

August 17, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-88

The purpose of the letter is to provide information regarding the extension of funding for emergency caregivers with placement of children or nonminor dependents prior to approval as a Resource Family or as a Tribally Approved Home for fiscal year 2021-22.



KIM JOHNSON
DIRECTOR

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

August 17, 2021

ALL COUNTY LETTER NO. 21-88

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL COUNTY FOSTER CARE MANAGERS
ALL CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL FEDERALLY RECOGNIZED TRIBES
COUNTY WELFARE DIRECTORS ASSOCIATION

SUBJECT: UPDATED INFORMATION FOR FISCAL YEAR 2021-22
REGARDING EXTENSION OF FUNDING FOR EMERGENCY
CAREGIVERS WITH PLACEMENT OF CHILDREN AND/OR
NONMINOR DEPENDENTS PENDING RESOURCE FAMILY
APPROVAL OR TRIBALLY APPROVED HOME

REFERENCE: [ASSEMBLY BILL \(AB\) 153](#), (CHAPTER 86, STATUTES OF 2021),
[AB 79](#) (CHAPTER 11, STATUTES OF 2020), [SENATE BILL \(SB\) 80](#) (CHAPTER 27, STATUTES OF 2019); [AB 110](#) (CHAPTER 8, STATUTES OF 2018), [AB 1811](#) (CHAPTER 35, STATUTES OF 2018); [WELFARE AND INSTITUTIONS CODE \(W&IC\) 224.1](#), [W&IC 309](#), [W&IC 361.4](#), [W&IC 361.45](#), [W&IC 727.05](#), [W&IC 11461.36](#), AND [W&IC 16519.5](#); ALL COUNTY LETTER (ACL) NOS. [05-38](#), [16-92](#), [17-75](#), [18-33](#), [18-75](#), [18-128](#), [19-24](#), [19-71](#), [19-84](#), [20-93](#); COUNTY FISCAL LETTER (CFL) NOS. [17/18-41](#), [17/18-59](#) AND [18/19-81](#)

The purpose of this All County Letter (ACL) is to notify county child welfare agencies, probation agencies, and tribes about the **continuation** of Emergency Caregiver Funding (EC Funding), for families with whom a child or nonminor dependent (NMD), including an Indian child as defined in [W&IC 224.1](#), has been placed on an emergency basis or for a compelling reason who are pending approval as a Resource Family (RF) or as a Tribally Approved Home (TAH). For purposes of this ACL, any reference to a child will also include an NMD.

BACKGROUND

Implemented March 30, 2018, EC Funding provides families who received placement of a child prior to approval as a RF, and effective July 1, 2019, prior to approval as a TAH, with financial assistance to meet the care and supervision needs of the child while approval as a RF or TAH is pending.

EC FUNDING FOR FY 2021-22

During Fiscal Year (FY) 2021-22, EC Funding will be available for emergency or compelling reason placements made on or after July 1, 2021, and through June 30, 2022, for up to **120** days¹ or until the emergency caregiver is approved or denied as RF or a TAH, or if the child is no longer placed in the home, whichever is first. If certain criteria are met as described in the Funding Duration and Requirements section in [ACL 19-84](#), the funding may be continued for up to 365 days. The EC Funding continues to be funded through the Emergency Assistance (EA) program or, for children who are determined to be ineligible for the EA program, through a combination of state and county funding.

The following provisions as they relate to the FY 2021-22 EC Funding have not changed:

- EA Eligibility
- Claiming Instructions
- Child Welfare Services/Case Management Systems (CWS/CMS) and the Statewide Automated Welfare Systems (SAWS)
- Out of County (OOC) Approval Protocol

For additional information please see [ACL 19-84](#).

¹ It should be noted the 120 day benchmark is unique to the provision of EC Funding for FY 2021-22 and does not change the 90 day requirement to complete the approval process of a caregiver who has received placement of a child prior to approval as a RF as specified in [W&IC 16519.5\(e\)\(2\)](#).

OVERVIEW OF EC FUNDING PROCESS

EC Funding requires each county to provide payment, equal to the basic level foster care rate, on behalf of a child placed in the home, to an emergency caregiver who is pending approval as an RF or TAH. The beginning date of aid for the EC payment is the date of placement into the home. The core provisions of the EC Funding as it relates to caregivers who are pending RF or TAH approval are listed below:

- The placement is made pursuant to [W&IC 309](#), [W&IC 361.45](#), or [W&IC 727.05](#);
- The caregiver has been assessed pursuant to [W&IC 361.4](#) or [W&IC 727.05](#) or has successfully completed the home environment assessment portion of the RFA process pursuant to [WIC 16519.5](#);
- The child is otherwise not eligible for Aid to Families of Dependent Children-Foster Care (AFDC-FC) or the Approved Relative Caregiver Funding program (ARC), pursuant to [W&IC 11461.3](#), while placed in the home of the caregiver;
- The child resides in California;
- The submission of an RFA application by the caregiver to a county or a foster family agency (FFA) **or** the tribe has initiated the process for the caregiver to be approved as a TAH; and,
- An application for the EA Program has been completed by the placing agency.

In instances where the county has referred the emergency caregiver to an FFA to initiate the RFA process or the tribe has determined the family will be assessed as a TAH, the county is still responsible for funding the placement through EC Funding on behalf of the child while the emergency caregiver's approval as a RF or TAH is pending. The county and the FFA/Tribe are strongly encouraged to work closely to ensure the county is notified timely relative to the submission of the application or the initiation of the TAH process and the approval or denial of the application or the TAH process in order for the county to monitor the issuance or termination of EC payments.

NOTICE OF ACTION (NOA) REQUIREMENTS

Consistent with existing rate changes and determination processes, due process rights will continue to be afforded to families through the NOAs. Counties will notify the families by issuing a NOA that explains the EC Funding to the emergency caregivers who have received emergency or compelling reason placement of a child prior to full approval as a RF or completion of the TAH process. Similarly, the termination of the EC Funding must be noticed as well. Updated versions of the EC Funding NOAs ([RFA 105](#) and [RFA 105A](#)) can be found on the [CDSS Form webpage](#).

ADDITIONAL INFORMATION

The California Department of Social Services (CDSS) is mandated to monitor the implementation of the EC Funding, including tracking the usage and duration of the EA payments and evaluating the duration of time a child is in a home pending RFA or pending completion of the TAH process. To meet this statutory requirement, CDSS will continue to send a monthly reporting template that requires each county to document the reason why the caregiver's RFA approval process or TAH process is pending beyond 120 days and return the template to CDSS. Please refer to [ACL 18-128](#) for general information regarding this reporting requirement.

In the event that CDSS determines that a county continues to experience delayed processing timeframes, not based upon good cause, it may conduct a review of the county's implementation of EC Funding. Until automation is available, CDSS may request data elements necessary to meet these monitoring requirements.

For policy or program questions related to this ACL, please email ECFunding@dss.ca.gov. Questions about the RFA program, please send to RFA@dss.ca.gov. For questions related to TAHs, please contact TAH@dss.ca.gov. For questions about tribal affairs, please contact TribalAffairs@dss.ca.gov. Questions related to claiming should be directed to Fiscal.Systems@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division