



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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GOVERNOR

June 1, 2016

ALL COUNTY LETTER (ACL) NO. 16-50

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
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: ADDITIONAL PAYMENT FOR A NONMINOR DEPENDENT (NMD)
PARENT IN A SUPERVISED INDEPENDENT LIVING PLACEMENT
(SILP) QUESTIONS AND ANSWERS

REFERENCE: [ASSEMBLY BILL \(AB\) 2668](#) (CHAPTER 770, STATUTES OF 2014);
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 11400,](#)
[AMENDING SECTIONS 11465 AND 16501.25](#) AND ADDING
SECTIONS [16501.26](#), [16501.27](#) AND [16501.28](#) OF THE WIC; [SENATE](#)
[BILL \(SB\) 500](#) (CHAPTER 630, STATUTES OF 2005); [ACL NO. 06-04,](#)
[ACL NO. 11-77, ACL NO. 14-44](#) AND [ACL NO.15-67](#)

REASON FOR THIS TRANSMITTAL

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

The purpose of this ACL is to provide counties and other interested parties with answers to frequently asked questions concerning the placement payment increase NMD parents residing in a SILP may receive as provided for in AB 2668. This ACL provides responses to some of the most common and frequent questions the California Department of Social Services (CDSS) has received to date.

AB 2668 created an opportunity for a NMD parent living in a SILP to obtain an additional \$200 payment by entering into a Parenting Support Plan (PSP) with an identified responsible adult mentor. These statutory changes enacted by AB 2668 became effective July 1, 2015. It is the intent of the legislature to address the unique challenges of young parents residing in a SILP by providing adequate support and services to preserve and strengthen the family unit.

I. ELIGIBILITY

Question #1: How is the effective date of the \$200 payment increase determined?

Answer: The effective date of the \$200 payment increase is the date that all three of the eligibility criteria are met per [WIC section 11465\(d\)\(3\)\(B\)](#).

- 1) The plan has been completed and provided to the appropriate county agency.
- 2) The plan has been approved by the appropriate county agency.
- 3) The county agency has determined that the identified responsible adult meets the requirements specified in [WIC section 16501.27](#).

A prospective NMD parent can begin the process of developing the PSP before the child is born, but must wait until the child has been born to finalize the PSP and receive the \$200 payment increase.

Question #2: Who needs to be involved in the development of the PSP?

Answer: The plan should be developed between the parenting NMD, the identified responsible adult and the social worker (SW) or probation officer (PO) per [WIC section 16501.26\(b\)](#). Other individuals identified by the NMD parent, the other parent of the child, if appropriate, and other extended family members may provide additional input in the process.

Question #3: Is there a required time frame for completing the PSP once it has been requested by the NMD? What if one or more of the interested participants identified by the parents or extended family members of the child is not available to provide input in the development of the PSP?

Answer: [WIC section 16501.26\(b\)](#) requires that the PSP shall be developed as soon as practicably possible. It further clarifies that if any of the additional interested participants are not available to provide input in the development of the PSP within the first 30 days of the NMD parent's request to enter into a plan, the NMD parent and the adult mentor may enter into a PSP for the purposes of fulfilling the requirements of the statute, subject to the approval of the plan by the county and its representative (the SW or PO). The PSP may be modified at a later date when the other participants are available.

Question #4: If both parents of a child are NMDs in SILP placements and are co-parenting (shared custody), does the housing situation of those parents (whether they live together in the same housing unit or in separate housing units) affect the eligibility of either NMD to enter into a PSP and receive the \$200 payment increase to their SILP placement payment?

Answer: No. Any NMD parent in a SILP with shared custody of a child, whether living with or separately from the other parent, is eligible to receive the additional \$200 payment increase. The NMD's status as a parent and the custody arrangement should be documented in his or her PSP.

Question #5: If the PSP is developed but the NMD parent wants to move to other After 18/Extended Foster Care (EFC) programs with their child, will they lose the \$200 payment increase?

Answer: Yes. Only NMD parents residing in a SILP are eligible for the \$200 payment increase at this time.

Question #6: When are counties required to begin implementing this law?

Answer: AB 2668 went into effect July 1, 2015 and counties were required to begin implementing it as of this date per [WIC section 16501.26\(d\)](#).

II. PSP/ADULT MENTOR

Question #7: Can the non-custodial parent serve as an adult mentor?

Answer: No. The intent of this bill was to create a PSP with a third-party responsible adult who has agreed to act as a supportive mentor to the NMD. The second parent of the child may have their own custodial duties to the child and is identified as an individual who may provide additional input into the PSP. If the second parent does not have partial custody, it is unlikely that individual could best assist the NMD in meeting the statutory goals of the PSP which is "identifying additional support and assisting the NMD parent in providing the best care plan for his or her child" per [WIC section 16501.26\(b\)\(2\)](#).

Question #8: How frequently is the PSP reviewed?

Answer: The PSP should be reviewed and updated as needed to account for the changing needs of the NMD parent's child or any changes in the employment, school or responsibilities of the NMD parent per [WIC section 16501.26\(b\)\(2\)](#).

Question #9: Is there any requirement that the adult mentor reside in proximity to the NMD?

Answer: No. There is no residency requirement provided in statute; however, it would be “best practice” in the interest of the child and NMD parent to live within a reasonable proximity to their adult mentor in order to maintain an interpersonal relationship and provide the best supportive services to the family unit.

Question #10: Is there a minimum level of support an adult mentor must provide or a minimum level of contact between the adult mentor and NMD parent required?

Answer: No. There is no minimum level of support provided for in statute; however, the level of support provided from the adult mentor to the NMD parent is to be specified in the PSP based on the individual need and circumstances of the parenting NMD per [WIC section 16501.26\(b\)](#).

Question #11: Who approves the adult mentor and the PSP? Does it have to be approved by the court?

Answer: No. The role of the county SW or PO is to determine when the identified responsible adult meets all of the criteria per [WIC section 11465\(d\)\(3\)\(B\)\(iii\)](#).

Question #12: If a NMD parent transitions from another EFC placement type to a SILP, can a mentor from their previous placement serve as the identified responsible adult in their PSP?

Answer: Yes. If the NMD parent has a current or past mentor they would like to designate in their PSP, that mentor could be approved as long as the mentor meets the eligibility criteria specified in [WIC section 16501.27](#).

Question #13: Can a NMD parent’s SW or PO serve as their adult mentor?

Answer: No. The bill was intended for the NMD parent to have an opportunity to demonstrate growth, independence and autonomy and not be directly influenced by the SW or PO in the selection of their adult mentor. Additionally, the county SW or PO is required to participate in the process of the NMD entering into a PSP per [WIC section 16501.26 \(b\)](#) and to approve the plan which would create a conflict of interest if the SW or PO were also the mentor.

Question #14: If the adult mentor selected to enter into a PSP with the NMD parent lacks mentoring skills or knowledge of how to access supportive services, can the county SW or PO deny the PSP?

Answer: Yes. The PSP is for the express purpose of identifying the array of supportive services to be offered to the NMD parent by the parenting support mentor [WIC section 16501.26\(b\)\(2\)](#). If an identified mentor is not able to provide adequate supportive services to the NMD parent, the mentor would not be able to fulfill the components of the PSP and therefore would not be an appropriate mentor.

Question #15: Can the adult mentor live with the NMD parent and child?

Answer: Yes. The intent of this bill was to create a PSP with a responsible adult who has agreed to act as a nurturing mentor to an NMD residing in a SILP. An adult mentor's role is best utilized in supporting the NMD parent's need for growth and independence, while still ensuring the safety and well-being of the parent and their child(ren). As long as the identified responsible adult mentor meets the requirements specified in [WIC section 16501.27](#), they can live with the NMD parent and their child.

Question #16: Can the parenting NMD's parent be the mentor?

Answer: No. The intent of this bill was to create a PSP with a responsible adult who has agreed to act as a nurturing mentor to an NMD residing in a SILP. Selecting a parent from whom the NMD parent was removed from and not reunified would not be an appropriate choice for a mentor.

Question #17: What if the prospective adult mentor is someone from a community based organization (CBO) that is working with the youth in the capacity of a case manager and they are live-scan/fingerprint cleared through that CBO? Would the county child welfare agency still have to require this prospective adult mentor to come in and be live-scan/ fingerprinted?

Answer: Yes. One of the eligibility requirements of a prospective adult mentor per [WIC section 16501.27\(a\)\(3\)](#) is to undergo criminal records and Child Abuse index checks upon expressing a desire to become an adult mentor. The county agency also needs to have the ability to receive subsequent arrest information which is only available to the agency that completes the Live Scan.

Question #18: Who is responsible to pay for the live-scan/fingerprinting background checks of the potential adult mentor?

Answer: [WIC section 16501.27](#) places the requirement of securing the necessary background check on the prospective mentor, meaning that the appropriate Department of Justice (DOJ) fee schedule can be applied to the mentor and is not required to be paid or reimbursed by the county or state.

Question #19: Counties currently have a DOJ account for Adoptions only. Can they use this account to live-scan scan/fingerprint the potential adult mentor or does a new account have to be created?

Answer: Counties cannot utilize accounts for Adoptions due to the level of information provided under these accounts. CDSS is currently in the process of obtaining an ORI code. More information will be released when it is available.

III. THE \$200 PAYMENT INCREASE

Question #20: How does the adult mentor help with child care? Can they be compensated from the \$200 payment increase for their support?

Answer: The \$200 payment increase is intended to provide financial support to the parenting NMD and is not intended to be used to pay the adult mentor for the support they provide. The adult mentor is a voluntary role to support the NMD parent per [WIC section 16501.26\(b\)\(2\)](#).

Question #21: How long does the NMD parent get the \$200 payment increase? Is there any way a NMD parent can lose the \$200 payment increase?

Answer: The NMD parent can receive the additional \$200 payment increase as part of their SILP placement payment for as long as they meet all of the eligibility criteria. Parenting NMDs who are residing in a SILP and have entered into an approved PSP with an eligible adult mentor and county SW or PO are eligible per [WIC section 16501.26\(b\)](#). If the child/ren is/are removed or no longer reside in the NMD parent's home, the NMD parent would no longer be eligible for the \$200 increase(s) to their SILP placement payment. Additionally, NMDs are only eligible for a SILP from age 18 up to their 21st birthday.

Question #22: Can the NMD parent receive the \$200 payment increase if they are currently receiving the infant supplement?

Answer: Yes. The NMD parent may receive the infant supplement in addition to the \$200 PSP payment increase. The additional \$200 is separate from the infant supplement and designed to incentivize the development of a mentor relationship between the identified responsible adult and the NMD parent and to otherwise help the NMD parent meet their goals per [WIC section 16501.26\(b\)\(1\)](#).

Question #23: Is the \$200 payment increase to the SILP placement payment made on a per child or per placement basis?

Answer: If an NMD parent has more than one child, there is a possibility that the care of each child could require different adult mentors and PSPs to account for their individual supports and needs. This would create a \$200 payment increase to the NMD's placement payment per child upon approval from the county SW or PO.

IV. MISCELLANEOUS

Question #24: Can the \$200 payment increase be applied retroactively for a parenting NMD effective July 1, 2015?

Answer: Yes, however the ability to make or claim retroactive expenditures applies only to the \$200 maintenance payment portion and not administrative costs associated with this program incurred by a county. Retroactive maintenance payments could only be made for months in which all criteria were met and communicated with the SW or PO per [WIC section 16501.27](#).

Question #25: There are new special project codes to track parenting dependents in the Child Welfare Services/Case Management System (CWS/CMS). What is the All County Information Notice that gives these codes?

Answer: Information on the implementation of special project codes in CWS/CMS for parenting dependents can be found in [ACIN I-60-15](#).

Question #26: Does the additional \$200 payment increase count as additional income for when the NMD parent wants to apply for CalFresh?

Answer: Yes. The additional \$200, like the rest of the SILP placement payment provided to the NMD parent, would be treated as unearned income per CalFresh [Manual of Policies and Procedures section 63-502.14](#).

Question #27: How is the first day of the payment increase determined? If the PSP was created mid-month, is the entire \$200 amount issued to NMD or is it pro-rated?

Answer: The NMD parent becomes eligible for the \$200 payment increase when all of the criteria are met per [WIC section 16501.27](#). The amount would be pro-rated based on the date the criteria were met and approved.

V. INQUIRIES

Please contact the Foster Care Support Services Bureau at (916) 651-7465 or the Foster Care Rates Bureau at (916) 651-9152 for any Policy/Program questions regarding the information in this ACL. Questions regarding the claiming information in this ACL should be directed to fiscal.systems@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

c: CWDA
CPOC