

November 24, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 21-139**

The purpose of this All County Letter (ACL) is to provide counties with the requirements for the fiscal and administrative tracking of placements of otherwise federally eligible children into certain residential facilities ineligible for federal financial participation failing to meet the requirements of Part IV of the Family First Prevention Services Act (FFPSA) as implemented in California through Assembly Bill 153 (CHAPTER 86, STATUTES OF 2021).



KIM JOHNSON  
DIRECTOR

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

November 24, 2021

ALL COUNTY LETTER NO. 21-139

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL COUNTY PROGRAM MANAGERS  
ALL COUNTY FISCAL OFFICERS  
ALL COMMUNITY TREATMENT PROVIDERS  
ALL REGIONAL CENTER GROUP HOMES  
ALL LOCAL COUNTY MENTAL HEALTH DIRECTORS  
ALL FOSTER CARE ELIGIBILITY SUPERVISORS  
ALL SHORT-TERM RESIDENTIAL THERAPUTIC PROGRAMS  
COUNTY ADOPTION AGENCIES  
ADOPTION REGIONAL AND FIELD OFFICES  
CONSORTIUM PROJECT MANAGERS

SUBJECT: TRACKING REQUIRMENTS FOR OTHERWISE FEDERALLY  
ELIGIBLE CHILDREN WHOSE PLACEMENT DO NOT MEET THE  
ELIGIBILITY REQUIREMENTS FOR FEDERAL FINANCIAL FOR  
THE FOSTER CARE MAINTENANCE PAYMENT PURSUANT TO  
PART IV OF THE FAMILY FIRST PREVENTION SERVICES ACT

REFERENCE: FAMILY FIRST PREVENTION SERVICES ACT, BIPARTISAN  
BUDGET ACT OF 2018 ([PUBLIC LAW 115-123](#)); [ACYF-CB-IM-18-02](#); [ASSEMBLY BILL 153](#) (CHAPTER 86, STATUTES OF 2021);  
WELFARE AND INSTITUTIONS CODE (WIC) [361.22](#); WIC [727.12](#);  
WIC [4096](#); WIC [11462.01](#); ALL COUNTY INFORMATION NOTICE  
(ACIN) [No. I-73-21](#); ACIN [No. I-84-21](#); COUNTY FISCAL LETTER  
(CFL) [21/22-34](#)

The purpose of this All County Letter (ACL) is for the California Department of Social Services (CDSS) to provide counties with guidance regarding the eligibility and tracking of otherwise federally-eligible youth placed in residential facilities that do not meet the requirements for the placement setting defined in Part IV of the Families First Prevention Services Act (FFPSA Part IV), as a qualified residential treatment program (QRTP) or when the requirements for a child's placement into an QRTP are not met.

The guidance outlined in this letter is applicable for all placements or placement changes made on and after October 1, 2021, into a short-term residential therapeutic program (STRTP), or other residential facilities identified in this letter.

For the purpose of this letter, the term "residential facility" does not include a resource family home or other home-based placements, including Small Family Homes operated by Regional Centers. A residential facility refers to a congregate care setting that would be required to adhere to the QRTP requirements in order to be eligible for federal financial participation (FFP), such as an STRTP, a vendored regional center group home, or a Community Treatment Facility.

This ACL provides additional requirements for tracking the loss of FFP for the placement of children who are otherwise federally eligible. To the extent that information in this ACL is different from the information in All County Information Notice (ACIN) I-84-21, this ACL supersedes the guidance in ACIN I-84-21.

## **BACKGROUND**

As outlined in ACIN I-73-21, FFPSA Part IV amends the Title IV-E Foster Care program to limit the circumstances under which federal financial participation (FFP) may be used to support the foster care placement of an otherwise federally eligible child in certain types of child-care institutions. Regarding placements in a facility defined in FFPSA as a QRTP, these limitations include requirements of the facility, such as accreditation, as well as the assessment, documentation, and judicial determination requirements for placement into the facility. When a facility like an STRTP, vendored regional center group home, or Community Treatment Facility does not meet QRTP requirements, or when the placement in such a facility does not meet the meet Qualified Individual (QI) assessment, documentation, or judicial determination requirements, the availability of FFP is limited.

Given the impact on the ability to claim FFP, for any placement of an otherwise federally-eligible youth made on and after October 1, 2021 when the facility does not meet the QRTP requirements or the placement does not meet the assessment, documentation, and or judicial determination timelines/approval requirements, counties must manually track and adjust claiming for any loss of FFP.

## **IF A RESIDENTIAL FACILITY DOES NOT MEET QRTP REQUIREMENTS OR IF THE PLACEMENT IN SUCH A FACILITY DOES NOT MEET ASSESSMENT, DOCUMENTATION, OR JUDICIAL DETERMINATION REQUIREMENTS**

There are specific restrictions for claiming FFP for the Title IV-E maintenance payment when the requirements outlined in FFPSA are not met for any placements into a

residential facility on and after October 1, 2021. The CDSS has developed the [Title IV-E Foster Care Maintenance Funding FAQ](#) which lists anticipated scenarios that counties may reference in determining the start and end timeframes (when applicable) for FFP. The instances when FFP may be impacted for the duration of a specific placement include the following:

**If a Residential Facility Does Not Meet QRTP Requirements, including Lack of Accreditation**– FFP is available for the first 14 days of the placement or change of placement made on and after October 1, 2021, contingent upon the QI completing their assessment by the 30<sup>th</sup> day of the placement. Should the facility subsequently become accredited, the “clock” for the timelines regarding the QI assessment, court review, and director approval of extended stays begins to run from the date of accreditation and, if those timeliness requirements are met, the county placing agency may claim FFP for the placement beginning the first day of the month that the facility became accredited. It is important to note that even if a placement is not eligible for FFP because the facility is not accredited, any facility licensed as an STRTP must meet all the other FFPSA requirements for a QRTP, including the timeliness of the QI assessment, court review, and director approval of extended stays.

**If the QI Assessment Is Not Completed by the 30th day of placement**– If the assessment is not completed within 30 days, the child welfare placing agency cannot claim any FFP in the foster care maintenance payment for the entirety of the STRTP placement, including the first 14 days, even when the facility meets all QRTP requirements.

**If the QI Assessment is Completed Timely, but the Court Does Not Make a Determination by the 60th day of placement**– FFP is available for the time period prior to the QI assessment and for the time necessary to transition the child to an alternative, suitable placement, not to exceed 30 days from the date of the court’s determination.

**If the QI Assessment is Completed Timely, but the QI Determines That a Placement is Not Appropriate**– Upon the QI’s determination that the placement is not appropriate, FFP is available for the time period prior to the determination and for the time necessary to transition the child to an alternative, suitable placement, not to exceed 30 days from the date of the QI’s determination. Thus, FFP is available for up to a total of 60 days.

**If the Court Disapproves of a Placement**– If the court review results in the court’s disapproval of placement into an STRTP, FFP is available for the time period prior to the determination and for the time necessary to transition the child to an alternative,

suitable placement, not to exceed 30 days from the date of the court's disapproval. Thus, FFP is available for up to a total of 90 days.

If FFP for placement of an otherwise federally eligible youth into a specific STRTP is disallowed or limited for any of the circumstances described above, FFP cannot be used for any additional time spent during that placement, except for county administrative costs. In the event of a subsequent placement change, counties will have the opportunity to meet the requirements for the new placement.

Note that, currently in California, placement into any facility that is licensed as an STRTP is subject to the requirements and timeframes outlined above as a condition of claiming FFP, regardless of the population served by the STRTP, including children who are victims of child trafficking and exploitation and expecting or parenting youth.

#### **INSTRUCTIONS FOR TRACKING THE LOSS OF FFP FOR CHILDREN WHO ARE OTHERWISE FEDERALLY ELIGIBLE**

In ACIN I-84-21 counties were informed that they should immediately begin to track cases by either creating a case flag (for CalSAWs) or by utilizing a special indicator (for CalWIN) for all federally eligible youth placed in non-accredited STRTPs, as well as when the placement does not meet assessment, documentation, and or judicial determination timelines/approval requirements.

For placements into residential facilities of otherwise federally-eligible youth for which the use of FFP is limited or prohibited under FFPSA Part IV, county placing agencies should continue to leave the case in Aid Code 42 or Aid Code 49 for Non-minor Dependents (NMDs), and then track such payments as instructed in County Fiscal Letter (CFL) 21/22-34. Counties should note that the tracking procedures outlined in this ACL are short-term guidance as the CDSS works to develop and implement a new aid code.

It is important that the county placing agency track all placements of otherwise federally-eligible youth whose placement into a residential facility is ineligible for FFP. To assist with this, CalSAWs will set up standardized flags and CalWIN will set up standardized special indicators. This standardized flagging system will have four case flags/special indicators that counties must use if the county elects not to set up their own flags and/or special indicators:

**1. Review for Accreditation**

Used to flag when a child is placed in a non-accredited STRTP. If a facility is accredited during any day in the month, the facility is considered accredited for the entire month.

**2. Review for QI Assessment**

Used to flag when a QI assessment was not completed on time or when a QI determined the residential facility placement was not appropriate and the child was not transitioned to an appropriate placement within 30 days of the date of the QI's determination.

**3. Review for Court Determination**

Used to flag that a Court determination was not completed on time or when a Court disapproved the placement into an STRTP and the child was not transitioned to an appropriate placement within 30 days of the date of the court's disapproval.

**4. Non-STRTP Res Fac No FFP**

Used to flag when a child is placed into a residential setting other than an STRTP, such as a vendored regional center foster care placement, and the facility does not meet QRTTP requirements, and therefore FFP is limited to a maximum of first 14 days pursuant to existing federal guidance.

These case flags and special indicators correspond with the changes to the FC1 in the CA 800 Claim outlined in CFL 21/22-34 and will assist counties to narrow down which requirements may have caused the loss of eligibility for claiming purposes.

Counties must begin to utilize these statewide flags and special indicators as soon as they are made available by CalSAWs and CalWIN if the county does not elect to set up its own flags and/or indicators. If counties wish to establish additional flags and/or indicators in addition to the standardized flags or indicators, they may do so.

Multiple case flags/special indicators can be assigned to a federally-eligible youth whose placement does not meet the requirements of FFPSA for more than one reason. In these instances, assigning multiple case flags/special indicators may be useful for tracking multiple reasons, with varying timelines, for loss of FFP or limited FFP in order to ensure that no FFP is claimed beyond the allowable time frame. If a requirement is met, the case flag/special indicator for that requirement should be removed from the youth's case. The remaining case flags/special indicators assigned to the case show which QRTTP requirements remain unmet.

### **TRANSITIONAL FUNDING ASSOCIATED WITH THE QI ASSESSMENTS**

Transitional State General Fund support will be provided for the loss of FFP associated with QI Assessment requirements from October 1, 2021, through December 31, 2021. This State General Fund support will apply to all placements flagged with a "Q," for QI

Assessment, in the new column on the FC1, "STRTP Non-IV-E." Additional information on claiming the transitional funding will be provided through a County Fiscal Letter.

### **TRACKING OF REGIONAL CENTER PLACEMENTS**

Ongoing collaboration between the County Welfare Directors Association (CWDA), CDSS, and the Department of Developmental Services (DDS) is intended to implement braided funding for foster care placements made in regional center vendored facilities. In the interim, until any changes regarding funding in these circumstances are agreed upon, all new placements into a vendored regional center facility on and after October 1, 2021, whether otherwise federally eligible or federally ineligible, must be flagged and tracked with the Non-STRTP Res Fac No FFP flag/indicator as noted above. Policy guidance and a mechanism for claiming for these placements will be forthcoming.

### **ADMINISTRATIVE COSTS AND CLAIMING GUIDANCE**

County placing agencies should note that the limitations on FFP for foster care maintenance payments on behalf of the child based on the ineligibility of the placement setting or STRTP program, or when the placement in such a facility does not meet assessment, documentation, or judicial determination timelines, does not preclude a county placing agency from claiming FFP for its administrative costs if the child is otherwise federally eligible under 42 USC § 674(a)(3).

### **Additional Resources**

1. **[FFPSA Requirements Impacting Title IV-E Foster Care Maintenance Funding Matrix](#)**

Provides a list of the anticipated scenarios in which the availability of FFP may be impacted. While the FAQ is not an exhaustive list, it can be used as a reference to help better understand the start and end timeframes (when applicable), for FFP.

2. **[The DSS Accreditation Webpage](#)**

Includes resources and information regarding the FFPSA Accreditation requirements, including a link to an STRTP Accreditation Tracker. For any questions related to the FFPSA Accreditation requirements, please contact the related group mailbox at [STRTPAccreditationStatus@dss.ca.gov](mailto:STRTPAccreditationStatus@dss.ca.gov)

3. **[FFPSA Part IV FAQs](#)**

To support the implementation of the FFPSA Part IV, the CDSS has been collecting and sharing previously addressed questions and responses to a regularly updated

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FAQ site. This site includes information on the various components regarding FFPSA Part IV and is updated regularly.

For further instruction on claiming, please see [CFL 21/22-34](#).

If you have any questions or need additional guidance regarding the information in this letter, please contact the Funding and Eligibility Unit of the Resource Family Bureau in the Resource Family Support and Permanency Branch of the Children and Families Services Division, at [FC-KGEligibility@dss.ca.gov](mailto:FC-KGEligibility@dss.ca.gov).

Sincerely,

***Original Document Signed By***

ANGIE SCHWARTZ, Director  
Children and Family Services Division  
California Department of Social Services

c: County Welfare Directors Association  
Chief Probation Officers of California