



CDSS

WILL LIGHTBOURNE  
DIRECTOR

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

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.  
GOVERNOR

September 20, 2011

ALL COUNTY LETTER NO. 11-63

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL LOCAL MENTAL HEALTH DIRECTORS  
ALL COUNTY ADOPTION AGENCIES  
ALL ADOPTION DISTRICT OFFICES  
ALL GROUP HOME PROVIDERS  
ALL FOSTER FAMILY AGENCIES  
KARUK TRIBE

SUBJECT: ASSEMBLY BILL 106, CHAPTER 32, STATUTES OF 2011

REFERENCE: Welfare and Institutions Code (W&IC) sections 11364(d)(2),  
11364(d)(3), 11387(d)(1), 11387(d)(2), 11461(e)(4)(B)(1)-(3),  
11461(e)(4)(C)(i)-(iii), 11461(f)(2), 11461(f)(5)(B), 11461(g)(1)

This letter is to inform counties of the provisions of Assembly Bill (AB) 106, Chapter 32, Statutes of 2011 that were implemented to address the impact to various benefit programs as a result of the court case California Alliance of Child and Family Services v. Cliff Allenby, et al. (Allenby), 589 F.3d 1017 (9th Cir. 2009.) In Allenby, the methodology for setting basic rates for licensed foster family homes was changed from the original methodology established in 1982. As a result of the new methodology, additional and ancillary benefit programs such as county clothing allowances, specialized care increments, payments to nonrelated legal guardians, kin guardians, and adoption assistance payments are no longer connected to the previous basic foster family home rate methodology. Therefore, AB 106 was enacted to define the new FFH rates as set forth in WIC 11461 and their application to payments under these programs. The following information details the changes made in statute as a result of AB 106. Changes to the Adoption Assistance Program payments will be addressed in a separate All County Letter.

REASON FOR THIS TRANSMITTAL

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

Kinship-Guardianship Assistance Payment (Kin-GAP)/State Kin-GAP Program)

Effective May 1, 2011, provisions of W&IC section 11364(d)(1) mandate that for the Kin-GAP program guardianships established prior to May 1, 2011, the Kin-GAP benefit payment will be the basic foster family home rate in effect prior to May 1, 2011. (Reflected in Schedule A, attached.)

Effective July 1, 2011, the Kin-GAP benefit payments in Schedule A increased by 1.92 percent to reflect the FY 2011-12 California Necessities Index (CNI) increase. (Schedule A-1, attached.)

Additionally, for those Kin-GAP guardianships established on or after May 1, 2011, W&IC section 11364 (d)(2) provides that the KinGAP benefit payment will be the basic foster family home rate in effect on May 1, 2011. (Schedule B, attached.)

Effective July 1, 2011, the Kin-GAP benefits identified in Schedule B increased by 1.92 percent, to reflect the FY 2011-12 CNI increase. (Schedule B-1, attached.)

Kin-GAP/Federal Kin-GAP

Effective May 1, 2011, provisions of W&IC section 11387(d)(1) mandate that for the Kin-GAP program guardianships established prior to May 1, 2011, the Kin-GAP benefit payment will be the basic foster family home rate in effect prior to May 1, 2011. (Reflected in Schedule A, attached.)

Effective July 1, 2011, the Kin-GAP benefit payments in Schedule A increased by 1.92 percent, to reflect the FY 2011-12 CNI increase. (Schedule A-1, attached.)

Additionally, for those Kin-GAP guardianships established on or after May 1, 2011, W&IC section 11364 (d)(2) provides that the Kin-GAP benefit payment will be the basic foster family home rate effective May 1, 2011. (Schedule B, attached.)

Effective July 1, 2011, the Kin-GAP benefits identified in Schedule B increased by 1.92 percent, to reflect the FY 2011-12 CNI increase. (Schedule B-1, attached.)

Non-Related Legal Guardian (NRLG)

Effective May 1, 2011, provisions in W&IC section 11405(f)(1) mandate that for cases in which the guardianship was established prior to May 1, 2011, the NRLG benefit payment will be the basic foster family home rate in effect prior to May 1, 2011. (Schedule A, attached.)

Additionally, for those NRLG established on or after May 1, 2011, W&IC section 11405(f)(2) provides that the NRLG benefit payment will be the basic foster family home rate effective May 1, 2011. (Schedule B attached.)

Effective July 1, 2011, the NRLG benefits identified in Schedule B increased by 1.92 percent to reflect the FY 11-12 CNI increase. (Schedule B-1, attached.)

#### Specialized Care Increment

In accordance with W&IC section 11461(e)(4)(c)(i), the specialized care increment will not receive a cost of living adjustment in FY 2011-12 or FY 2012-13. However, a county may choose to apply a cost of living adjustment to its specialized care increment during the FY 2011-12 or FY 2012-13, without a state share of cost of that adjustment.

#### County Clothing Allowance

In accordance with W&IC section 11461(f)(4)(B)(1), the county clothing allowance will not receive a cost of living adjustment in FY 2011-12 or FY 2012-13. However, a county may chose to apply a cost of living adjustment to its clothing allowance during the FY 2011-12 or FY 2012-13, without a state share of cost of that adjustment.

#### State Supplemental Clothing Allowance

In accordance with W&IC section 11461(f)(5)(B), the state is no longer providing a supplemental clothing allowance of \$100 per child effective with the FY 2011-12.

#### Infant Supplement

The AB 106 did not authorize an increase to the infant supplement rate.

#### New Foster Family Home (FFH) Basic Rates

Beginning May 1, 2011, and on and after January 1, 2012, for those youth in extended foster care, in accordance with W&IC section 11461(g)(1), a child or a non-minor dependent (not to exceed age 19) placed in a licensed or approved family home, in an approved home of a relative or the approved home of a non-relative extended family member or placed in a supervised independent living setting, the per child, per month rate shall be the rates in effect May 1, 2011. (Schedule B, attached.)

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Additionally, effective July 1, 2011, the basic rate identified in 11461(g)(1) and in Schedule B (attached), is adjusted by 1.92 percent to reflect the CNI for FY 2011-12. (Schedule B-1, attached.)

Dual Agency Rates

The AB 106 did not address the Dual Agency rates.

Seriously Emotionally Disturbed

Chapter 6 (commencing with Section 18350) of Part 6 of Division 9 of the W&IC has been repealed. Sections 18350 through 18356 of the W&IC have been repealed effective July 1, 2011.

Inquiries

Any questions regarding rates can be directed to the Foster Care Rates Bureau consultant at (916) 651-9152.

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Attachment

Attachment

**Schedule A - The FFH basic rate in effect prior to May 1, 2011. (Applies to state and federal Kin-GAP and NRLG.)**

Age	0-4	5-8	9-11	12-14	15-19
Rate	\$446	\$485	\$519	\$573	\$627

**Schedule A-1 - The FFH basic rate in effect prior to May 1, 2011, with a 1.92% cost-of-living increase effective July 1, 2011 (applies to state and federal Kin-GAP and NRLG)**

Age	0-4	5-8	9-11	12-14	15-19
Rate 7/1/11- 6/30/12	\$455	\$494	\$529	\$584	\$639

**Schedule B - The new FFH basic rate in effect as of May 1, 2011. (Applies to licensed or approved family homes, approved home of a relative or the approved home of a non-relative extended family member, state and federal Kin-GAP, tribal specific homes, NRLG.)**

Age	0-4	5-8	9-11	12-14	15-19
Rate 5/1/11- 6/30/11	\$609	\$660	\$695	\$727	\$761

**Schedule B-1 - The new FFH basic rate in effect as of May 1, 2011, with a 1.92 percent cost-of-living increase effective July 1, 2011. (Applies to licensed or approved family homes, approved home of a relative or the approved home of a non-relative extended family member, state and federal Kin-GAP, tribal specific homes, and NRLG; and on and after January 1, 2012, a supervised independent living placement.)**

Age	0-4	5-8	9-11	12-14	15-19
Rate 7/1/11- 6/30/12	\$621	\$673	\$708	\$741	\$776