



CDSS

WILL LIGHTBOURNE
DIRECTOR

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

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EDMUND G. BROWN JR.
GOVERNOR

November 30, 2011

ALL COUNTY LETTER NO. 11-74

TO: ALL COUNTY WELFARE DIRECTORS
ALL CDSS ADOPTIONS DISTRICT OFFICES
ALL COUNTY PLACEMENT SUPERVISORS
ALL ADMINISTRATIVE LAW JUDGES
ALL LICENSED ADOPTION AGENCIES

SUBJECT: ADOPTION ASSISTANCE PROGRAM RATES

REFERENCE: Welfare and Institutions Code Sections 16121(a);
All County Letters 11-42E, 08-01, AND 01-55

REASON FOR THIS TRANSMITTAL

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

This letter is to provide information and instructions on the 2011-2012 Budget Act, Assembly Bill (AB) 106 (Chapter 32, Statutes of 2011). The provisions of this bill relate to the basic Adoption Assistance Program (AAP) rates and the recent changes in the basic Foster Family Home (FFH) rate methodology determined by the United States District Court, in the case of the California State Foster Parent Association v. William Lightbourne, et al, (U.S. Dist. Ct. No. C 07-08056 WHA). As a result of the court's decision, Welfare and Institutions Code Section 16121(a) was modified to reflect the new rate methodology and rate structure, and allows for each rate structure to receive a California Necessities Index (CNI) increase. The negotiated AAP rate continues to be based on the child's needs and the circumstances of the family and may include the Specialized Care Increment (SCI), if eligible. The Specialized Care rate is calculated by adding the SCI to the basic rate; therefore, recipients who receive this rate will also receive an increase due to the increase to the basic rate. AB 106 did not address the Dual Agency rates.

I. AAP Basic Rates

A. Initial AAP agreements signed on or after October 1, 1992, through December 31, 2007 and the adoption finalized before May 27, 2011:

Use the FFH rate structure in effect December 31, 2007 to determine the basic AAP rate. These children are eligible to receive the age-related increase and the CNI increase starting with the state fiscal year 2011-2012.

2007 FFH rates					
Includes 1.92% CNI Increase for State Fiscal Year 2011-2012					
Age	0-4	5-8	9-11	12-14	15-18
2007 FFH Rate Effective July 1, 2011	\$433	\$471	\$503	\$556	\$608

County/Age	0-4	5-8	9-11	12-14	15-18
Los Angeles	\$433	\$471	\$510	\$556	\$608
Orange	\$433	\$471	\$503	\$640	\$640
Santa Clara	\$433	\$471	\$510	\$556	\$608

County/Age	0-4	5-6	7-12	13-18
Marin	\$443	\$471	\$541	\$617

B. Initial AAP agreements signed on or after January 1, 2008 through December 31, 2009 and the adoption finalized before May 27, 2011:

Use the FFH rate structure in effect January 1, 2008 to determine the basic AAP rate. These children are eligible to receive the age-related increase and the CNI increase starting with the state fiscal year 2011-2012. If the adoption finalized on or after May 27, 2011, section D of this ACL is applicable and these children continue to remain eligible to receive the age-related increase.

C. Initial AAP agreements signed on or after January 1, 2010 through May 27, 2011 and the adoption finalized on or before May 27, 2011*:**

Use the FFH rate structure in effect on January 1, 2008 to determine the basic AAP rate. These children are not eligible to receive the age-related increase; this may not exclude any increases based on the reassessment of the child's needs. These children are eligible for the CNI increase starting with the state fiscal year 2011-2012.

***Initial agreements signed and adoptions finalized on or after May 27, 2011 receive the rate set forth in section D.

2008 FFH rates					
Includes 1.92% CNI Increase for State Fiscal Year 2011-2012					
Age	0-4	5-8	9-11	12-14	15-18
2008 FFH Rate Effective July 1, 2011	\$455	\$494	\$529	\$584	\$639
County/Age	0-4	5-8	9-11	12-14	15-18
Los Angeles	\$455	\$494	\$535	\$584	\$639
Orange	\$455	\$494	\$529	\$672	\$672
Santa Clara	\$455	\$494	\$535	\$584	\$639

County/Age	0-4	5-6	7-12	13-18
Marin	\$466	\$494	\$569	\$647

D. Initial AAP agreements signed before or after May 27, 2011 and the adoption finalized on or after May 27, 2011:

Use the FFH rate structure in effect May 27, 2011 to determine the basic AAP rate for the month of June 2011. In addition, these children are eligible for the CNI increase starting with the state fiscal year 2011-2012. These children are not eligible to receive the age-related increase; this may not exclude any increases based on the reassessment of the child's needs. An amended AAP

agreement must be signed reflecting the State-Wide FFH rate increase effective May 27, 2011.

State-Wide FFH rates					
May 27, 2011 through June 30, 2011					
Age	0-4	5-8	9-11	12-14	15-18
FFH Rate Effective May 27, 2011 to June 30, 2011	\$609	\$660	\$695	\$727	\$761

E. Initial AAP agreements signed on or after July 1, 2011:

Use the FFH rate structure in effect July 1, 2011 to determine the basic AAP rate. These children are not eligible to receive the age-related increase; this may not exclude any increases based on the reassessment of the child's needs. These children are eligible for the CNI increase starting with the state fiscal year 2012-2013.

State-Wide FFH rates					
Effective July 1, 2011					
Includes 1.92% CNI Increase for State Fiscal Year 2011-2012					
Age	0-4	5-8	9-11	12-14	15-18
FFH Rate Effective July 1, 2011	\$621	\$673	\$708	\$741	\$776

II. County and CDSS Adoption District Office Responsibility

Counties and adoption district offices shall adjust monthly AAP basic rates to include an annual CNI increase should one occur, effective July 1st. The adjustment must be documented by sending AAP recipients a Notice of Action (NOA) reflecting the AAP basic rate change. A copy of the NOA must be placed in the AAP case file for documentation purposes. While CNI increases do not require an amended AAP agreement, all other changes to the AAP benefit continue to require an amended agreement.

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III. INQUIRIES

If you have any inquiries, please direct all AAP questions to the Adoptions Services Bureau, at (916) 651-8089.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division