

Amend Section 45-101 to read:

45-101 DEFINITIONS (Continued)

45-101

(a) (1) (Continued)

(2) Approved Home means ~~a family home which is either exempt from licensure as specified in Section 45-101(a)(2)(A), certified, license pending as specified in Section 45-101(a)(2)(B), or approved or specified by an Indian tribe as specified in Section 45-101(a)(2)(C)~~ one of the following:

(A) ~~A family~~ The home of a relative which is ~~exempted from licensure because it is the home of a relative or the home of a nonrelated legal guardian, and which has been determined to be suited to the needs of the child by the social worker or probation officer~~ approved as meeting the same standards as licensed foster family homes as set forth in Foster Family Home Regulations, California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.

(B) ~~A certified, license pending home which is a family home not exempted from licensure by Health and Safety Code Section 1505 for which a license application is pending and has not been denied and in which the child has been placed by the social worker or probation officer under the authority of a court order or voluntary placement agreement, in accordance with Welfare and Institutions Code Sections 361.2(g), 362.5(e), 727(b) or 16507.5(b) and the social worker or probation officer has certified that the home meets licensing standards for family homes as defined in Title 22, Division 6 of the California Code of Regulations.~~

A family home which is the home of a nonrelative extended family member which has been approved as meeting the same standards as licensed foster family homes as set forth in Foster Family Home Regulations, California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.

HANDBOOK BEGINS HERE

~~Welfare and Institutions Code Sections 361.2(g), 727(b), and 16507.5(b) provide that the following certification conditions be met:~~

- ~~1. A preplacement home visit is made by the placement worker to determine the suitability of the family home.~~
- ~~2. The placement worker verifies to the licensing agency in writing that the home lacks any deficiencies which would threaten the physical health, mental health, safety, or welfare of the minor.~~

3. ~~The placement worker notifies the licensing agency of the proposed placement and determines that the foster family home applicant has filed specific license application documents prior to and after the placement of the minor. If the license is subsequently denied, the minor shall be removed from the home immediately. The denial of the license constitutes a withdrawal of the certification.~~

~~HANDBOOK ENDS HERE~~

(C) (Continued)

(c) (Continued)

- ~~(3) Certified, License Pending Home— See definition of "Approved Home". "Certified, license pending home" does not apply to certified family homes defined in Section 45-101(c)(2).~~

~~(4) through (7) renumbered to (3) through (6) (Continued)~~

(n) (1) Nonrelative Extended Family Member means an adult caregiver who has an established familial or mentoring relationship with the child which has been verified by the county welfare department. (Continued)

(r) (1) (A) (Continued)

3. (Continued)

~~HANDBOOK BEGINS HERE~~

- a. ~~In Norman v. McMahon, 225 Cal. App. 3d 1450 (1990), the court held that persons delineated in Section 45-101(r)(1)(A)3. are not relatives for purposes of the State AFDC-FC Program. Accordingly, a child placed with any person listed in Section 45-101(r)(1)(A)3. may be eligible for AFDC-FC benefits.~~

~~HANDBOOK ENDS HERE~~

(B) (Continued)

(t) (1) (Continued)

(2) Transitional Housing Placement Facility means a community care facility licensed by the Department as part of the Transitional Housing Placement Program (THPP) which provides transitional housing opportunities to foster youth as specified in Welfare and Institutions Code Section 11400(r)(1). (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 1502(a)(1) and 1505, Health and Safety Code; Sections 360, 361.2(g), 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997 and as further amended by AB 2773, Chapter 1056, Statutes of 1998), 309, 362.7, 366, 366.21, 366.26, 366.3, 727.1, 11400(b), 11400(h), 11400(m), 11400(r), 11401(b), 11401(e), 11402, 11404.2, 11466.24, and 16507.5(b), Welfare and Institutions Code; Sections 7660 et seq., 7800 et seq., and 7911.1, Family Code; Section 2250, Probate Code; 45 CFR 1356.21(d); Public Law 95-608; 25 U.S.C. 1915; and 42 U.S.C. 606.

Amend Section 45-201 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS

45-201

.1 (Continued)

.11 (Continued)

.111 (Continued)

(c) (Continued)

- (1) The income maintenance case record shall contain a statement from the placement worker, on the ~~FC 5 or a substitute form approved by the department~~ FC 2, which certifies that the mutual agreement or the court order is in the services case record or that the child is not capable of making an informed agreement. This certification shall occur prior to or within the month the child reaches age 18 and at redetermination of the child's AFDC-FC eligibility.

.12 The property requirements in Chapter 42-200;

~~.121 Pursuant to Section 42-213.2aa., any~~ Up to \$10,000 in cash savings ~~and interest accumulated pursuant to the Independent Living Program (ILP) written transitional independent living plan and retained by a child who is 16 years of age or older and is participating in the ILP~~ is exempt for purposes of determining eligibility and grant amount. (Continued)

~~.122 There is no limit to the amount that may be retained under Section 45-201.121.~~

HANDBOOK BEGINS HERE

~~.123~~ (Continued)

HANDBOOK ENDS HERE

.13 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Reference: Sections 361.21, 366.25, 366.3, 727.1, 11008.15, 11155.5, 11400(b), 11401(b), 11402, 11403, and 11404.1, 16516.5, Welfare and Institutions Code; 7911.1, Family Code; 42 U.S.C. 672(a); and 45 CFR 1356.21(d).

Amend Section 45-202 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.4 Authority for Placement

.41 (Continued)

.412 Removal by Voluntary Placement

(a) (Continued)

(2) There is a written binding agreement between either the county welfare department, a licensed public ~~or private~~ adoption agency or the Department acting as an adoption agency, and the parent or guardian of a the minor. (Continued)

.42 The income maintenance case record shall contain a statement from the placement worker, on the ~~SOC 158A~~ FC 2 form, which certifies that a copy of the court order or voluntary placement agreement is in the services case record. If Section 45-202.411(c)(2) applies, the case record shall also contain a statement from the placement worker, on the ~~FC 5 or a substitute form approved by the Department~~ FC 2, which certifies that the child meets the requirements of Section 45-203.311. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility, and when there is a change in the authority for placement.

.5 Eligible Facilities

.51 Except as provided in Section 45-202.52, the child shall be residing in one of the following eligible facilities:

.511 The approved home of a relative, former relative, or nonrelative extended family member.

HANDBOOK BEGINS HERE

(a) Former relatives must be approved pursuant to Section 45-101(a)(2)(A) in order to receive federal AFDC-FC.

HANDBOOK ENDS HERE

~~.512 An approved home which is certified, license pending.~~

~~.513 through .515~~ renumbered to .512 through .514 (Continued)

.515 A Transitional Housing Placement Facility licensed by the Department.
(Continued)

~~.518 The approved home of a former relative.~~ (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Reference: Sections 366.26, 11400(m), 11400(o), 11401(b) and (e), 11401(f), 11402, 11402.1, and 16507.4, Welfare and Institutions Code; Sections 7660 et. seq., 7800 et. seq., and 7911.1, Family Code; Section 1505, Health and Safety Code; Public Law 95-608; 25 USC 1915; Public Law 96-272; 45 CFR 1356.30; 42 U.S.C. 606; 42 U.S.C. 671; 42 U.S.C. 672(a)(2) and (4); Sections 80072, 84072, 84072.1, and 84072.2, Title 22, California Code of Regulations; Capitola Land et al. v. Anderson, 55 Cal. App. 4th 69, 63 Cal.Rptr.2d 717, (1997); and Anderson v. Superior Court, 68 Cal.App. 4th 1240, 80 Cal.Rptr.2d 891, (1998).

Amend Section 45-203 to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

.4 Eligible Facilities

.41 The child shall be residing in one of the following eligible facilities:

.411 The ~~approved~~ home of a nonrelated legal guardian, or the home of a former nonrelated legal guardian when the guardianship of a child who is otherwise AFDC-FC eligible has been dismissed due to the child's attaining age 18, which has been determined to be suited to the needs of the child by the social worker or probation officer.

.412 ~~An approved home which is certified, license pending.~~ The approved home of a nonrelative extended family member. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.26, 11400(g) and (h), 11401(c), 11401(e), 11402, and 11402(c) and (d); Welfare and Institutions Code; Sections 7660 et. seq., 7800 et seq., and 7911.1, Family Code; and Public Law 95-608, 25 U.S.C. 1915.

Amend Section 45-302 to read:

45-302 PAYMENT (Continued)

45-302

.2 Payment Conditions

.21 Except as specified below, payment shall only be made when the child is not living in the same home as his/her birth or adoptive parent(s) and resides in an eligible facility which is not the same home in which the parent(s), ~~or relative,~~ or legal guardian from whom the child was removed makes his/ her home. (Continued)

.25 Child Placed in Out-of-State Group Home

.251 No public funds shall be expended on behalf of a child placed in an out-of-state group home unless all of the following conditions are met: (Continued)

(g) ~~For children whose placement and care is vested with the county probation department,~~ There has been an additional finding by the court that in-state facilities or programs have been determined to be unavailable or inadequate to meet the needs of the child. (Continued)

Authority Cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Section 7911.1, Family Code; and Sections 361.21, 366, 727.1, 11017, 11056, 11400(f), 11401, 11402, 11403, 11405, 11269, and 16516.5, Welfare and Institutions Code.

Amend Section 80-310f.(1) to read:

80-310 DEFINITIONS - FORMS

80-310

The following forms apply to the regulations in Divisions 40 through 50 and 80 through 89. (Continued)

f. (1) FC 2

The "Statement of Facts Supporting Eligibility for AFDC-Foster Care (FC)" (Rev. ~~4/96~~ 5/00) is used to collect information necessary to determine foster care eligibility at the time of application and redetermination. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(8); Sections 10553, 10950, 11054, 11450(b), 12300, 12300.2, 12304, 12304.5, and 14132.95, Welfare and Institutions Code, and Judgment Re: Tyler v. Anderson, Sacramento Superior Court Case No. 376230, dated January 22, 1999.