

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 16, 2004

ALL COUNTY LETTER NO. 04-28

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERSSUBJECT: CLARIFICATION OF FOSTER FAMILY AGENCY PLACEMENTS WITH
RELATIVES AND NON-RELATIVE EXTENDED FAMILY MEMBERS**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 All County Letter (ACL) is in response to numerous county questions regarding the appropriate Aid to Families with Dependent Children-Foster Care (AFDC-FC) rate to pay for children placed with a relative or a Nonrelative Extended Family Member (NREFM) who is also a certified home of a Foster Family Agency (FFA).

Before addressing the specific question about appropriate rates, it is important to note that there is a legal preference for placing a child with a relative caretaker [Family Code Section 7950, and the Manual of Policy and Procedures (MPP) Section 31-410.4 and MPP Section 31-420.2].

The appropriate rate to pay for a child placed with a relative/NREFM who is also a certified home of an FFA depends on the type of placement the child needs and whether the child is federally or State AFDC-FC eligible. Examples and rates to be paid are as follows:

Federally Eligible Children Placed with Relatives/NREFM

Scenario #1: The County places the child with an FFA who places the child in one of their certified homes who happens to be a relative/NREFM of the child.

- If the child needs an FFA placement (as documented by the social worker, in the child's case plan) and the county places with an FFA who then places in a certified home which happens to be a relative/NREFM of the child, then the county can pay the FFA rate for this placement.

Scenario #2: The child is placed in the approved home of a relative/NREFM who either is already a certified home of an FFA or later becomes a certified home of an FFA.

- If the county places the child in the approved home of a relative/NREFM who is also an FFA certified home (or later becomes one), and the child's needs can be met by a relative/NREFM placement, then the county can only pay the basic rate (plus specialized care if appropriate) regardless of the relative's/NREFM's status as an FFA certified home.

It is important to note that even if the county places the child with an FFA with the expectation that the FFA will place the child with a relative/NREFM, the FFA is under no obligation to place the child with the relative/NREFM. The FFA is responsible for choosing the placement home. In addition, if the FFA initially places the child with a relative/NREFM, there is no guarantee that they will not move the child at a later date. Thus, it is again important to emphasize that if the county is aware of an approvable relative/NREFM who is willing to care for the child, they should explore this placement resource before placing the child with an FFA. The county should document in the service file the appropriateness of any placement pursuant to MPP 31-206.3.

State Only AFDC-FC Benefits

There is no State eligibility for children living with relatives in the scenarios presented above since children placed with relatives are not eligible for State only AFDC-FC benefits (MPP 45-203.21). Children living with NREFMs are eligible for State AFDC-FC benefits pursuant to MPP 45-203.412.

If you have any questions about this ACL, please contact your Foster Care Eligibility Consultant at (916) 657-1912.

Sincerely,

BRUCE WAGSTAFF
Deputy Director
Children and Family Services Division

c: CWDA
CPOC