



CDSS

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

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EDMUND G. BROWN JR.
GOVERNOR

May 10, 2016

ALL COUNTY LETTER NO. 16-26

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL FOSTER CARE MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL ADMINISTRATIVE LAW JUDGES
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: 2015 TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW RESULTS AND FINDINGS

REASON FOR THIS TRANSMITTAL

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

In July 2015 Region IX of the Administration for Children, Youth and Families conducted California’s fifth Title IV-E Foster Care Eligibility Review. The period under review (PUR) was October 1, 2014 through March 31, 2015. More than four cases in error would be considered not in substantial compliance with federal requirements. With only four error cases, California Department of Social Services (CDSS) was found to be in substantial compliance with Title IV-E of the Social Security Act program requirements. Accordingly, no secondary review will be required and the next primary review will be held in approximately three years.

General Requirements

Reviewers determined whether appropriate documentation existed in each case to substantiate compliance with the following requirements: authority for placement; child welfare agency or probation responsibility for placement and care; Aid to Families with Dependent Children-Foster Care (AFDC-FC) eligibility of the home of removal (based on July 16, 1996 requirements); placement in a licensed foster family home or child care institution; criminal records check and other safety requirements for foster care providers. Counties are reminded to continue to ensure compliance with CDSS’ Eligibility and Assistance Standards Manual sections 45-100 through 45-300 for determination of foster care eligibility.

The Department of Health and Human Services determined that the four cases listed below were not eligible for AFDC-FC during the PUR and these cases were cited as errors.

Identified Error Cases

Case Sample #37

In this case, the court failed to make the finding that “reasonable efforts were made to finalize the permanent plan” timely. The finding was due February 2, 2015, but due to continuances, was not made until June 1, 2015.

Case Sample #43

The child had been living with a related legal guardian for approximately 12 years. The guardianship was terminated, the original dependency reinstated and the court appointed a new guardian while maintaining the dependency. No new Title IV-E court findings were made. Nevertheless, the county made the child federally eligible.

This case serves as a reminder to counties that when a guardianship is dismissed and a previously dismissed dependency reinstated (whether or not a new guardian is appointed), a new eligibility determination must be made. If the child was in the guardianship longer than six months, then the eligibility determination would need to be based on the guardian’s home.

Case Sample #55

The county issued a clothing allowance the month prior to the child having been determined to be eligible for federal foster care. Although the county actually did not issue the payment, there was no documentation available to prove that this was the outcome. Counties are advised to maintain documentation proving the warrant was not actually issued in cases like this.

Case Sample #62

In this case, dependency was dismissed in November of 2014, but a clothing allowance was paid in December of 2014. The payment system records showed the clothing allowance amount of \$149 was issued on December 2, 2014, along with the family's foster care payment of \$726.

The county issues payments in arrears such that December checks are for the benefit month of November. Despite the fact that the child became a Kin-Gap child in the same home once dependency was dismissed, the county erred in issuing the clothing allowance in December.

Improper Payments

Out of the 80 cases reviewed, there was one case with ineligible payments. An individual letter was issued to the county regarding the recoupment of ineligible maintenance payments and related administrative costs associated with the case during the review. The below chart identifies the improper payment:

Sample Number	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
65	Payment claimed for a period prior to the home being fully licensed or approved.	\$36 Maintenance \$577 Administration

If you have any questions about this ACL or the audit in general, please contact your county Foster Care Funding and Eligibility Consultant at (916) 651-2752.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division