

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 5, 2004

ALL COUNTY INFORMATION NOTICE NO. I-74-04

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL REGIONAL CENTER DIRECTORS
ALL COUNTY ADOPTION AGENCIES
ALL CDSS ADOPTIONS DISTRICT OFFICES

REASON FOR THIS TRANSMITTAL

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

SUBJECT: DUAL AGENCY CHILDREN IN THE ADOPTIONS ASSISTANCE AND FOSTER CARE PROGRAMS ASSOCIATION OF REGIONAL CENTER AGENCIES ET AL. V. BOLTON
LOS ANGELES COUNTY SUPERIOR COURT (CENTRAL DISTRICT)
CASE NO. BS091175

The purpose of this All County Information Notice is to advise the counties that on July 9, 2004 the Association of Regional Center Agencies and some individual regional centers filed a lawsuit against the California Department of Social Services (CDSS) challenging the validity of an Adoption Assistance Program (AAP) regulation, Title 22, California Code of Regulations (CCR) Section 35333 (c)(1)(C). This regulation affects dual agency children who are eligible for AAP and regional center services. Title 22 CCR Section 35333(c)(1)(C) provides that: "If the child is a client of a California Regional Center (CRC) for the Developmentally Disabled, the maximum rate shall be the foster family home rate formally determined for the child by the Regional Center using the facility rates established by the California Department of Developmental Services. The CRC clients who leave California shall be able to continue to receive AAP benefits based on the most recent level of need assessed by the CRC."

Pending resolution of the lawsuit, CDSS requests that counties continue to adhere to Title 22 CCR Section 35333(c)(1)(C). Counties should also continue to work cooperatively with CRCs in establishing a rate for all dual agency children. The procedures for dual agency children have not changed at this time. The CDSS will notify counties immediately regarding the outcome of the lawsuit.

In order to protect needy and vulnerable children in ways that strengthen and preserve families, it is imperative that the counties, Regional Centers, CDDS and CDSS continue to work together to provide appropriate care, supervision, and services for children with developmental disabilities that are served by both systems. Please find attached a copy of CDDS' November 2004 Program Advisory to Regional Centers regarding dual agency children.

Any program policy questions should be directed to the county's Foster Care Funding and Eligibility Consultant at (916) 657-1912.

Sincerely,

Original Document Signed by

BRUCE WAGSTAFF
Deputy Director
Children and Family Services Division

Attachment

c: County Welfare Directors Association



DEPARTMENT OF DEVELOPMENTAL SERVICES

COMMUNITY SERVICES AND SUPPORTS DIVISION PROGRAM ADVISORY

CFSB 04-02

November 5, 2004

REGIONAL CENTER RESPONSIBILITIES FOR CHILDREN IN THE ADOPTION ASSISTANCE AND FOSTER CARE PROGRAMS

INTRODUCTION

The Department of Developmental Services (DDS) continues to receive numerous queries regarding the responsibilities of regional centers relative to the Adoption Assistance Program (AAP). DDS is continuing to work with the Department of Social Services (DSS) to:

- 1) better coordinate service delivery for children and families served by both systems; and
- 2) clarify roles and responsibilities for both county welfare departments and regional centers regarding children served by both agencies.

ADVISORY

This program advisory is to clarify regional center responsibilities while DDS and DSS continue to collaborate to resolve identified issues. While we are seeking resolution for these issues, our shared objective must be to avoid doing harm to the children being served. In the interest of "no harm to children", we ask you to continue to cooperate with the county welfare departments to maintain established processes to facilitate necessary services to these children with developmental disabilities who receive services through the county.

Current regulation states that "If the child is a client of a California Regional Center (CRC) for the Developmentally Disabled, the maximum rate shall be the foster family home rate formally determined for the child by the

Regional Center using the facility rates established by the California Department of Developmental Services. CRC clients who leave California shall be able to continue to receive AAP benefits based on the most recent level of need assessed by the CRC." (CCR Title 22, Section 35333 (c)(1)(C).)

Notwithstanding the fact that this regulation is currently in dispute, regional centers are bound by contract to "...comply with all California statutes, laws, and regulations applicable to nonprofit corporations and shall render services in accordance with the applicable provisions of California state laws, regulations legally promulgated thereunder ..." (Regional Center Master Contract, Article I, Section 12).

Until such time as the dispute concerning this AAP regulation is resolved, regional centers must comply with this and other regulations. This would also include services to children served in the foster care system. Any questions regarding this program advisory should be addressed to Rick Ingraham, Manager, DDS' Children and Family Services Branch, at (916) 654-2773. Thank you for your cooperation.

Distribution: All Regional Center Directors

Attachment: DSS ACIN 74-04