders provided by the case carrying worker should be accepted by the county of residence and other SMHS providers

17

## Presumptive Transfer-Waiver

- › If a request to waive presumptive transfer is made,
  - At least one of the exceptions below must exist:
    - 1) The transfer would disrupt continuity of care, or would delay the child or youth's access to services;
    - 2) The transfer would interfere with family reunification efforts documented in the child or youth's individual case plan;
    - 3) The child or youth's placement outside of the county of jurisdiction is expected to last less than six months; or
    - 4) The child or youth's residence is within 30 minutes of travel time to his or her established SMHS provider in the county of jurisdiction.

18

## Presumptive Transfer-Waiver

- › If a request to waive presumptive transfer is made,
  - Probation is responsible for making a determination:
    - › Request must be made to placing agency within 7 calendar days of placement decision
    - › Probation Officer must consult with CFT and other professionals
    - › Waiver is contingent upon MHP in county of jurisdiction having a contract in place with a SMHS provider in the county of residence, or the ability to execute a contract within 30 days

19

## Presumptive Transfer-Waiver

- › If the CFT determined that a waiver of presumptive transfer will be requested, the probation officer:
  - Ensures that all required legal parties receive notice that a request to waive presumptive transfer was made.
  - Determines that at least one of the required exceptions to presumptive transfer applies.
  - Consults with the CFT about the request to waive presumptive transfer.

20

## Presumptive Transfer

### Presumptive Transfer Points of Contact:

[www.cdss.ca.gov/County-Offices](http://www.cdss.ca.gov/County-Offices)



21

## Presumptive Transfer-What's Next?

- › Additional written guidance from CDSS and DHCS
  - Expedited Transfers
  - Procedural Flowcharts
  - Notification Requirements and Templates
  - Additional guidance on the role of the CFT
  - Exceptions and Waiver Determinations
  - Requesting a Hearing
  - Additional Policy Guidance, including SARs, and MEDS
- › Presumptive Transfer 101 Webinars
- › Presumptive Transfer FAQs

22

## Presumptive Transfer

# Questions?

23

## Presumptive Transfer

For further information and assistance, please contact:

CA Dept of Social Services  
Children & Family Services Division  
Integrated Services Unit  
916/651-6600  
[CWSCoordination@dss.ca.gov](mailto:CWSCoordination@dss.ca.gov)

Dept of Health Care Services  
Mental Health Services Division  
County Support Liaisons  
*Current county assignments are  
available at internet address below:*

[www.dhcs.ca.gov/services/MHP/Pages/CountySupportUnit.aspx](http://www.dhcs.ca.gov/services/MHP/Pages/CountySupportUnit.aspx)

24

Presumptive Transfer

**Thank you**

25