



CDSS

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GOVERNOR

August 16, 2012

ALL COUNTY LETTER NO. 12-43

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL LOCAL MENTAL HEALTH DIRECTORS
ALL COUNTY ADOPTION AGENCIES
ALL ADOPTION DISTRICT OFFICES
ALL GROUP HOME PROVIDERS
ALL FOSTER FAMILY AGENCIES
TITLE IV-E TRIBES

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC) CALIFORNIA NECESSITIES INDEX (CNI) INCREASES AND OTHER RATE INCREASES; CLARIFICATION OF THE CONTINUATION OF AFDC-FC BENEFITS BEYOND AGE 19

REFERENCE: SENATE BILL (SB) 1013, CHAPTER 35, STATUTES OF 2012; WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS 11364, 11387, 11400, 11453, 11460, 11461, 11462, 11463, 11464, 16501.25, and 18358.3; ALL COUNTY LETTER (ACL) NO. 11-63; ACL NO. 11-63E; ACL NO. 11-54; AND MANUAL OF POLICIES AND PROCEDURES (MPP) SECTION 11-403

The purpose of this ACL is to inform counties and other interested parties of the CNI increase that is applicable to out-of-home placements and the AFDC-FC Program. The adjusted schedule of rates on the following pages, reflect the CNI increase of 2.98 percent for Fiscal Year (FY) 2012-13. In addition, this ACL will identify other rate changes authorized by Senate Bill (SB) 1013. Prospectively, the California Department of Social Services will issue an ACL each year to adjust rates to reflect changes in the CNI.

REASON FOR THIS TRANSMITTAL

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

Non-Federal and Federal Kinship Guardianships and State AFDC-FC Non-Related Legal Guardians

Effective July 1, 2012, the 2.98 percent CNI increase to the foster family home (FFH) basic rate in effect as of July 1, 2011, for guardianships established *prior* to May 1, 2011 is reflected in Table A below:

Table A

Age	Birth-4	5-8	9-11	12-14	15-20
Rate 7/1/12-6/30/13	\$469	\$509	\$545	\$601	\$658

Effective July 1, 2012, the 1.49 percent CNI increase to the grandfathered foster family home (FFH) basic rate in effect as of July 1, 2011, for guardianships established *prior* to May 1, 2011 is reflected in Table A-1 below:

Table A-1

Orange County

Age	Birth-4	5-8	9-11	12-14	15-20
Rate 7/1/12-6/30/13	\$469	\$509	\$545	\$675	\$675

Foster Family Homes

Effective July 1, 2012, the 2.98 percent CNI increase to the FFH basic rate in effect as of July 1, 2011, applies to a kinship guardianship and a non-related legal guardianship established *on, or after* May 1, 2011, licensed or approved FFH, approved home of a relative, the approved home of a non-relative extended family member, and a Title IV-E Tribal licensed or approved home, and is reflected in Table B below:

Table B*

Age	Birth-4	5-8	9-11	12-14	15-20
Rate 7/1/12-6/30/13	\$640	\$693	\$729	\$763	\$799

*Grandfathered rates for Marin and Orange County are no longer applicable for guardianships established on or after May 1, 2011. All counties now use the standard rates set in Table B.

Supervised Independent Living Placement (SILP)

Non-minor dependents (NMDs) participating in extended foster care have the opportunity for highly independent living experiences while receiving financial support along with the safety net of a case manager to provide support and services. The NMDs are responsible for finding their own SILP units, and although the county does not find the placement, the SILP must still be approved by the county (except for dorms/university housing). The SILP placements may include, apartments, single room occupancies, renting a room, or dorms/university housing.

All NMDs in SILP placements will receive the basic foster care rate identified in Table B for the 15-20-age category and the applicable county clothing allowance. The Specialized Care Increment cannot be paid to NMDs in a SILP. Parenting NMDs can receive the infant supplement when residing in a SILP.

Dual Agency Rates

Effective July 1, 2012, the Dual Agency rates are to be increased retroactively to July 1, 2011 by 1.92 percent to reflect the FY 2011-12 CNI increase. Counties will need to adjust Dual Agency rates for FY 2011-12 retroactively in accordance with Table C below:

Table C

Age	FY 2010/11	FY 2011/12
Birth to 3 years	\$ 898	\$ 915
*3 years and older	\$2,006	\$2,045

Effective July 1, 2012, the Dual Agency rates for FY 2011-12 are to be increased by 2.98 percent to reflect the FY 2012-13 CNI increase. Counties will need to adjust Dual Agency rates for FY 2012-13 in accordance with Table D below:

Table D

Age	FY 2011/12	FY 2012/13
Birth to 3 years	\$ 915	\$ 942
*3 years and older	\$2,045	\$2,106

There is no increase to the Dual Agency Supplement to the Rate.

*Under 3 years of age if eligible per W&IC section 11464.

Foster Family Agencies (FFAs)

Effective July 1, 2012, SB 1013 increases the FFA basic rates to equal the FFH basic rates for FY 2012-13, and also provides for annual increases to the basic rate based on the CNI beginning July 1, 2013. The SB 1013 authorized an increase to the FFA basic rate only and did not change the remaining components of the FFA Treatment Program rate as outlined in MPP section 11-403. As required by regulation, a minimum of the basic rate and the child increment are to be passed on to the FFA certified home for each child, each month. The FY 2012-13 FFA rates are reflected in Tables E and F below.

Table E FFA Treatment Program Rates

Age	Birth-4	5-8	9-11	12-14	15-20
Basic Rate	\$ 640	\$ 693	\$ 729	\$ 763	\$ 799
Child Increment	\$ 189	\$ 189	\$ 189	\$ 189	\$ 189
Minimum Total to FFA Certified Home	\$ 829	\$ 882	\$ 918	\$ 952	\$ 988
Social Work	\$ 296	\$ 296	\$ 296	\$ 296	\$ 296
Administration	\$ 572	\$ 593	\$ 611	\$ 643	\$ 672
Total Rate	\$1,697	\$1,771	\$1,825	\$1,891	\$1,956

Table F FFA Non-Treatment Program Rates

Age	Birth-4	5-8	9-11	12-14	15-20
Basic Rate	\$640	\$693	\$729	\$763	\$799

As in the past, there is nothing that prohibits the FFA from passing on to the FFA-certified home more than the minimum amount identified.

FFA Programs With Frozen Rates

Information regarding FFAs with grandfathered rates above the new standard rates schedule will be provided at a future date within their individual rate letters.

Intensive Treatment Foster Care/Multidimensional Treatment Foster Care (ITFC/MTFC)

The SB 1013 authorizes an interim increase in the ITFC/MTFC rates, changes the service hours and rate levels and increases the minimum amount paid to the certified foster parent. The interim rate increase will be in effect for three fiscal years, July 1, 2012 through June 30, 2015, and will be adjusted on July 1, 2013, and again on July 1, 2014, by an amount equal to the CNI computed pursuant to W&IC section 11453.

Beginning July 1, 2012, the rates and rate levels are reflected in Table G below:

Table G

Service and Rate Level	In-Home Support Counselor Hours per month	Standard Rate	Minimum reimbursement to certified home
Level I	81-114 hours	\$5,581	\$2,100
Level II	47- 80 hours	\$4,798	\$2,100
Level III	Less than 47 hours	\$4,034	\$2,100

Children placed at Service and Rate Level III must receive behavior de-escalation and other support services on a flexible, as-needed basis from an in-home support counselor. The FFA must provide one full-time support counselor for every 20 children placed at Level III. Children may not be placed at a Rate Level I or II for more than six months unless it is determined to be in the best interest of the child by the child's county interagency review team or the county placing agency, FFA and the child's certified foster parents. Extensions may be granted in six month increments.

Group Homes

Effective July 1, 2012, the group home rates are to be increased by 2.98 percent to reflect the FY 2012-13 CNI increase. Each Rate Classification Level (RCL) has been adjusted in Table H below.

Table H

RCL	Point Ranges	Standard Rate
1	Under 60	\$2,223
2	60-89	\$2,777
3	90-119	\$3,331
4	120-149	\$3,883
5	150-179	\$4,433
6	180-209	\$4,989
7	210-239	\$5,542
8	240-269	\$6,097
9	270-299	\$6,649
10	300-329	\$7,203
11	330-359	\$7,754
12	360-389	\$8,309
13	390-419	\$8,869
14	420 & Up	\$9,419

Wraparound

Effective July 1, 2012, the wraparound rates increased by 2.98 percent to reflect the FY 2012-13 CNI increase. The new rates are reflected in Table I below.

Table I

RCL	Non-Federal Child	Federally Eligible Child
10/11	\$7,479	\$3,739
13	\$8,869	\$4,435

Out-of-State Group Homes

For California group home placements made out-of-state, the rate to be paid is the rate established by the rate-setting authority of the other state. The county cannot claim federal financial participation for any rate amount exceeding the current fiscal year's RCL 14 or exceeding the rate determined by the rate-setting authority of the state in which the facility is located. The county is responsible for determining if any non-allowable costs are included in the rate and ensuring that only allowable costs are claimed for federal Title IV-E AFDC-FC 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, reasonable travel to the child's home for visitation, and reasonable travel to the child's school of origin. For group home placements, allowable costs also include reasonable administration.

Specialized Care Increment

In accordance with W&IC section 11461(e)(4)(C)(i), the specialized care increment will not receive an automatic cost-of-living adjustment in FY 2012-13. However, a county may choose to apply a CNI to its specialized care increment during FY 2012-13. Consistent with the realignment of funding, there will be no state share of cost for a specialized care increment or any adjustment. The CDSS will issue additional instructions related to SB 1013 changes to the specialized care increment.

County Clothing Allowance

The SB 1013 amends W&IC section 11461(f) to allow counties discretionary provision of a clothing allowance separate from the basic rate based on the needs of the child. However, beginning FY 2011-12, the state no longer participates in any clothing allowance separate from the basic rate. The supplemental clothing allowance of \$100 per year has been eliminated.

Infant Supplement

The infant supplement rates are to remain at the levels approved effective January 1, 2008. If applicable, youth who are in receipt of Kinship-Guardianship Assistance Payment (Kin-GAP) Program benefits are also entitled to receive the infant supplement. Please refer to Table J below.

Table J

Infant Supplement Effective January 1, 2008		
Placement Type	Group Home	FFH/FFA
Rate	\$890	\$411

Whole Foster Family Home

A whole foster family home is a new or existing family home, approved relative caregiver or non-relative extended family member's home, the home of a non-related legal guardian whose guardianship was established by the dependency court (not probate court), certified family home that provides foster care for a minor parent and his or her child. The foster parent or guardian is specifically recruited and trained to assist the minor parent in developing the skills necessary to provide a safe, stable and permanent home for his or her child. The child of a minor parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home. Whole foster family homes must have a shared responsibility plan with the foster youth. The rate for the infant is the equivalent of the AFDC-FC basic rate based on the age of the child and an additional \$200 per child with the shared responsibility plan.

Pertinent information including rates associated with the Transitional Housing Program-Plus Foster Care (THP+FC) and Adoption Assistance Program (AAP) will be forthcoming in a separate ACL.

Continuation of AFDC-FC Benefits Beyond Age 19

The SB 1013 (Chapter 35, July 1, 2012), commonly known as the "Child Welfare Realignment budget trailer bill," has included changes to law that affect the age eligibility for extending AFDC-FC benefits. This statute adds W&IC section 10103.5 which authorizes NMDs who turn 19 years of age prior to January 1, 2013 and have been receiving AFDC-FC or CalWORKs benefits between January 1, 2012 and December 31, 2013 to continue receiving those benefits up to age 21, provided they continue to meet all other applicable eligibility requirements including the participation conditions. The W&IC section 10103.5 also applies to Non-Related Legal Guardianships (NRLG), Kin-GAP Program, and AAP payment benefits. This provision does not apply to those youth who turned 19 in 2011.

Implementation

There will be no additional paperwork or requirements necessary to continue AFDC-FC payment benefits for current NMDs who otherwise meet the eligibility criteria to continue to receive payment benefits on and after age 19. Standard processes for extending foster care benefits (as applicable) will continue. See ACLs 11-61 and 11-69 for more information.

Those NMDs who have not continuously received AFDC-FC benefits or exited foster care in 2012 due solely to attaining age 19 prior to the effective date of the statute, may have benefits resumed or re-enter foster care, if they agree to meet one of the participation conditions. These NMDs who have exited foster care but wish to re-enter will need to complete the SOC 163 (Voluntary Re-entry Agreement) and a petition must be filed under W&IC section 388(e).

See ACL 12-12 for more information on re-entry. Non-minors in NRLGs wishing to return to the care of their former guardian and resume payment benefits will also need to complete a SOC 163. This provision does not apply to non-minors who attained age 19 in 2011. Any AAP and Kin-GAP agreements for these eligible youth approaching age 19 should reflect eligibility to age 21. It is very important that AAP and Kin-GAP cases are not terminated solely due to the youth attaining age 19. See ACL 11-86 for further details on criteria for extended AAP and Kin-GAP.

Additional Information

The ACLs containing this information will be released shortly providing more details about continued payments for 19 year-olds. Questions regarding changes in the age limits for EFC, adoption or guardianship benefits can be sent to: ab12@dss.ca.gov

Inquiries

Any questions regarding the rates information in this ACL can be directed to the Foster Care Rates Bureau at (916) 651-9152.

Sincerely,

Original Document Signed By:

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Children and Family Services Division

c: CWDA