



CDSS

WILL LIGHTBOURNE
DIRECTOR

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

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

July 14, 2016

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-53-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY ADOPTION AGENCIES
ALL ADOPTION OFFICES
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: AUTHORIZATION TO MAKE RETROACTIVE FOSTER CARE
PAYMENTS WITHOUT A COURT ORDER

REFERENCE: COUNTY FISCAL LETTER (CFL) [NO. 13/14-01](#); CFL [NO. 02/03-12E](#);
CFL [NO. 96/97-47](#); ALL COUNTY LETTER [NO. 91-74](#)

<u>REASON FOR THIS TRANSMITTAL</u>	
<input type="checkbox"/>	State Law Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order
<input type="checkbox"/>	Clarification Requested by One or More Counties
<input checked="" type="checkbox"/>	Initiated by CDSS

The purpose of this ACIN is to clarify current policy involving the ability for foster caregivers to be issued retroactive payments from a county. The California Department of Social Services (CDSS) is specifically responding to questions about the need for a decision from State Hearings to authorize the county to pay retroactive payments for a period more than 18 months from the date the payment should have originally been issued.

If a county determines that a caregiver is due retroactive payments for a period more than 18 months earlier, the county may make those payments without obtaining a decision from State Hearings. The 18-month claiming limitation is imposed on the county (not providers) for state and federal financial participation. Welfare and Institutions Code (WIC) [section 10604.5](#), subdivision (a)(1) states that "the department shall pay only those county welfare department claims for federal or state reimbursement of administration and services, within nine months of the end of the calendar quarter in which the claims are paid." WIC section 10604.5, subdivision (a)(2) permits CDSS to change the nine-month limitation, as deemed necessary, to comply with federal claiming policies. The extension to 18 months for county claim adjustments was authorized in CFL 96/97-47.

Funds are to be considered expended as of the quarter they are actually paid, regardless of whether the payment includes retroactive payments due to a provider per [45 CFR § 95.13](#) . Accordingly, the claiming period will not begin until the payment is made by the county, giving the county up to 18 months from the date of making the payment to submit a claim. Therefore, if the county determines that a provider is due retroactive payments for a prior period, the county may make and claim those payments without obtaining a decision from State Hearings.

Please contact the Foster Care Rates Policy Unit at (916) 651-9152 should you have any questions related to this ACIN. Questions regarding assistance claim timelines should be directed to assistance.claims@dss.ca.gov and questions regarding County Expense Claim timelines should be directed to fiscal.systems@dss.ca.gov.

Sincerely,

Original Document Signed By:

CHERYL TREADWELL, Chief
Foster Care Audits and Rates Branch
Children and Family Services Division