



CDSS

WILL LIGHTBOURNE  
DIRECTOR

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

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EDMUND G. BROWN JR.  
GOVERNOR

May 20, 2014

ALL COUNTY LETTER NO. 14-36

TO:

ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY PROBATION OFFICERS  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL FOSTER CARE MANAGERS  
ALL INDEPENDENT LIVING PROGRAM COORDINATORS  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL ADMINISTRATIVE LAW JUDGES  
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)  
TITLE IV-E FOSTER CARE CANDIDACY POLICY AND  
PROCEDURES

REFERENCES:

ADMINISTRATION OF CHILDREN, YOUTH AND FAMILIES (ACYF)-  
POLICY ANNOUNCEMENT (PA) 87-05; ACYF-CHILDREN'S  
BUREAU (CB)-PA 01-02; ACYF-POLICY INTERPRETATION  
QUESTION (PIQ) 96-01; DEPARTMENTAL APPEALS BOARD (DAB)  
DECISION NO. 1428 (1993), 471(A)(15)(B)(I) OF THE SOCIAL  
SECURITY ACT; 45 CODE OF FEDERAL REGULATIONS (CFR)  
SECTION 1356.60(C); 42 UNITED STATES CODE (USC) 675,  
ALL COUNTY LETTER NO. 04-32.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this All County Letter (ACL) is to provide new procedures for identifying and documenting administrative costs related to Title IV-E foster care candidacy and laying out the process for on-going monitoring and oversight by the California Department of Social Services (CDSS). This ACL supersedes all prior ACLs and All County Information Notices describing the Title IV-E foster care candidacy activities and requirements in existence prior to January 1, 2014.

This ACL clarifies issues that were identified as a result of a review conducted by the Federal Administration for Children and Families, Children's Bureau Regional Office (RO) and to provide guidance to the county Child Welfare Departments (CWDs) and the County Probation Departments (CPDs).

### Background

In September 2013 the RO conducted a review related to the Title IV-E administration costs claimed for activities performed on behalf of candidates for foster care youth who are under the supervision of CPDs. The period under review was April 1, 2013 through June 30, 2013.

The review consisted of the following:

- Review of state and local policies and procedures for determining foster care candidacy.
- Review of fiscal claim documents.
- Review of the methodology for allocating Title IV-E costs.
- Review of California's Cost Allocation Plan.
- Review of cases to validate eligibility determination.
- Interview of probation staff to determine the level of understanding about the Title IV-E funds time study survey process and candidacy eligibility determination.

The RO determined that several cases did not meet the Title IV-E foster care candidacy eligibility requirements. The RO letter detailing the findings of the review is enclosed. (See Enclosure A.) The following are key reasons noted in the RO letter associated with not having acceptable documentation:

- Case Plan included acceptable language, but was not signed by all relevant parties.
- No Case Plan at all.
- Case Plan was signed but had a different Case Plan goal.
- Child was already in a foster care placement setting.
- Child was in an unallowable placement setting – such as a detention facility.

Other findings by the RO include:

- No policy and procedure in place to identify a candidate for Foster Care.
- Counties were not able to distinguish between Title IV-E cases and Non-Title IV-E cases.
- There was no identified CDSS program entity that provides oversight.

- Probation Officers could not distinguish between removals from the home because the home environment is harmful to the child or the youth reoffended.
- All removals were considered Title IV-E eligible by some probation officers.
- Time Study procedure was flawed.

Additionally, interviews of staff within in the selected counties under review disclosed that the current system does not permit the CPDs to remove a youth from his/her home to be placed directly into an allowable foster care placement setting. The RO indicated that this type of policy would preclude the CPDs from identifying any youth as candidates for foster care and from claiming Title IV-E costs for pre-placement activities associated with this population. To address these and other candidacy eligibility issues, CDSS is providing counties with updated policies and procedures.

#### Candidates for foster care

Title IV-E is administered by the Department of Health and Human Services, Administration for Children and Families and provides funding for administrative activities in the following areas as they relate to foster care or the imminent or serious need for foster care:

- Court-related functions (as related to child welfare matters and not criminal matters).
- Case management preventive (allowable case management functions associated with a Title IV-E candidate for foster care; this does not include juvenile court matters related only to crimes or supervision.)

The Federal definition of a candidate for foster care is a child at "imminent" or "serious" risk of removal when placement in foster care is the planned arrangement. There are certain children and youths for whom the CWD or CPD provides supervision while in the child's or youth's own home who may meet the requirement of a candidate for a foster care. A child or youth may not be considered a candidate solely because of the CWD's or CPD's involvement with the child or youth and their family or there is a Child Protective Services (CPS) referral. In order for the child or youth to be considered a candidate for foster care, the CWD or CPD must be involved for the specific purpose of either removing the child or youth from the home or referring them to services, such that if the services are unsuccessful, the plan is to remove the child or youth from the home and place him/her into foster care.

In this case, a foster care placement is considered to be one that is licensed or approved and qualifies for Title IV-E reimbursement. This licensing or approval requirement includes placement with family members. Please note: A child or youth is not a candidate for foster care when the planned out-of-home placement for the child or youth is an arrangement outside of foster care, such as a detention facility, psychiatric

facility, or any otherwise unlicensed or unapproved placement setting. However, if placement in a detention facility for a youth otherwise planned for out-of-home foster care placement results from the youth's commission of current delinquent action, that youth remains an eligible candidate if the detention does not result in a change in the youth's out-of-home placement plan upon the youth's release from detention.

#### Methods of documenting candidacy

In order to accurately identify a candidate, one of the three options described below must be completed. It is important to note that the CDSS and the Chief Probation Officers of California (CPOC) recognize option one, the Case Plan, as the preferred option to identify a probation youth as a Title IV-E candidate.

##### 1) Case Plan (preferred & practiced method in California)

All children and youths at "imminent" or "serious" risk of removal will be assessed with the "Evaluation of Imminent Risk and Reasonable Candidacy" tool. (See Enclosure B.) The evaluation tool is a valuable "checklist" that will assist in accurately identifying why and how a child or a youth is considered a candidate. If the child or youth is clearly identified as a candidate, then a Case Plan must be developed and documented within it that the plan for the child or youth is placement into foster care unless preventive services are provided and effective.

##### 2) Eligibility Determination

Initiate removal from the home by initiating eligibility documentation in order to petition the court for removal. An eligibility determination form must be completed to establish the child's or youth's eligibility under Title IV-E. Completing the eligibility documentation to establish a child's or youth's Title IV-E eligibility is an indication that the state is anticipating the child's or youth's entry into foster care and that he/she is at serious risk of removal from home. Eligibility forms used to document a child's or youth's candidacy for foster care should include evidence that the child or youth is at serious risk of removal from home. Evidence of Aid to Families with Dependent Children eligibility in and of itself is insufficient to establish a child's or youth's candidacy for foster care.

### 3) Court Removal

The CWD or CPD is actively pursuing removal of the child or youth from the home through the court to place the child or youth in a foster care setting. Evidence of court proceedings in relation to the removal of the child or youth from the home, in the form of a petition to the court, a court order or a transcript of the court proceedings is acceptable. If the state agency has initiated court proceedings to effect the child's or youth's removal from home, he/she is at serious risk of removal from the home.

In order to claim Title IV-E for allowable pre-placement activities, the CWD or CPD must have determined and documented that the child or youth meets the candidacy eligibility criteria and be able to readily identify candidates for foster care cases from other in-home cases that are supervised by the CWD or CPD.

#### Using the Case Plan to determine candidacy

When using the Case Plan to determine reasonable candidacy, the CWD or CPD must identify in the Case Plan the services that will necessitate removal of the child or youth from the home unless they are satisfactorily addressed.

As a result, the Case Plan shall contain all of the following elements:

- Description of circumstances including but not limited to behavioral issues that place the child or youth at imminent risk of removal from the home absent the indicated services. This cannot be solely a list of problems, but must include why these issues will result in out-of-home placement if services are not provided. This will include behavioral issues and obstacles related to the parents or guardian.
- Types of services needed for the child or youth to remain safely in his/her home. This must include any services aimed at the parents or guardians.
- Statement that absent the effectiveness of services, foster care is the planned arrangement for the child or youth and identify the type of planned placement setting.

A child or youth may be placed in-home and under the supervision of the CWD or CPD and be provided services both formally and informally and not be a Title IV-E candidate. However, when a subsequent change or an emerging issue results in his/her imminent or serious risk of removal from the home and placement in foster care, the CWD or CPD shall document the candidacy status by completing the "Evaluation of Imminent Risk and Reasonable Candidacy" document and the Case Plan. Once all required parties have signed the Case Plan, the CWD or CPD may begin claiming Title IV-E administrative costs for allowable activities.

There is no maximum length of time a child or youth may be considered a *reasonable candidate*; however, the CWD or CPD must complete a new Case Plan every six months while the child or youth remains a reasonable candidate. The new Case Plan shall document the reasons the child or youth continues to be a candidate. Likewise, if services provided have eliminated the need for a plan that would place the child in foster care, the CWD or CPD must document this in the Case Plan and cease claiming because the child or youth no longer meets the candidate for foster care criteria. It is the responsibility of the CWD and CPD to ensure that preventative services are actually being provided and that the services in fact are effective in reducing the risk of the child's or youth's removal. If the risk of the child's or youth's removal is not being reduced as a result of receipt of the preventative services established in the Case Plan, this must be reflected in a revised Case Plan. In addition, if the six month re-determination of reasonable candidacy is not made (meaning a new Case Plan that includes the aforementioned requirement), the county must stop claiming administrative costs (Social Security Act, section 472(i)(2)).

- Re-determination shall be updated no less than every six months or as a new change occurs. This will be done by completing both the "Evaluation of Imminent Risk and Reasonable Candidacy" document and new Case Plan.
- If a child or youth is determined to still be a candidate after six months but a new Case Plan has not been jointly developed and signed by all required parties, Title IV-E claiming must cease until the new Case Plan requirement is met.

If a child or youth who is in foster care returns home with his parent(s) but circumstances warrant imminent risk of removal again, that child or youth may be considered a candidate for foster care **if the child or youth is not considered to be in foster care and the criteria mentioned above are met**. The "Evaluation of Imminent Risk and Reasonable Candidacy" document and a new Case Plan must be developed that demonstrates the intent to remove the child or youth from home and return him/her to foster care if **the pre-placement preventative services fail**.

**It is important to note that all counties will need to distinguish between those cases identified as candidates for foster care and those that are not and, only as needed for monitoring purposes, report the numbers of each to the State. Counties should develop a form or tracking method to easily identify and track these cases.**

### Important notes on Case Plan

All reasonable candidates must be visited (face-to-face) at a minimum of once per month. Each visit must be documented. When Case Plan goals are accomplished it should be noted in the Case Plan. Completion of goals that stabilize the child or youth and family may result in the child or youth no longer being a reasonable candidate for foster care. At that point, claiming for Title IV-E administrative costs should stop. Further work with the child or youth would then be documented as “county only” or “probation only” on the time study form. Therefore, CWD and CPD must be able to identify when the candidacy determination was made but also document when the child or youth no longer meets the candidacy criteria.

Case Plans are evolving documents that should be updated and modified as the needs of the child or youth and family change. It is important to maintain the Case Plan as a living document – updating objectives, completion of objectives, and new or emerging issues

**The enclosed Case Plan (see Enclosure C) developed by CPOC contains the required candidacy language and CDSS strongly recommends the use of this Case Plan as the statewide acceptable method of documenting candidacy for foster care. However, the CWD or CPD may use the attached Case Plan or ensure the Case Plan that is used has the necessary candidacy language.**

### Case Plans and claiming

Allowable Title IV-E administrative costs may be claimed for activities related to cases where a child or youth is considered a candidate for foster care. Determination of a candidate for foster care is a CWD or CPD responsibility. Allowable case management time spent on the case after completion of the Case Plan may be claimed as described in the paragraph below.

The CWDs or CPDs may begin claiming in the same calendar month that the candidate determination is made only if it is determined the child is a reasonable candidate and the Case Plan has signed by all parties.

The CWDs and CPDs will need to document this time and put it on their time study after the determination has been made. Note: The Case Plan is the document that determines a youth to be a reasonable candidate. The evaluation tool is used to evaluate each child or youth on his/her caseload subject to a 300 or 602 petition to determine if he or she should take the next step to complete a Case Plan determining reasonable candidacy.

### Reimbursable Title IV-E administrative activities

Reimbursable Title IV-E administrative activities are limited to the examples provided in 45 Code of Federal Regulations (CFR) section 1356.60(c). Counties are advised to only seek reimbursement for the Title IV-E administrative activities which occur *after reasonable* candidacy has been determined.

All the following activities are pre-placement case management services:

- **Referral to Services** – providing information to the minor, parent(s) and/or legal guardian(s) or service provider so that the individual can obtain the services.
- **Preparation for and participation in judicial determinations** – preparation of reports to the court and participation in court proceedings, except those that are crime and probation only related.
- **Placement of the child** – making arrangements for the child's placement. It also includes discussions with agencies, parents, and foster parents regarding the need for and availability of placement.
- **Updating a Case Plan** – This activity is related to the development of the Case Plan.
- **Case reviews** – evaluation of the continuing needs and services of the child that is completed at least once every six months.
- **Case management and supervision** –management/monitoring of the case for services provided to or on behalf of protected children. An example would be a visit to a child in his home or the steps taken by the case manager/monitor to ensure that the case service plans are adequately established and implemented in accordance with service requirements.
- **Data collection and reporting** – activities associated with the preparation and maintenance of applications, authorizations, or any other required child welfare system data/documentation.

### Non-reimbursable activities

Any activity in out-of-home placement shall not be claimed as a pre-placement activity and instead should be claimed as a placement activity. According to 45 CFR section 1356.60(c)(3) and ACYF-PA 87-05, allowable administrative costs do not include the direct provision of services which provide treatment to the child, the child's family or foster family to resolve personal problems, behavior or home conditions. Examples of non-reimbursable services are: Physical or mental health examinations, homemaker or housing services, counseling, any activity completed on an in-home case that is not identified and documented as a candidate for foster care and any other direct services to assist in preventing placement and reuniting families.

Other non-allowable costs include:

- **Arranging for services** – arranging activities which are performed on behalf of an individual are not an allowable activity.
- **Any direct service and counseling** are not allowable costs. Staff performing these activities should claim this time to Probation Only.
- **All activities performed on behalf of a reasonable candidate while that child is in custody** – are not allowable activities.

#### MEMORANDUM OF UNDERSTANDING (MOU) WITH COUNTY WELFARE DEPARTMENT

A current MOU between the CWD and CPD is required as the basis for claiming both Title IV-E assistance (maintenance) and Title IV-E administrative funds. The MOU must specify the services and placement activities performed by the CPD for wards in out-of-home foster care. It must also clarify who will assess and determine the Title IV-E eligibility of a child who has been placed in a foster care placement setting as well as a candidate for foster care.

Title IV-E administrative costs cannot be claimed on behalf of a child who is placed in a facility that is not a foster care facility, even if the State intends to place such child in foster care at a later date. Facilities that are outside the scope of foster care and considered ineligible for Title IV-E payment include, but are not limited to: Detention facilities, psychiatric hospitals, forestry camps, or facilities that are primarily for the detention of children who are adjudicated delinquent.

#### Monitoring and responsibility

The RO has recommended that the CDSS assess the extent to which CWD and CPD are claiming costs for pre-placement activities for foster care candidacy and ensure it continues to be in accordance with Federal and State requirements. The CDSS identified that the foster care funding and eligibility unit will be the oversight unit for program and the fiscal policy unit for all fiscal claiming and time study guidelines.

Additionally, the CDSS funding and eligibility unit in conjunction with the ongoing monthly county visits for Title IV-E eligibility reviews will be incorporating Case Plan reviews for both CWDs and CPDs. During these visits, the CDSS staff will question social workers and probation officers about existing procedures to gain broader understanding of the processes. Cases will be reviewed for compliance with federal Title IV-E regulations. The CDSS is also available to provide technical assistance to CWDs and CPDs to address the areas of concern identified by the RO.

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**Training**

In collaboration with CPOC and University of California, Davis, the CDSS will be providing mandatory training for all Title IV-E probation staff to accurately document, determine and report candidacy. Training dates and times were transmitted in a separate letter to all CWDs and CPDs notifying them of the upcoming Manual of Policies and Procedures section 31-503 training.

If you have any eligibility questions regarding this ACL, please contact your county foster care funding and eligibility consultant at (916) 651-9152. Questions about this ACL concerning fiscal claiming should be directed to [fiscal.systems@dss.ca.gov](mailto:fiscal.systems@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Enclosures



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for  
Children & Families

Refer to:

Region IX  
90 7th Street  
San Francisco, CA 94103

NOV 20 2013

Mr. Gregory E. Rose, Deputy Director  
Family and Youth Services Division  
California Department of Social Services  
744 P Street  
Sacramento, California 95814

Dear Mr. Rose:

This letter provides the results of the Administration for Children and Families Regional Office (RO) recent administrative costs review associated with title IV-E claims made on behalf of candidates for foster care youth who are under the supervision of the State's Probation Department (PO).

In accordance with our letter to you dated August 21, the RO, in partnership with California Department of Social Services staff from the title IV-E Foster Care Funding and Eligibility Unit and the Fiscal Policy Bureau, conducted the review in [REDACTED] and [REDACTED] counties during the weeks of September 16, 2013 and September 23, 2013, respectively. The period under review was April 1, 2013-June 30, 2013.

We thank you, your staff, and the local staff in the two counties for all of the work completed to prepare for the review. We understand everyone's busy schedules and appreciate all that was done to make our job on site a little easier.

The purposes of the review were to determine how the California PO identifies a candidate for foster care, determines and documents eligibility, and makes claims for title IV-E reimbursement.

To do this the RO:

- Reviewed State and local policies and procedures for determining candidate or foster care
- Reviewed fiscal claim documents
- Reviewed methodology for allocating title IV-E costs
- Reviewed California's Cost Allocation Plan
- Reviewed cases to validate eligibility determination,
- Interviewed staff to determine the level of understanding about
  - candidacy eligibility determination and the
  - time study survey process, which is used to allocate title IV-E funds

**Findings and Recommendations**

The RO identified significant systemic concerns regarding title IV-E administrative claims the State makes for candidates for foster care on cases that are under the jurisdiction of the Probation Department. We note that while there are instructions as to how to claim cost associated with this population of youth, there are no policies or procedures in place at State or local level to guide the practice of distinguishing between those cases that may meet the candidates for foster care criteria and other in-home cases. As a result, activities associated with all in-home cases are allocated to the title IV-E program. This is not permissible.

Although we found that about 16 of the sampled cases had acceptable documentation we could not discern how the decisions were made in these cases because staff are not trained on how to do so. Most important, we understand that its current policies and practices may preclude California PO from defining any children as “candidates for foster care” and from title IV-E claiming costs for pre-placement activities associated with this population because court action is required before a youth may be removed from home and this action requires that the youth first enter a detention facility. From there, with court sanction, the youth may then be placed in a foster care setting. Section 8.1D Q & A #11 (below) of the Child Welfare Policy Manual (CWPM) clarifies that among other things, to be a candidate for foster care, the placement setting in which a child would be placed at removal is an allowable foster care setting.

***CWPM Section 8.1D Q & A #11***

***Question:*** *In order for a child to be considered a foster care candidate for purposes of section 472(i)(2) of the Social Security Act (the Act), among other things, the State must have documented that the child is at imminent risk of removal from the home. Does the out of home placement for the child have to be a foster care setting?*

***Answer:*** *Yes. Section 472(i)(2) of the Act explicitly states that, among other requirements, to be a candidate for foster care, a child has to be potentially eligible for title IV-E foster care benefits. Therefore, this means that the State has made a decision that the out of home placement for the child will be a foster care setting. A child is not a candidate for foster care when the planned out of home placement for the child is an arrangement outside of foster care, such as a detention facility.*

For these reasons, the State will need to cease title IV-E claiming associated with these cases that are supervised by the PO beginning with the fiscal quarter October 1, 2013 until it has successfully addressed the issues identified.

The following sections provide more detailed listings of the findings and recommendations.

**Systemic findings**

- There are no practices, procedures, or policies in place to identify a candidate for foster care.
- The counties are unable to distinguish between those cases that are candidates for foster care and other in-home cases. All in-home cases are time studied for IV-E reimbursement.
- There is no identified CDSS program entity that provides oversight to this title IV-E Agreement with the PO

- Staff at the counties report that the current system does not permit them to place a child who is on probation and supervised in his/her home to be placed directly from that home in to an allowable foster care placement setting. We were told that the “child would have to go to detention” before a placement in foster care is ordered.
- Staff do not distinguish between removals from the home because the child committed a crime and removals because the home environment is harmful to the child. All removals are considered for title IV-E purposes.
- The time study survey process is flawed. The process does not adequately tease out those activities that are IV-E allowable from those that should be covered by other funding sources. Therefore counties are allocating unallowable activities to the IV-E program.

### Case findings

A total of 75 cases were reviewed: 30 in [REDACTED] and 45 in [REDACTED]. Of the total number of cases reviewed, 16 had acceptable documentation of candidacy eligibility; 59 did not have documentation for the PUR and therefore did not meet the eligibility criteria. It should be noted that the number of cases not meeting the criteria could actually be higher because we learned that at least one reviewer considered documentation as meeting the criteria even though it did not have the required signatures.

How criteria were documented in the 16 cases:

- We note that the electronic case plan template has a case plan goal option, which states that “minor to remain in-home/family maintenance. Absent services or should preventive services fail, the minor may be removed from the home and placed in a suitable foster/group home.” For purposes of the review, when this box was marked in a fully executed case plan, we used it as the documentation for candidacy for foster care, if all other criteria were met.

NOTE: While for purpose of the review we used the dropdown box in the case plan that contains the specified language mentioned above, consistent with guidance provided in the CWPM section 8.1D Q & A #1, “...the case plan used to document a child’s candidacy for foster care must be a written document developed jointly with the parent(s) or guardian of the child and include a description of the services offered and provided to prevent removal of the child from the home. In addition, the State must document, in said plan, that the goal for the child is foster care if the services described in the plan are not effective.”

- In a couple of cases in [REDACTED] one reviewer also used foster care eligibility determination forms as evidence that the PO was actively taking steps to remove the child because the county explained that it had no specific practice.

Reasons identified as NOT meeting the criteria:

- Case plan is included with acceptable language included but case plan not signed by all relevant parties
- No case plan at all
- Case plan was signed but had a different case plan goal
- Child already in foster care placement setting
- Child in an unallowable placement setting—detention facility

### Staff Interviews

Twelve (12) staff interviews were conducted. More were scheduled but the decision was made to cancel remaining interviews because in more than half of the scheduled interviews responses were unanimously consistent in both counties:

#### **Staff on knowledge of “candidate for foster care”**

- Staff do not understand candidacy for foster care.
- Staff do not know how or what circumstances are required to determine a candidate.
- Staff do not know how to identify a candidate for foster care—generally this is done when a child is in detention facility and is awaiting a placement setting.
- Staff have received no training.

#### **Staff understanding of Time Study Survey Process**

- Staff have received no training.
- Staff time study for title IV-E even if the activity they are performing or type of case (child in detention, not a candidate for FC) they are working on should prohibit claims for IV-E.
- Generally, staff understand that they should use a title IV-E code for everything unless they are investigating crimes, conducting searches, or attending training that is only applicable to probation officers. This occurs for some probation officers whose job should preclude title IV-E allocation (for example, staff housed in the detention hall whose job is to process youth once arrested and the coordinator of a work detail program).

### Recommendations

California must:

- cease claiming title IV-E for candidates for foster care that are under the supervision of the PO for all counties beginning the fiscal quarter October 1, 2013
- develop policies and procedures for identifying and documenting candidates for foster care that ensures consistency statewide
- assess whether current laws and processes prohibit a child’s placement in foster care directly from home into a qualified placement setting, if needed
- revise the time study survey process to ensure that only allowable activities on eligible IV-E cases are claimed
- revise the methodology for claiming costs associated with title IV-E claims, including a process to allocate any candidate related title IV-E activities between title IV-E and non-title IV-E categories.
- revise the cost allocation plan to include how title IV-E costs are claimed under this title IV-E Agreement

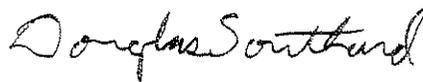
While our review focused only on the PO, we encourage the State to assess the extent to which the Child Welfare agencies and other agencies that have entered into a IV-E agreement with the state are claiming costs for pre-placement activities for candidates for foster care in accordance with Federal and state requirements. The RO is available to work with you and provide technical assistance to you, your staff, and the PO to improve the areas identified as a result of the review. If you have questions about the review or program matters please contact Debra Samples, Child

Mr. Gregory E. Rose – Page 5

Welfare Program Specialist at (415) 437-8626 or e-mail her at [debra.samples@acf.hhs.gov](mailto:debra.samples@acf.hhs.gov). For question related to fiscal claims please contact John Bausch, Financial Operations Specialist at (415) 437-8652 or e-mail him at [john.bausch@acf.hhs.gov](mailto:john.bausch@acf.hhs.gov).

We look forward to our continued work together to improve the lives of California's children and families in the child welfare programs.

Sincerely,



Douglas Southard,  
Regional Program Manger  
Children's Bureau Region IX

cc: Martin Tom, Regional Grants Manager; Office of Grants Management, Region IX; San Francisco, CA  
John Bausch, Financial Operations Specialist; Office of Grants Management Region IX; San Francisco, CA  
Debra Samples, Child Welfare Program Specialist; Children's Bureau, Region IX; San Francisco, CA

# Evaluation of Imminent Risk and Reasonable Candidacy

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

The minor is under the age of 18 -Yes -No: If no, stop here; the child is not a candidate for foster care.

The minor is the subject of a §602 petition  – Yes  – No; If no, stop here; the child is not a candidate for foster care.

Delinquency, substance abuse, criminal behaviors are not in or of themselves a reason the child is at imminent risk of foster care placement.

**Parent or guardian in need of support services to ensure effective care and control of child in the home**

- Parent is physically or mentally unable to provide adequate care without preventative services.
- Parent is unwilling to have the minor remain in the home without preventative services.
- Parent is unable to provide adequate care because of criminal conduct, minimizes child's behavior, periodic or prolonged absence, or incarceration.
- Parent has another child in foster care.
- Other
- Does not apply.

**Family has recent (within six months) or current involvement with a Social Services agency**

- Child is a dependent of the Court.
- Parents/guardians currently participating in a Family Maintenance, Family Preservation or another voluntary program.
- Child had a recent Foster Care placement as a dependent or voluntary placement.
- Other
- Does not apply.

**Current pattern of repeated or increasing uncontrollable behavior**

- Child has great difficulty being safely maintained in a community placement environment such as school setting, community intervention program, or day program.
- Child has demonstrated a pattern of engaging in delinquent behaviors or has increased participation in such behaviors despite the use of community interventions.
- Other
- Does not apply.

**Deterioration in family relations**

- Child isolates self from others and does not engage family members.
- Family home environment is characterized by frequent conflict or violence.
- Minor dissociates self from family members and prefers association of peers.
- Other
- Does not apply.

**Nature of offense indicates risk to self or others**

- Victim resides in the same home as the child.
- Access to victim remains likely.
- Offense indicates risk of future self-harm.
- Other
- Does not apply.

**Recent (within six months) runaway or beyond control behavior in the home setting**

- Child has left home regularly without permission and engaged in risky behavior.
- Consequences for poor behavior have little or no effect.
- Other
- Does not apply.

<input type="checkbox"/> <b><u>Recent (within six months) or current drug use/abuse by minor or parent (alone is not sufficient for imminent risk – must be accompanied by another risk factor)</u></b> <input type="checkbox"/> -Substance abuse by parent(s). <input type="checkbox"/> -Substance abuse by minor. <input type="checkbox"/> -Other <input type="checkbox"/> -Does not apply.
<input type="checkbox"/> <b><u>Other current or recent (within six months) indicators of imminent risk. Supervisor review and approval needed.</u></b> <input type="checkbox"/> - Yes <input type="checkbox"/> - No Explain:
<b><u>Additional Comments:</u></b>   

- The child is not or is no longer at imminent risk of removal to foster care. If no, stop here.
- The child is/remains at imminent risk of removal to foster care.

Preliminary review indicates the child/family may need the following services in order for the child to safely remain in his/her home:

- |  |   |
|--|---|
| <input type="checkbox"/> Medical services<br><input type="checkbox"/> Education services<br><input type="checkbox"/> Substance Abuse services<br><input type="checkbox"/> Gang education/intervention<br><input type="checkbox"/> Abuse counseling/services<br><input type="checkbox"/> Family conflict services<br><input type="checkbox"/> Juvenile Justice Accountability | <input type="checkbox"/> Mental Health services<br><input type="checkbox"/> Independent Living Program<br><input type="checkbox"/> Anger management services<br><input type="checkbox"/> Parenting classes<br><input type="checkbox"/> Sex offender therapy<br><input type="checkbox"/> Social/Life Skills services<br><input type="checkbox"/> Other |
|--|---|

A complete assessment and case plan are being done by the Probation Officer to further clarify issues and refine identified needed services for the minor to remain safely in his/her home. Absent the effectiveness of these services, the plan is to remove the child from their home for a suitable foster care placement.

**SOURCE DOCUMENTS**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Delinquency Records on Minor<br>School Information: <input type="checkbox"/> Attendance<br><input type="checkbox"/> Other (please describe): | <input type="checkbox"/> Criminal Records on Parent/Guardian<br><input type="checkbox"/> Grades <input type="checkbox"/> Behavior | <input type="checkbox"/> Child Welfare Records |
|---|---|--|

\_\_\_\_\_  
Deputy Probation Officer

\_\_\_\_\_  
Supervisor

## POLICY AND PROCEDURES FOR TITLE IV-E PROBATION CANDIDATES FOR FOSTER CARE

**Title IV-E administered by the Department of Health and Human Services, Administration for Children and Families** provides funding for administrative activities in the following areas as they relate to foster care or the imminent or serious need for foster care:

- Court-related functions (as related to child welfare matters and not criminal matters)
- Case management preventive (allowable case management functions associated with a Title IV-E Candidate for foster care; this does not include juvenile court matters related only to crimes or supervision)

### Targeted Candidates

The Federal definition of a candidate for foster care is a child at "imminent" or "serious" risk of removal when placement in foster care is the planned arrangement. There are certain children for whom the probation department provides supervision while in the child's own home, who may meet the requirement of a candidate for foster care. A child may NOT be considered a candidate solely because of probation's involvement with the child and their family or there is a Child Protective Services (CPS) referral. In order for the child to be considered a candidate for foster care, the agency MUST be involved for the specific purpose of either removing the child from the home or providing services, such that if the services are unsuccessful, the plan is to remove the child from the home and place him/her into foster care.

In this case, a foster care placement is considered to be one that is licensed or approved and qualifies for Title IV-E reimbursement. This licensing or approval requirement includes placement with family members. Please note: A child is not a candidate for foster care when the planned out of home placement for the child is an arrangement outside of foster care, such as a detention facility, psychiatric facility or any otherwise unlicensed or unapproved placement setting.

### Methods for Determining Candidacy

In order to accurately identify a candidate, the probation officer must complete one of the three options described below. It is important to note that the California Department of Social Services (CDSS) and the Chief Probation Officers of California (CPOC) recognize option one, the Case Plan, as the preferred option to identify a probation youth as a Title IV-E candidate.

**1) Case Plan.** Probation officers (PO) will assess each youth subject to a §602 petition with the "Evaluation of Imminent Risk and Reasonable Candidacy" tool. The evaluation tool is a valuable "checklist" that will assist the PO in accurately identifying why and how a child is considered a candidate. If the child is clearly identified as a candidate, then the PO must develop a Case Plan and document within it that the plan for the child is placement in foster care unless preventive services are provided and effective.

**2) Eligibility Determination.** Initiate removal from the home by initiating eligibility documentation in order to petition the court for removal. An eligibility determination form must be completed to establish the child's eligibility under Title IV-E. Completing the eligibility documentation to establish a child's Title IV-E eligibility is an indication that the State is anticipating the child's entry into foster care and that s/he is at serious risk of removal from home. Eligibility forms used to document a child's candidacy for foster care should include evidence that the child is at serious risk of removal from home. Evidence of AFDC eligibility in and of itself is insufficient to establish a child's candidacy for foster care.

3) **Court Removal.** The PO is actively pursuing removal of the child from the home through the court to place the youth in a foster care setting. Evidence of court proceedings in relation to the removal of the child from the home in the form of a petition to the court, a court order or a transcript of the court proceedings are acceptable. If the State agency has initiated court proceedings to effect the child's removal from home, s/he is at serious risk of removal from the home.

In order to claim Title IV-E for allowable pre-placement activities, the county must identify and determine that the child meets the candidacy criteria and document the determination. Please note: As referenced earlier, the preferred and most acceptable method of documenting reasonable candidates is the Title IV-E Pre-placement Case Plan.

#### Using the Case Plan to Determine Candidacy

When using the Case Plan to determine reasonable candidacy, the PO must identify in the Case Plan the factors that will necessitate removal of the minor from the home unless they are satisfactorily resolved. As a result, the Case Plan shall contain all of the following elements:

- Description of circumstances including but not limited to behavioral issues that place the child at imminent risk of removal from the home absent the indicated services. This cannot be solely a list of problems, but must include why these issues will result in out of home placement if services are not provided. This will include behavioral issues and obstacles related to the parents or guardian.
- Types of services needed for the minor to remain safely in his/her home. This may include services aimed at the parents or guardians.
- Statement that absent the effectiveness of services, foster care is the planned arrangement for the child.

A child may enter the probation system and be provided services both formally and informally and not be a Title IV-E candidate. However, at the moment, when a subsequent change or an emerging issue will result in his/her imminent or serious risk of removal from the home and placement in foster care, the PO shall document the reasonable candidacy by completing an "Evaluation of Imminent Risk and Reasonable Candidacy" document and the Title IV-E Pre-Placement Case Plan. Once all required parties have signed the Case Plan, probation may begin claiming Title IV-E administrative costs for eligible activities.

There is no maximum length of time a child may be considered a *reasonable candidate*; however, the PO must complete a new Case Plan every six months while the youth remains a reasonable candidate. The new Case Plan shall document the reasons the child continues to be a candidate. Likewise, if services provided have eliminated the need for a plan that would place the child in foster care, the county must document this in the Case Plan and cease claiming because the child no longer meets the candidate for foster care criteria. In addition, if the six month re-determination of reasonable candidacy is not made (meaning a new Case Plan), the county must stop claiming administrative costs (Social Security Act, section 472(i)(2)).

- ➔ **Re-determination shall be updated no less than every six months or as a new change occurs. This will be done by completing both the Title IV-E "Evaluation of Imminent Risk and Reasonable Candidacy" document and a new Case Plan.**
- ➔ **If a youth is determined to still be a candidate after six months but a new Case Plan has not been completed and signed by all required parties, Title IV-E claiming must cease until the new Case Plan requirement is met.**

If a child who is in foster care returns home with his parent(s) but circumstances warrant imminent risk of removal again, that child may be considered a candidate for foster care **if the criteria mentioned above are met**. An “Evaluation of Imminent Risk and Reasonable Candidacy” document and a new Case Plan must be developed that demonstrates the intent to remove the child from home and return him/her to foster care if **the pre-placement preventative services fail**.

***It is important to note that all counties need to distinguish between those probation cases identified as candidates for foster care and those probation cases that are not candidates for foster care and report the numbers of each to the State. Counties must develop a form or tracking method to easily identify and track Title IV-E candidates.***

#### Important Notes on Case Plan

All reasonable candidates must be visited (face-to-face) at a minimum of once per month. Each visit must be documented.

When Case Plan goals are accomplished, it should be noted in the Case Plan. Completion of goals that stabilize the child and family may result in the child no longer being a reasonable candidate for foster care. At that point, claiming for Title IV-E administrative costs should stop. Further work with the child would then be documented as “Probation Only” on the time study form. Therefore, counties must be able to identify when the candidacy determination was made but also document when the child no longer meets the candidacy criteria.

Case Plans are evolving documents that should be updated and modified as the needs of the child and family change. It is important to maintain the Case Plan as a living document – updating objectives, completion of objectives, and new or emerging issues.

**The enclosed Case Plan (Enclosure C-1) developed by CPOC has the necessary candidacy language and CDSS strongly encourages the counties to use this Case Plan as the statewide acceptable method of proving candidacy documentation.**

#### Case Plans and Claiming

Allowable administrative costs may be claimed for activities related to cases where a child is considered a candidate for foster care. Determination of a candidate for foster care is a county probation responsibility. Allowable case management time spent on the case after completion of the Case Plan may be claimed as described in the paragraph below.

A county may begin claiming in the same month that the Case Plan is signed by all required parties. It is, therefore, strongly recommended that counties use the Case Plan developed by the CDSS and CPOC (see Enclosure C-1) for easily identifying that a minor has been determined a reasonable candidate. County Probation Departments may begin claiming in the same calendar month that the candidate determination is made IF it is determined the child is a reasonable candidate. The POs will need to document this time and put it on their time study after the determination is made. Note: The Case Plan is the document that determines a youth to be a reasonable candidate. The “Evaluation of Imminent Risk and Reasonable Candidacy” is a tool POs shall use to evaluate each youth on his/her caseload subject to a §602 petition to determine if he or she should take the next step to complete a Case Plan determining reasonable candidacy.

SCENARIOS FOR DETERMINING REASONABLE CANDIDATE (Case Management Preventative Services)

CANDIDATE FOR FOSTER CARE:

*On January 5, 2014, John Smith (age 16) was arrested for Assault and Petty Theft. During the investigation process, it was determined John is severely credit deficient, chronically truant, and has been suspended/expelled numerous times for issues related to being under the influence of drugs or alcohol on school grounds and fighting. He admittedly routinely smokes marijuana and methamphetamine and drinks alcohol on a weekly basis. John's mother has not ensured he comply with his expulsion contact or made any attempt to get him counseling to address his substance abuse or anger issues. Child Protective Services reported 12 referrals wherein John was listed as the victim of neglect and/or abandonment. Two were substantiated with the minor's mother listed as the perpetrator. The minor's father's whereabouts is unknown. As such, Johnny is at imminent risk of placement in a foster care placement specializing in substance abuse. Should he and/or his mother not comply with, or make progress toward the Case Plan objectives, a recommendation for such a placement will be made.*

NOT A REASONABLE CANDIDATE FOR FOSTER CARE:

*On January 5, 2014, John Smith (age 16) was arrested for Assault and Petty Theft. During the investigation process, it was determined John is severely credit deficient, chronically truant, and has been suspended/expelled numerous times for issues related to being under the influence of drugs or alcohol on school grounds and fighting. He admittedly routinely smokes marijuana and methamphetamine, and drinks alcohol on a weekly basis. John's mother ensured he complied with his expulsion contact and made attempts to get him counseling to address his substance abuse and anger issues. Child Protective Services reported 12 referrals wherein John was listed as the victim of neglect and/or abandonment. Two were substantiated with the minor's father listed as the perpetrator. The minor's father's whereabouts is currently unknown. As such, Johnny is not at imminent risk of placement in a foster care placement as his mother is willing and able to continue to provide services for him in the community and will likely benefit from the support of probation supervision. Should the circumstances, issues or obstacles continue, graduated sanctions including juvenile hall could be recommended.*

The above-referenced reasonable candidate scenarios are not an all-inclusive list of scenarios when determining whether or not certain circumstances meet Title IV-E reasonable candidacy requirements. The scenarios should only be used as a guide to help determine Title IV-E reasonable candidacy eligibility.

Reimbursable Title IV-E Administrative Activities

Reimbursable Title IV-E administrative activities are limited to the examples provided in 45 Code of Federal Regulations (CFR) section 1356.60(c). Counties are advised to only seek reimbursement for the Title IV-E administrative activities identified in the Department of Appeals Board Decision No. 1428 (1993) which are those activities engaged in *after reasonable* candidacy has been determined.

All the following activities are pre-placement case management services:

- **Referral to Services** – providing information to the minor, parent(s) and/or legal guardian(s) or service provider so that the individual can obtain the services.
- **Preparation for and participation in judicial determinations** – preparation of reports to the court and participation in court proceedings, except those that are crime and probation only related.
- **Placement of the child** –making arrangements for the child’s placement. It also includes discussions with agencies, parents, and foster parents regarding the need for and availability of placement.
- **Updating a Case Plan** – This activity is related to the development of the Case Plan, as defined in 42 United States Code 675.
- **Case reviews** – evaluation of the continuing needs and services of the child that is completed at least once every six months.
- **Case management and supervision** –management/monitoring of the case for services provided to or on behalf of protected children. Example would be a visit to a child in his home or the steps taken by the case manager/monitor to ensure that the case service plans are adequately established and implemented in accordance with service requirements.
- **Data collection and reporting** – Activities associated with the preparation and maintenance of applications, authorizations, or any other required child welfare system data/documentation.

#### Non-Reimbursable Activities

Any activity in out of home placement shall not be claimed as a pre-placement activity and instead should be claimed as a placement activity.

According to 45 CFR section 1356.60(c)(3) and ACYF-PA-87-05, allowable administrative costs do not include the direct provision of services which provide treatment to the child, the child’s family or foster family to resolve personal problems, behavior or home conditions. Examples of non-reimbursable services are: physical or mental health examinations, homemaker or housing services, counseling, and any other direct services to assist in preventing placement and reuniting families.

Other non-allowable costs include:

- **“Arranging” for services** – arranging activities which are performed on behalf of an individual are not an allowable activity.
- **Any Direct service and counseling** are not allowable costs. Staff performing these activities should claim this time to Probation Only.
- **All activities performed on behalf of a reasonable candidate while that child is in custody** – activities performed on behalf of a former reasonable candidate now in custody should be allocated to Probation Only.

Probation only activities--For example, a PO appearing with a child at a court hearing because the child was accused of a crime and the purpose of the hearing was to address the allegations of the crime committed by the child.

#### PERIODIC TITLE IV-E REVIEWS

In order to insure compliance with Title IV-E laws and regulations, a review of program documentation and process will be completed by CDSS on a random basis.

Any County found to be out of compliance shall cease claiming immediately and not claim again until a corrective action plan approved by CDSS is in place.

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## TITLE IV-E PRE-PLACEMENT CASE PLAN

Minor's Name:	DOB:
Date Case Plan Completed:	<input type="checkbox"/> Initial Case Plan <input type="checkbox"/> Six Month Review <input type="checkbox"/> Change in Case Plan

The minor is at imminent risk of out-of-home care because of the issues indicated in the Evaluation of Imminent Risk and Reasonable Candidacy which affect his/her and the family's safety and well-being. Preliminary review indicates the minor/family need the services indicated in order for the minor to safely remain in his/her home. Absent the effectiveness of the services outlined in this case plan, the plan is to remove the child from their home to a suitable foster care placement.

*Please indicate in the box below the issues and services needed that place the minor at Imminent Risk of removal:*

Based on the Evaluation of Imminent Risk and Documentation of Reasonable Candidacy completed by the Probation Officer, as well as input from the minor, parent(s), and others related/concerned with the minor, the following case plan will be implemented.

### Overall Goal

Minor to remain in the home. Absent these services or should preventative services fail, the minor will be removed from the home and placed in a suitable foster/group home.

### Youth and Family Strengths (Check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Proactive Family         | <input type="checkbox"/> Pro-Social Activities | <input type="checkbox"/> Pro-Social Attitude  |
| <input type="checkbox"/> Positive Extended Family | <input type="checkbox"/> Positive Peer Group   | <input type="checkbox"/> Healthy Family Bonds |
| <input type="checkbox"/> Resilient                | <input type="checkbox"/> Other                 | <input type="checkbox"/> None of the Above    |

### Planned Placement Option(s) if Preventative Services are not Effective

Family Members	Relationship	Address	Phone Number
Group Home Type or Other Foster Care Placement(s)	Notes on Foster Placement (May include service(s) to be provided, level of group home, location, etc.)		

## Objectives and Services

Domain	Objective	For Whom	Services, Referrals and/or Activities	Date Ref. Services	Projected Completion	Date Complete
Medical:			<input type="checkbox"/> Obtain Medical coverage			
			<input type="checkbox"/> Refer to physician for:			
			<input type="checkbox"/> Refer to dentist for:			
			<input type="checkbox"/> Other			
Mental Health			<input type="checkbox"/> Refer for assessment			
			<input type="checkbox"/> Counseling			
			<input type="checkbox"/> Other			
Education <input type="checkbox"/> Truant <input type="checkbox"/> Poor grades <input type="checkbox"/> Suspension <input type="checkbox"/> Expulsion <input type="checkbox"/> Disruptive <input type="checkbox"/> Active IEP <input type="checkbox"/> Other			<input type="checkbox"/> Attend school regularly			
			<input type="checkbox"/> Educational Assessment			
			<input type="checkbox"/> Needs IEP Reassessment			
			<input type="checkbox"/> Tutoring for grades			
			<input type="checkbox"/> Other			
			<input type="checkbox"/> Employment Training			
			<input type="checkbox"/> Life Skills Class			
			<input type="checkbox"/> Other			
Substance Abuse <input type="checkbox"/> Alcohol <input type="checkbox"/> Marijuana <input type="checkbox"/> Meth. <input type="checkbox"/> Other			<input type="checkbox"/> Substance Abuse Counseling			
			<input type="checkbox"/> Regular testing			
			<input type="checkbox"/> Other			
			<input type="checkbox"/> Other			
Violence/Anger			<input type="checkbox"/> Anger Management classes <input type="checkbox"/> Other			
Gang/Peer relationships			<input type="checkbox"/> Tutoring <input type="checkbox"/> Other <input type="checkbox"/> Tattoo removal			
Delinquent activity						
Inadequate parenting			<input type="checkbox"/> Parenting class <input type="checkbox"/> Other			
Minor's ability to parent			<input type="checkbox"/> Parenting Class <input type="checkbox"/> Referral for child care/social services assistance <input type="checkbox"/> Other			
Trauma: <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Emotional Abuse <input type="checkbox"/> Neglect <input type="checkbox"/> Other:			<input type="checkbox"/> Counseling			
			<input type="checkbox"/> Victim/Witness Assistance referral			
			<input type="checkbox"/> Other			
			<input type="checkbox"/> Other			

Sexual offender			<input type="checkbox"/> Counseling <input type="checkbox"/> Sex Offender Treatment Program <input type="checkbox"/> Other			
Family Conflict			<input type="checkbox"/> Counseling <input type="checkbox"/> Other:			
Lack of Social Skills/Inappropriate Behavior			<input type="checkbox"/> Counseling <input type="checkbox"/> Mentor program <input type="checkbox"/> Other			
Other:						

The projected date for the completion of all case plan objectives is \_\_\_\_\_(exact date).

**PROBATION OFFICER WILL:**

1. Meet with minor at minimum monthly
2. Meet with parent(s)/guardian(s) at minimum monthly
3. Monitor Compliance with case plan objectives and services
4. Other: \_\_\_\_\_
5. Other: \_\_\_\_\_

**Signatures**

I have reviewed this case plan with the Probation Officer and understand what it says. I also understand that the services are being offered by the Probation Department to assist me.

\_\_\_\_\_  
Minor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

**Probation Officer Notes:**

\_\_\_\_\_  
Probation Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probation Supervisor

\_\_\_\_\_  
Date

**Case plan shall be reviewed and revised on or before \_\_\_\_\_ [insert exact date]**

**Pre-determination Time:** (For internal use only)

(hours within the same month determination has been made are claimable to Title IV-E if the child is determined a reasonable candidate)

Date	Hours	Date	Hours	Date	Hours