

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 10, 1997

ALL COUNTY LETTER NO. 97-12

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: MODIFICATIONS OF INTERCOUNTY TRANSFER REGULATIONS IN
THE AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)
PROGRAM AND THE FOSTER CARE PROGRAM

REFERENCES: All County Letter (ACL) 94-39
All County Information Notice (ACIN) I-58-96 and
All County Letter (ACL) 96-60

The purpose of this All County Letter (ACL) is to notify County Welfare Departments of new regulations which modify the existing Intercounty Transfer (ICT) regulations. The ICT regulations are amended to incorporate the changes in ICT procedures which were developed and authorized under the ICT Simplification Demonstration Project (ACL 94-39). These regulations are effective on May 1, 1997.

The attached ICT regulations streamline the ICT process by reducing the number of documents required to transfer Aid to Families with Dependent Children Family Group and Unemployment (AFDC-FG/U) cases. This allows counties to end the transfer period earlier, and eliminate the second county's responsibility when the recipient moves to a third or subsequent county during the transfer period. In addition, the ICT regulations have been renumbered and restructured to reflect the chronological order of the steps required to transfer an AFDC case from one county to another.

The Notification of Intercounty Transfer Form, CA 215 was updated in September, 1996. See ACIN I-58-96 for an outline of the changes to the form. The ACIN also transmitted a copy of the CA 215 (9/96). These amended regulations do not require any further revision of the form.

These regulations also include minor revisions to the Foster Care ICT procedures including delineation of county responsibilities when a child living with a legal guardian moves to another county; a comprehensive listing of materials necessary to transfer a foster care case; and requirement of a new foster care ICT form, FC 18. The new FC 18 is in the final stages of preparation and will be available within two months; a separate ACL will be released at that time.

There have also been changes to the ICT process due to the recent implementation of Regionalized Grant regulations effective January 1, 1997. You may wish to refer to ACL 96-60 for more information on specific changes.

Attached for your information is a copy of the ICT regulation sections which have been modified. If you have any questions regarding this ACL as it pertains to the AFDC Program, please contact Alison Garcia at (916) 654-0989. If you have any questions regarding the Foster Care Program please contact the appropriate foster care program analyst at (916) 323-1263.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Wagstaff".

BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Enclosure

Amend Section 40-187 to read:

40-187 INTERCOUNTY TRANSFER ~~GENERAL~~

40-187

.1 ~~Definitions -- Intercounty Transfer~~

~~intercounty transfer is a transfer of responsibility for determination of eligibility and for provision of public social services from one county to another.~~

The following definitions pertain to intercounty transfer (ICT) procedures.

.161 ~~Date of Notification --~~

~~The date the first county completes Form ABCDM 215 to be sent to a second or third county. Completion of the ABCDM 215 shall not be more than two days before it is mailed to the second or third county.~~

30-Day Transfer Period

The 30-day transfer period begins with the postmarked date or the date of the electronic transfer of the notification of the ICT. When the 30th day falls on a Saturday, Sunday or a legal holiday, the first business day following the weekend or holiday is considered to be the last day of the 30-day transfer period.

.152 ~~Expiration of Transfer Period~~

~~The end of the month in which following the 30th-day transfer period after the first county either mails or electronically transfers the notification of the ICT to the second or third county occurs, or the end of the month in which aid is discontinued for cause, whichever is earlier. The 30-day period begins with the second county or a new 30-day period begins with the third county on the day following that on which the first county completes Form ABCDM 215, Notification of Transfer. When the 30th day falls on a Saturday, Sunday, or a legal holiday, the first business day following the weekend or holiday is considered the last day of the 30-day period. By mutual agreement of the counties involved, the transfer of responsibility may occur at an earlier date.~~

- ~~.13~~ ~~Third County~~ ~~Any subsequent county to which the recipient moves to make his home prior to the expiration of the transfer period.~~
- ~~.143~~ ~~First County~~ ~~The county currently paying aid or certifying medical assistance as medically needy person from which the recipient has moved.~~
- ~~.14~~ ~~Intercounty Transfer~~ ~~A transfer of responsibility for determination of eligibility and for provision of social services from one county to another.~~
- ~~.125~~ ~~Second County~~ ~~The county to which the recipient has moved to make his home.~~
- ~~.146~~ ~~Transfer Period~~ ~~The period of time in during which the second county determines eligibility and the first county remains responsible for payment of aid or for providing medical attention.~~
- ~~.2~~ ~~Responsibility for Payment of Aid When a Recipient Moves from One County to Another to Make His/Her Home~~
- ~~.21~~ [renumbered to Section 40-190.23]
- ~~.22~~ [renumbered to Section 40-190.3]
- ~~.221~~ [renumbered to Section 40-190.32]
- ~~.222~~ [renumbered to Section 40-190.22]
- ~~.223~~ ~~The second county may arrange for transfer of responsibility for the child with the first county prior to the end of the transfer period pursuant to Section 40-189.126.~~
- ~~.224~~ [renumbered to Section 40-187.31]
- ~~(a)~~ ~~The second county is responsible from the date of the request for issuing the payment for homeless assistance.~~

Authority cited: Sections 10553, 10554, 10604, 11053, and 11102, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Renumber Section 40-195 to Section 40-188 and amend to read:

40-195 88 TRANSFER PROCEDURE

40-195 88

~~1~~ Recipient Responsibility

~~It shall be the responsibility of a recipient changing residence from one county to another within the state to promptly notify the county paying aid to the recipient of the move and to apply for a redetermination of eligibility within the new county of residence. "Apply for a redetermination of eligibility", as used in this section, is defined as any clear expression to the county, whether verbal or written, that the recipient is living in the county and wishes to continue receiving aid.~~

~~2~~ Steps Required to Accomplish Transfer

~~When responsibility for the determination of the eligibility and aid payment is to be transferred from one county to another, the procedure is as follows.~~

~~21~~ First County

The ~~F~~first ~~C~~county ~~S~~shall:

~~211~~ Notify Second County

~~When applicable, n~~Notify the second county of the recipients move to that county by Form ABCDM 215 initiation of a case transfer in writing or via electronic data transfer. Send two copies of the form completed in accordance with the instructions contained thereon, and accompanied by information and/or documents specified in .213 below.

~~111~~ Foster Care

Notify the second county of the initiation of a case transfer in writing by form FC 18 or via electronic data transfer.

~~212~~ Inform Recipient

Inform the recipient in writing of his/her responsibility to apply for a redetermination of eligibility in the new second county. of residence prior to the expiration of the transfer period. This reminder shall be mailed no later than the date the ABCDM 215 is sent to the second (or third) county.

~~121~~ Foster Care

For children receiving AFDC-FC, where there is a legal guardian for the child, the first county shall inform the legal guardian in writing of his/her responsibility to apply for a redetermination of eligibility in the second county.

- .213 Provide Documentation ~~With the ABCDM 215, or within one week after this form is sent, supply~~ Provide the second county with the following information/documentation copies of the most recent:
- a. .131 AFDC-FG/U ~~Copy of the most recent CA 1/SAWS 1 (Application for Cash Aid, Food Stamps and/or Medical Assistance).~~
- b. .132 AFDC-U ~~Copy of the most recent The work history page of the CA 2/JA 2/SAWS 2 (Statement of Facts, Cash Aid, and Food Stamps) or FC 2, whichever is appropriate.~~
- .133 AFDC-Incap Medical verification of incapacity.
- .134 Exempt AU Status Verification of the AU's MAP exempt status.
- .135 Foster Care SAWS 1; FC 2/JA 2; SOC 158A; Birth Certificate/Alien Status; Social Security Number; FC 3/FC 3A; Voluntary Placement Agreement or Court Order which establishes the authority for placement; Independent Living Plan; evidence supporting federal and/or state eligibility; and any other information necessary to determine eligibility.
- ~~c. Copy of the last two CA 7s received.~~
- ~~d. Copy of the most recent authorization document.~~
- e. .136 ~~All documents or copies thereof supporting the eligibility determination made by the first county.~~ Copies of any documents supporting the eligibility determination made by the first county when requested by the second county.
- ~~f. A summary of pertinent medical and social information including a statement of services needed by the recipient and services currently being given the recipient by the first county and a copy of the social assessment if one has been completed.~~
- ~~g. For AFDC-FC cases, a copy of the document granting the authority for placement and, where applicable, the mutual agreement between the 18-year-old child and the placement agency.~~

- .214 Determine Eligibility Determine continuing eligibility and amount of grant cash aid from the information contained on the recipient's Monthly Eligibility Report(s) (CA-7) due during in the transfer period, unless the CA-7(s) were submitted to the second county.
- a.141 Inform Inform the second county of the recipient's eligibility as soon as the determination is completed any changes in eligibility or payment level and send a copy of any resulting notice of action.
- b. ~~Send copies of the CA-7, the resulting budget worksheet and any resulting notice of action as soon as possible.~~
- ~~.215 If the recipient is registered in accordance with Section 42-625, the CWD shall send, when appropriate, copies of relevant documents from the WIN-Demo or GAIN case folder to the second county.~~
- ~~.216 If the recipient moves to a third county to make his/home before expiration of the transfer period, the first county shall:~~
- a. ~~Cancel the transfer agreement with the second county and initiate proceedings with the third county by use of Form ABCDM 215.~~
- b. ~~Request the second county to forward to the third county all information and documents supplied by the first county and any additional information secured by the second county.~~
- .15 Foster Care Obtain notification, written or via electronic data transfer, from the second county of the receipt and disposition of the transfer.
- .22 Second County The second county shall:
- ~~.221 Determine that the recipient is making his/her home in that county.~~
- .2221 Redetermine Eligibility Redetermine the recipient's eligibility and amount of cash aid based on current circumstances by obtaining a new statement of facts in accordance with the procedures specified in Section 40-181.21. The county shall be responsible for determining the recipient's continuing eligibility and payment of aid as of the first day of the month following the expiration of the transfer period as defined in Section 40-187.15.

- ~~.223~~ Provide Information Provide the first county with any information which might affect eligibility or the amount of the grant cash aid during the transfer period. ~~If the recipient submits the CA 7(s) due during the transfer period to the second county, the second county shall determine the continuing eligibility and amount of grant from the information contained on the CA 7(s). Inform the first county that the CA 7(s) has been processed and send a copy of the CA 7(s) to the first county.~~
- ~~.23~~ Foster Care Legal Guardian For children receiving AFDC-FC, where there is a legal guardian for the child, the second county shall make an effort to secure the cooperation of the legal guardian.
- ~~.24~~ Foster Care Notification Provide the first county with notification, written or via electronic data transfer, of the receipt and disposition of the transfer documentation.
- ~~.224~~ ~~Determine participation requirements and follow procedures in Section 42-660 or Section 42-760 and 42-761 as appropriate.~~
- ~~.225~~ ~~At the request of the first county, promptly forward pertinent information and documents to a third county.~~
- ~~.226~~ ~~Refer the recipient to the appropriate EDD-JS office with a GEN 827 (See Section 41-441) if such registration is required for continued eligibility.~~

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~~(The new EDD office is responsible for requesting the transfer of appropriate records for the previous EDD office.)~~

HANDBOOK ENDS HERE

~~.23~~ ~~The Third County Shall:~~

~~Proceed with transfer arrangements with the first county in the same manner as specified for the second county.~~

Authority cited: Sections 10553, 10554, 10605, 11053, and 11102, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10605, Welfare and Institutions Code.

Amend Section 40-189 to read:

40-189 ~~RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKES HIS HOME"~~
COUNTY IN WHICH RECIPIENT MAKES HIS/HER HOME

40-189

~~.1~~ Definitions

~~.11~~ ~~Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.~~

~~.12~~ ~~County in Which Recipient Makes His/Her Home~~

.1 Home County

A recipient ~~(child in AFDC)~~ is generally considered to make his/her home in the county in which he/she is physically residing, present ~~except in the following circumstances:~~

.2 Exceptions

The following are exceptions to .1 above:

.21 Maintaining Home

The recipient ~~who is maintaining a living place home (or the AFDC child for whom a home is being maintained)~~ in ~~some~~ a county other than that the county in which he/she is physically residing present ~~and who plans to return to that living place with the intent of returning to that home within four months is considered to "make his/her home" in the county in which such living place or home is maintained.~~

.211 Four-Month Limitation

The four-month period starts ~~to run~~ from the date the county paying aid determines that the recipient is maintaining a home in ~~some~~ a county other than that in which he/she is physically present residing.

.212 Fails To Return Home

If the recipient fails to return ~~to that~~ home within the four-month period, he/she is considered to have moved to the county in which he/she is physically residing present to ~~"make his/her home."~~

.22 Farm Labor Family

In AFDC, for the recipient farm labor family ~~which goes to another county to work,~~ the four-months⁺ limitation does not apply to the recipient farm labor family that goes to another county to work when a home base is maintained to which the family will return when not working.

.221 County of
Responsibility

The county responsible for paying aid and in which the home base is located is the county where the farm labor family maintains a home. The home county continues to be responsible for aid payment until the family establishes a home in another county.

.1223 AFDC-FC
Placement

In AFDC-FC, a child living in a family home or group home as a result of placement by a public agency or a private agency which has legal custody because the child was relinquished to them or a court has given them legal custody, of another county as provided in Section 40-125.8 shall be considered to "make his/her home" in the county in which the placement agency court having jurisdiction for the child is located, regardless of whether the child's placement is located in another county.

~~.24 When a child receiving AFDC-FG/U or AFDC-FC in one county moves to the home of his/her parent(s) or relative(s) in another county and these parent(s) or relative(s) are requesting AFDC-FG/U on his/her behalf. (See Section 40-187.21.)~~

.1234 Inpatient in
Public or Private
Health Care Institutions

~~The recipient who is~~ When the AU moves because a member of the AU must go to another county to be admitted to a public or private health care institution (Section 42-503) for inpatient care, the AU is considered to "make his/her its home" in the first county responsible for payment of aid to him/her at the time he/she was admitted to that institution. The AU must continue to maintain the existing home while out of the first county. A recipient released from inpatient status in an institution other than a state hospital shall have his/her residence determined the same manner as for any other person.

.25 Inpatient Released
From State Hospital

A recipient, who was part of an existing AU prior to entering a state hospital and is released from inpatient status in a state hospital, is considered to continue to "make his/her home" in the county from which he/she was admitted where the AU resided prior

to the AU member's admittance to the state hospital for a period of not to exceed three years following his/her release from the hospital, subject to the limitation below (see Section 40-125.32).

- a. ~~If the individual was discharged from the hospital prior to July 1, 1969, the county in which he/she "makes his/her home" is determined in the same manner as for any other person. He/she may move from one county to another and his/her prior period of hospitalization in the state hospital is disregarded in determining the county in which he/she "makes his/her home."~~
- b. ~~If the individual was released on leave of absence from the state hospital prior to July 1, 1969, and discharged on or after July 1, 1969, it is considered that he/she was admitted to a state hospital for as long as he/she remains on leave of absence and for three years following the date of his/her discharge from the hospital.~~

.1246 Medical Care in Another County

When a member of an AU must go to a another county other than that in which he/she has been living, solely because needed medical care in a medical facility is not otherwise reasonably available to him/her in the home county, the AU's home is considered to "make his/her home," be in the first county in which he/she last maintained a living arrangement outside a medical facility. The AU must continue to maintain the existing home while out of the first county. It is considered that he/she moves to another county to "make his/her home" when:

- a. ~~He/she resumes a living arrangement outside a medical facility in a county other than the county which has been responsible for the aid payment, or~~
- b. ~~He/she voluntarily moves to a medical facility in another county even though adequate medical facilities are, by that time, reasonably available in the county which has been responsible for the aid payment.~~

.125 The county in which a recipient "makes his/her home" is not changed during any absence from the state provided residence outside the state is not established.

.126 A person who, pursuant to one of the foregoing exceptions, would

~~be considered to "make his/her home" in a county other than the one in which he/she is physically present, may, by mutual agreement of the county in which he/she is physically present, be considered to make his/her home in the county where he/she physically resides. In this case, the county accepting responsibility for payment of aid to the recipient (second county) must inform the county currently responsible for the payment of aid (first county) of its intent to accept responsibility for the recipient, and the second county must arrange a date of transfer with the first county. Though there is no 30-day intercounty transfer period in this instance, the first county is nonetheless responsible for providing the second county with all documents normally forwarded for an intercounty transfer (see Section 40-195).~~

Authority cited: Sections 10553, 10554, 10604, 11053, and 11102, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Renumber Section 40-189 title to Section 40-190; renumber Sections 40-189.2, .21, .22, and .23 to Sections 40-190.1, .11, .12, .121, and .13; renumber Sections 40-187.2 et seq. to Sections 40-190.2, et seq.; renumber Sections 40-187.22, .224, and .221 to Section 40-190.3, .31, and .32, respectively, renumber Section 40-191.1 to Section 40-190.4; renumber Section 40-193 to Sections 40-190.5, .51, and .52; and amend to read:

40-190 COUNTY RESPONSIBILITY

40-190

~~40-189~~

.21 Initiation of
Intercounty Transfer

An intercounty transfer ~~is~~ shall be
initiated immediately when:

.211 First County
is Notified
of Move

When ~~t~~The first county is notified
receives confirmation that the recipient
has moved his/her permanent residence or
his/her legal guardian has moved the
recipient's permanent residence to another
California county.

.212 Foster Care
Transfer

When ~~r~~Responsibility for the child welfare
services case management function of a
child who has been placed in foster care
by a public or private agency receiving
AFDC-FC is transferred from an agency in
one county to an agency in another county.

.121 Legal
Guardian

The child's legal guardian changes
his/her county of residence, the first
county shall transfer the AFDC-FC case to
the second county.

.213 Court Jurisdiction

When ~~c~~Court jurisdiction of for an AFDC-FC
child receiving AFDC-FC is accepted
received by a court that is located in
another county (see Section ~~40-125.84~~).

~~40-187.2~~

.2 Payment
Responsibility

There shall be no interruption nor
overlapping in payment of aid ~~as the~~
result of when a recipient ~~moves~~ moves
from one county to another county to ~~make~~
his/her home.

.21 General Rule

The first county is responsible for continuing eligibility and aid payment of aid during the transfer period until the "transfer period," (as defined in Section 40-187.15 above) expires, at which time the county in which the recipient is making his/her home becomes responsible.

.22 Transfer of AU Members

~~Where~~ When an AFDC child(ren) moves intercounty to the home of his/her parent or a new caretaker relative, who is receiving AFDC-FC or U from ~~resides in~~ the second county and the parent or relative requests continued AFDC for that child, or where the parent or relative applies for AFDC for that child or that child and other children, the first county's responsibility for payment of AFDC during the transfer period is during the transfer period is limited to aid for that child. The first county's liability is to be computed is as follows:

α.221 Creates New AU

~~If the FBU~~ If the FBU consists of only the transferred child and the transferred child and the parent(s) or relative caretaker, the first county is responsible for the entire AFDC aid payment.

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Example

(a)

A child receiving AFDC-FC from County A moves to live with his mother, who is residing in County B. The mother applies for AFDC for the child.

There are no other children in the home. County A is responsible for payment of AFDC for a two-person AU (i.e., mother and child) during the transfer period.

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b-222

Adding Child
to Existing AU

If the FBU consists of the transferred child, the parent(s) or relative caretaker and other AFDC eligible children, the county's financial responsibility is limited to the difference between the AFDC aid payment computed including and then excluding the transferred child.

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Example

(a)

A child receiving AFDC from County A moves to a County B to live with his mother, who is receiving AFDC from County B for her three other children. The mother requests aid for the transferred child. County A is responsible for payment of AFDC for the transferred child for the duration of the transfer period. This is calculated to be as \$88 as follows:

Maximum Aid (five persons)	713*
Maximum Aid (four persons)	625
Difference	\$ 88

*MAP amounts are subject to change. Use currently applicable amounts specified in Section 44-315.411.

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~~223~~

~~The second county may arrange for transfer of responsibility for the child with the first county prior to the end of the transfer period pursuant to Section 40-189.126.~~

.243 Intraprogram
Status Change

~~When an intraprogram status change, as provided in Section 40-183, does not alter the "transfer period," nor does it constitute a discontinuance for cause. Therefore, if the intraprogram status change occurs before the expiration of during the transfer period, the first county's is responsible for determining continuing eligibility and the a cash grant aid payment continues until the end of the transfer period.~~

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.231

If the intraprogram status change is from medically needy to cash grant status, see Sections 40-125.3 and 40-183.5 for county responsibility for determination of eligibility and payment of aid. Also, see Medi-Cal Eligibility Manual Section 50136 for county responsibility for continued Medi-Cal eligibility.

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.24 Expiration of
Transfer Period

Upon the expiration of the transfer period, the second county is responsible for the payment of aid.

~~40-187.22~~

.3 Exceptions to Intercounty
Transfer Payment
Responsibility

The following are exceptions to the payment responsibilities rule specified in Section 40-190.2.

~~40-187.224~~

.31 Homeless Assistance

When an AU requests for homeless assistance, the second county is responsible for following up with the first county as part of the determination of eligibility for homeless assistance.

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.311

See Section 44-211.5.

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40-187.221

.32 Foster Care Placement

~~Where No intercounty transfer is necessary when the first county places a child in a foster home in a second county, the first county retains continueds to be responsible for payment of aid (see Section 40-125.8).~~

40-191.1

.4 County Responsibility Discontinuance During Transfer Period

~~Responsibility of the first county ceases when payment of aid is discontinued for cause during the transfer period; however, the first county shall restore aid and continue payment for the balance of the transfer period the county discontinued aid when it should not have.~~

40-193

.5 Overpayment Adjustment During Transfer Period

~~When a the grant has been reduced to adjust recoup an overpayment and the adjustment period extends beyond the transfer period,:~~

.51 First County

~~If the overpayment adjustment will continue beyond the transfer period, then the first county shall notify the second county that to continue the overpayment shall be adjusted adjustment until repaid in full or aid is discontinued. If the adjustment is complete during the transfer period, the first county shall restore the grant to the appropriate level.~~

.52 Second County

~~The adjustment shall be completed by the second county. The second county shall continue to recoup the overpayment until it is repaid in full, the recipient moves to a subsequent county, or payment of aid is discontinued.~~

Authority cited: Sections 10553, 10554, and 10604, 11053, and 11102, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Amend Section 40-191 to read:

40-191 DISCONTINUANCE DURING TRANSFER PERIOD

40-191

~~4~~ [renumbered to Section 40-190.4]

.21 Recipient Responsibility (Continued)

Authority cited: Sections 10553, 10554, 10604, 11053 and 11102, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

.5 Homeless Assistance

.51 General (Continued)

.515 In intercounty transfer cases, the CWD from which the homeless assistance is requested is responsible for following up with the other CWD as part of the homeless assistance eligibility determination and issuance of the homeless assistance payment.

- (a) The CWD from which homeless assistance is requested is responsible from the date of the request for making the homeless assistance eligibility determination and issuing the homeless assistance payment.

.516 (Continued)

Authority cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11056, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii) and (iii), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, and 45 CFR 234.60(a)(2)-(11).