

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 19, 2007

ALL COUNTY LETTER NO. 07-49

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS**REASON FOR THIS TRANSMITTAL**

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

SUBJECT: NEW FEDERAL POLICY GUIDELINES RELATING TO THE AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE PROGRAM

The U.S. Department of Health and Human Services recently issued new policy guidelines for the Aid to Families with Dependent Children – Foster Care (AFDC-FC) relating to temporary absences and linkage to the AFDC program.

Temporary Absence

Current AFDC-FC Regulations, Eligibility and Assistance Standards (EAS) Manual, Section 45-302.23 allow for a child to be temporarily absent from a foster care facility and, with the exception of a public hospital stay, does not specify a limit on the length of time the county can pay the provider to keep the bed open. Recent additions to the federal Child Welfare Policy Manual specify a limit on the length of time federal financial participation can be claimed during a temporary absence:

Child Welfare Policy Manual, Section 8.1B – TITLE IV-E, Administrative Functions/Costs, Allowable Costs - Foster Care Maintenance Payments Program, Question 24

Question: May the State claim a title IV-E foster care maintenance payment for an allowable provider that covers the entire month if a child is temporarily absent for a portion of the month? For example, the child has run away, goes on a weekend home visit, or is hospitalized for medical treatment during some part of the month.

Answer: Yes. The State may provide a full month's title IV-E foster care maintenance payment to the licensed provider if the brief absence does not exceed 14 days and the child's placement continues with the same provider. Otherwise, the State must prorate its claims if the child is absent from the placement for more than a reasonable brief period.

This section of the Child Welfare Policy Manual was effective February 2, 2007. Accordingly, for purposes of federal and State AFDC-FC funding, a payment to a provider during a child's temporary absence may not exceed 14 days.

AFDC Linkage

EAS Section 45-202.33 indicates that a foster child must be linked to the AFDC Program, as it existed on July 16, 1996, during the petition month or the month a voluntary placement agreement was signed. The following section of the Child Welfare Policy Manual clarifies that the linkage determination must be made using the circumstances of the child in the home of removal PRIOR to the actual removal of the child.

Child Welfare Policy Manual, Section 8.4A -- TITLE IV-E, General Title IV-E Requirements, AFDC Eligibility

Question: In determining a child's Aid to Families with Dependent Children (AFDC) eligibility, should the State look to the household circumstances at the time of the child's removal or should the State look at the whole month of the removal petition or voluntary placement agreement to determine deprivation and/or income? For example, can a child's deprivation be based on circumstances that occur in the month of removal, but after the child's removal from the home?

Answer: AFDC eligibility criteria, including deprivation, must be met in the month of, but prior to, the child's removal from the home. The State may not establish the child's deprivation based on household circumstances that occur after a child's removal. This is based on section 472(a) (1) (B) of the Social Security Act (the Act) which specifies that "the child, **while in the home** [emphasis added], would have met the AFDC eligibility requirement of [section 472(a)(3) of the Act]."

For example, the parents may be living together at the time of removal, but one or both parents may go to jail after the incident of abuse. The parental deprivation which happened concurrent with or after the child's removal cannot be used to satisfy deprivation requirements. This section of the Child Welfare Policy Manual was added April 27, 2007.

If you have any questions about this All County Letter or Foster Care eligibility or funding, please contact your Foster Care Eligibility Consultant at (916) 651-9152.

Sincerely,

Original Document Signed By:

MARY L. AULT
Deputy Director
Children and Family Services Division

c: CWDA