

June 28, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-77

This All County Letter (ACL) is to inform child welfare agencies, juvenile probation departments, foster care and adoption agencies and providers, and Tribes of the termination of certain Executive Orders and temporary policy flexibilities due to the effects of the COVID-19 outbreak.



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

June 28, 2021

ALL COUNTY LETTER NO. 21-77

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
- ALL LICENSED ADOPTION AGENCIES
- ALL LICENSED FOSTER FAMILY AGENCIES
- ALL ADOPTION REGIONAL OFFICES
- ALL TITLE IV-E AGREEMENT TRIBES
- ALL ADOPTION FACILITATORS
- CALIFORNIA ASSOCIATION OF ADOPTION AGENCIES

SUBJECT: TERMINATION OF TEMPORARY POLICY FLEXIBILITIES
RELATED TO COVID-19 IMPACTS

REFERENCE: EXECUTIVE ORDER (EO) [N-08-21](#); FAMILY CODE
[SECTION 8807](#); WELFARE AND INSTITUTIONS CODE
(WIC) SECTION [11460](#); [ASSEMBLY BILL \(AB\) 2944](#) (CHAPTER
104, STATUTES OF 2020); ALL COUNTY LETTERS (ACLS) [20-56](#),
[21-20](#), [20-92](#), [20-112](#), [20-123](#), [20-124](#), [21-26](#), AND [21-60](#)

The purpose of this All County Letter (ACL) is to provide county child welfare agencies, juvenile probation departments, foster care and adoption agencies and providers, and Tribes with guidance regarding the termination of certain Emergency Orders enacted by Governor Newsom as a result of the declared California State of Emergency due to the outbreak of Novel Coronavirus (COVID-19). As a result of the expiration of the Statewide Color Tier System and Executive Orders (EO), many of

the temporary policy flexibilities, that were implemented as a result of the declared California State of Emergency, will be rescinded and prior statutory, regulatory, and written guidance requirements modified shall be reinstated immediately. This letter is intended to address EOs that are effective only through June 30, 2021 and thereafter expire. Subsequent letters will be released regarding additional expiring EOs and impacts to subsequent policy flexibilities allowed during the COVID-19 emergency.

Rate flexibilities to support the emergency care and placement needs of children and nonminor dependents due to COVID-19 impacts.

The rates flexibility described in [ACL 21-60](#), dated May 21, 2021, related to continued funding if an emergency caregiver is pending approval as a Resource Family (RFA) or Tribally Approved Home beyond 365 days and the determination to approve or deny the RFA application has been delayed due to the COVID-19 emergency, is effective through June 30, 2021 and thereafter expire. Further guidance related to the continuation of Emergency Caregiver funding for fiscal year 2021-22 will be forthcoming in a separate ACL. Additionally, the approval to use COVID-19 as a static criteria to issue the Static Rate, Family Only Rate, is effective through June 30, 2021 and on July 1, 2021, all existing statutory, regulatory and written guidance is reinstated without exception for the COVID-19 state of emergency.

[Assembly Bill 2944](#) (Chapter 104, Statutes of 2020) allows for alternative funding models and individualized rates for children to remain in the least restrictive, most family-like setting possible. These alternative funding models are not conditioned on or related to an EO and therefore approved alternative funding models may continue, pursuant to [Welfare and Institutions Code 11460\(3\)\(A\)](#). Additional information, instruction and guidance will be forthcoming in a separate ACL.

Providing Independent Adoption Program Services During the COVID 19 Emergency

The flexibilities described in [ACL 20-56](#), dated May 18, 2020, related to the waiver of the 50 percent of investigation fee prior to the beginning the investigation and of the 180 day timeframe for the court report submission when courts were closed are effective through June 30, 2021. Statutory requirements per [Family Code section 8807](#) are reinstated thereafter.

Routine Medical and Dental Care and Required Initial 30-day Exam Requirement

The flexibilities allowed in [ACL 21-20](#), dated February 19, 2021, regarding the extension of the timeframe for the required medical and dental examinations beyond 30 days for children placed in out-of-home care are effective through June 30, 2021. The [EO N-08-21](#), which terminates this flexibility, requires that children placed in out-of-home care on or before June 30, 2021 must receive their examination on or before July 31, 2021.

Guidance Regarding Optional Transitional Housing Programs-Plus (THP-Plus) Extensions, and Supervised Independent Living Placement (SILP) Approvals

Flexibilities and waivers allowed in [ACL 20-112](#), dated October 12, 2020, regarding the following programs, specific to 18,19 and 20-year-old youth and youth in THP-Plus:

- Temporary waivers, at county option, of THP-Plus age or length of stay requirements
- The ability of the county to temporarily approve a SILP pending submission of forms by the NMD.

These flexibilities are effective through June 30, 2021. The age and length of stay requirements for THP-Plus and requires the submission of forms for approval of a SILP before the approval can be finalized are reinstated as of July 1, 2021.

Importantly, the ability to inspect the SILP using virtual and remote methods has not expired. Counties should continue to use these virtual and remote methods of inspecting the SILP to ensure timely approvals of SILP settings. Additional guidance regarding SILP virtual and remote methods will be forthcoming.

In addition, the following provisions related to Extended Foster Care (EFC) apply until September 30, 2021 pursuant to the Consolidated Appropriations Act of 2021.

- Non minor dependents (NMDs) should be provided continued EFC placement, services and supports even if they reach age 21.
- Youth who aged out of care on January 27, 2020, or later may re-enter EFC even if they have reached age 21.
- The participation requirements are waived for EFC, including for NMDs, young people 21 years and older, and young people who re-enter EFC.¹

¹ NMDs continue to be eligible for extended foster care even if they are not able to meet any of the following conditions: 1. Completing secondary education or a program leading to an equivalent credential; 2. Enrolled in an institution which provides post-secondary or vocational education; 3. Participating in a program or activity designed to promote, or remove barriers to, employment; 4. Employed for at least 80 hours per month; or 5. Incapable of doing any [of the above] due to a medical condition.

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Please refer to [ACL No. 21-51](#) for more details on how the provisions of the Consolidated Appropriations Act of 2021 impact the EFC and will provide support to young people past June 30, 2021.

Additional information regarding EOs and guidance that expire in July 2021 and September 2021 will be forthcoming. If you have any questions or need additional guidance regarding the information in this letter, contact the Children and Family Services Division at CFSD@dss.ca.gov

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division