



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

July 26, 2016

ALL COUNTY INFORMATION NOTICE NO. I-56-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL FOSTER CARE MANAGERS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY CALFRESH COORDINATORS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
CHILD WELFARE SERVICES NEW SYSTEM
ALL COUNTY EBT PROJECT MANAGERS
TITLE IV-E AGREEMENT TRIBES
ALL ADMINISTRATIVE LAW JUDGES
JUDICIAL COUNCIL STAFF

SUBJECT: APPROVED RELATIVE CAREGIVER FUNDING OPTION PROGRAM:
CHILD SUPPORT REFERRAL

REFERENCE: [SENATE BILL \(SB\) 855 \(CHAPTER 29, STATUTES OF 2014\)](#) AND
[WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 11461.3](#)

This All County Information Notice (ACIN) reminds counties of the criteria under which caregivers receiving benefits on behalf of children under the Approved Relative Caregiver Funding Option (ARC) Program should or should not be referred to the local child support agency for child support services.

Background

The ARC Program was enacted by SB 855 (Chapter 29, Statutes of 2014), for the purpose of providing increased financial assistance to approved relative caregivers of dependent children who are not eligible for Aid to Families with Dependent Children—Foster Care (AFDC-FC) benefits. It is a county-optional program under which existing California Work Opportunity and Responsibility to Kids (CalWORKs) benefits (if any) are

REASON FOR THIS TRANSMITTAL

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

combined with state funds to pay these approved relative caregivers a monthly amount which is equal to the basic rate paid to licensed foster caregivers.

On September 22, 2015, the California Department of Child Support Services released CSS Letter 15-05, which gave local child support agencies (LCSAs) general information regarding the ARC Program, and indicated that ARC cases are referable and recoupable. The California Department of Social Services (CDSS) emphasizes to counties that the fact that ARC cases are referable does not mean that all ARC cases must be referred. The ARC statute (W&IC section 11461.3) includes provisions, discussed at length below, governing the referral of ARC cases for child support services. Counties are required to follow these provisions to determine whether or not a particular case should be referred to the LCSA.

Referrals of ARC Cases for Child Support Services

During Reunification: Per W&IC section 11461.3(k), if the parent or guardian of a child on whose behalf ARC benefits are being received is receiving reunification services, the county child welfare or probation department shall determine whether or not payment of child support will pose a barrier to reunification, taking into account whether such payment will compromise the parent's ability to meet the requirements of the reunification plan or the parent's current or future ability to meet the financial needs of the child. If the county finds that either of these conditions applies, it shall not refer the ARC case to the LCSA for child support services, as payment of child support is not in the child's best interest. Since the case cannot be referred under these circumstances, there is no need for the county to proceed to determine whether good cause exists for non-cooperation as described below.

Generally: Any time that the county is considering referring an ARC recipient or an ARC case for child support services (including when it has made the determination above that enforcing child support will not hinder reunification efforts), it shall first determine whether or not the recipient has good cause for not cooperating with the LCSA, as set forth in W&IC section 11477.04, governing good cause for non-cooperation for CalWORKs recipients. As noted in All County Letter 15-20, page 12, counties shall follow CalWORKs procedures in determining whether good cause exists, and, if applicable, in referring the ARC recipient or case to the LCSA for child support services.

Summary

In sum, while child support is recoupable from ARC payments if an ARC case is referred for child support services, not all ARC cases should or may be referred to the LCSA. Counties are required to follow the steps specified in statute and in CDSS' guidance in order to determine which ARC recipients and cases are eligible for referral, and cannot refer any recipient or case that does not meet the criteria set forth in statute.

For questions concerning the information in this letter, please contact the Foster Care Support Services Bureau at (916) 651-7465 or via email at CFSARCFO@dss.ca.gov.

Sincerely,

Original Document Signed By:

LORI FULLER, Acting Chief
Child and Youth Permanency Branch
Children and Family Services Division