



CDSS

JOHN A. WAGNER
DIRECTOR

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

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

March 10, 2011

ALL COUNTY LETTER NO. 11-21

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY WELFARE FISCAL OFFICERS
 ALL CHIEF PROBATION OFFICERS
 ALL INDEPENDENT LIVING PROGRAM MANAGERS
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS
 ALL COUNTY TRANSITIONAL HOUSING COORDINATORS
 ALL GROUP HOME PROVIDERS
 ALL FOSTER FAMILY AGENCIES
 KARUK TRIBE
 COUNTY WELFARE DIRECTOR'S ASSOCIATION

SUBJECT: TRANSITIONAL HOUSING PLACEMENT PROGRAM (THPP) AND
 TRANSITIONAL HOUSING PROGRAM-PLUS (THP-PLUS) AND THE
 IMPACT OF CALIFORNIA ALLIANCE OF CHILD AND FAMILY
 SERVICES V. CLIFF ALLENBY, ET.AL.

REFERENCE: WELFARE AND INSTITUTIONS CODE (W&IC) SECTION (§) 11403.3
 AND 11462; ALL COUNTY LETTER (ACL) NO. 10-15, DATED
 MARCH 15, 2010

The purpose of this ACL is to provide counties with information and instructions on the impact on THPP and THP-Plus Programs as the result of the court order issued on February 23, 2010, in the case of the California Alliance of Child and Family Services v. Cliff Allenby, et.al. The District Court ordered the California Department of Social Services (CDSS) to adjust group home rates, paid under the California's Rate Classification Level (RCL) system, to reflect the California Necessities Index increases from 1990/91 through 2009/10 and annually thereafter.

This law suit did not directly impact the rates of the THPP and THP-Plus Programs. Therefore, there is no automatic entitlement to the increase ordered by the court.

However, state statute sets rates for the THPP and THP-Plus Programs based on a county's average foster care expenditure for foster youth 16 to 18 years of age, in group home placements, which could be impacted by the court-ordered increases in RCL rates. This impact would need to be independently evaluated in light of the state statute(s), if a county requests an increase in its rates for its THPP and THP-Plus placements.

Counties set the maximum rate paid to a provider based on W&IC §11403.3(a), provides that the rate set for a THPP "shall be paid a monthly rate that is 75% of the average foster care expenditures for foster youth 16 to 18 years of age, inclusive, in group home care in the county in which the program operates." The same method to determine the rate for THP-Plus is applied in W&IC §11403.3(b) at "70% of the average foster care expenditures for foster youth 16 to 18 years of age..."

Therefore, a county may establish an increase in the average expenditures, as described in W&IC § 11403.3, as a result of the increase in RCL rates paid to group homes in accordance with the court order. That increase in average expenditures would then be the basis upon which the impacted county would request an increase in the maximum THPP or THP-Plus rate pursuant to the parameters set forth in the W&IC previously related. Counties are required to provide the average group home expenditure information for review prior to approval by CDSS of an increased rate.

In addition to the existing THP-Plus, effective January 1, 2012, Assembly Bill (AB) 12, Statutes of 2010, creates a new placement option for non-minor dependents. This new placement option, called THP-Plus Foster Care, will be eligible for Title IV-E funding. As required by AB 12, CDSS will be convening a workgroup to develop a new rate structure for THP-Plus Foster Care. It is anticipated that the rate structure for THP-Plus will also be reviewed during the workgroup sessions.

If you have questions or require additional assistance, please contact Lyn Stueve, Analyst, Independent Living Policy Unit, at (916) 657-3329. Information regarding both transitional housing programs is also available at: www.childsworld.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division