

Senate Budget Hearing
Thursday, April 9, 2015

APPROVED RELATIVE CAREGIVER (ARC) PROGRAM

The ARC Program, enacted by Senate Bill (SB) 855 (Chapter 29, Statutes of 2014), became effective January 1, 2015, increases payments to children placed in foster care with relative caregivers when the children are not eligible for federal foster care benefits. Those federal benefits are higher than the CalWORKs benefits these caregivers typically have received.

This county-optional program provides state funding for participating counties to make per-child, per-month payments to approved relative caregivers in an amount equal to the basic federal foster care rate. A county may “opt-out” of the program at any time, but must meet notification and other requirements.

Eligibility

- Eligible relative caregivers must be approved and live in California. Caregivers who are approved must meet health and safety standards that mirror those for licensed foster parents.
- Eligible children must be under the jurisdiction of the California juvenile court in a county that has opted in, and cannot be federally eligible under Title IV-E of the Social Security Act.

Funding:

- There are three funding sources for ARC payments: 1) CalWORKs funds; 2) an ARC ongoing state general fund appropriation; and 3) county funds if the other two funding sources are insufficient to fund ARC payments. State funding is available for the number of cases that existed in each participating county as of July 1, 2014.
- Counties may seek reimbursement for any county funds used to make eligible ARC payments if in any given calendar year the entire amount of the ARC ongoing state general fund appropriation has not been fully expended.
- The ARC ongoing state General Fund appropriation is intended to fully fund the base caseload of approved relative caregivers as of July 1, 2014. There is a one-time opportunity to adjust the current \$30 million ongoing statutory General Fund appropriation to do so, on or before October 1, 2015. If proposed trailer bill language is approved, this appropriation also will increase annually in an amount sufficient to ensure that the monthly payment to the caregiver increases by the California Necessities Index.

Implementation Status:

- Program implementation instructions have been issued via All County Letter (14-89). Data will be collected from the counties to inform the “true-up” process.
- Fifty-six counties submitted non-binding letters of interest, and counties are in the process of opting in.

Title IV-E California Well-Being Project (IV-E Waiver)

The California Well-Being Project (Project) is an extension of the 2006 waiver, and was renegotiated with a new implementation start date of October 1, 2014. This project allows the counties to invest federal Title IV-E dollars into services and supports targeted to the needs of children, youth and families, regardless of their individual federal eligibility.

The project is being implemented in 9 counties: Alameda, Butte, Lake, Los Angeles, Sacramento, San Diego, San Francisco, Santa Clara and Sonoma. These counties represent 50 percent of our foster care caseload.

Eligibility:

All children within the child welfare system are eligible under the project, including probation youth. Costs for children and youth 18 and over, IT systems, licensing and adoptions, and training continue to be claimed *outside of* the waiver.

Funding:

The project is cost-neutral to the federal government. Over the five-year project timeline, California will receive \$3.7 billion in federal funds, plus an annual California Necessities Index increase. The total project, through September 2019, covers \$7.4 billion in total spending.

Implementation Status:

All nine counties have executed Memorandum of Understanding agreements in place with CDSS. Site visits have been conducted with all nine counties, with both child welfare and probation, to assist the counties with the new claiming procedures and fiscal reporting requirements. Monthly contacts with all nine county child welfare and probation departments are ongoing.

CDSS has convened all of the project counties to finalize the program models for evaluation. These models include Safety Organized Practice for child welfare, and California Wraparound for probation.

CDSS submitted the Initial Design and Implementation Report to the federal Administration for Children and Families on Monday, March 16th.

The Request for Proposal to solicit bids for the third party evaluator, as required in the project Terms and Conditions, was posted for bidding on April 7, 2015.

Commercially Sexually Exploited Children (CSEC) Efforts

In the 2014 Budget Act, and consistent with trailer bill SB 855, the county opt-in CSEC program was established and funding was appropriated for counties to develop protocols on how to handle CSEC cases, to train social workers and out-of-home caregivers, and to educate children and youth on how to avoid exploitation. Beyond these initial steps, it was envisioned that future funding would be targeted to a select number of counties with significant CSEC caseloads. However, federal legislation (HR 4980) also has been enacted with some CSEC provisions that somewhat overlap with California's program and require statewide efforts.

Eligibility

- Any child identified as:
 - sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives compensation for performance of sexual acts; AND
 - unprotected or inadequately protected by caregiver(s).

Funding:

- The 2014-15 state budget appropriated \$5 million General Fund for:
 - Training of foster youth and other youth on CSE risks;
 - CSEC identification and screening training to foster parents, group home staff and probation staff;
 - Protocol development and capacity building.
- The federal Preventing and Addressing Child Trafficking (PACT) grant provides \$1.25 million over 5 years for consultation and training support to 10 counties for developing multi-disciplinary teams.
- The January Governor's Budget proposes \$17.8 million (\$14 million GF) for:
 - Development and implementation of case management and services, employing local multidisciplinary teams including mandated partner service providers, such as law enforcement, mental health, probation, and others.

Implementation Status:

- Significant coordination has occurred with the county child welfare departments, training entities, and the Child Welfare Council's CSEC Action Team.
- An All-County Letter issued in September 2014 allocated \$5 million to counties:
 - \$2.5 million for Protocol Development and Capacity Building for Services.
 - \$1.75 million for statewide training for county social workers, probation officers, out-of-home caregivers, and group home staff.
 - \$750,000 to train foster youth on how to recognize and avoid being exploited.
- A letter was sent to counties on April 7, 2015, providing them with sample protocol tools.
- Letters with instructions on how to opt into the program, how to report data, and additional tools and guidance developed by the CSEC Action Team also will be issued this year.
- Funds have been provided via several contracts to train social workers; and a new agreement is under development with the Community College Chancellor's Office to provide training to caregivers through the community colleges.
- Work continues to define the requirements that overlap between the state CSEC program and federal HR 4980 legislation. This will ensure a consistent program and federal reimbursement for eligible activities. We anticipate a budget update as part of the May Revision.

Unaccompanied Undocumented Minors Legal Services Funding March 18, 2015 Assembly Hearing

Senate Bill (SB) 873 (Chapter 685, Statutes of 2014), enacted at the end of September 2014, requires the California Department of Social Services (CDSS) to contract with qualified nonprofit legal service organizations to provide legal services to Unaccompanied Undocumented Minors (UUMs).

Background:

- Legal services include culturally and linguistically appropriate services provided by attorneys, paralegals, interpreters and other support staff for state court proceedings, federal immigration proceedings, and any appeals arising from those proceedings.
- As of March 2014, the federal government indicates that 5,831 UUMs were released to California sponsors prior to October 2014, and 1,120 since that date. This data periodically is updated, available here: <http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>

Eligibility:

- A UUM is eligible to receive state-funded legal services if he/she is in California, either in the physical custody of the federal Office of Refugee Resettlement (ORR) or residing with a family member or sponsor.

Funding:

- The 2014 Budget Act provides \$3 million for these legal services.
- Funds only may be expended for new client representation agreements signed after execution of each contract with a legal services organization.
- Fifty percent of the allowable \$4,000 fee per case is paid when a client representation agreement is signed by the contractor and UUM. The remaining fifty percent is payable when a decision is rendered, approving or denying immigration status by the appropriate tribunal.

Implementation Status:

- 17 contracts were awarded to qualified legal service providers throughout California in early December.
- The CDSS provided a state-developed flyer to the ORR in December 2014 for distribution to all UUMs who were released to sponsors in California, and the ORR began to distribute the flyer to the UUMs the week of February 9, 2015. The ORR's service provider also recently agreed to send out the flyer to all children formerly in custody prior to February 9, 2015. This mailing will ensure all UUMs have been made aware of the program. Following this mailing, it is expected the numbers cited below will increase.
- As of April 2, 2015, CDSS has received 24 invoices; totaling 201 clients. The immigration cases of the clients represented to-date include Asylees (107), T-Visa (1), U-Visa (21) and Special Immigrant Juveniles (72).

California's Child Welfare Continuum of Care Reform

SB 1013 (Chapter 35, Statutes of 2012) required CDSS to consult with a number of stakeholder organizations to develop recommendations for revisions to the State's current system, services and programs serving children and families across the continuum of Aid to Families with Dependent Children–Foster Care (AFDC-FC) placement settings. The result of this robust process, referred to as the Continuum of Care Reform (CCR), is a series of inter-dependent recommendations to improve assessments of children and families to make more informed and appropriate initial placement decisions, emphasize home-based family care placements of children, appropriately support those placements with available services, change the goals for congregate (group home) care placements, and increase transparency and accountability for child outcomes. Together, the recommendations in the CCR report represent a paradigm shift from traditional group homes as a long term placement to Short-Term Residential Treatment Centers (STRTC) as an intervention.

The CCR report describes the substantial and needed steps that the Administration will pursue in collaboration with its partners, stakeholders, the courts and the Legislature, to achieve these improvements in child experiences and outcomes. The recommendations contained within the report are divided into the following areas: General; Home-Based Family Care; Residential Treatment; Fiscal; and Performance Measures and Outcomes. Successful implementation of these inter-dependent recommendations will take time and occur over multiple years. This will allow for development of critical elements including increasing the supply of home based family care, provider program statements, accreditation and training. The Department of Social Services, with its numerous partners and stakeholders, is committed to ongoing evaluation and improving outcomes using a continuous quality improvement approach.

GENERAL RECOMMENDATIONS

1. All placing agencies will utilize tools with common domains and will utilize Child and Family Teams in assessing the child and family's needs and strengths and use that assessment for case planning and to match a child to the most appropriate placement setting.
2. All STRTCs and Foster Family Agencies (FFAs) must be accredited by a national accrediting body, selected by CDSS, as a condition of receiving a foster care rate.
3. Temporary transition strategies will be implemented to address the need for placement options and resources for older youth and young adults who do not wish to transition from current group care to home-based placements.

HOME-BASED FAMILY CARE RECOMMENDATIONS

4. Allow public agencies to be licensed to operate an FFA.
5. Strengthen resource family recruitment, training requirements and retention strategies.
6. FFA programs must provide core services and supports to foster family agency non-treatment (FFA/NT) and foster family agency treatment (FFA/T) placements. FFAs or other community based organizations using the same standards can, at county request, provide core services and supports to resource families, including relatives and nonrelative extended family members.

RESIDENTIAL TREATMENT RECOMMENDATIONS

7. All STRTC programs will provide core services and support for children and youth that need short-term, intensive treatment interventions and who initially cannot be safely maintained in a home-based family care setting. Placements must be reviewed at intervals not greater than six months with continued placement requiring county Deputy Director, Probation Chief or Assistant Chief approval.
 - 7A. County-operated children's shelters will be phased out over a multi-year period.
 - 7B. Group homes that are educationally-based boarding school models will adapt and align their programs to meet the CCR goals supporting home-based family care and permanency.
8. Require all STRTCs and FFA/Ts to be certified by the DHCS or county mental health plans to provide medically necessary specialty mental health services.
9. Children currently placed in group homes with a Rate Classification Level (RCL) 1-9 will be transitioned into home-based family care. Group homes rated 10-14 either will be re-rated to the residential treatment rate or to an FFA rate.
10. Increase the minimum age for all newly hired STRTC child care workers.
11. Increase the minimum qualifications for all newly hired STRTC child care workers.
12. Enhance the training for new and existing STRTC staff.
13. Establish "STRTC peer partner" and "STRTC volunteer" staff classifications and allow STRTCs to use these classification as needed to support their program.

FISCAL RECOMMENDATIONS

14. Replace the group home RCL system with a statewide residential rate for all STRTCs.
15. Implement a new STRTC program audit in accordance with the proposed program plan and treatment competencies. Program, fiscal and health and safety reviews coordinated with joint activity by CDSS' Children and Family Services Division, Community Care Licensing Division, and DHCS' Mental Health Division.
16. Revise the FFA rate structure to account for two types of FFAs: 1) FFA/Ts that provide core services, intensive treatment foster care and therapeutic foster care, and 2) FFA/NTs which function as specialty or home-finding agencies. Also, increase the FFA Social Worker Rate to account for expanded core services and supports to be provided to resource families.

PERFORMANCE MEASURES AND OUTCOME RECOMMENDATIONS

17. Evaluate STRTC and FFA provider performance based on a series of performance domains and measures.
18. Utilize a client satisfaction survey that captures the perception of children and their families regarding services they have received from STRTC and FFA/T providers.
19. Create a method for ensuring public transparency of provider performance.