EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-53-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the impacts of COVID-19; and

WHEREAS public health requirements regarding physical distancing, as well as service disruptions related to COVID-19, may prevent county child welfare agencies and probation departments from performing necessary functions or meeting program requirements; and

WHEREAS there is a critical need to prevent child maltreatment and to support children and nonminor dependents in the foster care system, and to ensure the continuation of adoptions-related work during the response to COVID-19; and

WHEREAS there is an urgent need for families to provide care for and supervision of children and nonminor dependents who have been abused or neglected and who are in out-of-home care; and

WHEREAS the existing emergency foster care placement process and Resource Family Approval program require activities and assessments that are currently unavailable or difficult to achieve due to the emergency caused by COVID-19, even as children and nonminor dependents may require higher levels of care or supports; and

WHEREAS there is a critical need for alternative methods of contact between county placing agencies and the children and nonminors in their care due to COVID-19; and

WHEREAS COVID-19, and physical distancing measures adopted in response to COVID-19, may make it impossible, impractical, or unwise for the California Department of Social Services' Community Care Licensing Division to perform regular in-person functions related to the out-of-state program and certification of facilities serving California youth; and

WHEREAS there is a need for alternatives to face-to-face methods of contact between the State Adoption Regional Office and delegated county agency adoption staff and birth parents, as well as the children and families reliant on proper oversight to ensure their safety; and

WHEREAS access to cell phones and the Internet are essential for foster youth to have contact with their caseworkers, as well as access to distance learning, telehealth, contact with their families and other necessary supports and services during COVID-19; and

WHEREAS certain investigative timelines and due dates cannot be met because of the effects of COVID-19, including court closures related to COVID-19; and

WHEREAS many potential adoptive parents are experiencing financial hardship because of the impacts of COVID-19 and many are, as a result, unable to pay required fees for independent adoption investigations; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) To facilitate the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary and for a period not to exceed 60 days, temporarily waive, in whole or in part, Resource Family Approval Program standards set forth in the Resource Family Approval Program pursuant to Article 2 of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code and any accompanying regulations, written directives, or other related policies or procedures, including but not limited to standards regarding annual updates, inactive status, home environment, caregiver training, complaint investigation protocols, and face-to-face interview requirements.

2) To facilitate the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary to ensure such care and supervision and for a period not to exceed 60 days, waive any requirements in subdivision (d) of Section 309, subdivision (e) of Section 361.2, subdivision (c) of Section 361.4, subdivision (a) of Section 361.45, subdivisions (a) and (e) of Section 727.05, and subparagraph (B) of paragraph (1) of subdivision (a) of Section 16504.5 of the Welfare and Institutions Code, and accompanying regulations and written directives or other related policies or procedures related to the emergency placements of children, wards, and nonminor dependents.

3) To ensure support for foster care placements during the COVID-19 emergency, the 365-day payment limitation pursuant to subdivision (e) Section 11461.36 of the Welfare and Institutions Code and accompanying rules or regulations are suspended. Payment may be extended for up to an additional 60 days for any case that reaches 365 days of emergency caregiver payments during the COVID-19 emergency.

4) In order to serve the needs of children, wards, and nonminor dependents in home-based foster care placements whose care and supervision are directly impacted by COVID-19 and notwithstanding any rate established pursuant to, or limited by, sections 11460, 11461,11461.3, 11461.36, 11461.4, 11463, and 11464 of the Welfare and Institutions Code and accompanying rules and regulations, the Department of Social Services shall establish temporary payment amounts, based on COVID-19-related criteria established by the Department, not to exceed the rate paid on behalf of an eligible child placed with an intensive services foster care resource family or, for a

child determined to require the level of care provided by a short-term residential therapeutic program, the rate established by the Department for that program. Payment amounts shall be determined in consultation with the Department of Finance and shall be subject to such necessary budgetary action as may otherwise be required by law.

5) The Department of Social Services may, to the extent necessary to achieve the purpose of this paragraph, temporarily verify foster care status, as described in Welfare and Institutions Code section 826.8, for dependents or wards of the juvenile court whose cases have not been dismissed, for the limited purpose of facilitating foster youth access to programs providing cellular telephones or other communication technology to foster youth.

6) Notwithstanding Welfare and Institutions Code section 827, subdivisions (a)(1), (a)(4), and (a)(5), and for the limited purpose of facilitating current and former dependents' and wards' access to programs providing cellular telephones or other communication technology to foster youth and as otherwise set forth below, the county child welfare agencies, county probation departments, and Title IV-E agreement Tribes may share information, as specified by the Department of Social Services, from a juvenile case file with entities that are not otherwise entitled under section 827 to access such information without a court order, if sharing such information is necessary to establish eligibility for, or access to, the technology.

7) State eligibility criteria for payments to nonminor dependents living in or requesting approval of a Supervised Independent Living Placement requiring any physical, in-person, face-to-face application, meetings, inspections, visits, and signature requirements, as required by Welfare and Institutions Code sections 11400 and 11403 and accompanying rules or regulations are suspended.

8) State extended foster care eligibility for all youth entering or reentering extended foster care requiring any physical, in-person, face-to-face application, meetings, visits, and signature requirements, as well as the maximum age criteria for nonminor dependents who turn 21 on or after the date of this Order, as required by Welfare and Institutions Code sections 388, 388.1, 11400, and 11403 and accompanying rules or regulations are suspended.

9) Redetermination requirements for payments made pursuant to the Kinship Guardianship Assistance Program, as set forth in Article 4.5 (commencing with Section 11360) and Article 4.7 (commencing with Section 11385), as applicable, of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code and accompanying rules or regulations are suspended.

10) Visitation requirements contained in Section 11405 of the Welfare and Institutions Code and accompanying rules or regulations are suspended.

11) Physical, in-person, face-to-face meetings, visits, evaluations and/or signatures required by Family Code section 8808 and accompanying rules or regulations are suspended.

12) The provisions related to timelines for, and the commencement of, an investigation of a proposed independent adoption and timelines for the corresponding report as required by Family Code section 8807 and accompanying rules or regulations are suspended.

13) The physical, in-person certification functions including, but not limited to, face-to-face visits, on-site inspections, evaluations, reviews, certification, and complaint investigations, except for investigations regarding allegations that present a serious risk to the health and safety of persons in care ("Priority 1" investigations), required for out-of-state group homes within the Department of Social Services' jurisdiction as set forth in Family Code Sections 7911.1 and accompanying rules, regulations, or interim licensing standard, are suspended for the duration of the COVID-19 emergency in California or any state with a facility certified by the Department of Social Services.

14) Any waivers or suspensions of statutes, any accompanying regulations, written directives, or other related policies or procedures, issued pursuant to this Order shall expire no later than June 30, 2020, unless this Order specifies a shorter duration. Any such waivers shall be posted to the Department's website.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of April 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State