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Code: Section:

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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (*Division 9 added by Stats. 1965, Ch. 1784.*)

PART 4. SERVICES FOR THE CARE OF CHILDREN [16000 - 16589] (*Heading of Part 4 amended by Stats. 1978, Ch. 429.*)

CHAPTER 7. Family First Prevention Services [16585 - 16589] (*Chapter 7 added by Stats. 2021, Ch. 86, Sec. 54.*)

16585. (a) It is the intent of the Legislature to exercise the option afforded to states under Section 474(a)(6) and Section 471(e) of the federal Social Security Act, as contained in the federal Family First Prevention Services Act of 2018 (Public Law 115-123, 42 U.S.C. Sec. 674(a)(6) and 42 U.S.C. Sec. 671(e), respectively) to receive federal financial participation for the prevention services described in Section 471(e) of the federal Social Security Act (42 U.S.C. Sec. 671(e)) that are provided for a candidate for foster care or a pregnant or parenting foster youth, and their parents or kin caregivers, and the allowable costs for the proper and efficient administration of the program.

(b) (1) It is the intent of the Legislature that the prevention services under this chapter will be implemented in coordination with the existing continuum of services to improve the safety and well-being of children by strengthening and supporting families so that children can remain safely in their homes.

(2) It is the intent of the Legislature that the prevention services under this chapter will improve outcomes for children and families, reduce entries into foster care, and reduce disproportionate entries into foster care of children and youth of color, Native American and Alaskan Native children and youth, and lesbian, gay, bisexual, transgender, queer, and plus (LGBTQ+) children and youth.

(3) It is the intent of the Legislature that the prevention services under this chapter will be provided in a manner that reaffirms the commitments to Indian children, Indian families, and Indian tribes in accordance with Section 224. There is no resource more vital to the continued existence and integrity of Indian tribes than their children, and the State of California has an interest in ensuring that prevention services are provided in a manner consistent with the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(4) It is the intent of the Legislature that prevention services provided by a county under this chapter be delivered as part of a plan developed in consultation with other relevant county agencies that serve families and children, Indian tribes, local community representatives, caseworkers, and individuals and families with lived experience with the child welfare system.

(*Added by Stats. 2021, Ch. 86, Sec. 54. (AB 153) Effective July 16, 2021.*)

16586. For purposes of this chapter, the following definitions shall apply:

(a) (1) "Candidate for foster care" means a child described in Section 475(13) of the federal Social Security Act (42 U.S.C. Sec. 675(13)), and as further described in the State Plan for Title IV-E prevention services and programs and approved by the United States Department of Health and Human Services, Administration for Children and Families.

(2) A child may be considered at imminent risk of foster care when the county or tribal caseworker determines, based upon an assessment, that prevention services are necessary to mitigate the child's risk of entry or reentry into foster care, and the child meets the criteria for imminent risk of foster care established in the State Plan for Title IV-E prevention services and programs and approved by the United States Department of Health and Human Services, Administration for Children and Families.

(3) A child shall not be a candidate for foster care while simultaneously residing in foster care.

(b) "Child" means a minor under 18 years of age, or a nonminor under 21 years of age who is eligible to reenter foster care pursuant to Section 388.1.

(c) "Pregnant or parenting foster youth" means a child or nonminor dependent in foster care who is a parent, or an expectant parent of an unborn child.

(d) "Prevention plan" means a written document that meets the requirements set forth in Section 471(e)(4) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(4)).

(e) "Prevention services" means the services or programs described in Section 471(e) of the federal Social Security Act (42 U.S.C. Sec. 671(e)), including those services or programs with eligible adaptations, as permitted by the United States Department of Health and Human Services, Administration for Children and Families, which includes, but is not limited to, eligible adaptations to increase the cultural relevancy of a service or program. Prevention services, as defined for purposes of this subdivision, are not Medi-Cal services unless all state and federal Medicaid requirements are met, any necessary federal approvals are obtained, and medical assistance federal financial participation is available and is not otherwise jeopardized.

(Added by Stats. 2021, Ch. 86, Sec. 54. (AB 153) Effective July 16, 2021.)

16587. (a) A county may elect to provide the prevention services under this chapter by providing a written plan to the State Department of Social Services, in accordance with instructions issued by the department. The written plan, when being updated by the county on or after January 1, 2027, shall include the county's plans to provide information for mandated reporters regarding the resources available to support families in their communities. A county shall promptly notify the department of any changes to the written plan, including, but not limited to, an elimination or reduction of services. During the first year of implementation, a county may elect to provide the prevention services under this chapter by providing a written notice to the department while the county continues to develop its written plan. The county shall consult with other relevant county agencies that serve families and children, Indian tribes, local community representatives, caseworkers, and individuals and families with lived experience with the child welfare system in the development and ongoing implementation of the plan.

(b) The department shall consult with Indian tribes on the development of the statewide prevention plan, associated allocation policies, and procedures for an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 to elect to provide the prevention services under this chapter.

(c) (1) A county or Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 that elects to provide prevention services under this chapter may provide those services for all of the following:

(A) A child who is a candidate for foster care.

(B) A child or nonminor dependent in foster care who is a pregnant or parenting foster youth.

(C) The parents or kin caregivers of a child described in this paragraph.

(2) (A) Prevention services under this chapter may be provided for a period of up to 12 months.

(B) Prevention services under this chapter may be provided for additional 12-month periods, including contiguous 12-month periods, on a case-by-case basis, when a county or tribal caseworker determines and documents in the candidate for foster care or pregnant or parenting foster youth's prevention plan that they continue to meet the requirements to receive prevention services as a candidate for foster care, or pregnant or parenting foster youth.

(C) Nothing in this subdivision shall be construed to alter or limit the time period for services provided under the Medi-Cal program to a Medi-Cal beneficiary, which shall be based on medical necessity.

(3) When a county knows or has reason to know a child is an Indian child, as defined in Section 224.1, the county shall provide prevention services under this chapter in a manner consistent with active efforts, as described in subdivision (f) of Section 224.1.

(d) A Title IV-E agency that elects to provide the prevention services under this chapter shall be responsible for:

(1) (A) Determining whether a child is a candidate for foster care and eligible for prevention services based upon an in-person assessment, or an alternative assessment methodology approved by the State Department of Social Services.

(B) Identifying whether a child or nonminor dependent in foster care is a pregnant or parenting foster youth who will receive prevention services. A candidacy assessment and determination are not required for a pregnant or parenting foster youth to receive prevention services.

(2) Documenting the determination described in paragraph (1) in the child or youth's prevention plan.

(3) Inquiring whether a child who is being assessed as a candidate for foster care and for prevention services under this chapter is or may be an Indian child in accordance with Section 224.2. When the county knows or has reason to know the child is an Indian

child, as defined in Section 224.1, the county shall provide written notification to the tribe inviting the child's tribe to partner with the county agency in the initial and ongoing assessments of the child and family and the development and implementation of the written prevention plan.

(4) (A) Developing and implementing a written prevention plan for the child or youth using a model approved by the department.

(B) In the case of a child who is a candidate for foster care, the prevention plan shall identify the foster care prevention strategy for the child and list the services or programs to be provided to, or on behalf of, the child, including the services or programs to be provided to the child's parent or kin caregiver.

(C) In the case of a pregnant or parenting foster youth, the prevention plan shall list the services or programs to be provided to, or on behalf of, the youth to meet their individual needs, strengthen their ability to parent, describe the parenting support strategy to promote the health and development of, and prevent foster care for, any child born to the youth, and be included in the youth's existing case plan.

(D) In the case of an Indian child, the development and implementation of the written prevention plan shall be in partnership with the Indian child's tribe.

(5) Documenting all prevention services cases under this chapter in accordance with instructions issued by the department to county Title IV-E agencies.

(6) Ensuring that prevention services are provided using a trauma-informed approach, including an approach informed by historical and multigenerational trauma.

(7) Monitoring the safety of a candidate for foster care or pregnant or parenting foster youth receiving prevention services under this chapter, which shall include in-person contact with the child or youth by the caseworker to ensure the child's or youth's ongoing safety, as specified in the written prevention plan.

(8) Conducting periodic risk assessments for the child or youth while prevention services are being provided. The caseworker shall reexamine the prevention plan if they determine the risk of the child or youth entering foster care remains high despite the provision of prevention services. In the case of an Indian child, the assessments and any reexamination of the prevention plan shall be conducted in partnership with the Indian child's tribe.

(9) Collecting and reporting any information or data necessary to the department for federal financial participation, federal reporting, or evaluation of the services provided, including, but not limited to, child-specific information and expenditure data.

(10) Continuously monitoring the implementation and provision of services provided under this chapter to ensure fidelity to the practice model, determine outcomes achieved, and determine how information learned from monitoring will be used to refine and improve practices, using a continuous quality improvement framework developed in accordance with instructions issued by the department to county Title IV-E agencies. Outcomes achieved shall include, but are not limited to, measures examining the equitable implementation and provision of services, as well as equitable distribution of outcomes.

(11) (A) Conducting or contracting for a well-designed and rigorous evaluation of each prevention service provided under this chapter, as coordinated by the department and in accordance with instructions issued by the department to county Title IV-E agencies. An evaluation shall examine the effectiveness of each service in improving outcomes for children and families across diverse groups receiving each service. The department shall consult with the State Department of Health Care Services on any instructions to counties that involve an evaluation of a prevention service that is paid for by Medi-Cal.

(B) This paragraph shall not apply to a prevention service for which the state has received a federal waiver of the evaluation requirements pursuant to Section 471(e)(5) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(5)).

(C) Subject to the availability of state or other funds, the department may conduct or contract for a well-designed and rigorous evaluation of a prevention service as described in subparagraph (A). A Title IV-E agency's participation in an evaluation of a prevention service by the department shall satisfy the agency's responsibility under this paragraph.

(e) A Title IV-E agency may contract with another agency or community-based organization to perform the activities described in paragraphs (4) through (8), inclusive, of subdivision (d) in accordance with guidelines and instructions issued by the department. The county shall be responsible for supervising and ensuring appropriate performance of these activities. A county may work with one or more other counties utilizing the same prevention service to conduct a joint evaluation that meets the requirements of this section.

(f) A parent, caregiver, child, or youth's nonparticipation in or noncompletion of offered prevention services, in and of itself, shall not be prima facie evidence that the child comes within Section 300 or prima facie evidence of substantial danger.

(Amended by Stats. 2025, Ch. 79, Sec. 32. (SB 119) Effective July 29, 2025.)

16588. (a) The State Department of Social Services shall seek all necessary federal approvals to obtain Title IV-E federal financial participation for the prevention services provided under this chapter, including the submission of any necessary state plans or amendments. During the first three years of implementation, in consultation with counties and stakeholders, the department shall annually review the state's five-year prevention plan and determine whether amendments should be pursued, including, but not limited to, the candidacy population and the evidence-based programs or services included in the state's prevention plan. Additionally, the department shall consult with tribes during this review process.

(b) A county child welfare agency or county probation department shall not claim Title IV-E federal financial participation for the prevention services under this chapter unless the department has obtained all necessary federal approvals.

(c) (1) A county that elects to provide the prevention services under this chapter shall pay the nonfederal share of the cost for providing these prevention services beyond any state funding provided for this chapter.

(2) Notwithstanding paragraph (1), the state may contribute a portion of the nonfederal share of cost and implementation costs, subject to an appropriation of state funds. Counties receiving state funds under this paragraph shall submit to the department a comprehensive plan that includes a continuum of primary, secondary, and tertiary prevention and intervention strategies and services to support the ability for parents and families to provide safe, stable, and nurturing environments for their children, in accordance with instructions issued by the department. The continuum of services shall include culturally appropriate and responsive services that are tailored to meet the needs of families who are disproportionately represented in the child welfare system, including Native American and Alaskan Native families, families of color, and lesbian, gay, bisexual, transgender, queer, and plus (LGBTQ+) children or youth. Counties shall promptly notify the department in accordance with instructions issued by the department, of any changes to the comprehensive plan, including, but not limited to, an elimination or reduction of services. During the first year of implementation, a county may utilize state funds under this paragraph to provide the prevention services under this chapter, to provide prevention and intervention services beyond those in the state five-year prevention plan or Title IV-E Prevention Services Clearinghouse that fill service gaps, including, but not limited to, culturally responsive services, and for implementation costs by providing a written notice to the department while the county continues to develop its comprehensive plan.

(3) (A) The department, in consultation with the County Welfare Directors Association of California and Chief Probation Officers of California, shall develop an allocation methodology to distribute state funding for the prevention services program established under this chapter.

(B) Except as provided in subparagraph (C), counties shall use state funds allocated pursuant to this chapter for the nonfederal share of cost of prevention services, as defined in subdivision (e) of Section 16586, allowable administrative activities performed for the program, and program implementation costs in accordance with written guidance issued by the department. Counties may also use state funds for the cost for any other prevention services offered pursuant to the comprehensive plan described in this subdivision, in accordance with written guidance issued by the department.

(C) (i) The department may exempt a small county from the requirement to use state funds allocated pursuant to this chapter for the nonfederal share of cost of prevention services, as defined in subdivision (e) of Section 16586. A county for which this requirement is waived shall use state funds allocated pursuant to this chapter for the cost of other prevention services offered pursuant to the county's comprehensive plan, allowable administrative activities performed for the program, and program implementation costs in accordance with written guidance issued by the department.

(ii) For purposes of this section, "small county" includes all of the following counties: Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Tehama, Trinity, and Tuolumne.

(D) Counties shall document and report all prevention services utilizing state funds under this chapter in accordance with written guidance issued by the department.

(4) The department shall consult with Indian tribes to develop an allocation methodology to distribute state funding under this chapter to an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 and elects to provide the prevention services under this chapter.

(5) State funds allocated under this chapter shall not supplant funds for existing programs.

(d) A county shall use federal funds received under this chapter to supplement, and not supplant, local and state foster care prevention expenditures used for the maintenance of effort, as described in Section 471(e)(7) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(7)). The department shall provide guidance to counties on expenditures that are to be counted toward the maintenance of effort requirement, consistent with federal guidance on this issue.

(e) A county shall not use local or state foster care prevention expenditures utilized for the state maintenance of effort, as described in Section 471(e)(7) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(7)), for the nonfederal share of the cost of providing prevention services under this chapter for a fiscal year. The department shall provide guidance to counties on expenditures that are to be counted toward the maintenance of effort requirement, consistent with federal guidance on this issue.

(f) (1) For the prevention services under this chapter, a county or tribal Title IV-E agency shall not be considered to be a legally liable third party for purposes of satisfying a financial commitment for the cost of providing those services or programs with respect to any individual for whom that cost would have been paid for from another public or private source but for the enactment of the federal Family First Prevention Services Act of 2018 (Public Law 115-123), except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by a child or family in a timely fashion, funds provided under this chapter may be used to pay a prevention services provider pending reimbursement from the public or private program that is ultimately responsible for payment.

(2) The State Department of Health Care Services, in consultation with the State Department of Social Services, shall develop guidance identifying what prevention services provided under this chapter may be eligible for payment, in part or whole, under the Medi-Cal program. The departments shall develop a model joint written protocol for counties to determine what program is responsible for payment, in part or whole, for a prevention service provided on behalf of a child under this chapter.

(3) A county that elects to provide prevention services under this chapter shall establish a joint written protocol between the child welfare agency, probation department, behavioral health agency, and other appropriate entities for determining what program is responsible for payment, in part or whole, for a prevention service provided on behalf of a child under this chapter. The county shall use the model protocol developed under paragraph (2), or an equivalent approved by the department.

(g) The State Department of Health Care Services may submit a Medicaid state plan amendment, waiver request, or both, to maximize federal financial participation under the Medi-Cal program for the prevention services provided under this chapter. If the State Department of Health Care Services determines that federal approval is necessary in order to receive federal financial participation for the Medi-Cal program for any portion of the prevention services or activities described in this chapter, counties shall not claim these prevention services or activities as Medi-Cal services until the effective date specified in the federal approval obtained by the State Department of Health Care Services.

(Amended by Stats. 2024, Ch. 46, Sec. 52. (AB 161) Effective July 2, 2024.)

16589. (a) The State Department of Social Services shall have oversight of the Family First Prevention Services program established under this chapter. The department shall consult with the State Department of Health Care Services on any letters or instructions for the Family First Prevention Services program that intersect with services under the Medi-Cal program. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this chapter by means of all-county letters or similar written instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(b) Nothing in this chapter shall be construed to amend or otherwise alter state and federal requirements for Medi-Cal services. The State Department of Health Care Services shall maintain oversight over services claimed to the Medi-Cal program and shall be responsible for seeking any approvals necessary for the Medi-Cal program. The State Department of Health Care Services may provide guidance on whether federal financial participation is available for Medi-Cal services that may intersect with the implementation of prevention services under Part I of the federal Family First Prevention Services Act. Medi-Cal services shall only be claimed to the extent that any necessary federal approvals are obtained and medical assistance federal financial participation is available and is not otherwise jeopardized. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may provide Medi-Cal guidance to implement this chapter by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

(c) (1) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of this chapter shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, the Public Contract Code, and the State Contracting Manual, and shall not be subject to the review or approval of the Department of General Services.

(2) This subdivision shall become inoperative on July 1, 2028, unless a later enacted statute, that becomes operative on or before July 1, 2028, deletes or extends the date on which this subdivision becomes inoperative.

(Amended by Stats. 2024, Ch. 46, Sec. 53. (AB 161) Effective July 2, 2024.)