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GOVERNOR

June 29, 2018

ALL COUNTY LETTER (ACL) NO. 18-75

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL COUNTY FOSTER CARE MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
COUNTY WELFARE DIRECTORS ASSOCIATION

SUBJECT: FUNDING FOR EMERGENCY CAREGIVERS WITH PLACEMENT OF CHILDREN AND/OR NON MINOR DEPENDENTS (NMDS) PRIOR TO RESOURCE FAMILY APPROVAL (RFA)

REFERENCE: ASSEMBLY BILL [\(AB\) 110](#) (CHAPTER 8, STATUTES OF 2018); [AB 1811](#) (CHAPTER 35, STATUTES OF 2018); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS [309](#), [361.4](#), [361.45](#), [11461.35](#), [11461.36](#) AND [16519.5](#); ACL NOS. [05-38](#), [16-92](#), [17-75](#), and [18-33](#); COUNTY FISCAL LETTER (CFL) NOS. [17/18-41](#), and [17/18-59](#)

The purpose of this All County Letter (ACL) is to notify county child welfare agencies and probation departments about the continuation of funding, hereinafter referred to as Emergency Caregiver (EC) funding for families, hereinafter referred to as emergency caregivers, with whom a child or a non minor dependent (NMD) has been placed on an emergency basis, pursuant to Welfare and Institutions Code (W&IC) sections 309 or 361.45, or for a compelling reason pursuant to W&IC section 16519.5. For purposes of this ACL, any reference to a child will also include a NMD.

The EC funding, as described in Assembly Bill (AB) 1811 and W&IC section 11461.36, takes effect July 1, 2018, and requires each county to provide payment to the emergency caregiver in an amount equal to the basic level rate paid to resource

families. The bill further provides that emergency caregivers, who were eligible to receive funding on June 30, 2018, pursuant to AB 110 and W&IC section 11461.35 continue to be eligible for funding with no break in payment. More information about AB 110 funding is described in ACL 18-33.

The EC funding was established as a natural continuation of state's and counties' ongoing commitment to support families who are caring for children placed with them on an emergency or compelling reason basis and have pending Resource Family Approval (RFA) applications. It is envisioned these payments will mitigate the financial impacts that emergency caregivers incur when they receive placement of children with little notice and prior to approval as a resource family.

BACKGROUND

The RFA program was enacted through Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012). It implements a unified process for approving families to care for children in foster care, including relatives, non-relative extended family members (NREFMs), county-licensed foster parents, and certified foster families. RFA combines elements of the current foster parent licensing, relative approval, and approvals for adoption and guardianship processes and replaces those processes with a single, unified approval process to support permanency for foster youth.

For the period of March 30, 2018 through June 30, 2018, all counties were required to provide the Short-Term, Interim payment (AB 110), as described in ACL 18-33, to caregivers who had received an emergency or compelling reason placement of a child prior to completing the RFA process.

EC FUNDING FOR EMERGENCY PLACEMENTS MADE ON OR AFTER JULY 1, 2018¹

Effective July 1, 2018, all counties must provide payment equivalent to the basic level rate for a resource family to the emergency caregiver of a child. Unlike the Short-Term, Interim funding, the EC funding will be funded through either the Emergency Assistance (EA) Program or, for children who are determined to be ineligible for the EA Program, through a combination of state and county funding. All of the following events are required to initiate the funding:

1. Placement Occurs: On or after July 1, 2018, a placement prior to approval is made in California on an emergency basis pursuant to W&IC sections 309 or 361.45 **or** for a compelling reason pursuant to W&IC 16519.5. **The beginning date of aid for EC funding shall be based upon the date of placement.**
2. Submission of RFA Application (RFA-01A): The emergency caregiver submits an RFA-01A. When the emergency placement has been made pursuant to W&IC sections 309 or 361.45, the RFA-01A must be submitted by the emergency

¹ Please refer to section "Directions for Existing AB 110 Cases Which Are Pending Approval Beyond June 30, 2018".

caregiver within five business days of placement. (Refer to [RFA Written Directives, Version 5](#) (WD/5) section 5-03B(b)).

- Because the child placed on an emergency basis or for a compelling reason prior to approval is now eligible to receive funding at the basic level foster care rate similarly to foster children placed with resource families, no CalWORKs (California Work Opportunity and Responsibility to Kids) application should be submitted on behalf of child. EC funding will count as income to the child, rendering the child ineligible for CalWORKs. Therefore, this ACL is suspending the requirement in the WD/5 for counties to provide a CalWORKs application ([CW 2219](#)) to a relative receiving a placement on or after July 1, 2018, as specified in WD/5, section 4-08(c)(2), until further notice.
3. Submission of EA application (EA-1): Obtain confirmation that an EA-1 application is on file **or** ensure that an EA-1 application is submitted at time of placement or as soon as possible following the placement. As noted above, the payment will be effective from the date of placement.

To initiate the payment without delay, counties are strongly encouraged to obtain a signed RFA-01A from the emergency caregiver at time of placement and immediately verify that the child has a EA-1 application on file.

EA ELIGIBILITY

As noted above, EC payments are funded through EA-TANF (Temporary Assistance for Needy Families). The EA eligibility rules as outlined in ACL 05-38 continue to apply. However, prior rules limiting the time a child placed with a relative may receive EA are superseded by this letter. Please see the "Funding Duration and Requirements" section below. Further guidance regarding EA eligibility rules will be forthcoming.

The Department is currently in the process of securing an aid code for cases that are not eligible for the EA-TANF program. In the interim, all three consortia systems have determined that cases will be tracked using Aid Code 5K until an additional aid code is obtained and programmed into the consortia system. The Statewide Automated Welfare Systems (SAWS) shall ensure these cases are identified and tracked with a special indicator or flag.

FUNDING DURATION AND REQUIREMENTS

For Fiscal Year (FY) 2018-19, EC funding will be available for emergency or compelling reason placements **made on or after July 1, 2018 and up to June 30, 2019** and will be funded through the EA program for up to **180** days (or until the emergency caregiver is approved or denied, whichever is first). The county will be responsible for the non-federal share of the payment.

In cases where the county has determined, based upon existing EA eligibility criteria, that a child is ineligible for EA, the child will still qualify for EC funding for up to 180

days. In such cases, the state will fund what would have been the federal share if the child had been eligible for EA. This is expressed as follows:

	EA Eligible				Non EA Eligible		
	Federal (EA-TANF)	State	County		Federal (EA-TANF)	State	County
0-180 days	70%	0%	30%		0%	70%	30%

Regardless of the funding stream, EC payments for emergency or compelling reason placements made on or after July 1, 2018 and up to June 30, 2019 may be continued past 180 days and up to 365 days if certain criteria, as described below, are met:

1. On a monthly basis, document the good cause reason(s) for the delay in approving or denying applicant(s) created by circumstances outside the direct control of the county. For example, background checks and criminal exemptions, out-of-county placements, the need for additional evaluative assessments, or family emergencies, among other reasons, if outside the **direct control** of the county, may be considered a good cause for the delay. A family's failure to cooperate with the process (examples may include refusing to submit required documents timely, attend trainings or repeated unavailability for appointments) generally would not be considered a good cause. It is the county's responsibility to support and work with families to assess and mitigate issues or concerns to facilitate their ability to become approved (It may be necessary to deny the application for resource family approval if the county's attempts to resolve or mitigate the issues is unsuccessful). Good cause must be determined on a case-by-case basis and documentation substantiating the good cause determination must be maintained in the RFA applicant's file.
2. The county director, deputy director, or designee is notified, on a monthly basis, each RFA application with a placement prior to approval that has been pending past 90 days and this notification is documented in all applicable Resource Family files. Counties may develop their own local processes for meeting this requirement.
3. On a monthly basis, each county must submit to the Department a list of RFA applications pending more than 90 days and the reason(s) for the delay(s). This monthly notification will be used to monitor and analyze the usage and duration of the EC funding by a county, as well as oversee the timeliness to processing RFA applications. In the event the Department determines, based upon review of the monthly notifications and other available data, that a county continues to experience delayed processing timeframes, not based upon good cause, it may conduct a review of the county's implementation of the EC funding as well as the implementation of the county backlog plans submitted pursuant to W&IC section 11461.35(e)(2)(B) of AB 110. A copy of the template and instructions on how to submit this information will be released shortly.

The conditions under which federal and state funding is available for EC funding changes for emergency and compelling reason placements made in FY 2019-20 and beyond. Further guidance and information regarding the EC funding for FY 2019-20 will be provided in a subsequent ACL.

DIRECTIONS FOR EXISTING AB 110 CASES WHICH ARE PENDING APPROVAL BEYOND JUNE 30, 2018

Counties shall ensure that emergency caregivers eligible to receive payments under the provisions of AB 110 on June 30, 2018, and whose RFA application is still pending on or after July 1, 2018, continue to receive funding until their RFA application is approved or denied. For AB 110 cases that were funded under the EA or Approved Relative Caregiver (ARC) programs, the counties shall continue to fund these cases under the same parameters until RFA is approved or denied. It is incumbent upon the county to ensure the caregiver does not experience a break in payments.

Existing caregivers receiving payment through the ARC Program

Emergency caregivers who were eligible to receive AB 110 funding through the ARC program, as of June 30, 2018, shall continue to receive payments through the ARC program until the RFA application is approved or denied at which time the county shall shift the payments to the appropriate funding source.

Existing caregivers receiving payment through the EA Program

Emergency caregivers who were eligible to receive AB 110 funding through the EA program as of June 30, 2018 shall continue, if eligible, to receive payments through the EA program up to a total of 180 days of payments and may receive up to 365 total days of payments if all requirements under "Funding Duration and Requirements" are met. During this period, the county will be responsible for the non-federal share of the payment. Please note the number of days that payments were received under the AB 110 provisions will count towards the new limit of 180 days, or 365 days.

If the emergency caregiver is receiving both CalWORKs and EA-TANF payments, the CalWORKs payments should cease no later than August 1, 2018, or as soon as possible thereafter with timely and adequate notice. There will be no offset or CalWORKs overpayment for the short-term overlap of CalWORKs and EA-TANF funds.

CLAIMING INSTRUCTIONS

A separate County Fiscal Letter (CFL) will be issued concurrently that will describe the claiming process to administer the EC funding that is funded through the EA program.

Counties are reminded that once the RFA application is approved, they **must** shift the funding source to Aid to Families with Dependent Children-Foster Care (AFDC-FC) or the ARC program, as appropriate and consistent with existing eligibility requirements. The county must make every effort to ensure that a caregiver does not experience a

break in payments in the transition from EC funding to the appropriate foster care or ARC aid code. In the case of a denial, counties must cease the EC funding to the emergency caregiver.

CWS/CMS AND SAWS

Currently, in order for a relative or NREFM with an emergency placement to receive funding, the applicant must be coded in the CWS/CMS or SAWS to reflect an approval status. However, to work around this requirement, counties will need to utilize the date of the placement to establish the first date of payment. Once the home is approved, this date must be updated to reflect the date of final approval. (Per CWS/CMS instructions listed on the [RFA Website](#), the applicant type for an emergency or compelling reason placement should be entered as “RFA Probationary”.)

NOTICE OF ACTION (NOA) REQUIREMENTS

Consistent with existing rate change and determination processes, due process rights will continue to be afforded to families through NOAs. Counties will notify families by issuing a NOA that explains the provisions of the EC funding, as described in this ACL, is for emergency caregivers who have taken emergency or compelling reason placement of a child, prior to full RFA approval. Counties are not required to send families who were previously issued a NOA to initiate funding under AB 110 a new NOA to continue funding on and after July 1, 2018. The Department is updating the [RFA 100](#) and [100A](#) NOAs previously created for the AB 110 funding to reflect changes related to the EC funding. These NOAs will be posted shortly for county use. Substitutions of the form will be permitted.

The SAWS will provide counties with workaround instructions to issue the interim funding payments. It is important to note that the manual NOAs referenced above must be issued as appropriate, and any automated NOAs that would normally be produced that reference a home that has been approved must be suppressed.

OUT OF COUNTY APPROVAL PROTOCOL

The Out of County Approval Protocol, established by the County Welfare Directors Association (CWDA), provides guidance to a county that is seeking an emergency placement and/or approval of a Resource Family home within the geographic boundaries of another county. It is expected that the provisions of the protocol will be adhered to and that both counties (county of jurisdiction and emergency caregiver’s county) will collaborate to ensure that the payments described in this letter are properly administered and monitored by the child’s or NMDs’ **county of jurisdiction**.

ADDITIONAL INFORMATION

The California Department of Social Services (CDSS) is mandated to monitor the implementation of the EC funding, including tracking the usage and duration of the EA payments and evaluating the duration of time a child or NMD is in a home pending resource family approval. Additionally, the Department is required to oversee the

county's implementation of the RFA program, including the progress in eliminating backlogs of pending resource family applications and improved timeframes to approval. Until automation is available, CDSS may request data elements necessary to meet these monitoring requirements. The CDSS and CWDA will work in collaboration to determine the scope, format, and frequency of the data collection.

In an effort to effectively disseminate the information described in this ACL, it is encouraged that each county designates a single source (person or unit) to act as a clearinghouse to aggregate all questions and disperse subsequent CDSS responses in order to ensure adherence to the provisions of the funding. For policy or program questions related to this ACL, please email ECFunding@dss.ca.gov. Questions about the RFA program, please send to RFA@dss.ca.gov. Questions related to claiming should be directed to Fiscal.Systems@dss.ca.gov.

Sincerely,

Original Document Signed by:

SARA ROGERS FOR
GREGORY E. ROSE
Deputy Director
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