



Presumptive Transfer Informational Guide

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 that transfers from the county of jurisdiction to the county of residence

Child and Family Team (CFT)

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



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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.



Role of the Child and Family Team (CFT)

The CFT process informs placement decisions, as well as the child or youth's foster care case plan, and mental health treatment plan.

CFT meetings are an opportunity for all members of the CFT to discuss an expected placement change in the context of possible impacts to existing services, and:

- The CFT should be consulted on whether the transfer may impact the delivery or access to SMHS, provide required notices explaining presumptive transfer and the right to request a waiver
- Address questions and concerns face-to-face
- If a CFT cannot be convened prior to placement, and SMHS are presumptively transferred to the county of residence, the county placing agency must immediately contact the MHP in the county of residence to notify the MHP of the placement and the need to provide or arrange and pay for SMHS to meet the needs of the child or youth
- The CFT process should be seen as the primary venue to discuss questions, recommendations, or concerns regarding placement, services, and supports

If an out of county placement occurs and SMHS are presumptively transferred to the county of residence, the SMHS provider(s) from the county of residence becomes part of the child or youth's CFT.

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



CFT members who are not present and legal representatives must receive notifications and required forms within established time frames.

Placement decisions must always be made in consultation with the child and family team (CFT).



Placement in Other Counties

Presumptive Transfer Informing Notice

Placing agencies are responsible for informing the following individuals about presumptive transfer requirements, a description of the exceptions, and the right to request a waiver:

- The foster child or youth
- The foster child or youth's attorney
- The person or agency responsible for making mental health care decisions on behalf of the foster child or youth
- The assigned social worker and/or juvenile probation officer
 - The placing agency should document these notifications in the child or youth's case file

Notice of Presumptive Transfer of SMHS to MHP in County of Residence

Placing agencies must notify the MHP in the county of residence about any child or youth placed in that county, even if SMHS are not currently needed or being provided.

For children and youth not receiving SMHS at the time of placement, the notice from placing agencies should include information related to the completion of a mental health screen and referral, as required by [ACL 15-11](#). Specifically, placing agencies should include information such as:

- If a screen was completed – including the results
- If a referral for a clinical assessment was made
- If an assessment was completed – including if a need for services was indicated



These notification requirements can be met by completing the forms included as Attachments C and D (or similar forms).

[ACL 18-60/ MHSUDS IN 18-027, June 22, 2018](#)

CDSS and DHCS have developed a template informing notice that placing agencies may use for this purpose.



Notice of Presumptive Transfer to Mental Health Plan

Placing agencies must also notify the MHP in the county of residence about children and youth receiving SMHS at the time they are placed in that county. In addition to sending a Notice of Presumptive Transfer, placing agencies must ensure the MHP in the county of residence has all information and materials necessary to deliver timely SMHS. Specifically, placing agency workers are required to either send directly, or arrange to have sent the following:

- Name and contact information of placing agency worker
- Child or 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.*



Waiver of Presumptive Transfer

Waiver of Presumptive Transfer

- On a case-by-case basis, presumptive transfer may be waived
- A waiver request places a hold on the transfer of responsibility for SMHS until such time that the placing agency in the county of original jurisdiction has made a determination that the waiver meets the required conditions and is in the best interest of the child or youth
- In this situation, the county of original jurisdiction is responsible for continuing to provide, or arrange for the provision of, and pay for SMHS to the child or youth without interruption until the placing agency makes a determination regarding the waiver

Presumptive transfer may be waived so that the responsibility to provide SMHS remains with the county of jurisdiction so that:

- Request must be made to placing agency within seven calendar days of placing agency's presumptive transfer informing notice
 - The date of the county's presumptive transfer informing notice starts the seven day time period for waiver requests
- Placing agency must consult with CFT and other professionals when making waiver determination
- 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

Placing agencies may consider a request to waive presumptive transfer from any of the following individuals or agencies:

- Child or youth in foster care
- Person or agency responsible for making mental health care decisions on behalf of the child or youth
- Child or youth's attorney
- Child welfare services or juvenile probation agency with responsibility for care and placement of the child or youth

Placement in Short Term Residential Therapeutic Programs (STRTPs)

- Placement expected to last less than six months, and the child or youth will return to the county of original jurisdiction after the STRTP placement, this placement meets the criteria of a waiver to presumptive transfer
- If the placing agency determines that a waiver is in the best interest of the child or youth and the contract requirements for approving a waiver are met, the existing waiver process (*including notification requirements*) must still be completed
- If a child or youth placed in an STRTP, whose stay was expected to last less than six months, stays longer than six months, the CFT should discuss whether the waiver should continue
- Providers may not make waivers, or the absence of waivers, a general condition of accepting placements
- MHPs may not compel providers, including STRTPs, to make waivers a general condition of accepting placements



Waiver of Presumptive Transfer (continued)

Presumptive transfer may be waived if any of the exceptions below are determined to exist:

- The transfer would disrupt continuity of care, or would delay the child or youth's access to services
- The transfer would interfere with family reunification efforts documented in the child or youth's individual case plan
- The child or youth's placement outside of the county of jurisdiction is expected to last less than six months, or
- 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

If the CFT determines that a waiver of presumptive transfer will be requested, the placing agency worker:

- Ensures all notices and forms have been provided within established time frames
- Ensures 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
- A waiver request must be made to the placing agency within seven calendar days of the placing agency's determination to place a child, youth, or NMD out of county
- If a request to waive presumptive transfer is made the placing agency is responsible for determining if waiver is appropriate
 - Placing agency must consult with CFT and other professionals when determining if waiver is appropriate



Request a Hearing

The individual who requested a waiver, or any party to the case who disagrees with a waiver determination made by the placing agency, may request judicial review prior to the county's determination becoming final within seven calendar days of being notified of the placing agency's determination.

- The court has up to five court days to set a hearing on the matter, and until such time, presumptive transfer is on hold
- Delivery of existing SMHS to the child or youth must continue without interruption, and be provided or arranged for, and paid for by the MHP in the county of original jurisdiction
- Placing agencies are required to provide the court with information related to a request to waive presumptive transfer that includes a description of the process followed by the placing agency, the CFT, and others in making its determination on the waiver
- Prepare and provide a report to the court if a request for judicial review of a waiver determination is made



SMHS Provided by Multiple MHPs

There are times a foster child or youth is placed outside of the county of original jurisdiction when it may be appropriate for the MHP in the county of original jurisdiction to provide SMHS while the MHP in the county of residence is also providing or arranging, and paying for SMHS.

Examples:

- When the SMHS provider(s) in the county of original jurisdiction *has an established relationship*, the provider(s) may continue to provide SMHS throughout the transition of the child or youth to the new SMHS provider(s) in the county of residence. During the transition these SMHS are paid for by the MHP in the county of original jurisdiction; or
- When the SMHS provider(s) has an established relationship with a child or youth's significant support person (e.g. parent, family member) and the provider(s) will continue to be involved in the child or youth's life during and after the out of county placement, the provider may continue to provide collateral services to the foster child or youth's significant support person during a transition period until this relationship can be transferred to a new SMHS provider, or until this service is no longer needed



In this example, the MHP in the county of residence is responsible for providing or arranging, and paying for the ongoing SMHS.

Psychiatric Inpatient Hospitalization Examples:

A foster child or youth that resides in the county of original jurisdiction receives psychiatric hospital inpatient services in a county outside of the county of original jurisdiction. Presumptive transfer *does not apply* in this scenario because psychiatric inpatient hospitalizations are not considered foster care placements and the foster child or youth will return to the county of original jurisdiction following the psychiatric inpatient hospital stay.

The county of original jurisdiction retains responsibility for the provision of and payment for the psychiatric inpatient hospitalization.

A foster child or youth that resides outside the county of original jurisdiction, but is waived from presumptive transfer, receives psychiatric hospital inpatient services. Due to the waiver, presumptive transfer *does not apply* in this scenario and the county of original jurisdiction retains responsibility for the provision of and payment for the psychiatric inpatient hospitalization, regardless of the county in which the hospitalization occurs.