



COUNTY OF YOLO
HEALTH AND HUMAN SERVICES AGENCY

POLICIES AND PROCEDURES

SECTION 5, CHAPTER 12, POLICY 009

AB 1299 PRESUMPTIVE TRANSFER

POLICY NUMBER:	5-12-009
SYSTEM OF CARE:	MENTAL HEALTH
FINALIZED DATE:	03.22.2021
EFFECTIVE:	07.01.2020
SUPERSEDES # :	Supersedes Policy #'s: N/A

A. PURPOSE: To establish a uniform Presumptive Transfer policy to clarify roles and responsibilities for Yolo County Health and Human Services Agency (HHSA) Behavioral Health (BH) and Network Providers in compliance with AB1299 Presumptive Transfer, to provide children and youth in foster care who are placed outside their counties of original jurisdiction access to Specialty Mental Health Services (SMHS) in a timely manner, based upon their individual strengths and needs, and consistent with Early and Periodic Screening Diagnostic and Treatment requirements.

B. RELATED DOCUMENTS:

1. Yolo County AB 1299 Presumptive Transfer Notification Form
2. Facsimile Cover Sheet Presumptive Transfer

C. DEFINITIONS:

1. **Presumptive transfer:** Presumptive transfer means a prompt transfer of the responsibility for the provision of, or arranging and payment for SMHS from the county of original jurisdiction to the county in which the foster child resides and only applies to children and youth who experience inter-county moves within California and does not apply to children and youth placed out of state.
2. **Child and Family Team (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. The CFT shares responsibility to assess, plan, intervene, monitor and refine services and supports over time. The CFT process allows members of the team to discuss behavioral issues to provide meaningful opportunities for children, youth and families, and for those who provide them with physical or emotional support, to participate in the development and implementation of their individualized case or treatment plans that are designed to meet their needs. CFTs promote collaboration and cooperation among child-serving individuals and agencies. By sharing decision-making and working together, professionals and children, youth and families can work towards positive outcomes.

3. **County of Original Jurisdiction:** Children and youth removed from the home and care of their parents and placed in protective custody, or foster care, are legal dependents or wards of the juvenile court in the county where the removal occurred. The county that establishes dependency or wardship of a child or youth is the county of original jurisdiction, and is referred to as the "county of original jurisdiction" for the purposes of presumptive transfer.
 4. **Placing Agency:** the county Child Welfare or Juvenile Probation agency responsible for the care and placement of the youth
 5. **Short-Term Residential Therapeutic Program (STRTP):** is a type of licensed congregate care facility that provides intensive services, including SMHS, to children and youth. Placements in STRTPs are intended to be short-term, with the child or youth returning to a home-based setting after treatment.
 6. **Authorized individuals and agencies:** Individuals and agencies authorized to request waivers to presumptive transfer include foster child, the person or agency that is responsible for making mental health care decisions on behalf of the foster child, the probation agency, or the child welfare services agency with responsibility for the care and placement of the child, or the child's attorney, as defined in W&I Code, Section 14717.1(d)(2).
- D. POLICY:** It is the policy of Yolo County Health and Human Services Agency (HHSA) Behavioral Health (BH) that BH shall assume responsibility for the authorization, provision, and financial responsibility of timely SMHS upon the Presumptive Transfer of a youth placed in Yolo County. Yolo County HHSA BH will work with placing agencies to implement presumptive transfers, in accordance with state and federal guidelines. Yolo County HHSA BH and its Network Providers shall meet state standards for timely access to care and services for children/youth presumptively transferred to the MHP's responsibility. (42 C.F.R. § 438.206(c)(1)(i).)

E. PROCEDURE:

1. OVERVIEW

- a. **Youth placed in Yolo County with a presumptive transfer:**
 - i. The designated point of contact for Yolo HSSA BH, will:
 - a. Be notified of a Presumptive Transfer case from the Placing Agency's point of contact in the County of Original Jurisdiction;
 - b. Enter the youth's information in the Presumptive Transfer Spreadsheet;
 - c. Inform the placing agency how to access SMHS in Yolo County.

- b. **Youth placed in Yolo County with a presumptive transfer waiver:**
 - i. The designated point of contact for Yolo HSSA will:
 - a. Enter the youth's information into the Presumptive Transfer Waiver Spreadsheet;
 - b. Yolo County HSSA BH and the County of Original Jurisdiction will come to an agreement regarding what SMHS should be provided.

- c. **Youth placed out of Yolo County with a presumptive transfer**
 - i. The designated point of contact for Yolo HSSA BH will:
 - a. Enter the youth's information into the Presumptive Transfer Spreadsheet;
 - b. Assist the Placing Agency in accessing SMHS from the youth's County of Residence;
 - c. Provide the County of Residence any needed documentation and clinical information needed for the provision of SMHS.

2. YOUTH PLACED OUT OF YOLO COUNTY ON A PRESUMPTIVE TRANSFER WAIVER

- a. When an authorized individual requests a presumptive transfer pursuant to the exceptions defined by Welfare and Institutions Code 14717.1(d)(5) (described in Section 3c below), Yolo County HSSA BH will:
 - i. Confirm that the provider meets the following requirements to process a Presumptive Transfer Waiver:
 - a. The provider is Medi-Cal site certified;
 - b. Staff providing SMHS are credentialed with Yolo County;
 - c. There is a contract in place with the service provider or if not, the Department can enter into a contract with the service provider within 30 days.
 - ii. If the above items are not met, the Yolo County HSSA BH will communicate with the Placing Agency that a Presumptive Transfer Waiver may not be feasible.

- iii. The designated point of contact for Yolo HSSA will collaborate with the service provider to monitor quality SMHS are provided to the youth.
- b. For an expedited presumptive transfer the following should apply:
 - i. California Welfare and Institutions (W&I) Code Section 14717.1(b)(2)(F) requires a procedure for expedited transfers within 48-hours of placement of the foster child or youth outside of the county of original jurisdiction.
 - ii. In situations when a foster child or youth is in imminent danger to themselves or others or experiencing an emergency psychiatric condition, Yolo County HHSA or Contracted Provider must provide SMHS immediately, and without prior authorization.
 - iii. There may be instances when a child or youth must be moved to a new placement outside of the county of original jurisdiction for his or her safety and a CFT meeting is unable to be convened prior to placement. In these instances, Yolo County HHSA 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. Counties may use the presumptive transfer county points of contact list on this webpage: www.cdss.ca.gov/County-Offices to assist with the expedited transfer of SMHS.
 - iv. When a request is made for an expedited transfer:
 - a. The Placing Agency's assigned worker will contact the designated point of contact for Yolo HSSA BH and request for services to be expedited.
 - b. The designated point of contact for Yolo HSSA BH will collaborate with the Placing Agency to obtain all required documents (i.e., release of information) and set up an urgent initial assessment.

3. YOLO COUNTY HHSA AS THE PLACING AGENCY

a. Notification requirements:

- i. Yolo County HHSA is responsible for informing authorized individuals and agencies, and the assigned social worker and/or juvenile probation officer about presumptive transfer requirements, a description of the exceptions, and the right to request a waiver. These notifications should be document in the child or youth's case file. This documentation may include, but is not limited to, copies of signed forms, copies of CFT meeting agendas and meeting notes that document presumptive transfer discussions, and narrative case plan notes. A notification must also

be sent to the CFT coordinator or all members of the CFT; this notification may be written and/or verbal.

- ii. Pursuant to W&I Code Section 361.2(h) and ACL 17-81, any time the decision to place a dependent foster child or youth in a county other than his or her county of original jurisdiction, Yolo County HHSA will provide, at least 14 days prior to the date of placement, written notification to the authorized individuals and agencies and any additional individual(s) or agency(s) as deemed appropriate, unless the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given. Documentation of this notification must be included in the child or youth's case file.
- iii. For children and youth who are not receiving SMHS, Yolo County must notify the MHP in the county of residence.
- iv. A waiver request must be made to Yolo County HHSA within seven (7) calendar days of determination to place a child, youth, or NMD out of county. The date of the presumptive transfer informing notice starts the seven (7) day time period for waiver requests.
- v. Each time a child is placed outside of the county of original jurisdiction, presumptive transfer and the waiver process applies. In the event that a child's placement status changes and the child is placed back within the county of original jurisdiction, Yolo County HHSA must notify the MHP in the former county of residence as well as the MHP in the county of original jurisdiction that the responsibility for providing or arranging for the provision of SMHS is returning to the county of original jurisdiction. This notification should be made through each county MHP's designated presumptive transfer single point of contact. Point of Contact information can be found on Yolo County's website.
- vi. Coordination of existing policies and processes, including the use of locally developed forms, can be aligned with other Yolo County placing agencies to ensure the notification requirements described above are met.

b. Presumptive transfer and the child and family team process:

- i. Presumptive transfer must be discussed by the CFT in situations in which a child or youth is to be placed outside the county of original jurisdiction.
- ii. Yolo County HHSA and all involved entities must coordinate to ensure that there is a single CFT for each child or youth and his or her family.
- iii. The CFT should develop a plan for the foster child or youth to return to his or her community with clear milestones, goals, and timelines, when appropriate. The plan should consider the desired outcomes

for the foster child or youth, including keeping the foster child or youth connected to relationships in the county of original jurisdiction if and when appropriate.

c. Exceptions to the conditions of presumptive transfer:

- i. Authorized individuals and agencies may request that Yolo County HHSA consider a waiver of presumptive transfer. Yolo County HHSA may decide to waive presumptive transfer **on an individual, case-by-case basis only** if one or more of the four exceptions exist, as specified in W&I Code Section 14717.1(d)(5)(A-D):
 - a. The transfer would negatively impact mental health services being provided to the child or youth or delay access to services provided to the foster child
 - b. The transfer would interfere with the family reunification efforts documented in the individual case plan;
 - c. The foster child's placement in a county other than the county of original jurisdiction is expected to last less than six months; or
 - d. The foster child's residence is within 30 minutes of travel time to his or her established SMHS care provider in the county of original jurisdiction.
- ii. The responsibility for providing SMHS remains with Yolo County HHSA when it is determined an exception exists and that the presumptive transfer waiver is appropriate pursuant to the established conditions of and exceptions to presumptive transfer. When an exception to presumptive transfer exists, waiver determinations are made by Yolo County HHSA, in consultation with the CFT members.
- iii. The waiver decision must be documented in the child's case plan, and communicated to all other members of the CFT through a CFT coordinator if one exists, or Yolo County HHSA case carrying social worker or deputy probation officer. Documentation may include:
 - a. SMHS needs; such as potential mental health needs, identification of most appropriate SMHS placement, ensuring continuity of care
 - b. Regional Center Considerations, such as impact on existing services for child youth/ Regional Center client, considering impact on existing services. (If not currently a client but has been referred child should not be moved until assessment is complete and Regional Center eligibility is determined)
 - c. safety/well-being needs
 - d. Educational issues/concerns/service needs, such as favorite academic subjects and challenges,

- e. who the Educational Rights Holder or Education Surrogate is, existing IEPs
 - f. Physical Health Service concerns/service needs, such as the child/youth's type of Medi-Cal Plan, developmental progress, any existing services/medications.
 - g. Transition or Permanent Plan goals, such as plans to live with family member or foster parent and the preparing for that transition, preparation services if youth is aging out of system, consideration of any community support services the child/youth will need (hobbies, sports, etc)
- iv. Yolo County HHSA is responsible for informing the authorized individuals and agencies of a waiver request. A waiver processed based on an exception to presumptive transfer shall be contingent upon demonstrating an existing contract with a SMHS provider, or the ability to enter into a contract with a SMHS provider within 30 days of the waiver decision, and the ability to deliver timely SMHS directly to the foster child. The information must be documented in the child's case plan.

d. Waiver requests:

- i. A request for waiver may be made by authorized individuals and agencies, and may not consider requests to waive presumptive transfer from individuals or agencies other than those defined in statute. Once a waiver request is made, the presumptive transfer is on hold pending the final decision from Yolo County HHSA or court.
- ii. The waiver request must be made to Yolo County HHSA within 7-calendar days of determination of where the foster child will be placed out of county. The waiver request must include, at a minimum the following information:
 - a. Name of the child;
 - b. Name and contact information of the requester and their legal relationship to the child; and
 - c. A brief description of which exception(s) are believed to apply to waive presumptive transfer.
- iii. Yolo County HHSA shall inform authorized individuals and agencies of the waiver request, and the CFT coordinator if one exists, or Yolo County's case carrying social worker or deputy probation officer and shall make their determination of the waiver request in consultation with the CFT.
- iv. Once a determination is made, the person who requested the waiver of presumptive transfer, along with any other parties to the child's welfare or probation case, shall receive notice of the determination of whether to waive presumptive transfer.

- v. Yolo County HHSA will notify the MHP where the child resides that the change in MEDS has occurred within 2-business days of making the change.
 - vi. Yolo County HHSA shall inform the MHP in the county of original jurisdiction within 3-business days of all final determinations for a waiver regarding a foster child receiving SMHS. The following information shall be provided:
 - a. Determination of the exception(s) that support the waiver; and
 - b. Exception(s) claimed as the basis for the request.
 - vii. A request for a waiver, the exception(s) claimed as the basis for the request, a determination of whether a waiver is determined to be appropriate, and any objections to the determination shall be documented in the child's case plan.
 - viii. Yolo County HHSA will inform the MHPs in both the county of original jurisdiction and the county of residence of the presumptive transfer, or approved waiver within three business days of the placement decision.
- e. Requesting a hearing:**
- i. Authorized individuals may request judicial review within seven (7) calendar days of being notified of Yolo County HHSA's determination. Delivery of existing SMHS to the child or youth must continue without interruption, and be provided or arranged for.
 - ii. The court has up to five (5) court days to set a hearing on the matter, and until such time, presumptive transfer is on hold.
 - iii. Yolo County HHSA shall provide the court with information related to a request to waive presumptive transfer that includes:
 - a. a description of the process followed by the placing agency,
 - b. the CFT, and others in making its determination on the waiver.
 - iv. Yolo County HHSA shall ensure that all parties are informed and included in determinations related to presumptive transfer through the CFT process.
 - v. The court may confirm or deny the transfer of responsibility or application of an exception based on the best interest of the child. If the court confirms the waiver request, the responsibility for authorization of and payment for SMHS shall remain with the child's county of original jurisdiction. If the waiver request is denied, the responsibility for authorization and payment of SMHS shall transfer to the child's county of residence. Yolo County HHSA shall notify the MHP of county of original jurisdiction and the MHP of the county of residence within 3-business days of the receipt of the judicial denial, provide the required documentation and change

the foster child's residence address in the MEDS to the child's address in the county of residence.

4. YOLO COUNTY HHSA AS THE RECEIVING AGENCY

a. Presumptive transfer and the child and family team process:

- i. Presumptive transfer must be discussed by the CFT in situations in which a child or youth is to be placed outside the county of original jurisdiction. If an out of county placement is received by Yolo County HHSA, SMHS are presumptively transferred and will become part of the child or youth's CFT.
- ii. Yolo County HHSA should collaborate with the county of original jurisdiction child welfare or probation agency responsible for placement and the MHPs contract providers if applicable, to ensure a CFT exists and meetings occur.
- iii. The CFT should develop a plan for the foster child or youth to return to his or her community with clear milestones, goals, and timelines, when appropriate. The plan should consider the desired outcomes for the foster child or youth, including keeping the foster child or youth connected to relationships in the county of original jurisdiction if and when appropriate.

b. Presumptive transfer and MEDS:

- i. Yolo County HHSA will ensure that changes in MEDS has occurred within 2-business days of notification of presumptive transfer.
- ii. In the event MEDS changes have not been made, Yolo County will contact placing agency and request immediate change and negotiate payment of services until change is in effect.
- iii. Any payment negotiations shall be agreed upon by all parties in writing.
- iv. Yolo County HHSA shall not restrict or discontinue any covered services.

5. SHORT-TERM RESIDENTIAL THERAPEUTIC PROGRAM PLACEMENTS AND WAIVER DETERMINATIONS

- a. If a child or youth is placed in an STRTP with a case plan indicating that the duration of his or her stay is 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 an exception to presumptive transfer under W&I Code Section 14717.1(d)(5)(C).
- b. If the placing agency determines that a waiver of presumptive transfer for a child or youth placed in an STRTP 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 as described.

- c. 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. The decision to continue the waiver in this case is based on an exception to presumptive transfer other than the expectation that the placement will last less than six months.

6. SPECIALTY MENTAL HEALTH SERVICES PROVIDED BY MULTIPLE MENTAL HEALTH PLANS

- a. There are times when 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 provided to the foster child or youth placed in their county. For example:
 - i. When the SMHS provider(s) in the county of original jurisdiction has an established relationship with the child or youth and his or her family members, 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
 - ii. 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.
- b. In both examples above the services provided to a parent or family member of a foster child or youth placed outside of the county of original jurisdiction must be clearly linked to the child's mental health needs, goals, coordinated through the CFT, and documented in the client plan. Collateral service activities provided to a child or youth's significant support person may occur on the same day that the foster child or youth receives SMHS provided by the county of residence.

7. PSYCHIATRIC INPATIENT HOSPITALIZATION

- a. The applicability of presumptive transfer depends on the specific scenario, as described below:
 - i. 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.
 - ii. 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.
- b. 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.
- c. SMHS for a foster child or youth that resides outside the county of original jurisdiction are presumptively transferred to the county of residence and the foster child or youth receives psychiatric inpatient hospital services outside of the county of residence. Since SMHS for this foster child or youth have been presumptively transferred, the county of residence is responsible for the provision of, and payment for psychiatric inpatient hospitalization regardless of the county in which the hospitalization occurs.

F. REFERENCES:

- 1. AB 1299 Presumptive Transfer
- 2. W&I Code, Section 14717.1
- 3. 42 C.F.R. § 438.206(c)(1)(i.)
- 4. W&I Code Section 361.2(h)
- 5. ACL 17-81
- 6. MHSUD Information Notice 18-027

Approved by:



Karen Larsen, Director
Yolo County Health and Human Services Agency

3/24/2021

Date