



Board Agenda Item 43

DATE: February 4, 2020

TO: Board of Supervisors

SUBMITTED BY: Delfino E. Neira, Director, Department of Social Services

SUBJECT: Retroactive Agreement with the California Department of Social Services to Provide Legal Services on Appeals to Resource Family Approval Notice of Action

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Agreement with the California Department of Social Services to act as the sole legal representative on behalf of the County on appeals to Resource Family Approval Notice of Action, effective July 1, 2019 through June 30, 2021 (\$0).

Approval of the recommended action will allow the California Department of Social Services (CDSS) to represent the County on appeals of Resource Family Approval (RFA) Notice of Action at no cost to the County for FY 2019-20 through FY 2020-21.

ALTERNATIVE ACTION(S):

Should your Board choose not to approve the recommended action, the County will be responsible for these legal services and all associated costs.

RETROACTIVE AGREEMENT:

The recommended Agreement was received from the State on December 20, 2019 and is retroactive to July 1, 2019.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Cost for services provided under this agreement are funded by the State.

DISCUSSION:

As part of the State's Continuum of Care Reform efforts, the RFA program provides a unified set of standards for the licensing of foster homes and approving individuals as foster care providers. The program supports victims of child abuse and neglect by reducing the use of congregate care and shortening the time to permanency for children.

As a component of the unified standards, the County and CDSS may enter into an agreement which allows CDSS to provide assistance with the RFA process, pursuant to Government Code section 30029.7(a). CDSS offers the following services: legal services, Complaint Investigations, Family Evaluations, and Home Health and Safety Assessments. The Department is interested in receiving assistance with legal services.

Legal services include consultation and representation on appeals to an RFA Notice of Action (NOA). The NOA notifies an RFA applicant of their denial or rescindment as a foster care provider and the reason for the denial or rescindment. In the event of a denial NOA, the Department must consult with CDSS and provide a valid reason for denying the RFA applicant. If the RFA applicant appeals a NOA, CDSS will appear on behalf of the County at all proceedings heard by the State Hearing Divisions or Office of Administrative Hearings. Although CDSS will appear on behalf of the County, the County will be able to make final determinations on decisions affecting its legal rights.

The recommended Agreement utilizes CDSS's contract model and differs from the County's model contract. The Agreement includes mutual indemnification language. The Agreement allows for termination for any reason, by either the County or CDSS, with ninety (90) day advance written notice. Any action arising from this agreement shall be filed and remain in the County of Sacramento.

REFERENCE MATERIAL:

BAI #54, August 8, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CDSS

CAO ANALYST:

Ronald Alexander