

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 25, 2007

Regulation Package #0905-15

CDSS MANUAL LETTER NO. EAS-06-04

TO: HOLDERS OF THE EAS MANUAL

Regulation Package # 0905-15**Effective 10/26/06****Sections 45-101, 45-202, 45-203 and 45-301**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

Crisis nurseries, a type of temporary or emergency care for children at risk of abuse and/or neglect, were first developed in the early 1970's. Crisis nursery programs were also designed to offer an array of support services to the families and caregivers of these children.

Recognizing the effectiveness of crisis nursery care and the need for additional programs, in 1986 Congress passed the *Temporary Child Care for Children with Disabilities and Crisis Nurseries Act*. This Act established federal funding to create temporary child care demonstration projects including crisis nursery services.

Since 1988, competitive grants have been awarded to private and public agencies across the United States to assist them in developing crisis nursery services. However, federal funding for crisis nurseries was recently reduced creating a financial hardship for the few California facilities providing the crisis nursery services. As a remedy, a collaboration of these facilities that are licensed as Group Homes for Children under six years of age, requested certain waivers to the regulations to help off-set rising cost because they maintain their programs and goals are different than those of other group homes. The children placed in their facilities are voluntarily placed by a parent experiencing stress in their life. They argued that the group home requirements were making it difficult for them to remain solvent.

SB 855, Chapter 664, Statutes of 2004, creates a new community care licensing category for crisis nurseries. Crisis nurseries are defined as facilities providing short-term, 24-hour nonmedical residential care and supervision for children under six years of age who are voluntarily placed for up to 30 days by their parents/guardian due to a family crisis or stressful situation or, who are temporarily placed by a county child welfare services agency for no more than 14 days.

Some unique aspects of crisis nurseries allowed by statute are:

- Can accept voluntary and AFDC/FC children (on a limited basis)
- Fully trained volunteers may be counted in their staff-to-child ratio.
- Maximum licensed capacity of 14.
- Crisis nurseries are required to provide a monthly report to the Department indicating the

total number of voluntarily placed children and those children placed by a child welfare services agency and length of stay for each child.

- Crisis nurseries may provide day care services for children less than six years of age at the same site as the crisis nursery.

As required by statute, the Department has developed emergency regulations that establish minimum health and safety standards for children cared for by crisis nurseries. The intent of developing, adopting and implementing Crisis Nursery Programs Regulations is to provide a safe and supportive environment for children as well as a non-threatening non-punitive resource for parents who may be experiencing a family crisis or stressful situation.

These regulations were adopted on October 26, 2006 and were considered at the Department's public hearing held on November 29, 2006.

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-06-03.

<u>Page(s)</u>	<u>Replace(s)</u>
536 through 539	Pages 536 through 539
542 and 542.1	Pages 542 and 542.1
554 and 555	Pages 554 and 555
558 and 559	Pages 558 and 559
562 and 563	Pages 562 and 563
569 and 570	Pages 569 and 570

Attachments

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45-101	DEFINITIONS (Continued)	45-101
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- (2) "Certified Family Home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.
- (3) Certified Out-of-State Group Home means a facility:
 - (a) Which is located outside of the State of California,
 - (b) Which would meet the definition of group home as defined in Section 45-101(g)(1) were it located within the State of California, and
 - (c) Which has been certified by the Department as meeting the licensure standards required of group homes operated in California or the Department has granted a waiver to a special licensing standard upon a finding that there exists no adverse impact on health and safety.
- (4) Community Care Licensing Agency means the department or a county welfare department authorized by the department to license family homes and group homes in accordance with Title 22, Division 6, of the California Code of Regulations.
- (5) Compact Administrator means an individual designated by the governor as the Administrator of the Interstate Compact on the Placement of Children.
- (6) Court Order means only the judicial determinations specified in either Sections 45-101(c)(7)(A) or (B) and made by the juvenile court or by an Indian Tribal Court as defined in Section 45-101(i)(6). In California, the filing of a petition commences proceedings in a juvenile court. If the petition is not dismissed, the following two categories of judicial orders apply:
 - (A) Detention order means the order issued by the juvenile court pursuant to Welfare and Institutions Code Section 319 or 636 which permits detention of a child pending a jurisdictional hearing to determine whether the child is to be made a dependent or ward of the court. A detention order is limited to 15 judicial days unless continued by the court. A judicial day is a day on which the court is in session, i.e., not a weekend or court holiday.
 - (B) Jurisdictional and Dispositional Orders means the orders issued by the juvenile court which declare the child a dependent or ward of the court and designate to whom the child is to be released.

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- (7) Crisis Nursery means a facility listed in Welfare and Institutions Code Section 11402(h) which is defined as "A licensed crisis nursery as described in Section 1516 of the Health and Safety Code and as defined in subdivision (t) of Section 11400" of the Welfare and Institutions Code.

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11402. Placement requirements for eligibility

"In order to be eligible for AFDC-FC, a child shall be placed in one of the following:

- (h) A licensed crisis nursery, as described in Section 1516 of the Health and Safety Code, and as defined in subdivision (t) of Section 11400."

Welfare and Institutions Code Section 11400(t) defines Crisis Nursery as "a facility licensed to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age who are either voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days or, except as provided in subdivision (e) of Section 1516 of the Health and Safety Code, who are temporarily placed by a county child welfare service agency for no more than 14 days."

Health and Safety Code Section 1516(c) defines the term "voluntary placement," for the purpose of crisis nurseries as follows: "Voluntary placement," for purposes of this section, means a child, who is not receiving Aid to Families with Dependent Children -Foster Care, placed by a parent or legal guardian who retains physical custody of, and remains responsible for, the care of his or her children who are placed for temporary emergency care, as described in subdivision (a)."

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- (d) (1) Department means the State Department of Social Services.
(2) Detention Order--See definition of "Court Order".
(3) Dispositional Order--See definition of "Court Order".
- (e) (1) Eligible Facility means a home that meets the requirements of the AFDC-FC program and in which an eligible child may be placed.
- (f) (1) Family Home means the family residence of a licensee in which 24-hour care and supervision are provided for children and which is licensed by the appropriate community care licensing agency, or a family residence which is approved and which provides such care and supervision.

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- (2) Family Reunification Services means services provided to the family and the child in foster care placement for the purpose of safely returning the child to his or her family.
 - (3) FFP means federal financial participation and is participation by the federal government in sharing the cost of AFDC-FC payments.
 - (4) Former relative means a person related to the child by birth or adoption by virtue of being one of those persons listed in Section 45-101(r)(1)(A) when legal rights to the child are terminated by the filing of a relinquishment with the Department or by court action.
 - (5) Foster Care means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting.
 - (6) "Foster Family Agency" means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.
 - (7) Funding Restriction means either that (a) a ceiling is imposed, in accordance with the Adoptions Assistance and Child Welfare Act of 1980 (P.L. 96-272), on federal matching funds under the AFDC-FC Program due to the federal appropriation in Child Welfare Services; or that (b) Congress has appropriated insufficient funds to cover the full federal match of all audited claims submitted to the federal government for payment.
- (g) (1) Group Home shall be defined in accordance with Welfare and Institutions Code Section 11400(h).

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- (A) The term group home is defined in Welfare and Institutions Code Section 11400(h) as follows:

"Group Home" means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code."

1. Health and Safety Code Section 1502(a)(1) states: "'Residential facility' means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual."

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- (B) U.S. Department of Health and Human Services Child Welfare Policy Manual, Section 8.3A.8a, clarifies that a facility that has locked living units, but which is not operated primarily for the detention of children who are determined to be delinquent, may be considered a group home for purposes of claiming AFDC-FC funds. If a facility is not used primarily for the detention of delinquent children, but the facility has some restrictions for the benefit or safety of the child, then the State may pay AFDC-FC on behalf of an otherwise eligible child placed there. However, adding a treatment component to a facility that is used primarily to secure delinquent children, such as a juvenile hall, does not make the facility eligible for AFDC-FC.

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(h) Reserved

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- (i) (1) Indian means a person who is a member of an Indian tribe, or who is an Alaskan native and a member of a Regional Corporation as defined in 43 USC 1606.
- (2) Indian child(ren) means an unmarried person under 18 years of age who is a member of an Indian tribe, or who is eligible for tribal membership and is the biological child of a tribe member.
- (3) Indian child's parent means a biological parent of an Indian child; or an Indian who has lawfully adopted an Indian child. Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father when paternity has not been acknowledged or established.
- (4) Indian child's tribe means the Indian tribe in which an Indian child is a member or is eligible for membership; or, in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
- (5) Indian tribe means an Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in 43 USC 1602c.
- (6) Indian Tribal Court means a court with jurisdiction over child custody proceedings, as defined under the Indian Child Welfare Act (25 USC Section 1903(12)), and which has been approved by the Secretary of the Interior as meeting the requirements for reassumption of jurisdiction over child custody proceedings, if applicable.

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Most California tribal courts will require approval of the Secretary of the Interior to take jurisdiction over child custody proceedings, regardless of whether the jurisdiction is exclusive or concurrent.

25 USC Section 1903(12) defines "Tribal Court" as a "court with jurisdiction over child custody proceedings, and which is either a Court of Indian Offenses, a court established and operated under the code of custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings."

25 USC Section 1918 sets forth the requirements for reassumption of jurisdiction over child custody proceedings.

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45-101 DEFINITIONS (Continued) 45-101

- (2) Relinquished Child means a child who has been given up for adoption by one or both parents to a licensed public or private adoption agency or to a district adoptions office of the department.

- (s) Reserved

- (t) (1) Termination of parental rights and responsibilities with respect to a child as the result of an order of the court issued under Family Code Section 7800 et. seq., Family Code Section 7660 et. seq., or Welfare and Institutions Code Section 366.26.

- (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 transition housing opportunities to foster youth as specified in Welfare and Institutions Code Section 11400(r)(1).

- (u) Reserved

- (v) (1) Voluntary Placement is as defined in Welfare and Institutions Code Section 11400. Voluntary placements which meet the criteria of Welfare and Institutions Code Section 11400 and which occurred on or after January 1, 1983 shall be deemed to meet the requirements of this regulation.

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Welfare and Institutions Code Section 11400 states in part:

"Voluntary Placement" means an out-of-home placement of a minor by (1) the county welfare department after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

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- (2) Voluntary Placement Agreement is as defined in Welfare and Institutions Code Section 11400. Voluntary placement agreements which meet the criteria of Welfare and Institutions Code Section 11400 and which were entered into on or after January 1, 1983 shall be deemed to meet the requirements of this regulation.

AFDC-FC, EA-ANEC, AND AAP PROGRAMS		
45-101 (Cont.)	AFDC-FC PROGRAM PURPOSE	Regulations
45-101	DEFINITIONS (Continued)	45-101

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Welfare and Institutions Code Section 11400 states, in part:

"Voluntary placement agreement" means a written agreement between either the the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a minor which specifies the terms of the voluntary placement.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 1502(a)(1), 1505, and 1516, (Senate Bill 855, Chapter 664, Statutes of 2004), 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(n), 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.

45-202 FEDERAL AFDC-FC PROGRAM (Continued) 45-202

- (b) The voluntary placement agreement shall specify the legal status, rights and obligations of the child; the rights and obligations of the placing agency; the rights and obligations of the parent or guardian; and any other relevant factors.
- (c) Time Limitations
 - (1) A child voluntarily placed shall be eligible for AFDC-FC payments for a period up to 180 days commencing with the date one of the listed agencies in Section 45-202.412(a)(2) assumes responsibility under a voluntary placement agreement and provided all other eligibility requirements are met.
 - (2) The voluntary placement agreement shall be signed prior to or at the time of placement and shall state the beginning date of placement and planned return date of the child to his/her home. This period shall not exceed 180 days.
 - (3) A child voluntarily placed shall be eligible for AFDC-FC payments for subsequent voluntary placements. However, a new 180-day period of eligibility for AFDC-FC payments shall commence only if the child's prior voluntary placement was previously terminated and the child was returned to his/her home. Any subsequent placements shall meet the requirements of Sections 45-202.412(c)(1) and (2).

.42 The income maintenance case record shall contain a statement from the placement worker, on the 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 2, or a substitute form approved by the Department, 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.

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

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- .512 A family home licensed by the appropriate community care licensing agency.
- .513 A certified family home certified as meeting licensing standards by a nonprofit foster family agency that is licensed by the department.
- .514 A private, nonprofit group home licensed by the department, provided the placement worker has determined that such placement is necessary to meet the treatment needs of the child and that the facility offers those treatment services.
- .515 A Transitional Housing Placement Facility licensed by the Department.
- .516 A crisis nursery as defined by Section 45-101(c)(7).
- .517 In the case of an Indian child, a facility specified in Section 45-202.511 through .515 or family home as defined in Section 45-101(a)(2)(C).
- .518 In the case of a child placed out of the State of California, the child shall be placed in any of the following:
 - (a) An appropriately licensed child care facility which accords the child the same personal rights accorded children as specified in Title 22 California Code of Regulations, Section 80072.
 - (b) A certified out-of-state group home; or
 - (c) An out-of-state group home which has not been certified by the Department but which has been approved by the Compact Administrator.

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- (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (9) To receive or reject medical care, or health-related services, except for minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.
- (b) All clients, or their authorized representative(s), shall be personally advised of and given at admission a copy of the rights specified in (a)(1) through (9) above and in the applicable Personal Rights sections of Chapters 2 through 7.
 - (c) The information specified in (b) above shall be prominently posted in areas accessible to such clients and their visitors.
 - (d) The licensee shall ensure that each client is accorded the personal rights as specified in this section and the applicable sections of Chapters 2 through 7.

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.519 Repealed by Manual Letter No. EAS-03-01 effective 1/18/03.

.52 An otherwise federally eligible child shall be eligible when placed in a public child care institution subject to the following conditions:

.521 AFDC-FC funding for a child placed in public child care institutions shall be limited as specified in (a), (b) or (c) below. AFDC-FC funding may be continued beyond these time limits only when the child is moved to an eligible facility specified in Section 45-202.51 and all other requirements continue to be met.

(a) AFDC-FC funding for emergency shelter care in a public child care institution shall be available for up to thirty days in any consecutive twelve-month period in lieu of Other County Social Services funds; or

(b) AFDC-FC funding for emergency shelter care in public child care institutions identified as crisis nurseries that will provide care to children under the age of six years for up to 14 days in any consecutive twelve-month period unless the Department issues an exception; or

45-202 FEDERAL AFDC-FC PROGRAM (Continued) 45-202

- (c) AFDC-FC funding for nonemergency shelter care in a public child care institution shall be available for up to ninety days within any consecutive twelve-month period when;
- (1) the child's placement in one or more eligible facilities has been unsuccessful as a result of the child's behavior and/or treatment needs; and
 - (2) the agency with placement and care responsibility has determined that no appropriate eligible facility as specified in .51 above, is available.
- .522 AFDC-FC funding shall be available under the provisions of .52 only during such federal fiscal year when no funding restriction exists.
- .53 The income maintenance case record shall contain a statement from the placement worker, on the SOC 158A form which certifies that the child has been placed in one of the above eligible facilities. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility, when the child is moved to a different facility and when there is a change in the licensing status of the facility in which the child has been placed.
- .6 Placement and Care
- .61 Responsibility for placement and care shall be vested in one of the following agencies:
- .611 A county welfare department.
 - .612 A county probation department, provided there is in effect a written agreement with the county welfare department as specified in Chapter 29-400 that the services required in Section 45-201.4 shall be performed by the county probation department.
 - .613 A licensed public adoption agency which is the same governmental agency as the county welfare department.
 - .614 A licensed public adoption agency which is a governmental agency separate from the county welfare department, provided there is in effect a written agreement with the county welfare department as specified in Chapter 29-400 that the services required in Section 45-201.4 shall be performed by that adoption agency.

45-202	FEDERAL AFDC-FC PROGRAM (Continued)	45-202
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.615 A district adoptions office of the department, provided the services required in Section 45-201.4 are performed by the adoptions office.

.62 FFP shall not be available for children living with nonrelated legal guardians unless the juvenile court order remains in effect and specifies that responsibility for placement and care is vested in one of the agencies specified in .61 above.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. 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).

45-203	STATE AFDC-FC PROGRAM (Continued)	45-203
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- .312 The child shall be living with a nonrelated legal guardian (see Special Provisions in Section 45-203.61).
- .313 The child was placed pursuant to a court order which remains in effect and specifies:
 - (a) That the responsibility for placement and care be vested in one of the agencies listed in Section 45-203.51; and
 - (b) That continuance in the home of the parent, guardian, or relative from whom removed would be contrary to the child's welfare; and
 - (c) That, if the child was placed into foster care on or after January 1, 1986, reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home; or
- .314 The child was placed by a parent or guardian under a voluntary placement agreement (see Special Provisions in Section 45-203.63).
- .32 The authority for placement as described under .31 shall be considered to continue for a child aged 18, who was in placement under an authority for placement specified in .311 through .314 above prior to reaching age 18, provided the requirements of Section 45-201.111 are met.
- .33 The income maintenance case record shall contain a statement from the placement worker, on the SOC 158A (11/88) form which certifies that:
 - .331 The child meets the authority for placement requirement in .311 above; or
 - .332 A copy of one of the following documents granting authority for placement is in the services case record:
 - (a) Letters of Guardianship of the Person or of the Person and Estate.
 - (b) The court order.
 - (c) The voluntary placement agreement.

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.

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4 Eligible Facilities

- .41 The child shall be residing in one of the following eligible facilities:
 - .411 The 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 The approved home of a nonrelative extended family member.
 - .413 A family home licensed by the appropriate community care licensing agency.
 - .414 A certified family home certified as meeting licensing standards by a nonprofit foster family agency that is licensed by the department.
 - .415 A private, nonprofit group home licensed by the department, provided the placement worker has determined that such placement is necessary to meet the treatment needs of the child and that the facility offers such treatment services.
 - .416 In the case of an Indian child, a facility specified in Section 45-203.411 through .415 or family home as defined in Section 45-101(a)(2)(C).
 - .417 In the case of a child placed out of the State of California, the child shall be placed in either of the following:
 - (a) An appropriately licensed child care facility which accords the child the same personal rights accorded children as specified in Title 22 California Code of Regulations, Section 80072;
 - (b) A certified out-of-state group home; or
 - (c) An out-of-state group home which has not been certified by the Department but which has been approved by the Compact Administrator.

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See Section 45-202.517 for relevant part of Title 22, California Code of Regulations, Section 80072.

HANDBOOK ENDS HERE

- .418 A crisis nursery as defined by Section 45-101(c)(7).

CHAPTER 45-300 AFDC-FC PAYEE, PAYMENT AND DELIVERY

45-301 ELIGIBLE PAYEES 45-301

.1 Federal AFDC-FC Program

.11 FFP shall be available for payments made on behalf of a federally eligible child to any one of the following:

.111 A family home in which the child has been placed.

.112 A licensed, private, nonprofit group home in which the child has been placed.

.113 The probation officer.

.114 A cooperating public or nonprofit private child placement or child care agency which is licensed by the department, where required, and which has responsibility for placement and care of the child.

.115 The licensed homefinding agency which certified the exclusive-use home in which the child has been placed.

.116 A crisis nursery as defined by Section 45-101(c)(7).

.2 State AFDC-FC Program

.21 Under the state program, payments shall be made to:

.211 Any one of the payees listed in .1 above.

.212 A licensed, private, non-profit group home in which the child has been placed.

.213 The nonrelated legal guardian with whom the child has been placed.

.214 An eligible child, as his/her own payee, who is temporarily absent from an eligible facility, provided (a) and (b) below are met:

(a) The child is otherwise eligible and:

(1) Aged 16 or 17 and temporarily absent to attend a college, vocational or work and training institution; or

45-301 ELIGIBLE PAYEES (Continued) 45-301

- (2) Aged 18, and temporarily absent to attend a high school or vocational-technical training program as specified in Section 45-201.111(b)(3).
- (b) All the following conditions are met:
 - (1) Payment to the child is necessary to implement the social service plan.
 - (2) The social worker or probation officer has determined the child is sufficiently mature and responsible.
 - (3) None of the payees in .211 or .212 above is feasible.
 - (4) Payment for the same period has not been made to one of the payees in .211 or .212.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11400(h) and 11402(c), Welfare and Institutions Code.

45-302 PAYMENT 45-302

.1 SSI/SSP Supplementation

.11 The county shall have the option of supplementing a child's SSI/SSP grant with state AFDC-FC when the child in foster care placement meets all general and state AFDC-FC requirements, and is not otherwise federally eligible. FFP shall not be available in the AFDC-FC supplement to the SSI/SSP grant.

.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), relative, or legal guardian from whom the child was removed makes his/ her home.

.211 An infant supplement shall be paid in addition to a minor parent's AFDC-FC payment for a child who is living in the same eligible facility with a minor parent who is receiving AFDC-FC.

.212 The infant supplement amount shall be determined pursuant to Section 11-415.