

May 21, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-60

The purpose of this All County Letter (ACL) is to notify county child welfare agencies, juvenile probation departments, and other interested parties that certain COVID-19 rate flexibilities and emergency caregiver funding extensions (previously provided for, and outlined in, ACL 20-44) are authorized, as specified, through June 30, 2021.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

May 21, 2021

ALL COUNTY LETTER NO. 21-60

TO: ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES
ALL LICENSED CHILDREN'S RESIDENTIAL PROVIDERS
ALL FOSTER CARE MANAGERS
ALL COUNTY WELFARE DIRECTORS
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY WELFARE FISCAL OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL TRANSITIONAL HOUSING COORDINATORS

SUBJECT: EXTENSION OF RATE FLEXIBILITIES TO SUPPORT THE
EMERGENCY CARE AND PLACEMENT NEEDS OF CHILDREN
AND NONMINOR DEPENDENTS DUE TO COVID-19 IMPACTS

REFERENCE: [GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY, MARCH 4, 2020; PLACEMENT PRESERVATION GUIDANCE ACL 20-33; ACL 20-44; EXECUTIVE ORDER \(EO\) N-53-20; EO N-75-20; SENATE BILL \(SB\) 85, CHAPTER 14, STATUTES OF 2021, SEC 18; SB 86, CHAPTER 15, STATUTES OF 2021; WELFARE AND INSTITUTIONS CODE SECTIONS 224.1, 309, 361.45, 727.05, AND 16519.5; UPDATED INFORMATION REGARDING EMERGENCY CAREGIVER FUNDING ACL19-84](#)

The purpose of this letter is to provide county child welfare agencies, juvenile probation departments (collectively known as "county placing agencies"), and other interested parties with guidance regarding extended funding flexibilities intended to support the emergency care and placement needs of children and nonminor dependents (NMDs)¹ due to the current COVID-19 emergency.

¹ For the purpose of the rest of this letter, child includes minors and nonminor dependents, as applicable.

Extension of Emergency Caregiver (EC) Funding Duration Requirements

In order to meet the care and supervision needs of the child, emergency caregivers with whom a child has been placed while pending approval of the home as a Resource Family (RF) or Tribally Approved Home (TAH) are eligible to receive EC funding on behalf of the child for up to 120 days while the RFA application/TAH approval is being processed. Statute further provides, on a case-by-case basis, for the extension of the funding beyond the 120 days, up to 365 days, if certain reporting criteria specified in the Funding Duration and Requirements section of [ACL 19-84](#) are met. County placing agencies should ensure that the [RFA-01A](#) and [EA-1](#) have been completed to initiate the funding pursuant to [ACL 19-84](#). For a home pending approval as a TAH, the [EA-1](#) should be submitted and the approval process initiated under the specific tribe's standards, as outlined in [ACL 19-84](#). Absent confirmation from the tribe that the home will be assessed or approved as a TAH, the county placing agency should proceed with the RFA approval process.

Effective April 16, 2021 through June 30, 2021, Senate Bill 86 provides for the suspension of the 365-day time limitation for EC Funding payments. Emergency Caregiver Funding payments may continue in cases where the emergency caregiver is pending approval as a RF/TAH beyond the 365 day time limit due to exceptional need and circumstances outside the control of the county and/or barriers created by the COVID-19 pandemic.

Between April 16, 2021 and June 30, 2021, emergency caregiver funding shall not be discontinued if the approval exceeds 365 days when the determination to approve or deny the RFA application has been delayed due to the COVID-19 emergency. For cases claimed under Aid Code 5K (TANF eligible cases), counties are instructed to continue payments beyond the 365 days, and claim those payments to Aid Code 5L (Non-TANF eligible cases). Note that State and Federal Aid to Families with Dependent Children-Foster Care (AFDC-FC) funding is not available until the family is approved as a resource family or TAH, with all required background checks completed.

For questions related to the EC funding, please email the ECFunding@dss.ca.gov mailbox. Further guidance will be forthcoming regarding timelines for placements made on or after July 1, 2021. For questions related to the EC funding, please email the ECFunding@dss.ca.gov mailbox.

Extension of Temporary Authorization of Higher Rates for Placements Impacted by COVID-19

Children who have been exposed to, who present symptoms of, or who test positive for COVID-19 may temporarily need a higher level of specialized medical care and

supervision from their caregivers, and potentially a higher level of services from providers. For that reason, CDSS authorized a temporary use of COVID-19 as a Static Criteria, through [ACL 20-44](#). The Static Rate or Family Only Rate apply to children in the following situations:

- The child or another member of the household requires isolation or quarantine due to COVID-19 or suspected COVID-19 and, as a result, there are increased care and supervision needs.
- The child requires a new placement due to sudden displacement brought on by the COVID-19 crisis and the child is at risk of shelter placement.

For a child who meets the criteria provided above, effective April 17, 2020 and **through June 30, 2021**, CDSS authorizes the temporary use of the Family Only Rate (\$2,609 per child per month), which may be paid to an emergency caregiver, RF, TAH, or a licensed or certified foster home on behalf of the child regardless of whether a Level of Care Protocol determination has been completed. If the child is placed with an FFA, the FFA Static Rate will be \$6,291 (which includes \$2,609 to be paid directly to the caregiver who is certified or approved by the FFA). If the child is not placed with an FFA family, the county may authorize the Family Only Rate described above, and a payment to an FFA or community-based organization equal to the \$3,682 FFA administrative portion, to provide wraparound-like supports to the child and family.

The county placing agency must document the increased rate in the placement agreement, send the completed SOC 500 to eligibility, and update the child's case plan. The county placing agency must track individual cases and payments until such time as the increased rate is no longer authorized. The increased rate should be paid using the child's existing aid code.

STRTP-Eligible Children Placed in a Family Home Setting with Exceptional Supports

Short-Term Residential Therapeutic Program (STRTP) placements may be impacted by facility staffing issues or capacity limits due to isolation and quarantine responses caused by COVID-19. Therefore, if the Static Rate described above is insufficient to meet the needs of a child because of COVID-19 concerns and that child was assessed as needing an STRTP level of care, the Department is authorizing counties to negotiate a rate, not to exceed the STRTP rate, with an FFA that is willing to accept placement of the child and able to provide individualized exceptional care, supervision, and services. Additionally, if the child is not placed with an FFA, a county may utilize this flexibility to pay a negotiated rate to a family and a payment to an FFA or community-based organization that has the capacity to provide a wraparound level of exceptional care and services to a family caring for a child who meets the above criteria, which combined shall not exceed the STRTP rate. These negotiated rates are authorized to cover

exceptional specified needs that are documented in the case plan and the needs and services plan. The placement agreement should reflect the negotiated rate amount. In developing a negotiated rate, county placing agencies should document the amount paid to the family for care and supervision and the administrative amount retained by the FFA based on the nature and intensity of services, supports, and any essential training that is provided by the FFA to the family.

Fiscal and Claiming Guidance

The Statewide Automated Welfare Systems (SAWs) may issue temporary foster care maintenance payments (FCMP) by utilizing the non-standard rate mechanism. The SAWs payment systems shall ensure cases are identified and tracked with a special indicator or flag. Tracking of temporary FCMP rates shall continue until such time as these rates are no longer authorized by CDSS. If a new temporary FCMP rate becomes effective during any day of a month, pursuant to standard practice, a proration of the payment shall occur. Counties should continue to claim using the appropriate existing and corresponding aid codes within the current claiming structure for these rates. No new aid codes will be created to capture these costs.

In order to ensure that counties receive the maximum eligible state General Fund reimbursement, the county must separately track and identify expenditures for placements utilizing the rate flexibilities identified in this ACL. For reconciliation purposes, and to ensure that temporary rates are made available as quickly as possible, CDSS encourages collaboration amongst county foster care program managers and fiscal officers.

The FFA provider shall use the [FCR 12FFA](#) form to report expenditures. If a county placing agency exercises the temporary rate options outlined in this letter, the county placing agency must notify the CDSS Foster Care Rates Bureau via email at LOC@dss.ca.gov to receive needed technical assistance and tracking templates.

Any questions regarding the COVID-19 rate extensions should be directed to ratespolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ, Deputy Director
Children and Family Services Division

Cc: All Title IV-E Agreement Tribes