

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



December 28, 2005

ALL COUNTY LETTER NO. 05-20

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY PROBATION OFFICERSREASON FOR THIS TRANSMITTAL

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

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC) INCOME MAINTENANCE FILE REQUIREMENTS AND CLARIFICATION REGARDING THE DATE THE CHILD ENTERED FOSTER CARE

REFERENCE: All County Letter (ACL) 01-33, Dated June 20, 2001  
All County Letter (ACL) 02-97, Dated December 27, 2002  
County Fiscal Letter (CFL) 02/03-50, Dated April 22, 2003  
County Fiscal Letter (CFL) 03/04-20, Dated October 14, 2003

In 2003, the U.S. Department of Health and Human Services (DHHS) reviewed the Title IV-E AFDC-FC Program in California. The California Department of Social Services (CDSS) is issuing this notice to clarify some issues which were identified as a result of that review and prepare counties for the next review scheduled for July 31 through August 4, 2006.

The Date the Child Entered Foster Care

During the review, CDSS received clarification from DHHS regarding the "date the child entered foster care" for Title IV-E AFDC-FC eligibility purposes. As you know, the eligibility worker (EW), or appropriate county staff, must verify that the court made a finding in the court order that the agency has made "reasonable efforts to finalize the permanency plan" that is in effect within 12 months of the "date the child entered foster care." The date the child entered foster care is defined as the earlier of the following dates: 1) the date of the first judicial finding that the child has been subjected to child abuse or neglect, or 2) sixty days from the date of removal from the home. The DHHS clarified that language in a court order such as "the allegations in the petition are sustained" meets the requirement that the child has been subjected to abuse and neglect. This court finding generally occurs at the jurisdictional or dispositional court hearing (these hearings are often combined) and, accordingly, the EW should acquire a

copy of these court orders and review them for a finding of abuse and neglect, or a related finding such as “the allegations in the petition are sustained.” In appropriate cases, this finding starts the 12 month clock for ongoing reasonable efforts findings. If no finding is made, then the clock starts sixty days from the date of removal from the home. See ACL No. 01-33 for further information on this requirement.

#### Documentation Which Should Be Included in an AFDC-FC Income Maintenance File

During the Title IV-E review it was discovered that many of the files audited did not contain complete documentation of Title IV-E eligibility. This resulted in many phone calls back and forth to the affected counties to secure additional documentation. Because the Adoptions and Safe Families Act (ASFA) Title IV-E reviews require additional information that has not been traditionally kept in an AFDC-FC income maintenance file, the following list of documentation must be kept in all AFDC-FC income maintenance files. This list also applies to State AFDC-FC cases. Consistent with the outcome of the 2003 federal review, which resulted in financial penalties to the counties associated with ineligible payments of error cases and non-error cases and the administrative costs associated with those cases, as previously stated in CFL Nos. 02/03-50 and 03/04-20, all deferrals and disallowances resulting in the loss of Title IV-E funding will be passed to the counties effective January 1, 2003. In order to prepare counties and avoid such penalties in the next Title IV-E review, CDSS has developed these requirements to ensure that county AFDC-FC income maintenance files are complete and that all necessary IV-E eligibility documentation has been secured, reviewed, and filed therein. In the case of children living with relatives, should the case be found ineligible for Title IV-E, there will be no State funds available, as Welfare and Institutions Code Section 11402.1 prohibits federal financial participation. Accordingly, as each AFDC-FC case comes up for redetermination, we recommend that counties ensure that the following items are in the file:

#### Court Related Items

- A copy of the petition and/or social worker’s detention report which documents the actual physical removal date of the child from his/her home as well as the family circumstances at the time of removal (this may include an arrest report for wards);
- A copy of the social worker’s jurisdiction and dispositional reports (these are often the same document);
- A signed copy of the detention minute order;
- A signed copy of the jurisdictional and dispositional minute orders (these are often the same hearing);

- Signed copies of all ongoing permanency planning hearing orders; and
- Completed Termination of Parental Rights order or signed relinquishments.

Please note: In many of the files reviewed, a court order would adopt the findings in the social worker or agency's report or it would adopt the findings in a separate signed stipulation. However, the case file did not contain the social worker report or the stipulation. If this is a common practice in your county, please also ensure that a copy of all referenced reports and/or stipulations are in the income maintenance file as well. This only applies if the court actually adopts the findings, not if it merely states that it has read and considered such report.

#### Eligibility Forms/Documentation

- SOC 155/155B/155C: Voluntary Placement Agreements, Mutual Agreements, Voluntary Placement Agreements/Indian Child signed by the agency, parent, child and court, as appropriate.
- FC 3: Original FC 3 for each out of home episode. During the review it was noted that some counties were completing the FC 3 for each change in placement, or each time a child returned from an ineligible facility. An FC 3 is only necessary once during each placement episode. So long as the child does not return home on a non-temporary basis, no new FC 3 is required.
- FC 3A: Original FC 3A for each out of home episode. During the review it was noted that some counties do not complete FC 3As. As of the date of this letter, the FC 3A is now a mandatory form for AFDC-FC eligibility.
- FC 2: Original FC 2 as well as all redeterminations.
- SOC 158A: All SOC 158As.
- Copy of the child's birth certificate.
- Copy of the child's social security card.
- For children soon to be 18, school verification of their ability to graduate prior to their 19<sup>th</sup> birthday (see EAS 45-201.111).
- Verification of AFDC eligibility such as IEVS printouts, CalWORKs application/CW 7s, statements, etc.

Please note, as a result of the review, CDSS will be modifying the FC 2, FC 3 and FC 3A to contain additional information. Please continue to check the department's web page for updates.

Licensing Information

- For county licensed Foster Family Homes: a copy of the license.
- For approved relatives and nonrelated extended family members: a copy of the SOC 815 for initial approvals and annual reassessments. See ACL No. 02-97 for further information regarding this requirement.
- For certified homes of a Foster Family Agency (FFA): a copy of the license for the FFA, the LIC 229 for the certified home (these are generally renewed annually and should be obtained by eligibility annually and maintained in the file).
- For State licensed Foster Family Homes and Group Homes: a copy of the license.
- For out of State facilities: a copy of the license/approval that the home meets the host State licensing standards for Title IV-E funding. As a reminder, generally Title IV-E and State AFDC-FC funds are only available to out of state group homes which have been approved by CDSS and appear on our approved facilities listing.

If you have any questions about this ACIN, please contact your county Foster Care Funding and Eligibility Consultant at (916) 651-9152.

Sincerely,

*Original Document Signed By*

MARY L. AULT  
Deputy Director  
Children and Family Services Division

c: CWDA