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**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

**Effective Date: November 3, 1993**  
**Revision Date: June 18, 2026**

**Number: G-0315**

## **Family Maintenance Six Month Review Report**

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**Purpose** To provide guidelines for Family Maintenance (FM) dependency cases and development of the Six Month Review Hearing Report (SMR Report) associated with FM cases.

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**Approved** This policy was approved by Loan English, Director of CFS.  
*Signature on file.*

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**Most Recent Revisions** This revision of the Policy and Procedure (P&P) incorporates:

- Updated Definitions section
- Guidance per ACL 25-08 regarding the formation of Child and Family Teams (CFTs) and the provision of CFT Meetings (CFTMs) for youth with court-ordered Family Maintenance status
- Newly created Attachment 2 - Family Maintenance Status Review Hearing Report Autotext

**Background** In Family Maintenance (FM) dependency cases, services are provided to families when a child has been declared a dependent of the Dependency Court under Welfare and Institutions Code (WIC) Section 300, and the Court has directed Children and Family Services (CFS) to provide supervision while the child continues to live with a parent or guardian. In these cases, the Court has determined that the child can remain safely in the home provided appropriate services are offered. FM services are used when it is found that removal from parental or guardian custody is not necessary.

FM services may also be provided when a child is placed with a previously noncustodial parent under Dependency Court

supervision, such as in cases resulting from a non-detained petition, or when a child who was previously in out-of-home care is returned to a parent or guardian, but ongoing Court supervision is still required.

Court may order FM supervision and services following:

- A Dispositional hearing
  - (Refer to CFS P&P Jurisdictional/Dispositional Hearing Report [G-0310])
- Placement with a previously non-custodial parent
  - (Refer to CFS P&P Custody [Exit] Orders and Custody Transfers to Non-Custodial Parents [G-0201])
- A successful Trial Visit
  - (Refer to CFS P&Ps Out-of-Home Placement [K-0208] and Family Reunification Status Review Reports [G-0317])
  - (**Note:** Court may order FM supervision and services without initiating a Trial Visit)

For FM dependency cases, a Status Review (Six Month Review) hearing is held every six months from the date FM is ordered/extended to determine the necessity for continuing jurisdiction and supervision of the child.

Pursuant to WIC § 16506, FM services are limited to six months and may be extended in periods of six-month increments if it can be shown that the objectives of the service plan can be achieved within the extended time periods and provided within the county's allocation. FM services may be provided until the child reaches 18 years of age and will be made available without regard to income.

**Note:** Per CFS directive, manager approval is required to extend an FM case beyond 12 months.

Per ACL 25-08, Child and Family Teams (CFTs) are to be implemented in cases with Family Maintenance (FM) status. In FM, the CFT supports case planning and stability with the family, as well as safety planning when needed. The CFT process supports the coordination of services and collaboration with the family and their support network that help maintain the safety and well-being of the child while remaining with their family.

## Definitions

**Family Maintenance Services (Supervision):** In-home protective services designed to prevent or remedy neglect, abuse, or

exploitation, to prevent separation of a child from their family and maintain the child in their home.

**Enhancement Services:** A CFS-specific practice, whereby services **may** be provided to a non-custodial parent. Enhancement services do not include a plan for reunification, and are intended to develop, improve, and maintain the relationship between a child and the non-custodial parent.

**Child and Family Team (CFT):** Per WIC § 16501, a group of individuals convened by CFS who are engaged through a variety of team-based processes to identify the strengths and needs of the child and their family, and to help achieve positive outcomes for safety, permanency, and well-being.

**Custody Orders (also known as Exit Orders):** Orders issued by Dependency Court upon termination of dependency proceedings that determine the child's legal and physical custody and may include visitation orders and reference existing restraining orders.

**Legal custody:** The authority to make significant decisions on a child's behalf, including those related to education, religion, and healthcare.

- **Joint legal custody:** Both parents share the right and responsibility to make decisions on the child's behalf.
- **Sole legal custody:** One parent has the exclusive right and responsibility to make decisions on the child's behalf.

**Physical Custody:** The authority to have physical care and control of the child.

- **Joint physical custody:** Both parents share significant periods of physical custody in a manner that ensures the child has frequent and continuing contact with both parents.
- **Sole physical custody:** The child resides with and is under the supervision of one parent, subject to any visitation orders made by the Court.

**Non-Custodial Parent:** A parent with whom the child was not residing at the time the conditions arose which brought the child under Dependency Court jurisdiction. This may include a parent who, as a result of dissolution of marriage/legal separation, does not have primary physical custody of a child.

# POLICY

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## General Case Management

Throughout Family Maintenance (FM) supervision, the assigned SSW will:

- Monitor the child's physical and emotional well-being
- Assess the needs of the child and family
- Ensure the child's protective needs are met
- Clarify for Case Plan Participants any Court orders and the role/responsibilities of CFS
- Monitor Case Plan compliance and ensure services specified in the Case Plan are offered/provided
- Monitor effectiveness of services provided

The following case management activities will be completed:

### A. Case Plan Review

At the initial contact immediately following any hearing ordering FM supervision or continuation of FM supervision, the assigned SSW will:

1. Provide and review the Court-ordered Case Plan with the parent(s)/guardian(s).

**Note:** Case Plan review is an ongoing process completed throughout the FM phase of dependency proceedings, as service needs of the family change.

2. Request the signature of the parent(s)/guardian(s) on the Case Plan signature page.

**Note:** If signatures are not obtained, indicate reason in the Case Plan and SMR Report prepared for the next scheduled Status Review hearing.

The assigned SSW will enter the date of case plan signature or refusal to sign on the ID tab of the In Effect Case Plan in CWS/CMS.

### B. Compliance Contacts

Required compliance contacts will be completed as specified in the Case Plan, in accordance with CFS P&P Case Compliance Contacts and Documentation (E-0105).

C. **Service Provision**

In compliance with the Case Plan and any additional Court orders, service/transportation referrals will be offered/provided to Case Plan Participants, as often as is necessary.

1. Per ACL 24-35, children are to be referred to the Health Care Agency (HCA) within 3 business days of opening a child welfare case and on an ongoing basis, as determined necessary by the Child and Family Team (CFT) and as informed by the Child Adolescent Needs and Strengths (CANS) tool.

Refer to CFS P&P Mental Health Services (I-0303) for additional information.

2. When appropriate, service providers will be given information regarding the sustained allegations and treatment needs of the client/family.

For guidelines on the exchange or release of client information, including use of the *Authorization for Release of Information (F063-25-228)*, refer to CFS P&P Confidentiality—CFS Client Records (F-0105).

3. The assigned SSW will obtain monthly verbal or written (including by email) reports/updates from all service providers regarding:

- Parent/Guardian participation and progress towards treatment goals
- The service provider's professional opinion of:
  - The child's current safety and well-being
  - The family's current service needs
- Any Court requested information

4. If unable to obtain reports/updates from service providers, all attempts will be documented in CWS/CMS contact narratives. Refer to CWS/CMS Data Entry Standards—Service Providers—How to Search, Attach, and Record a Contact (P0401).

For guidelines regarding exchange of electronic information outside the SSA Network, including the encryption of emails, refer to Attachment 1—Safeguarding Electronic Information.

D. **Visitation**

Visitation will be arranged between the child and those parties specified in the Case Plan (as applicable). Refer to CFS P&P Visitation Guidelines (D-0313) for additional information.

E. **Collaborating with CalWORKs**

In accordance with CFS P&P CalWORKs—CFS Collaboration (D-0502), designated staff will screen for mutual clients and if a family is a mutual client, the assigned SSW will collaborate with CalWORKs staff to:

- Evaluate for Domestic Abuse Services
- Coordinate services and avoid duplication of services
- Ensure the family benefits from all available resources
- Ensure a client's participation in CFS activities be included toward meeting Welfare to Work (WTW) participation requirements, when appropriate

F. **Structured Decision Making (SDM) Tools**

All applicable SDM tools will be completed pursuant to CFS P&P Structured Decision Making (D-0311), at a minimum:

- Every six months, in conjunction with the Six Month Review hearing and/or prior to creating a Case Plan Update (as applicable)
- If safety conditions within the household change and/or a new child abuse referral is investigated

G. **Reasonable Accommodations**

CFS Staff will provide reasonable accommodations to clients with disabilities. This includes ensuring effective communication with clients who are non-English speaking or who have vision, hearing, speech, or other disabilities. Communication with these individuals must be as equally effective as communication with clients without language barriers or disabilities.

Refer to CFS P&P Client Rights (B-0105) for additional information.

**Compliance With Court Orders**

The assigned SSW will adhere to any orders issued by the Dependency Court and ensure CFS staff associated with the case are informed of any specific court orders relevant to their involvement in the case.

When clarification or modification to an existing court order is deemed necessary, the assigned SSW may take the following steps, as appropriate:

- Consult with the SSSS
- Contact the Deputy County Counsel assigned to the case
- Contact the Court Officer assigned to the courtroom in which the case is heard
- Appear in Court to discuss, if directed to do so by County Counsel
- If needed, complete a *Request to Change Court Order (JV-180)* and forward to a SSSS in the Court Officers Unit for submission to Dependency Court

If the parent produces a positive, missed, or dilute drug test, the assigned SSW will consult with the SSSS and/or Manager and consider:

- Filing an Information Only ex parte
- Scheduling a CFT meeting
- The appropriateness of requesting a protective custody warrant
- Filing a subsequent/supplemental petition

In addition, the assigned social worker must continue to provide information regarding the parent/guardian's drug tests in the court report written for each status review as well as at any other time when ordered by the Court to do so.

**Note:** When circumstances arise that pose a potential **physical risk to the child's safety**, immediately consult County Counsel.

**Incarcerated/  
Institutionalized  
Parents/Parents  
awaiting  
Deportation**

Incarcerated, institutionalized, and parents awaiting deportation may be offered Enhancement services while their child remains under FM supervision with another parent/guardian. These parents also have a right to notice and to be present, or to have an attorney present, at any hearing involving their child. Refer to CFS P&P Incarcerated and Institutionalized Parents (G-0308).

**Note:** Parents who have been deported or are living outside of the U.S. may be offered Enhancement Services. See CFS P&P Case Plans (D-0101) for additional information.

**Educational  
Rights of the  
Parent/Guardian**

In accordance with CFS P&P Limiting Educational Rights (I-0103), the assigned SSW will ensure a responsible adult is available and involved in making decisions for a child's education. The parent(s)

receiving FM services should be actively addressing the child's educational needs.

If the parent/guardian is not meeting the child's educational needs, the assigned SSW will consult with their SSSS to determine whether a protective custody warrant, ex parte, request to limit educational rights, or other court intervention is needed.

If the educational rights of the parent/guardian were previously limited, the SMR Report will address, as applicable, the parent/guardian's continued inability or unwillingness to make educational decisions for the child.

**Child and Family  
Team Meeting  
(CFTM)**

Per ACL 25-08, Child and Family Team Meetings (CFTMs) will be convened for all children to support Family Maintenance status. According to ACIN I-10-25, Family Maintenance CFTMs can offer several benefits such as:

- Identifying and engaging strengths and needs in the youth and family
- Identifying services needed to support the family
- Identify and implement community, family, or NREFM and natural supports to the reunified family to ensure the family is able to experience a successful reunification

Per ACL 25-08, ongoing CFTMs are to take place at least every 6 months after the initial meeting for all youth in FM, or prior to updates to the case plan, whichever is earlier, in order for the CFT to inform the case plan.

Family Maintenance CFTM members are to include:

- The youth (ages 0-21)
- The parent(s)/guardian(s)/family of origin. (If the youth remains in, or returns to, the care of their parent(s)/legal guardian(s), this includes any parent/legal guardian who is included in the case plan.)
- The case-carrying social worker
- The child's mental health provider (when applicable)
- The Tribal representative or Indian custodian (when applicable)
- A representative from the regional center if the youth is eligible for regional center services

Additional FM CFTM members may include the following:

- Family members, including extended family, and other natural supports
- Parent partners and/or youth partners with lived experience with the child welfare or behavioral health system
- Enhanced Care Management Lead Care Managers.
- Public health providers
- Educational specialists (e.g., teachers, special education teachers, principals, speech therapists, etc.)
- Medical specialists (e.g., occupational therapists, public health nurses, etc.)

Refer to CFS P&P Child and Family Teams (D-0314) for additional information regarding CFTM timelines, release of information, case planning, and documentation.

### **Writing the SMR Report**

The assigned SSW will prepare a SMR Report for every Status Review (Six Month Review) hearing calendared. The report will incorporate pertinent, accurate, and objective information, including exculpatory evidence, obtained over the period of FM supervision. Objectivity on behalf of the assigned SSW is paramount, as it ensures a factual representation for Court to determine the status and progress of the family and lends credibility to the assigned SSW's recommendations.

The SMR Report will document:

- The well-being of the child
- Status of family functioning
- Identification of family needs and services offered/provided
- An evaluative assessment of the family's progress towards:
  - Meeting Case Plan objectives and compliance with Court-ordered services
  - Eliminating the conditions/factors requiring Court intervention

The SMR Report will document any interviews, /correspondence, and information provided by collateral contacts/service providers, including the following:

- The date on which interview/correspondence was completed
- The method by which interview/correspondence was conducted (e.g., in person, phone, email, letter)
- A notation of language (other than English) or interpreter services utilized
- The full name, title, and agency affiliation (as applicable)

- of any professional
- Contact information (i.e., address and phone number), unless there is a compelling reason to keep the information confidential

**Note:** If any required information is not available for inclusion in the SMR Report (or accompanying Case Plan Update), attempts to obtain the information will be documented in the SMR Report.

**Court Recommendation Considerations**

The SMR Report prepared for each period of FM supervision will include a recommendation for one of the following, as appropriate:

- Termination of dependency proceedings
- Or-**
- Continued jurisdiction and extension of FM supervision pending a subsequent Six Month Review hearing

**Note:** The recommendation will take into account the SDM Family Risk Reassessment and whether the risk level and/or presence of unresolved safety threats warrant continuation of FM supervision.

**A. Termination of Dependency Proceedings**

At the Six Month Review hearing, the assigned SSW will recommend termination of dependency proceedings unless the SMR Report contains sufficient documentation for Court to establish, by a preponderance of evidence:

- Conditions still exist which would justify initial assumption of jurisdiction under WIC § 300

**-Or-**

- Such conditions are likely to exist if FM supervision is withdrawn

**Note:** In accordance with WIC § 364(c), failure of a parent/guardian who retains physical custody of the child to participate regularly in any court-ordered treatment program constitutes sufficient evidence that continued supervision is necessary.

Per CFS P&P Custody (Exit) Orders and Custody Transfers to Non-Custodial Parents (G-0201), when recommending termination of dependency prior to a child's 18<sup>th</sup> birthday, the assigned SSW will consider the appropriateness of Custody (Exit) orders necessary to ensure protection of the child, including the need for:

- Custody orders
- Visitation orders
- Restraining orders

**Note:** Request Custody (Exit) orders upon termination of an FM case if parents are separated and/or do not reside together.

The SMR Report must document facts/incidents which demonstrate sufficient grounds for issuance of the requested Custody (Exit) orders. Per WIC § 302, the custody orders issued by Dependency Court upon termination of dependency remain in effect and shall not be modified in Family Court unless there has been a significant change in circumstances and it is in the child's best interests.

Custody orders are not required when there is only one presumed parent because there is only one parent entitled to custody.

B. **Extension of FM Supervision**

At the Six Month Review hearing, the assigned SSW may recommend extension of FM supervision, provided all of the following criteria are met:

- The child has not reached 18 years of age
- The custodial parent/guardian has not made **substantial** progress towards addressing the causes necessitating Court intervention (as documented in the Services Provided/Family Compliance section of the SMR Report)
- Objectives of the proposed Case Plan Update can be achieved within the extended timeframe
- Manager approval has been obtained (for extension of FM supervision beyond 12 months)

**Note:** A Subsequent Six Month Review hearing will be calendared whenever FM supervision is continued.

**Case Plan Update**

A. **Circumstances Necessitating a Case Plan Update**

The assigned SSW will complete a Case Plan Update:

- In conjunction with each Status Review (Six Month Review) hearing, unless the recommendation is to terminate dependency proceedings.
  - If the Case Plan Update reflects changes to existing Case Plan goals or objectives, the SMR

Report will provide justification for requested changes.

- If current Case Plan Objectives no longer meet the service needs of the child and family.
  - When a Case Plan Update is required prior to a Six Month Review hearing, consult SSSS and County Counsel regarding submission of a *Request to Change Court Order (JV-180)* or Ex Parte request.

**B. Development of Case Plan Update**

Whenever possible, the assigned SSW will involve the parent(s)/guardian(s) and child (as age and developmentally appropriate) in development of a Case Plan Update.

Prior to developing a Case Plan Update, the assigned SSW will:

- Complete SDM tool – Risk Reassessment
- Review and update the CANS assessment in collaboration with the Child and Family Team Meeting (CFTM).
- Utilize both the SDM and CANS assessments to inform and influence the Case Plan services and objectives
- During compliance contact(s), solicit input from parent(s)/guardian(s) and child (provided they are Case Plan Participants), regarding:
  - Case Plan Goals/Objectives/Client Responsibilities
  - Family strengths and service needs
  - Case management activities to be performed
  - Visitation (as applicable)

**During discussions with the parent(s)/guardian(s) regarding case plan development, the assigned SSW will:**

1. Request that the parent(s)/guardian(s) sign the *Acknowledgement of Participation in Case Plan Development (F063-28-244)*.

If any signature is not obtained, the reason will be indicated on the *Acknowledgement of Participation in Case Plan Development (F063-28-244)* and in the Case Plan section of the court report submitted with the Case Plan Update.

**Note:** Use of the *Acknowledgement of Participation in Case Plan Development (F063-28-244)* does not replace the need to obtain signature(s) on a Court-approved Case Plan Update. See Policy section, “General Case Management.”

2. Advise the parent(s)/guardian(s) of Evidence Code Section 1228.1, detailed on the *Acknowledgement of Participation in Case Plan Development (F063-28-244)*.

A completed *Acknowledgement of Participation in Case Plan Development (F063-28-244)* will accompany any proposed Case Plan Update submitted to Court.

**Note:** Multiple *Acknowledgement of Participation in Case Plan Development (F063-28-244)* forms may be completed and submitted to Court if input regarding case plan development was obtained at different times and/or this input resulted in revisions to the proposed Case Plan Update.

For further information on development/content of a Case Plan Update, refer to CFS P&P Case Plan Development/ Elements (D-0101). For instruction regarding generating a Case Plan Update in CWS/CMS, refer to Case Plan—Update (B0104).

C. **Court Amended Case Plan**

If the proposed Case Plan Update is amended by Court, the Case Plan Update will be revised in the CWS/CMS accordingly by the assigned SSW, SSSS, or designee.

**Timeframe for Completion/  
Submission of  
Court Report**

The SMR Report and any accompanying Case Plan Update will be:

- A. Submitted to the assigned SSW’s Court Typist by the **clerical deadline**, no later than **24 calendar days** prior to the scheduled hearing date.

**Note:** Ensure all relevant SDM tools have been completed.

- B. Reviewed and signed by the assigned SSW and their SSSS (or designee) following approval.

**Note:** Pursuant to Division 31-230.12, signature approval on the Case Plan Update is not required prior to submission to Court, provided the SMR Report to which the Case Plan Update is attached has been signed.

- C. Reviewed and approved by the Manager (no signature required) when recommending extension of FM supervision beyond 12 months.
- D. Filed with Court by the **court filing deadline**, by **12:00 Noon, 10 calendar days** (excluding judicial holidays) prior to scheduled hearing date.

For guidelines regarding e-filing, refer to CFS P&P Electronic Signing and Filing of Court Reports (B-0217).

If applicable, refer to CFS P&P Custody (Exit) Orders and Custody Transfers to Non-Custodial Parents (G-0201) for preparation and processing of **proposed Custody/Exit orders**.

**Notice of Hearing** The assigned SSW will complete a *Notice of Hearing Worksheet (F063-28-04)* as detailed in CFS P&P Notices of Hearing (G-0507) and provide to the assigned SSW's Court Typist **by the clerical deadline** to ensure all appropriate parties receive notice of the Six Month Review hearing.

**Note:** If recommending termination of dependency, the *Notice of Hearing Worksheet (F063-28-04)* must indicate that a change in the custody or status of the child is being recommended.

Notice will be provided to all appropriate parties no earlier than **30 calendar days** and not later than **15 calendar days** prior to the Six Month Review hearing.

Refer to CFS P&P Notices of Hearing (G-0507) for information regarding parties entitled to Notice, method of service, and content of the notice. Further information regarding Notice is detailed in:

- CFS P&P Indian Child Welfare Act (G-0309)
- CFS P&P Incarcerated and Institutionalized Parents (G-0308)

**Provision of Court Report to Involved Parties** The assigned SSW's Court Typist will provide a copy of the SMR Report and Case Plan Update (as applicable) to applicable parties, as directed on the *Notice of Hearing Worksheet (F063-28-04)* (see CFS P&P Notices of Hearing [G-0507]). The SMR Report and Case Plan Update will be provided no later than **10 calendar days** in advance of the scheduled hearing.

### Addendum Reports

Following submission of the SMR Report to Court, an Addendum Report will be prepared and submitted by the assigned SSW when:

- New information pertinent to the case is obtained, which was not previously documented in the SMR Report
- The recommendation documented in the SMR Report changes
- The Case Plan Update previously submitted with the SMR Report is revised prior to the scheduled hearing (Include revised Case Plan Update and any *Acknowledgement of Participation in Case Plan Development [F063-28-244]* not previously submitted to Court)
- The Six Month Review hearing is continued:
  - A minimum of seven calendar days
  - and/or–**
  - Court requests additional information be provided

Addendums may be submitted to the Court Typist for filing with Court **any time prior** to the scheduled hearing.

### Other Court Reports

When a hearing is calendared other than a continuance of the Six Month Review hearing (e.g., Progress Review, Termination Review), the assigned SSW will ensure completion and submission of the court report specific to that hearing (i.e., Interim Report).

Any Interim Report prepared by the assigned SSW will be:

- A. Submitted to the assigned SSW's Court Typist by the **clerical deadline**, no later than **four court business days** prior to the scheduled hearing date.
- B. Filed with Court by the **court filing deadline**, no later than **two court business days** prior to scheduled hearing date.

### Advisement of Child's Rights at Court

The assigned SSW will make every attempt to inform any child (capable of understanding the concept) who is the subject of dependency proceedings, of their right to:

- Be present and participate in any dependency hearing regarding their case
- Make a statement to Court, including an opinion about placement (if placement decisions are being considered)

Documentation of the above advisement and statements made by the child will be documented in the SMR Report.

For additional information regarding advisement of the child's rights at Court and facilitating transportation to hearings, refer to CFS P&P Child's Rights at Court (G-0303).

**Availability for Court Dates**

The assigned SSW and/or SSSS will be available to respond to Court for each Six Month Review hearing or continuance of that hearing, as follows:

- A. The SSW will immediately return any telephone call received from the courtroom in which the hearing is being held.
- B. When the SSW's presence is requested, the SSW will make an in-person response to Court at the time specified by Court. The SSW will be available to respond to Court regardless of their flex day.
- C. Upon receipt of a personal appearance subpoena, the SSW will do one of the following:
  - Appear in Court on the date/time specified
  - Place themselves on-call with Victim Witness if subpoenaed by County Counsel
  - Make alternate arrangements (e.g., request to be placed on-call) with the person requesting their presence and inform County Counsel

For further information regarding subpoenas, refer to CFS P&P Confidentiality—CFS Client Records (F-0105).

- D. The assigned SSSS, or designee, will be available to respond to Court if the assigned SSW is unable to do so.

**Note:** The SSW will inform the assigned SSSS in advance, when unavailable for the scheduled hearing.

**Suspected Abuse/  
Failed FM**

- A. **Child Abuse Referrals**  
While a family remains under FM supervision, CFS staff will report any incidents of suspected child abuse/neglect to the Child Abuse Hotline. New allegations received on an open case are subject to the same laws and regulations that govern the screening and investigation of all child abuse reports.

If a child abuse referral is opened for investigation, the assigned SSW will be notified. The Emergency Response (ER)/Differential Response (DR) SSW will contact the assigned SSW or SSSS prior to commencing the ER/DR investigation as

detailed in CFS P&P Abuse Investigations—Open Case (A-0402).

**Note:** If the Child Abuse Hotline does not generate a child abuse referral or the referral is investigated but the allegations(s) is/are not substantiated, and circumstances indicate a child may no longer be able to remain safely in the care of the parent(s)/guardian(s) (e.g., Case Plan non-compliance, unauthorized contact between child/perpetrator), consult SSSS and/or Manager to determine the appropriateness of requesting a protective custody warrant and filing a Supplemental Petition.

**B. Removal/Detention**

A child under FM supervision may be detained/re-detained upon filing a Supplemental (WIC § 387) or Subsequent (WIC § 342) Petition, pursuant to CFS P&P Dependency Intake (A-0502).

Removing a child from a parent/guardian constitutes a seizure under the Fourth Amendment. Therefore, if after consultation it is determined there is a need to request removal of a child under failed FM, the investigating SSW will obtain a protective custody warrant pursuant to the “Protective Custody Warrants” Policy section of CFS P&P Warrants (G-0901).

**Note:** A protective custody warrant should be sought any time a child is being removed from a parent, even if protective orders from Court allow removal without a warrant. Consult SSSS and/or County Counsel regarding case specifics.

If the Dependency Court denies the protective custody warrant application to remove the child from their parent(s), the assigned SSW or designee should consider filing a Detention Hearing Report and Supplemental/Subsequent Petition. Consult SSSS, Manager, and/or County Counsel.

To initiate a Supplemental/Subsequent Petition, an *Application for Petition (F063-28-43 and F063-28-43B)* must be completed. See CFS P&P Abuse Investigations—Protective interventions (A-0414).

Upon the child(ren)’s removal, a Detention Hearing Report and Supplemental/Subsequent Petition will be filed by the assigned SSW or designee within 48 hours following submission of an *Application for Petition (F063-28-43 and F063-28-43B)*. See

CFS P&P Abuse Investigations—Protective interventions (A-0414).

A Dependency Investigations SSW will be given secondary assignment once the Application for Petition is filed. Once Detention orders are made, the Investigations SSW will be given primary assignment of the case and the Assigned Social Worker (Continuing worker) will have secondary assignment to assist with case management.

Consequently, case transfer and delivery of any files to Dependency Investigations must be completed **by no later than noon** the following business day following submission of an *Application for Petition*. See CFS P&P Case Transfers (D-0302) for further information.

**Clearances for  
New Adults in FM  
Residence**

If an adult moves into the residence of a parent/guardian receiving FM supervision, the assigned SSW will, **as soon as possible**, obtain background clearance information regarding the new adult by:

- A. Using alternative public resources, such as:
  - California Megan’s Law Sex Offender Locator Database
  - The County Superior Court Criminal and Traffic Case system in which the person resides (e.g., Orange County Superior Court of California Criminal and Traffic Cases)
  - Police logs regarding any history of calls to the address in which the child is residing
  - Other publicly available resources
- B. Requesting authorization from the individual (i.e., other adult) to complete CWS/CMS clearances for prior child abuse and neglect. The individual’s response to the request will be documented in the permanent record.

The assigned SSW will notify the parent/guardian if:

- The individual refuses to consent to CWS/CMS clearances
- Clearance information obtained indicates the individual would pose a risk to the child’s safety and/or well-being (do not disclose any confidential information)
- The Court will be notified of any safety concerns regarding background clearance information of any resident of the household

The assigned SSW will **immediately** notify Court (via informational Ex Parte) if:

- Clearance information obtained indicates the individual would pose a risk to the child's safety and/or well-being and the parent/guardian allows the individual to remain in the home
- The individual refuses to consent to CWS/CMS clearances

**Note:** Due to a lack of statutory authority, the assigned SSW will not obtain criminal history information regarding any other adult residing in the home of a parent/guardian receiving FM supervision, through the California Law Enforcement Telecommunications System (CLETS) or a request for live scan fingerprinting.

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## REFERENCES

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### Attachments and Data Entry Standards

Click on the links below to directly access attachments to this P&P and any Data Entry Standards referred to.

- [Attachment 1—Safeguarding Electronic Information](#)
  - [Attachment 2 — Family Maintenance Status Review Hearing Report Autotext](#)
  - [CWS/CMS Data Entry Standards—Case Plan: Update \(B0104\)](#)
  - [CWS/CMS Data Entry Standards—Service Providers—: Search, Attach and Record Contact \(P0401\)](#)
  - [CWS/CMS Data Entry Standards—Generating a CWS/CMS Court Report \(F0103\)](#)
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### Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Abuse Investigations—Open Case \(A-0402\)](#)
- CFS P&P [Abuse Investigations—Protective interventions \(A-0414\)](#)
- CFS P&P [CalWORKs—CFS Collaboration \(D-0502\)](#)
- CFS P&P [Case Compliance Contacts and Documentation \(E-0105\)](#)
- CFS P&P [Case Plan Development/Elements \(D-0101\)](#)
- CFS P&P [Case Transfers \(D-0302\)](#)
- CFS P&P [Child's Rights at Court \(G-0303\)](#)
- CFS P&P [Confidentiality—CFS Client Records \(F-0105\)](#)

- CFS P&P [Custody \(Exit\) Orders and Custody Transfers to Non-Custodial Parents \(G-0201\)](#)
- CFS P&P [Dependency Intake \(A-0502\)](#)
- CFS P&P [Electronic Signing and Filing of Court Reports \(B-0217\)](#)
- CFS P&P [Incarcerated and Institutionalized Parents \(G-0308\)](#)
- CFS P&P [Independent Living Program Services—Initial Referral \(D-0504\)](#)
- CFS P&P [Indian Child Welfare Act \(G-0309\)](#)
- CFS P&P [Jurisdictional/Dispositional Hearing Report \(G-0310\)](#)
- CFS P&P [Limiting Educational Rights \(I-0103\)](#)
- CFS P&P [Notices of Hearing \(G-0507\)](#)
- CFS P&P [Out-of-Home Placement \(K-0208\)](#)
- CFS P&P [Sensitive Referrals and Cases \(F-0107\)](#)
- CFS P&P [Structured Decision Making \(D-0311\)](#)
- CFS P&P [Substance Abuse Services for Children \(D-0510\)](#)
- CFS P&P [Visitation Guidelines \(D-0313\)](#)
- [Structured Decision Making Policies and Procedures Manual \(Via SDM Application\)](#)

## REQUIRED FORMS

**Online Forms** Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
<a href="#">Notice of Hearing Worksheet</a>	F063-28-04
<a href="#">Statement Regarding Parentage</a>	JV-505
<a href="#">Acknowledgement of Participation in Case Plan Development</a>	F063-28-244
<a href="#">Acknowledgement of Participation in Case Plan Development (Spanish)</a>	F063-28-244Sp
<a href="#">Authorization for Release of Information</a>	F063-25-228

**Hard Copy Forms** Forms listed below must be completed in hard copy (including multi-copy NCR forms). ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
<a href="#">Application for Petition</a>	F063-28-43

**CWS/CMS  
Forms**

The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
<a href="#">Case Transfer Summary</a>	F063-28-319R
<a href="#">Request to Change Court Order</a>	JV-180

**Brochures**

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

**LEGAL MANDATES**

[ACL 25-08](#) provides statewide implementation guidance for the formation of Child and Family Teams (CFTs), and for the provision of CFT Meetings for youth who have voluntary or court-ordered Family Maintenance status.

[ACIN I-10-25](#) provides a Family Reunification (FR) Statewide Guide meant to be used as a training tool/resource guide in companion with other guidance, regulations, and state statutes as well as information about Family Maintenance after reunification.

[Welfare and Institutions Code \(WIC\) § 292](#) details the requirements for noticing parties of an FM Six Month Review hearing.

[Welfare and Institutions Code § 302](#) provides that, unless parental rights have been terminated, parents be notified of all dependency proceedings and provided a copy of the court report. Any custody or visitation orders issued by the Dependency Court upon termination of dependency remain in effect and shall not be modified in Family Court unless there has been a significant change in circumstances since the Dependency Court issued the order and modification of the order is in the child's best interests.

[Welfare and Institutions Code § 361\(a\)](#) authorizes Dependency Court to place limitations on a parent/guardians' control over a dependent child in his/her care, as necessary for the protection of the child.

[Welfare and Institutions Code § 362\(c\)](#) directs a parent/guardian who retains custody of a dependent child subject to supervision of SSA to participate in child welfare services (e.g., FM services).

[Welfare and Institutions Code § 362.4](#) authorizes Dependency Court to issue custody, visitation, and/or restraining orders, upon termination of dependency.

[Welfare and Institutions Code § 364](#) discusses the content of the court report prepared by the social worker, that a copy of the report be furnished to all parties at least 10 calendar days prior to the hearing, and the general conduct of the Six Month Review hearing calendared to address a child under FM supervision.

[Welfare and Institutions Code § 366.21\(c\)](#) provides that a Court Appointed Special Advocate (CASA) receive a copy of the report prepared by the SSW for any Status Review hearing.

[Welfare and Institutions Code § 391](#) details additional documentation requirements for any court report submitted at a hearing to terminate jurisdiction over a dependent child who has reached the age of 18.

[Welfare and Institutions Code § 16002](#) details required efforts and exceptions to facilitating sibling placement and/or visitation.

[Welfare and Institutions Code § 16501\(g\)](#) defines FM services as activities designed to provide in-home protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families.

[Welfare and Institutions Code § 16501.1](#) and [California Department of Social Services \(CDSS\) Manual of Policies and Procedures \(MPP\) Division 31 Regulations Chapter 200](#) detail the development, content, and timeframe for completion of a Case Plan.

[Welfare and Institutions Code § 16506](#) and [ACL 05-07](#) detail circumstances under which FM services may be provided and/or extended.

[California Rules of the Court, Rule 5.651\(c\)](#) provides that at every Status Review hearing, specific information regarding the child be addressed to ensure their educational, physical, mental health, and developmental needs are being met.

[California Department of Social Services \(CDSS\) Manual of Policies and Procedures \(MPP\) Division 31-086](#), sets forth the term and conditions for the provision of family maintenance services to families.

[Evidence Code § 1228.1](#) provides that a parent/guardian's signature on a case plan or their acceptance of case plan services is not an admission of guilt or evidence to be used against them in Court.

[CDSS MPP Division 31 Regulations Chapter 300](#) details the SSW's responsibilities for the provision of services.

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## REVISION HISTORY

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Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

February 19, 2010

February 24, 2011