



CDSS

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

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EDMUND G. BROWN JR.
GOVERNOR

June 27, 2016

ALL COUNTY LETTER NO. 16-54

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 ADMINISTRATIVE LAW JUDGES
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: CLARIFYING INSTRUCTIONS REGARDING ELIGIBILITY FOR THE
DUAL AGENCY RATE

REFERENCE: [SENATE BILL 84, CHAPTER 177](#), STATUTES OF 2007
[ALL COUNTY LETTER NO. 13-77](#), DATED SEPTEMBER 19, 2013
[ALL COUNTY LETTER NO. 11-15](#), DATED JANUARY 31, 2011
[ALL COUNTY LETTER NO. 10-16](#), DATED JUNE 14, 2010
[ALL COUNTY LETTER NO. 08-54](#), DATED DECEMBER 1, 2008
[ALL COUNTY LETTER NO. 08-17](#), DATED MARCH 28, 2008

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 All County Letter (ACL) is to provide clarification of instructions to counties on the criteria to be used for determining eligibility for the dual agency rate established by Welfare and Institutions Code (WIC) section 11464(c)(1) and the supplement to the dual agency rate established by WIC section 11464(c)(2)(A). The Court held in *Compton v. CDSS* that neither an Individual Program Plan (IPP) nor current receipt of regional center services is required for dual agency rate eligibility. This ACL supersedes any language to the contrary in prior instructions, ACLs, All County Information Notices, forms or directives.

Children who have been determined eligible for regional center services and who are also receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC), Kinship-Guardianship Assistance Payment (Kin-GAP) benefits or Adoption Assistance Program (AAP) benefits have special needs that can require care and supervision beyond that typically provided to children in foster care. The dual agency rate and/or a supplement to the rate may be requested from the county by a dual agency child's care giver or through a referral from a regional center. In order to determine that the child is eligible for the dual agency rate, the county must have appropriate documentation evidencing that the child is a regional center consumer as described in WIC 11464(c)(1) and WIC 4512(d).

In many cases, a child will have an IPP which evidences that the child is a regional center consumer. However, neither an IPP nor actively receiving services from a regional center is an eligibility requirement to receive the dual agency rate. An eligibility letter or other documentation of eligibility for regional center services issued by a regional center is sufficient to establish eligibility for the dual agency rate. Unless otherwise stated in the document, the date of the document should be presumed to be the date of eligibility for regional center services. If the county has any question regarding the documentation presented, the county should contact the regional center that determined the child's regional center eligibility. In all cases, continued eligibility for the dual agency rate shall be presumed unless the regional center provides the county with clear evidence to the contrary.

Once dual agency rate eligibility is established, the rate payment shall continue until and/or unless the regional center determines, based on a reassessment under WIC 4643.5(b), that the child is no longer eligible for regional center services. As in all dual agency cases, eligibility for the supplement to the dual agency rate is determined through the application of objective criteria determining eligibility for and the appropriate level of a supplement to the rate based on the extraordinary care and supervision needs of the child. However, a referral from a regional center does not automatically constitute eligibility for the supplement to the rate.

For more information regarding the dual agency rate, see ACL NOS. 08-17, 08-54 and 10-16. Additional guidance regarding documentation required for the supplement to the dual agency rate is forthcoming.

Counties may be aware of AFDC-FC, Kin-GAP or AAP cases in which eligibility for the dual agency rate was denied based on the lack of an IPP or because the child was not currently receiving regional center services or had an "inactive" regional center case. This includes cases in which the county denied the dual agency rate and cases in which the county received a favorable decision at an administrative hearing. Counties should reassess known cases for eligibility consistent with this letter. Counties must also reassess cases when families so request. If after reassessment the county determines that the child is eligible for the dual agency rate, the county shall pay the dual agency rate and any applicable supplement to the dual agency rate retroactive to the date of this letter.

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Consistent with existing instructions, this letter reminds counties that at Kin-GAP and AAP reassessments, the county should assess whether the child has been determined eligible for regional center services and would therefore be determined to be eligible for the dual agency benefit.

Counties are encouraged to establish good collaborative relationships with their regional center partners and to jointly identify best practices to support the identification of children eligible for the dual agency rate and/or supplement to the rate. The Department recommends and encourages the sharing of case plan needs between the county social worker and eligibility workers to aid in identifying children potentially eligible for the dual agency rate and/or supplement to the rate.

Any questions regarding the clarification of these instructions may be directed to the Foster Care Rates Bureau, Rates Policy Unit, at (916) 651-9152.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division