



CDSS

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

November 16, 2016

ERRATA

ALL COUNTY LETTER NO. 16-52E

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL FOSTER CARE MANAGERS
 ALL COUNTY WELFARE FISCAL OFFICERS

SUBJECT: FOSTER PARENT RECRUITMENT, RETENTION, AND SUPPORT
 (FPRRS) FUNDING OPPORTUNITY

REFERENCE: [ALL COUNTY LETTER \(ACL\) 16-52](#); BUDGET ACT OF 2015, [SENATE BILL \(SB\) 97](#) (CHAPTER 11, STATUTES OF 2015), BUDGET ACT OF 2016, [SB 826](#) (CHAPTER 23, STATUTES OF 2016); [ASSEMBLY BILL \(AB\) 403](#) (CHAPTER 773, STATUTES OF 2015); [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 16003.5](#).

The purpose of this erratum is to clarify information in the FPRRS Claiming section of ACL 16-52 for counties planning to claim child care funds, and to provide further guidance to counties which will use FPRRS funding to subsidize regular child care services for caregivers.

Background

In 2015, the process by which counties receive funding from the state for recruiting, retaining and supporting foster caregivers was significantly revised. The Budget Act of 2015, which appropriated funds for fiscal year (FY) 2015-16, included \$17.2 million to be allocated to counties for FPRRS activities. These funds originally were required to be completely expended before June 30, 2016; however, the Budget Act of 2016 included “reappropriation” authority language, which allowed any unspent funds from FY 2015-16 to be made available for expenditures in FY 2016-17. The Budget Act of 2016 also includes \$43.26 million for FPRRS to fund eligible activities for FY 2016-17.

The Budget Act of 2015 included examples of allowable expenditures for FY 2015-16. These examples were later codified by AB 403 (Chapter 773, Statutes of 2015) at WIC

section 16003.5(a), making them applicable to all future FPRRS funding. Examples of allowable expenditures include:

- Staffing to provide and improve direct services and supports to licensed foster family homes, approved resource families, and relative caregivers and to remove any barriers in those areas defined as priorities in the county implementation plan and subsequent reports on outcomes.
- Exceptional child needs not covered by the caregiver-specific rate that would normalize the child's experience, stabilize the placement or enhance the child's well-being.
- Child care for licensed foster parents, approved resource families and relative caregivers.
- Intensive relative finding, engagement and navigation efforts.
- Emerging technological, evidence-informed or other nontraditional approaches to outreach to potential foster family homes, resource families and relatives.

FPRRS Claiming (Original Language and Correction)

The "Claiming" section of ACL 16-52 stated: "For claiming FPRRS administrative costs, please refer to County Fiscal Letters (CFLs) [15/16-37](#), [15/16-37E](#) and [15/16-48](#). For counties planning to claim child care, please refer to the Title IV-E federal funding requirements for child care stated in ACL 05-23. Claiming instructions regarding FPRRS-specific child care will be issued in a forthcoming CFL."

Please disregard the sentence which references ACL 05-23, and the instruction to apply the requirements contained in that letter to the provision of child care using FPRRS funds. The eligibility requirements in ACL 05-23 are outdated and are superseded by the eligibility guidelines provided in this ACL. Counties which indicated in their FY 2016-17 FPRRS funding applications that they intend to provide subsidies for daily child care to foster caregivers are instead directed to follow the eligibility guidelines provided below.

Eligibility Requirements and Guidelines for Child Care With FPRRS

Child care costs are federally reimbursable under Title IV-E under certain conditions. Per federal regulations at [45 Code of Federal Regulations 1355.20](#), "[d]aily supervision' for which foster care maintenance payments may be made includes: licensed child care, when work responsibilities preclude foster parents from being at home when the child for whom they have care and responsibility in foster care is not in school..." The following conditions must be met if a county that subsidizes child care using FPRRS funds as match intends to claim Title IV-E reimbursement for those costs:

- Child care is reimbursable only when all caregivers in the home are working (i.e., in a two-parent household, both parents must work).
- Child care is not reimbursable during times when the child is in school.
- Child care is only reimbursable during the parents' work hours, or when the parent is attending activities (such as court hearings, trainings or case planning meetings) that are related to foster care and are beyond the scope of "ordinary parental duties."
- Child care is not reimbursable for circumstances or activities which fall under "ordinary parental duties," such as a caregiver's illness or school meetings. See the [Child Welfare Policy Manual, Section 8.3B.1, Question 3](#), for more examples of activities that are considered "ordinary parental duties" and those that are not.
- Child care is only reimbursable when provided by a licensed child care provider. License-exempt child care is not reimbursable.
- Title IV-E-funded child care is not allowable for respite care, because this is considered a Title IV-B reimbursable child welfare activity.

Although these requirements must be complied with only for the purposes of claiming federal reimbursement for child care costs, counties are strongly encouraged to align their practices with these requirements whether or not they intend to claim Title IV-E funds.

In addition, counties are strongly encouraged to follow the guidelines below when establishing eligibility for subsidized child care using FPRRS funds:

- **Age** – Counties should limit subsidized child care to children who are under 13 years of age. Counties may choose to subsidize child care for a younger age range of children.
- **Need** – In addition to work, counties may choose to subsidize child care for caregivers who are attending school or participating in a work-training program.
- **Amount** – Counties should not subsidize child care in amounts greater than the current applicable Regional Market Rate (RMR) ceiling established by the Department of Education, except where existing exemptions to the RMR apply. Information on current RMR ceilings can be found at <http://www3.cde.ca.gov/rcscc/> and in [ACL 16-70](#). In accordance with SB 826 (Chapter 23, Statutes of 2016), new RMR ceilings will become effective January 1, 2017.
- **Duration** – Given the limited nature of FPRRS funding, counties should not use this funding to subsidize child care for an indefinite period of time, and should not use FPRRS-funded child care as a substitute for statewide subsidized child care.

Instead, counties should use FPRRS funds to “bridge” the period of time from initial placement to when subsidized child care becomes available.

- **Eligibility** – Counties may make FPRRS-funded child care available to children in any type of foster care placement. This includes all emergency relative placements, regardless of the relative caregiver’s approval status and/or any other benefits the child may be receiving (including cases claimed under aid code 5K), and children who may be eligible for the Approved Relative Caregiver Funding Option (ARC) Program, regardless of whether ARC eligibility has been established.

Counties are not required to offer subsidized child care to all eligible caregivers in the county. For example, counties may choose to target specific age groups or geographical areas. However, a county may not treat similarly-situated caregivers differently based solely upon a child’s eligibility for Title IV-E foster care funding.

Counties may make FPRRS-funded child care subsidies contingent upon available funds. In other words, a county may set an upper limit on the amount of funds it wishes to expend for child care subsidies, and may cease offering subsidies when that limit has been reached. Counties may, but are not obligated to, use other available funds to supplement FPRRS funds for child care.

Counties are strongly encouraged to develop formal written policies and procedures regarding FPRRS-funded child care, and to maintain sufficient documentation to demonstrate that the amount of FPRRS-funded child care claimed was provided.

Contacts

Any policy questions regarding this ACL should be directed to the Foster Caregiver Policy and Support Unit at (916) 651-7465 or via email at kinship.care@dss.ca.gov. Questions concerning fiscal claiming and reporting should be directed to fiscal.systems@dss.ca.gov. As a reminder, claiming instructions regarding FPRRS-specific child care will be issued in a forthcoming CFL.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division