



CDSS

JOHN A. WAGNER  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER  
GOVERNOR

December 28, 2009

ALL COUNTY LETTER NO. 09-85

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  
KARUK TRIBE

SUBJECT: CALIFORNIA ALLIANCE OF CHILD AND FAMILY SERVICES v. JOHN WAGNER, et.al. SCOPE OF PRELIMINARY INJUNCTION

REFERENCE: ASSEMBLY BILL X4 4  
WELFARE AND INSTITUTIONS CODE SECTION 11462(f)(1)  
WELFARE AND INSTITUTIONS CODE SECTION 11462(g)(4)  
WELFARE AND INSTITUTIONS CODE SECTION 11462(g)(5)  
ALL COUNTY LETTER NO. 08-01  
ALL COUNTY LETTER NO. 09-45  
ALL COUNTY LETTER NO. 09-72  
ALL COUNTY LETTER NO. 09-76

REASON FOR THIS TRANSMITTAL

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

This All County Letter (ACL) is an update to ACL No. 09-76 which provided counties with instructions and information regarding the Preliminary Injunction Prohibiting Reductions to Group Home Rates issued on November 13, 2009, in the case of California Alliance of Child and Family Services v. John Wagner, et.al. The Preliminary Injunction issued by the United States District Court for the Northern District of California (Court) directed the California Department of Social Services (CDSS) to continue the Temporary Restraining Order (TRO) past November 14, 2009, and ongoing. The TRO and Preliminary Injunction apply to all services rendered to federally eligible children in group homes from November 04, 2009 forward. As a result of that order, ACL 09-76 was issued directing counties to pay rates for federally eligible children at the rate in effect January 1, 2008, before the ten percent reduction mandated

in Welfare and Institutions Code (W&IC) 11462(g)(5). Additionally, ACL 09-76, directed counties to pay rates for non federally eligible children at the rate in effect October 01, 2009, which includes the ten percent rate reduction mandated in W&IC 11462(g)(5).

However, on December 14, 2009, the Court issued an amended Preliminary Injunction to prohibit the rate reduction for all children placed in group homes, whether or not they are federally eligible. The Court reasoned that a reduction in funding to the non federally eligible children will result in a dilution of funding to federally eligible children in group home care. Therefore, the state is enjoined from reducing rates for any children in group home care.

Until further notice, for services rendered November 04, 2009 forward, counties shall pay the rates shown below for all *federally eligible children and non federally eligible children in group home care*. This represents the rates effective January 1, 2008, before the ten percent reduction mandated in W&IC Section 1462(g)(5) (ACL No. 08-01, dated January 17, 2008). If the county has already paid a non federally eligible child the lower rate, a supplemental check must be issued for payment for the difference in the rate compliance with the Court Order.

GROUP HOMES Standardized Schedule of Rates for Foster Children Effective January 1, 2008		
RCL	Point Ranges	Standard Rate
1	Under 60	\$1,486
2	60-89	1,889
3	90-119	2,287
4	120-149	2,689
5	150-179	3,088
6	180-209	3,489
7	210-239	3,889
8	240-269	4,291
9	270-299	4,690
10	300-329	5,092
11	330-359	5,490
12	360-389	5,891
13	390-419	6,294
14	420 & Up	6,694

All County No. 09-85

Page Three

The CDSS is pursuing appellate options. Currently, pending are appeals of various issues, a request for a stay of the injunction, and a determination of whether the injunction on rate reductions is retroactive to October 1, 2009. As the litigation continues and as CDSS responds to the various Court Orders, the CDSS will continue to keep the counties updated on the status of the case and will issue ACLs accordingly.

Please contact the Foster Care Rates Bureau at (916) 324-4857, if you have any questions regarding the content of this ACL.

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE

Deputy Director

Children and Family Services Division