

October 31, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-89

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 2022-23 and ongoing.



KIM JOHNSON
DIRECTOR

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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

October 31, 2022

ALL COUNTY LETTER NO. 22-89

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
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 FEDERALLY RECOGNIZED TRIBES
COUNTY WELFARE DIRECTORS' ASSOCIATION

SUBJECT: **UPDATED INFORMATION FOR FISCAL YEAR 2022-23 AND ONGOING REGARDING EXTENSION OF FUNDING FOR EMERGENCY CAREGIVERS WITH PLACEMENT OF CHILDREN AND/OR NONMINOR DEPENDENTS PENDING RESOURCE FAMILY APPROVAL OR TRIBALLY APPROVED HOME**

REFERENCE: [SENATE BILL \(SB\) 187](#), (CHAPTER 50, STATUTES OF 2022, [ASSEMBLY BILL \(AB\) 153](#), (CHAPTER 86, STATUTES OF 2021), [AB 79](#) (CHAPTER 11, STATUTES OF 2020), [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 \(WIC\) 224.1](#), [WIC 309](#), [WIC 361.4](#), [WIC 361.45](#), [WIC 727.05](#), [WIC 11461.36](#), AND [WIC 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](#), [21-88](#); 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, and changes to, Emergency Caregiver Funding (EC Funding) Program, effective July 1, 2022, for families whom a child or nonminor dependent (NMD), including an Indian child as defined in [WIC 224.1](#), or a child for whom there is a reason to know the child is an Indian child, has been placed on an emergency basis or for a compelling reason who are pending approval as

a Resource Family (RF) or are pending approval as a Tribally Approved Home (TAH). For purposes of this ACL, any reference to a child will also include an NMD.

Effective July 1, 2022, key statutory changes to the EC Funding Program include specificity regarding the reasons and/or circumstances that may constitute a determination of good cause for the delay in approving the RF in order to continue the funding beyond 120 days of payments. These reasons and/or circumstances apply to placements made during the 2022-23 fiscal year (FY) and each FY thereafter.

BACKGROUND

Implemented March 30, 2018, the EC Funding Program 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 2022-23 AND EACH FY THEREAFTER

During FY 2022-23, and each FY thereafter, EC Funding will be available for emergency or compelling reason placements made on or after July 1, 2022, for up to 120¹ days or until the emergency caregiver is approved or denied as a 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 Extension of Funding for Good Cause and Required Notification and Documentation section of this ACL, the funding may be continued for up to **365** days. The EC Funding continues to be funded through the Emergency Assistance (EA) program for children who meet the eligibility criteria. For children who are determined to be ineligible for the EA program, funding is provided through a combination of state and county funding.

OVERVIEW OF EC FUNDING PROCESS

EC Funding requires each county to provide a payment, equal to the basic level foster care rate, on behalf of a child placed in the home, to a 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 Program as it relates to caregivers who are pending RF or TAH approval are listed below:

- The placement is made pursuant to subdivision (d) of [WIC 309](#), [WIC 319\(h\)\(1\)\(A\)\(i\)](#), [WIC 361.45](#), or [WIC 727.05](#);

¹ Please note the 120-day benchmark is unique to the provision of EC Funding for FY 2022-23 and each FY thereafter, and does not change the 90-day requirement to complete the approval of a caregiver who has received placement of a child prior to approval as a RF as specified in [WIC 16519.5\(e\)\(2\)](#).

- The caregiver has been assessed pursuant to [WIC 361.4](#) or [WIC 727.05](#), or has successfully completed the home environment assessment portion of the Resource Family Approval (RFA) process pursuant to [WIC 16519.5](#);
- The child is otherwise not eligible for Aid to Families of Dependent Children-Foster Care or the Approved Relative Caregiver Funding program pursuant to [WIC 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 encouraged to work closely together to ensure the county receives timely notifications relative to the submission of the RFA application or the initiation of the TAH process and the subsequent approval or denial of the RFA application or the TAH process in order for the county to initiate the issuance or termination of EC payments.

The following provisions as they relate to the FY 2022-23 EC Funding Program have not changed:

- EA Eligibility
- Claiming Instructions
- Child Welfare Services/Case Management Systems and the Statewide Automated Welfare Systems
- Out of County Approval Protocol

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

EXTENSION OF FUNDING FOR GOOD CAUSE AND REQUIRED NOTIFICATION AND DOCUMENTATION

As provided in previous fiscal years, the EC Funding payment has been extended beyond the specified time frame if the reason(s) or circumstances for the delay were considered to be out of the direct control of the county. Effective July 1, 2022, statutory language provides the following reasons or circumstances that would qualify as a good cause delay.

- Delays due to processing background check clearances or exemptions.

- Delays due to medical examinations.
- Delays in home or grounds improvements that are outside of the control of the family or county.
- Completion of specialized or individualized training required of the family that are beyond the basic approval training requirements.
- Delays related to changes in the home environment resulting in a need for a new assessment.
- Delays related to the time commitments required of the caregiver as a result of the child's placement into foster care.
- Delays as a result of the applicant exercising due process rights; and
- Delays that are based on the needs of the family.

Consistent with current practice, case file documentation and management notification provisions must be completed in order for the funding to be extended beyond 120 days. On a monthly basis the deputy director or director of the county child welfare department, or their designees, or the chief probation officer, or their designee, shall be notified of delays in approving RF applications that are beyond 120 days. This management notification must also be documented in the applicable RF case file. The case file documentation and management notification provisions do not extend to caregivers who are pending approval as a TAH; however, the counties are encouraged to continue this practice for pending TAHs.

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 fair hearing process. Counties will notify the families by issuing a Notice of Action (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. The EC Funding NOAs, [RFA 105](#) and [RFA 105A](#), can be found on the [California Department of Social Services \(CDSS\) Forms webpage](#). Counties are permitted to use a substitute NOA form if it contains the equivalent information found on the state created NOAs.

ADDITIONAL INFORMATION

The CDSS is required to continue monitoring the usage of 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 approval or pending completion of the TAH process. To meet this statutory requirement, the counties will continue to report to the Department, on a monthly basis, a list of all RF applications pending over **90** days, the reason for the delay and documentation to support the delay if it is considered a good cause delay. Please note that [SB 187](#) changed the monthly reporting benchmark from 120 days to 90 days. More information regarding the revised monthly reporting

template will be provided in a separate ACL. Until then, the Department and county will continue the current process, as specified in [ACL 18-128](#), for submitting reports.

Data shows that counties have continued to reduce RFA application approval time frames in the five-year period since statewide RFA implementation and are encouraged to continue to innovate and build on their momentum. 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