



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

February 15, 2018

**ERRATA**

ALL COUNTY LETTER (ACL) NO. 18-06E

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL LOCAL MENTAL HEALTH DIRECTORS  
ALL COUNTY ADOPTION AGENCIES  
ALL ADOPTION DISTRICT OFFICES  
ALL GROUP HOME PROVIDERS  
ALL FOSTER FAMILY AGENCIES  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL OUT-OF-STATE GROUP HOMES

SUBJECT: ACL 18-06: IMPLEMENTATION DATE CHANGE FOR THE HOME-BASED FAMILY CARE (HBFC) - LEVEL OF CARE (LOC) RATE DETERMINATION PROTOCOL (PROTOCOL) AND INSTRUCTIONS

REFERENCE: ASSEMBLY BILL (AB) 403, CHAPTER 773, STATUTES OF 2015; AB 1997, CHAPTER 612, STATUTES OF 2016; WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 11364, 11387, 11453, 11460, 11461, 11462, 11462.01, 11462.04, 11462.015, 11462.02, 11463, 16000, 16121, 16519.5, 16519.52, 16519.53, 16519.54, 16519.55, 18358.30, 18987.72, ALL COUNTY LETTER (ACL) 11-51; ACL 16-52; ACL 16.54; ACL 16-55; ACL 16-57; ACL 16-65; ACL 16-79; ACL 16-79E; ACL 16-84; ACL 17-11; ACL 17-75; ACL 17-111; ACL 18-06

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

The purpose of this Errata to ACL 18-06 is to provide counties with revised instructions about the implementation of the LOC Protocol as it applies to Foster Family Agencies (FFAs) and other HBFC placements, including Adoption Assistance Program (AAP) payments.

## Foster Family Agencies

This Errata provides guidance regarding the prioritization of retroactive LOC rate determinations for new entries into foster care placement that occurred between December 1, 2017 through February 28, 2018, for those child/youth placed into FFA's. This cohort of new entries entered into foster care at the Basic Level Rate. Additionally, this Errata clarifies the application of retroactive payments for these rate determinations based on two implementation start dates.

Beginning March 1, 2018, counties may prioritize retroactive LOC rate determinations for new entries into FFA placements from December 1, 2017 through February 28, 2018, for which a higher LOC rate may be necessary. The retroactive LOC rate determinations can occur subject to the following criteria:

- 1) The FFA makes a request to a county setting forth information that a higher LOC rate may be necessary to maintain the Resource Family's (RF) ability to continue to care for the child/youth; or
- 2) A Child and Family Team (CFT) sets forth information that a higher LOC rate may be necessary to maintain the RF ability to continue to care for the child/youth. This does not invoke a requirement for a new CFT to be convened or to have a focused discussion about the rate.

If the LOC rate determination identifies a new LOC rate that is higher than the Basic Level Rate, then the rate will be retroactive back to the date of the placement, but no earlier than December 1, 2017. Note, however, if the child/youth has changed placements since initial entry into care but remains in an FFA placement, the LOC determination can only be applied retroactively to the date of the most current FFA placement.

Beginning May 1, 2018, retroactive LOC determinations for new entries into FFA placements made between December 1, 2017 and February 28, 2018 that **did not receive a LOC Protocol determination pursuant to the above**. The retroactive LOC determination can occur subject to the following:

- 1) The FFA makes a request to a county setting forth information that additional supports and services are needed that include a higher LOC rate; or
- 2) A CFT sets forth information that additional supports and services are needed that include a higher LOC rate. This does not invoke a requirement for a new CFT to be convened or to have a focused discussion about the rate.

If the child/youth has changed placements since initial entry into care and if the LOC rate determination identifies a new LOC rate that is higher than the Basic Level Rate, the rate will be applied retroactive back to the date of the latest placement, but no earlier than December 1, 2017.

### **HBFC and AAP**

Beginning May 1, 2018, for all other new HBFC and AAP placements as outlined in [ACL 17-11](#) and for any existing placements where a triggering event occurs, the LOC rate is prospective and there will be no retroactive payment.

### **Probate Non-Related Legal Guardians (NRLG)**

The LOC Protocol does not apply to Probate NRLG cases where guardianship is established on or after January 1, 2017, as determined by the date the application requirements are met. These cases are eligible only for the Basic Level Rate as outlined on page three of [ACL 17-75](#).

All other instructions in [ACL 18-06](#), including those regarding the LOC Protocol and the Specialized Care Increment Program, still apply.

### **Unaccompanied Refugee Minors (URMs)**

The FFAs that serve URM's will continue to follow the HBFC FFAs rate structure per [ACL 17-75](#).

### **Inquiries**

If you have any questions regarding the information in this ACL, please contact the Foster Care Audits and Rates Branch at (916) 651-9152. Counties needing additional assistance with CWS/CMS should contact their System Support Consultant at the Office of Systems Integration.

Sincerely,

### ***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

c: CWDA