



CDSS

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

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ARNOLD SCHWARZENEGGER
GOVERNOR

June 14, 2010

ALL COUNTY LETTER NO. 10-21

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY PLACEMENT SUPERVISORS
ALL LOCAL MENTAL HEALTH DIRECTORS
ALL ADMINISTRATIVE LAW JUDGES
KARUK TRIBE

SUBJECT: REQUIREMENTS AND PROCEDURES FOR THE RECEIPT OF AID TO
FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC)
FUNDS FOR CHILDREN PLACED OUT-OF-STATE

REFERENCE: ALL COUNTY LETTERS (ACLs) NO: 74-264; 83-10; 83-73; 87-65; 92-09;
94-76; 98-94; 99-41; 01-26; 08-21; 08-26; ALL COUNTY INFORMATION
NOTICES (ACINs): I-79-83; I-91-83; I-118-83; I-08-91; I-65-92; I-53-98;
I-67-98; I-21-99; I-65-99; I-41-00; I-43-04; CALIFORNIA FAMILY CODE
SECTIONS 7900 THROUGH 7912; ASSEMBLY BILL (AB) 1727
(STATUTES OF 1991, CHAPTER 610); SENATE BILL (SB) 485
(STATUTES OF 1992, CHAPTER 722)

The purpose of this ACL is to clarify current requirements and procedures for the out-of-state placement rates for AFDC-FC children placed in group homes, foster family homes, and foster family agencies. This ACL is a supplement to current ACLs and ACINs, listed in the above reference section, including those relating to the Interstate Compact on the Placement of Children (ICPC).

COUNTY RESPONSIBILITIES

Out-of-state foster care placements are governed by the ICPC, which provides for, among other things, the uniform application of financial responsibility for the support and maintenance of children in out-of-state foster care. In all 52 member jurisdictions, which includes all 50 states and the District of Columbia and the United States Virgin Islands (hereafter included in the term "state"), under the terms of the ICPC, when a foster care placement is made in one state (receiving agency/state) by an agency of another state (sending agency/state), the financial

REASON FOR THIS TRANSMITTAL

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

responsibility remains with the state where the sending agency is located, until jurisdiction is terminated with concurrence of both the sending and receiving states.

The sending agency retains jurisdiction over the eligible child with respect to all matters relative to the custody, supervision, care, treatment, and disposition which the sending agency would have had, had the child remained in the sending agency's state. The receiving state generally provides courtesy supervision and reports on the placement.

For California placements made out-of-state, the rate to be paid shall be the rate established by the rate-setting authority of the other state. However, for group home placements, the level of state participation shall not exceed the current fiscal year's Rate Classification Level (RCL) 14. Out-of-state group home program rates are set at the lesser of the current year's RCL 14 or the rate determined by the out-of-state rate setting authority. (See Welfare and Institutions Codes (W&IC) sections 11460 (c)(2)(A)(i) through (c)(2)(A)(ii) and 11460(c)(3)).

The county is responsible for obtaining documentation of the rate from the out-of-state rate-setting authority, ensuring that the out-of-state facility is licensed or approved as required by the state in which it is located and certified in accordance with California's licensing standards as set by the California Department of Social Services (CDSS) Community Care Licensing Division (CCLD). The county is also responsible for determining if any non-allowable costs are included in the rate and ensuring that only allowable costs are claimed for federal or state

AFDC reimbursement. Allowable costs are defined as food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel to the child's home for visitation. For group home placements, allowable costs also include reasonable administration and operational activities to include social work activities (shall be paid by state and county funds only) that are not otherwise considered daily supervision or administration activities.

State reimbursement for an AFDC-FC rate paid on or after January 1, 1993, shall only be paid to a group home organized and operated on a nonprofit basis.

SERIOUSLY EMOTIONALLY DISTURBED (SED) PLACEMENTS

Placements of SED children under court dependency or delinquency jurisdiction that are based on the recommendations of an Individual Education Plan (IEP) pursuant to Chapter 26.5 (commencing with section 7570) of Division 7, Title 1 of the Government Code may be made into an out-of-state facility that has not been certified as meeting the CDSS CCLD standards. Funding for this type of placement, sometimes referred to as "3632 funding," is governed by W&IC section 18350 et. seq.

It is important to note that when an SED child, who is also a dependent or ward, is placed into an out-of-state facility and the placement is not made pursuant to an IEP, the facility must be certified as meeting the requirements of certification to the CDSS CCLD standards. This type of placement is funded with state and federal AFDC-FC funds, as appropriate.

LICENSING

California children who are dependents, delinquents, or wards under the juvenile court may only be placed by a county social services or probation agency in an out-of-state group home if:

- (1) The group home is licensed and in good standing in the state of its geographical location; and
- (2) The group home is certified by the CDSS' CCLD as being in substantial compliance with California group home licensing standards.

For current information regarding the certification process, reference ACL No. 08-21. The CDSS also recommends that the county obtain a copy of the facility's license from the out-of-state licensing entity and maintain it in the child's case file.

Under no circumstances should a dependent or ward be placed prior to ICPC approval and facility certification, unless the placement is exempt from the certification requirement.

INQUIRIES

County staff can contact their county ICPC Liaison with questions regarding current ICPC requirements and procedures. A list of county liaisons is located at the following link: <http://icpc.aphsa.org/home/doc/cacountyicpcliasons.pdf>. For additional ICPC procedure questions, please email the CDSS' ICPC Unit at ICPC@dss.ca.gov. For Indian Child Welfare Act questions, call Office of Child Abuse Prevention at (916) 651-6600. If you have any foster care rates or eligibility questions, please contact me at (916) 657-2614 or Rachel Kite, Rates Analyst, at Foster Care Rates Bureau, Rates Policy Unit, at (916) 324-4873.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division