



CDSS

WILL LIGHTBOURNE  
DIRECTOR

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

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EDMUND G. BROWN JR.  
GOVERNOR

March 30, 2018

ALL COUNTY LETTER (ACL) NO. 18-33

REASON FOR THIS TRANSMITTAL

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

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: SHORT-TERM, INTERIM FUNDING FOR EMERGENCY CAREGIVERS WITH PLACEMENT OF CHILD(REN) AND/OR NON MINOR DEPENDENTS (NMD) PRIOR TO RESOURCE FAMILY APPROVAL (RFA)

REFERENCE: ASSEMBLY BILL [\(AB\) 110](#) (CHAPTER 8, STATUTES OF 2018); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS [309](#), [361.4](#), [361.45](#), AND [16519.5](#); ACL NOS. [05-38](#), [16-92](#), AND [17-75](#); [COUNTY FISCAL LETTER \(CFL\) NO. 17/18-41](#)

The purpose of this ACL is to notify county child welfare agencies and probation agencies about the provision of interim funding for caregivers, who have taken placement of a child or a NMD on an emergency basis, pursuant to W&IC sections 309 or 361.45, or for a compelling reason pursuant to W&IC section 16519.5, hereinafter referred to as emergency caregivers. For purposes of this ACL, any reference to a child will also include a NMD. This short-term funding is being provided to mitigate the financial burden on families who are caring for children placed with them on an emergency or compelling reason basis and have pending RFA applications. The AB 110 (Chapter 8, Statutes of 2018) requires each county to provide a payment to the emergency caregiver in an amount equal to the basic level rate paid to resource families. This funding and the requirement to pay the emergency caregiver will take

effect immediately upon the issuance of this ACL and will remain in effect through June 30, 2018.

## BACKGROUND

The RFA program was enacted through [Senate Bill 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.

## EFFECTIVE DATE OF PAYMENTS/INITIATING THE PAYMENTS

Upon the issuance of this ACL, or the date of the placement as described below, whichever is later, all counties will be required to provide a payment equivalent to the basic level rate for a resource family to the emergency caregiver of a child or NMD until June 30, 2018. These payments will be provided through the Emergency Assistance (EA) Program or the Approved Relative Caregiver (ARC) Funding Program depending on the federal eligibility status of the child and the child's relationship to the caregiver as described in the Federal Eligibility section of this ACL.

The following sequence of events are required to initiate the short-term funding:

1. A placement prior to approval occurs on an emergency basis pursuant to W&IC sections 309 or 361.45 or for a compelling reason pursuant to W&IC 16519.5.
2. The emergency caregiver submits an RFA application form ([RFA-01A](#)) within five business days. **The date of the signed RFA-01A is the effective date of payment.**
3. The completed EA/ARC application is submitted and is the mechanism which permits the EA/ARC funded payments to be issued. As noted above, the payment will be effective from the date the RFA-01A is signed.

To initiate the short-term payment without delay, counties are strongly encouraged to obtain a signed RFA-01A from the emergency caregiver at the time of placement. The appropriate EA or ARC application should be submitted concurrently so that the payment may be initiated timely.

Please refer to the following examples illustrating the effective date of payment.

ACL 18-33 is released March 30, 2018:

- Applicant A takes placement prior to approval on April 15, 2018. Upon submission of a RFA-01A, Applicant A will be eligible for interim funding the date the RFA-01A was signed.
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- Applicant B received placement prior to approval on January 4, 2018, and submitted the RFA-01A on January 9, 2018. Applicant B will be eligible for interim funding effective the date of issuance of this ACL. **There will not be a retroactive payment.**

Note: In the first month the child is eligible for this interim funding, no portion of a California Work Opportunity and Responsibility for Kids (CalWORKs) Program payment made on behalf of a child will be counted as income. Therefore, the receipt of CalWORKs will not impact the calculation of the prorated interim funding described in this letter. For example, Applicant C received placement prior to approval on February 3, 2018, submitted an RFA-01A, and is currently receiving a CalWORKs payment. Applicant C will be eligible to receive, on behalf of the child, a prorated interim funding payment (with no offsets due to receipt of CalWORKs benefits) equal to the basic level rate for Resource Families effective the date of issuance of this ACL. As noted above, there will not be a retroactive payment.

FEDERAL ELIGIBILITY

As with all children entering foster care placements, the county must promptly determine the federal eligibility status of the child consistent with existing requirements.

If the child would be eligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC) in an approved Resource Family home, the source of interim funding will be drawn down from the EA Program. If a non-federally eligible child is placed with a relative, then the placement will be funded through the ARC program consistent with the current ARC and CalWORKs application process. This funding scheme is illustrated below:

	Placement Prior to Resource Family Approval	
	Relative	NREFM
Federal Eligible Child	EA	EA
Non-Federal Eligible Child	ARC	EA

It should also be noted that, until further guidance is issued, this ACL supersedes the instructions in ACL 05-38 that limited EA funding to a relative for no longer than 30 days. However, existing federal eligibility criteria and requirements for EA shall remain in effect for purposes of the emergency payments. Additionally, existing eligibility criteria and requirements for ARC remain the same with the exception of resource family approval prior to funding.

CLAIMING INSTRUCTIONS

A separate County Fiscal Letter will be issued concurrently that will describe the claiming process to administer these interim funds.

Counties are reminded they **must** shift the funding source, upon the families' approval as a Resource Family, and at the end of 60 days (unless extended), from the interim

funding to the applicable post-approval funding source(s) pursuant to existing eligibility standards.

### FUNDING REQUIREMENTS

For cases funded through EA, the California Department of Social Services (CDSS) will make available to counties General Funds (GF) through June 30, 2018 to cover up to 60 days of payments for an eligible child or NMD. After 60 days, counties will be required to cover the entire nonfederal share of the EA payment until June 30, 2018. If certain conditions are met, as described in the Funding Past 60 Days section below, GF is eligible to be extended for the entire nonfederal share of the payment up through June 30, 2018.

### FUNDING PAST 60 DAYS

Counties shall provide payment to all emergency caregivers through June 30, 2018. As a prerequisite for obtaining GF for the nonfederal share of EA past the 60-day benchmark, each county shall be required to do either of the following:

1. Document good cause for the RFA applicant not yet being approved created by circumstances outside the direct control of the county, if applicable. For example, criminal background checks and exemptions, out-of-county placements, the need for additional evaluative assessments, or individual family circumstances or emergencies, among other reasons, if outside the control of the county, may be considered a good cause for the delay. 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; or
2. Identify a prior existing backlog of Resource Family applicants and submit a backlog plan that:
  - a. Identifies and categorizes the existing backlog as follows:
    - i. Applicants with placements prior to approval pending past 90 days with good cause **and** applicants with placements prior to approval pending past 90 days without good cause.;
    - ii. Applicants **without** placement pending past 120 days
  - b. Explicitly details the strategies and protocols the county will implement to eliminate the overall backlog of RFA applicants;
  - c. Eliminates the RFA backlog by September 1, 2018;
  - d. Provides for the county to communicate to applicants who are in the backlog the anticipated date by which their application will be processed.

For purposes of meeting this backlog requirement, please complete the attached template (Attachment A) and submit to the Department at [RFA@dss.ca.gov](mailto:RFA@dss.ca.gov), no later

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than May 15, 2018. The Department shall acknowledge receipt of the plan within two business days via electronic mail.

Once the backlog plan has been accepted by CDSS, the county shall be eligible for GF until June 30, 2018 for payments to all eligible emergency caregivers whose RFA applications remain pending. Existing licensed or certified foster family homes that are pending conversion, **shall not** be identified as backlogged, as they are not eligible for the provision of these payments. However, relatives or NREFMs with home approval under the prior system may be eligible to receive this funding if a child is placed in the home on an emergency or compelling reason basis pending RFA approval.

#### CHILD WELFARE SERVICES/CASE MANAGEMENT SYSTEM (CWS/CMS) AND STATEWIDE AUTOMATED WELFARE SYSTEM (SAWS)

Currently, in order for a relative or NREFM with 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 signed RFA-01A to establish the first date of payment. Once the home is approved, this date must be updated to reflect the date of final approval.

#### NOTICES 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 via a NOA that explains the provision of the funding, as described in this ACL, is for emergency caregivers who have taken placement of children, prior to full RFA status pursuant to W&IC section [11461.35](#). CDSS is developing NOAs that will be released shortly for county use and 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 Director's 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 short-term payment is properly administered and monitored by the child's or NMDs' county of jurisdiction.

#### ADDITIONAL INFORMATION

The CDSS is confident that these payments will mitigate, in the short term, many of the financial stressors that our emergency caregivers incur when they receive placement of

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kin with little notice and minimal opportunity to pre-plan for the range of needs, services and supports critical to protect and parent these children and youth. Furthermore, it is expected that the formalization of a backlog reduction strategy will enable each county to develop the most efficient pathway to approve, maintain, and cultivate a robust network of family-based placement options envisioned by CCR.

If you have policy or program questions related to RFA please contact [RFA@dss.ca.gov](mailto:RFA@dss.ca.gov). Questions related to claiming should be directed to [Fiscal.Systems@dss.ca.gov](mailto:Fiscal.Systems@dss.ca.gov).

Sincerely,

***Original Document Signed by:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Attachment

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**Please submit the following information no later than May 15, 2018 to RFA@dss.ca.gov. The County may submit the information in an equivalent format; please ensure that the following elements are included.**

Name of County: \_\_\_\_\_  
Submitted by: \_\_\_\_\_  
Date: \_\_\_\_\_

Purpose: The California Department of Social Services (CDSS) shall extend the emergency assistance payments for an additional 30 days, but no longer than June 30, 2018, if either of the following conditions are met:

1. Ensure that applications, with placements prior to approval, pending past 90 days, due to circumstances outside the direct control of the county, are documented in the applicant's file. Circumstances such as lengthy criminal background checks and exemptions, the need for additional evaluative assessments, out-of-county placements, or individual family circumstances or emergencies, among other reasons, if outside the control of the county, may be considered a good cause for the delay.

Please quantify the number of Resource Family Approval (RFA) applications with placements prior to approval that have been delayed for good cause below:

\_\_\_\_\_ (insert number of applications)

- 2 Identify the county's existing backlog of RFA applicants and submit a backlog plan that:
  - A. Quantifies the existing backlog, based on the number of RFA applicants pending past 90 days **without good cause**, and separately identifies families with current placements and those without.

RFA Applicants Pending Without Good Cause	With Placement	Without Placement
Greater than 90 days		

- B. Please explain the strategies and steps the County will take to eliminate the overall backlog of **all** RFA applicants by September 1, 2018, including ensuring that emergency caregivers with applications over 90 days are timely processed. Also provide the communication strategy to notify the emergency caregivers of the anticipated date to process their application.