



CDSS

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DIRECTOR

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

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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

July 25, 2011

ALL COUNTY LETTER NO. 11-53

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY WELFARE FISCAL OFFICERS
 ALL CHIEF PROBATION OFFICERS
 ALL INDEPENDENT LIVING PROGRAM MANAGERS
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS
 ALL COUNTY TRANSITIONAL HOUSING COORDINATORS

SUBJECT: LETTER OF INTENT (LOI) AND COUNTY PLAN TO REQUEST PARTICIPATION IN THE TRANSITIONAL HOUSING PLACEMENT PROGRAM (THPP), THE TRANSITIONAL HOUSING PROGRAM-PLUS (THP-PLUS), AND/OR THE TRANSITIONAL HOUSING PROGRAM-PLUS-FOSTER CARE (THP-PLUS-FC)

REFERENCE: COUNTY FISCAL LETTER (CFL) 04/05-54;
 ALL COUNTY INFORMATION NOTICE (ACIN) NO'S. I-93-01, I-88-06, I-07-07, I-56-07 AND I-93-09;
 ALL COUNTY LETTER (ACL) NO'S. 02-04, 07-38, 08-62, 09-73 AND 11-21; WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS 11403, 11403.2, 16522.1, 16522.2 AND 16522.5;
 HEALTH AND SAFETY (H&S) CODE SECTIONS 1502.7 AND 1559.110-1559.115

The purpose of this ACL is to provide counties with updated instructions concerning the LOI and County Plan requirements for THPP, THP-Plus, and THP-Plus-FC, the new placement option for Non-Minor Dependents (NMDs), created by Assembly Bill (AB) 12, California's Fostering Connections to Success Act (Chapter 559, Statutes of 2010). The **AB 12 requires all counties to submit plans for THP-Plus-FC. The THP-Plus and THPP remain county optional programs.** All counties must submit an LOI and County Plan to the California Department of Social Services (CDSS) by October 1, 2011, regardless of whether or not the county has in the past or plans in the future to implement a THPP or THP-Plus Program.

County Welfare Services agencies and Probation departments are encouraged to coordinate the development of a single County Plan for THPP, THP-Plus, and THP-Plus-FC for submittal to CDSS.

The ACIN I-93-09, dated December 31, 2009, informed counties about changes in the LOI and County Plan processes. According to the ACIN, only new counties that were participating in THPP and THP-Plus were required to submit an LOI after December 2009. Due to the new requirements, outlined in section AB 12 of this document, it is necessary for each county to submit the LOI and County Plan for THP-Plus-FC. Counties are also asked to update their plans for THPP and THP-Plus and indicate whether it is their intention to discontinue one or both programs. Information requested will be discussed below.

Funding

The AB 118 (Chapter 15, Statutes of 2011), realigns the funding for the Adoption Services, Foster Care, Child Welfare Services (CWS), and the Adult Protective Services programs from the state to the local government and redirects specified tax sources and other revenue to fund this effort. The THPP and THP-Plus are part of the realigned programs within CWS. Separate instructions will be forthcoming providing counties with their county specific distribution of these Local Revenue Funds.

Background

The THPP began as a pilot in the 1994 and became a permanent program in 1998. The AB 427 (Chapter 125, Statutes of 2001) and AB 1119 (Chapter 639, Statutes of 2002) established the THP-Plus and provided additional funding for rate increases for providers of THPP. The AB 427 also established the age range for THP-Plus to the minimum age of 18 up to a participant's 21st birthday. The AB 1119 delinked the services so that they could be provided independently of the program.

In 2005, AB 824 (Chapter 636, Statutes of 2005) raised the maximum upper age limit for THP-Plus from age 21 up to a participant's 24th birthday. In 2006, AB 1808 (Chapter 75, Statutes of 2005) removed the county's share of costs for THP-Plus and funded the program at 100 percent General Fund (GF). In 2010, AB 12 established a new transition housing program eligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC): THP-Plus-FC.

AB 12

The AB 12 makes several changes to foster care in California that are authorized by the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This federal bill gives states the option to extend the foster care age limit from age 18 up to age 21. California has opted to participate in extended foster care for foster youth up to age 19 in 2012; to age 20 in 2013; and, if funding is appropriated by the Legislature, to age 21 in 2014.

The AB 12 creates a new group of foster youth who are 18 years and older who are identified as NMDs, and who have a legal status as adults. To provide additional placement options for these young adults, AB 12 created two new AFDC-FC funded settings called the Supervised Independent Living Placement (SILP) and THP-Plus-FC in addition to regular foster care settings (group home, foster family agency, or foster family home). Initial information related to eligibility requirements for NMD and requirements for a SILP have been provided in ACIN I-40-11, dated July 1, 2011.

The AB 12 also changed the age range for participation in THPP. On or after January 1, 2012, any NMD who is less than 21 years of age and who is eligible for AFDC-FC benefits as provided in W&IC sections 11403.2 and 16522.2 may receive THPP services. **Note:** The age limit for THPP may change due to AB 212.

The AB 12 requirements include the following:

- 1) Under W&IC section 11403.2(c), effective January 1, 2012, approval standards for THP-Plus-FC shall be developed based on H&S Code section 1502.7. Providers need to be approved by the county, (not licensed) based on Title IV-E core health and safety standards and the new standards under development. The process for approving existing and new providers will be discussed in a future letter issued by CDSS. Counties may charge a fee for the approval process;
- 2) Under W&IC section 11403.2(d)(2), all counties are required to submit a County Plan about how the county will provide THP-Plus-FC for NMDs. An in-county THP-Plus-FC program or provider is not a requirement for participation; participation can be accomplished by offering a THP-Plus-FC placement in another county. In such a situation, counties are encouraged to develop cooperative agreements that address the responsibilities of all parties. This can be accomplished via a county contract, Memorandum of Understanding (MOU) or interagency agreement;

- 3) The AB 12 implemented THP-Plus-FC as a placement option for NMDs. Counties must ensure that costs for which federal financial participation is claimed are for federally eligible NMDs and for Title IV-E allowable activities;

The THPP/THP-Plus-FC providers who expend more than \$500,000.00 in federal funds from all sources are responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996 (31 United States Code 7501-7507) and the revised Office of Management and Budget Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." The audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits.

Counties have the discretion to develop MOUs, interagency agreements, or contracts as required by individual county policies. Neither AB 12 nor state regulations require counties to contract with providers.

Program and placement requirements, new provider approval standards, rate-setting development, allocation methodologies and claiming for reimbursement procedures for THP-Plus-FC will be discussed in future letters issued by CDSS.

Letter of Intent for THPP, THP-Plus and THP-Plus FC

On the new LOI form, counties project their estimates for THPP, THP-Plus and THP-Plus FC total number of placements (beds) as well as the number of placements that are single site, scattered site and host family homes (see Attachment A). The form also requires counties to submit other pertinent information, including county program and fiscal contacts as well as provider contacts if available.

Letter of Intent for THPP

The following are requirements for THPP:

- 1) As outlined in the form, THPP requirements have not changed. Please provide the maximum rate payable to providers that is 75 percent of the average group home expenditures in a county, as well as the actual rate paid to providers.
- 2) The increase in group home rates that resulted from a court ruling in *California Alliance of Child and Family Services v. Cliff Allenby, et al.*, 589 F.3d 1017 (9th Cir. 2009) may affect the maximum rate for both THPP and THP-Plus. Please refer to ACL 11-21, dated March 10, 2011, for more information.

Letter of Intent for THP-Plus or THP-Plus FC

- 1) The LOI does not request rate information for either the THP-Plus or THP-Plus- FC because AB 12 requires development of a new statewide rate structure for THP-Plus-FC that may also be applied to THP-Plus. A workgroup has been formed to develop the new rate structure for a January 1, 2012, implementation date. Information about the new rates will be forthcoming from CDSS;
- 2) As mentioned above, the increase in group home rates that resulted from a court ruling in *California Alliance of Child and Family Services v. Cliff Allenby* may affect the maximum rate for THP-Plus. Refer to ACL 11-21 for further information.

County Plan General Information Requirements

Counties have the option of providing a THPP or THP-Plus. However, each county must develop a plan to provide for THP-Plus-Foster Care as a placement option. Please refer to Attachment B, County Plan Template for THPP, THP-Plus and THP-Plus FC, for detailed requirements of what needs to be written in the County Plan.

The following information is required to be provided in the County Plan for each program:

- 1) Type of programs provided (THPP, THP-Plus and/or THP-Plus-FC) and each program's purpose. This section should include the county's intent to participate in any or all transitional housing programs;
- 2) Population to be served including specifically if the program(s) will serve certain groups such as parenting teens, special needs youth, etc.;
- 3) Program Models Utilized. A description of types of placement settings that will be utilized by each program, which could include a single site, scattered site or host family model;
- 4) A Provider Plan Certification Process per H&S Code section 1559.110-1559.115 for each of the programs and;
- 5) Reporting requirements that include the county's ability to provide data and or narrative information as requested by CDSS.

County Plan Requirements for THPP (County Optional)

The W&IC section 16522.5 requires counties that wish to participate in THPP to submit a plan to CDSS for approval. The attached County Plan template describes the requirements for THPP. In addition, note the following:

- 1) The admission process is to be explained including the county's role in assessing the readiness of prospective participants. Admission criteria for participants age 16 to 18 are different from admission criteria for NMDs. After January 1, 2012, NMDs, who are eligible, may participate in THPP (W&IC section 11403.2(a)(1) and 16522.1(a)(1));

Note: The age limit for THPP may change due to AB 212.

- 2) Additional approval standards for providers serving NMD's will be developed. Please refer to H&S Code section 1502.7. A subsequent ACL will be issued; and
- 3) Provider Plans submitted to the county for approval must, at a minimum, include processes and services outlined in W&IC section 16522.1.

County Plan Requirements for THP-Plus (County Optional)

The W&IC section 16522.5 requires any county to submit a County Plan in order for youth emancipated from their county to be eligible to participate in the THP-Plus Program. The attached County Plan template describes the requirements for THP-Plus. In addition, note the following:

- 1) Those counties who have participated in THP-Plus services in the current Fiscal Year (FY), but are opting out of participating in subsequent FYs, should notify CDSS of the intention to no longer financially participate in the program and;
- 2) A county must submit a County Plan if it intends that its youth participate in another county's THP-Plus Program. This requires agreement by both counties consistent with individual county policies.

The CDSS will maintain any previously approved County Plan as an indication that the county has fulfilled the County Plan requirement so that emancipated youth are still eligible to participate in another county's THP-Plus Program (see ACIN I-93-09.)

County Plan Requirements for THP-Plus-FC (All counties are required to submit plans)

The attached County Plan template describes the requirements for THP-Plus-FC. In addition, note the following:

- 1) The W&IC section 11403.2(d)(2) requires all counties to provide a County Plan for THP-Plus FC. The section does not state that a county must host its own program. A County Plan could specify the use of providers approved by another county;
 - 2) New approval standards for THP-Plus-FC are being developed. Please refer to H&S Code section 1502.7 and 11403.2(c). Instructions will follow in a separate ACL;
 - 3) The new THP-Plus-FC placement option offers the same types of housing models and services as THP-Plus except the NMD participants are court dependents in county-supervised foster care. The W&IC section 11403.2(d)(1) establishes that, for budgeting purposes, 70 percent of the GF allocated to counties will be budgeted for THP-Plus-FC and 30 percent will be budgeted for THP-Plus. A County Fiscal Letter is forthcoming to provide further information;
 - 4) It is the intent of AB 12 that THP-Plus continue to exist to serve emancipated foster youth between the ages of 21 and 24, and for emancipated foster youth under age 21 for whom reentry into foster care is not an appropriate or viable option. Therefore counties are also required to describe in the County Plan how they will provide placements for the NMD's in THP-Plus-FC while reserving 30 percent of the total number of placements allocated for THP-Plus. Counties will also provide a contingency plan about how the placements can be reallocated between both programs. Counties will be offered flexibility in meeting this requirement over time. See 11403.2(d)(2) and (3);
 - 5) If a county currently has placements in THP-Plus that will continue after January 2012, the County Plan needs to address how the county will begin to convert at least 70 percent of the THP-Plus placements to THP-Plus-FC placements, and calculate the length of time that is necessary to make the move to a majority of placements in THP-Plus-FC;
- Note:** The CDSS recognizes that this is a lengthy process that may take many months to complete. The goal is to leave no vacant placements in either the THP-Plus-FC or the THP-Plus Program if possible.
- 6) Many youth in a current THP-Plus placement will not be eligible to convert to THP-Plus-FC, as they do not meet the age eligibility requirements of AB 12. As a THP-Plus youth exits a placement, the county should evaluate if it is appropriate for this placement to be filled by a THP-Plus-FC eligible youth.

A County Plan Template is attached (see Attachment B). A WORD version of the document is available upon request by contacting: ilppolicy@dss.ca.gov .

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To re-emphasize, the LOI and County Plan are due by October 1, 2011.

Please submit a cover letter, signed and dated by the Social Services Agency Director, along with the County Plan and LOI to:

Independent Living Program Policy Unit
California Department of Social Services
744 P Street, MS 8-13-78
Sacramento, California 95814

Attn: Transitional Housing Coordinator

Please, also email a copy of the cover letter, County Plan, and LOI to:
ilppolicy@dss.ca.gov .

Any changes to the County Plan or LOI shall be submitted to CDSS within 60 days of the change(s). Please refer to the County Plan Template Table of Contents for the areas of the County Plan that could be subject to change and to the LOI Template for areas that could be subject to change for the LOI. If a change is made in the County Plan, it is permissible to submit only the section(s) that has/have changed with a cover letter signed and dated by the Social Services Director to CDSS.

For any fiscal claiming questions, please contact the Fiscal Systems Bureau at:
fiscal.systems@dss.ca.gov. Information regarding these programs is also available at the following website: www.childsworld.ca.gov.

If you have any questions or concerns regarding this ACL you may contact the Independent Living Program Policy Unit at (916) 651-7465, or via email at:
ilppolicy@dss.ca.gov. (Please note that the Independent Living Program Policy Unit mailbox is checked daily and emails are forwarded to the appropriate person for response.)

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

() County is expressing the intent to implement Transitional Housing Programs including: Transitional Housing Placement Program (THPP), Transitional Housing Program (THP)-Plus, and/or THP-Plus Foster Care (THP-Plus-FC) in Fiscal Year (FY) XXXX-XXXX. Provided below is a summary of the anticipated number of placements, and other pertinent information for all programs. The numbers provided are based on the most current information available, and any changes will be reported to The California Department of Social Services (CDSS) within 60 days.

THPP	THP-Plus	THP-Plus FC	Total Number of Placements all Programs		
Maximum County rate paid to providers which is 75 percent of average group home expenditures			THPP # of placements to be provided	THP-Plus Total: (30 percent of Allocated Placements)	THP-Plus-FC # of placements to be provided Total: (70 percent of Allocated Placements)
			Single Site	Single Site	Single Site
Monthly THPP rate paid to providers			Scattered Site	Scattered Site	Scattered Site
Anticipated implementation date: Indicate if County plans to discontinue THPP: Yes No Date:	Anticipated implementation date: Indicate if County plans to discontinue THP-Plus: Yes No Date:	Anticipated implementation date: Indicate if County plans to utilize providers in other county/counties: Yes No			
Estimated Number of Youth who could be served by THPP in FY 2011/2012:	Estimated Number of eligible emancipated Youth who will need a THP-Plus placement in 2012:	Estimated Number of NMDs who could be eligible for THP-Plus FC in 2012:			
Program Contact(s): Names, phone #s, and email addresses	Program Contact(s): Names, phone #s, and email addresses	Program Contact(s): Names, phone #s, and email addresses	Host Family	Host Family	Host Family
Fiscal Contact(s): Names, phone #s, and email addresses	Fiscal Contact(s): Names, phone #s, and email addresses	Fiscal Contact(s): Names, phone #s, and email addresses			
Provider Contact(s): Names, phone #s, and email addresses	Provider Contact(s): Names, phone #s, and email addresses	Provider Contact(s): Names, phone #s, and email addresses			

Sincerely,

NAME
Director
(Name of Social Services Agency)

DATE

County Plan Template
Transitional Housing Placement Program (THPP),
Transitional Housing Program-Plus (THP-Plus) and
THP-Plus-Foster Care (THP-Plus-FC)

[County Name] County

For the Period of [MM/YYYY to MM/YYYY]

DATE
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This template consists of four parts. Part One is General Information about all housing programs (THPP, THP-Plus, and THP-Plus-FC). Part Two is information for THPP, Part Three is information for THP-Plus, and Part Four is information for THP-Plus-FC.

General Information

1. Types and Purpose of the Program(s)

This area should include the county's intent to participate in any or all transitional housing programs (THPP, THP-Plus, and THP-Plus FC). Counties have the option of participating in THPP/THP-Plus and are required to submit a County Plan for THP-Plus-FC that describes how the County will provide for the THP-Plus-FC population (Welfare and Institution Code (W&IC) section 11403.2(d)(2).

2. Population to be Served

Provide a statement of the number of youth who could participate by program. There should be a brief statement on the population served, specifically if the program will serve certain groups, i.e., parenting youth, youth with special needs, etc.

[County name] County will ensure that it does not discriminate on the basis of race, gender, sexual orientation, or disability and provides a safe and adequate residence and allows participants maximum amount of independence and self-sufficiency.

3. Program Models Utilized

Description of types of placement settings that will be utilized by each Program. This could include single site, scattered site, host family model or college dorm.

4. Provider Plan Certification Process

All County Information Notice I-07-07, dated March 1, 2007, moved the provider plan approval process for THPP and THP-Plus from the California Department of Social Services (CDSS) to counties. This has also been extended to THP-Plus-FC. Refer to Health and Safety (H&S) Code section 1559.110 - 1559.115 as applied to the transitional housing programs your county is providing.

5. Continuum of Care

Counties have the option to provide a continuum of care to move participants from THPP to THP-Plus. The county plan should reflect how the county, working in partnership with providers, will provide a continuum of housing and supportive services for both current and former foster youth, ages 18 up to 21 in foster care or up to age 24 if participating in THP-Plus.

6. Reporting Requirements

Per W&I Code section 11403.2(a) and 16522.6, [County Name] County agrees to supply information about THPP, THP-Plus, and THP-Plus-FC as requested by CDSS, including any requested data or narrative.

TRANSITIONAL HOUSING PLACEMENT PROGRAM (THPP)

7. Admission Process for Program Participants

Please refer to W&IC section 16522.1 beginning with part (a)(1) and briefly explain the admission process for THPP participants. This section should also include a discussion of how the county will ensure that the youth age 16 to 18 will have a Transitional Independent Living Plan (TILP) and how it will be utilized. Also include the Independent Living Program (ILP) Coordinator's role in approving the person for placement and supervision in THPP (W&IC section 16522.5), and that the youth will participate in the ILP services (W&IC section 16522(a)(3)).

Per W&IC 11403.2(a), beginning in January 2012, THPP will now accept non-minor dependents (NMDs) age 18 up to 20. In addition to the Admission process listed in W&IC section 16522.1, there are provider approval standards listed in H&S Code section 1502.7 specifically addressing NMDs. Please provide information on how these new standards will be included in the provider approval process.

8. Monitoring Requirements

Per W&I Code section 16522.1(d), explain how your county will monitor placements in THPP, including who will be responsible for the monitoring process.

Beginning on January 1, 2012, NMDs may be eligible for THPP. Briefly explain how your county will monitor their placements in THPP as required, including policies and procedures to ensure compliance with California landlord-tenant law (Civil Code section 1940, et seq.) and/or the Transitional Housing Misconduct Act (H&S Code section 50580, et seq.) and who will be responsible for the monitoring process.

The county is required to provide grievance procedure processes to THPP participants. Please briefly explain how your agency will oversee provider compliance in this program.

9. Appeal Rights

Please describe your county's process for providing notice and the right to appeal to participants before any loss of benefits or services. Include who would be involved in the appeals process.

TRANSITIONAL HOUSING PROGRAM (THP)-Plus

10. Admission Processes for Program Participants

Please refer to W&IC section 16522.1 beginning with part (a)(1) and briefly explain your county's admission process for THP-Plus. Describe how the admission process for THP-Plus adults is different from THPP per section 16522.1(e)(1)(2). This section should also include a discussion about who develops the TILP with the young adult and how it is utilized to serve the adult participant.

11. Monitoring Requirements

As required in W&IC section 11403.2(a) and 16522.1(d), please explain how your county will monitor placements in THP-Plus, including who will be responsible for the monitoring process.

Briefly explain how your county will monitor placements in THP-Plus as required, including policies and procedures to ensure compliance with California landlord-tenant law (Civil Code section 1940, et seq.) and/or the Transitional Housing Misconduct Act (H&S Code section 50580, et seq.) and who will be responsible for the monitoring process.

The county is required to provide grievance procedure processes to THP-Plus participants. Please briefly explain how the agency will oversee provider compliance in this program.

12. Appeal Rights

Please describe the county's process for providing notice and the right to appeal to participants before any loss of benefits or services. Include who would be involved in the appeals process.

TRANSITIONAL HOUSING PROGRAM (THP)-Plus-FOSTER CARE (FC)

13. Placement Selection for Program Participants

Please refer to W&IC section 16522.1(d) and briefly explain the county's placement selection for NMDs in THP-Plus-FC as part of a continuum of foster care to move the youth to a less restricted, family-based setting with caring committed adults who will be the youth's permanent connection. Include how the Placement Agreement is developed in partnership with both the THP-Plus-FC provider and participant. The Mutual Agreement is between the youth and the agency and done once, which may be before the youth enters a THP-Plus-FC placement.

As a Title IV-E eligible placement, THP-Plus-FC providers must meet statewide approval standards regarding NMDs. Please refer to H&S Code section 1502.7.

14. TILP

For case planning purposes, the TILP is reviewed and updated every six months by the participant, the county designee (social worker or probation officer), and other appropriate individuals and as often as needed to reflect necessary changes. Best practice includes the THP-Plus-FC provider actively supporting the youth to meet TILP goals. The NMD and county designee are required to sign the TILP. Division 31 regulations do not require the provider to sign the TILP. However, it is a best practice.

15. Monitoring Requirements

Briefly explain how the county will monitor their placements in THP-Plus-FC as required, including policies and procedures to ensure compliance with California landlord-tenant law (Civil Code section 1940, et seq.) and/or the Transitional Housing Misconduct Act (H&S Code section 50580, et seq.). Also describe who will be responsible for the monitoring process.

The provider is required to provide grievance procedure processes to THP-Plus-FC participants. Please briefly explain how the agency will oversee provider compliance in handling grievances.

16. Appeal Rights

Please describe the county's process for providing notice and the right to appeal to participants before any loss of benefits or services. Include who would be involved in the appeals process. Note: there is not a separate appeal process for THP-Plus-FC as it is not an entitlement.

17. Process Description for Moving Placements between THP-Plus and THP-Plus-FC

The W&IC section 11403.2(d)(2) requires counties to develop a plan about how it will provide 70 percent of its placements for the THP-Plus-FC and reserve 30 percent for THP-Plus. Describe this process. Also provide a statement about how the county will re-allocate beds if there is not sufficient demand for participation in either THP-Plus or THP-Plus-FC.

Beginning in Calendar Year 2012 NMDs who are at least 18 years of age will be eligible for THP-Plus-FC. Current THP-Plus programs report that their allocated number of beds is filled and that there are waiting lists. Please describe the county's process for moving placements to the new 70/30 split (THP-Plus -FC/THP-Plus) and the length of time that is necessary to make the move to a majority of beds in THP-Plus-FC.