

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



February 6, 2007

ALL COUNTY LETTER NO. 07-09

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: IMPLEMENTATION OF ASSEMBLY BILL 1633

SUPERCEDES: PORTIONS OF ALL COUNTY LETTER NO. 89-42

This All County Letter (ACL) provides instructions to counties on the implementation requirements of Assembly Bill (AB) 1633 (Chapter 641, Statutes of 2006). AB 1633 makes several changes to the Aid to Families with Dependent Children-Foster Care (AFDC-FC) Program relating to educational requirements for 18 year old foster youth and receipt of Supplemental Security Income/State Supplemental Payment (SSI/SSP) and/or Social Security benefits by foster children. Additionally, it is intended that through understanding of SSI/SSP requirements for foster youth, counties will be able to better ensure the safety, permanency and well-being of foster children.

Current SSI/SSP or Social Security Benefits

AB 1633 requires counties to determine whether foster children are currently in receipt of SSI/SSP or Social Security benefits at the time of the initial AFDC-FC eligibility determination. If the child is eligible, the county should apply to the Social Security Administration to become the child's representative payee, if appropriate.

General Educational Development (GED) Participation

AB 1633 codifies and makes minor changes to existing departmental policy (as currently reflected in ACL No. 89-42) regarding 18 year old foster children participating in a GED program. Current California Department of Social Services (CDSS) policy requires that in order for AFDC-FC eligibility to continue beyond age 18, a youth must participate in a full time GED program and be reasonably expected to complete the program and pass the examination prior to his/her 19<sup>th</sup> birthday. AB 1633 removes the requirement that the child participate in the GED program full-time as long as they are pursuing an equivalency certificate. In addition, the bill removes the requirement that the youth be expected to pass the GED exam prior to his/her 19<sup>th</sup> birthday as long as the youth is expected to receive their GED certificate by his/her 19<sup>th</sup> birthday.

### Best Practice Guidelines and Recommendation to the Legislature

AB 1633 also requires the CDSS to convene a workgroup of interested parties to develop best practice guidelines to assist foster children in receiving all federal Social Security or SSI/SSP benefits to which they are entitled. In addition, the workgroup must provide an analysis to the Legislature on the feasibility and cost-effectiveness of reserving an amount of a foster youth's Social Security and SSI/SSP benefits prior to emancipation. This workgroup has been meeting twice a month since April and will have the best practice guidelines completed soon.

### Emancipating Youth

AB 1633 mandates that counties shall inform youth who are approaching their 18<sup>th</sup> birthday about ongoing requirements for the SSI/SSP program. The county must provide information to the youth regarding the requirement that they must reestablish a continuing disability classification as an adult to continue benefits past their 18<sup>th</sup> birthday. The county must provide the youth with information on becoming his/her own payee or designating an appropriate representative payee for SSI/SSP benefits. In addition, AB 1633 requires that the county assist youth, where appropriate, to accomplish the above. CDSS is currently discussing with the AB 1633 Workgroup the development of an appropriate informing notice for the above requirements. Until/unless such time as one is developed, counties should develop their own process to inform youth of these requirements.

### Managing Foster Youth's SSI/SSP Benefits

The county should evaluate whether to become the representative payee of any child in their custody who receives SSI. If the county is the most appropriate entity to be payee, they should apply to do so. In the capacity of representative payee, the county, in coordination with their local Social Security Administration Office, should do the following:

- Establish a no-cost, interest bearing maintenance account for each child for whom the department serves as representative payee, and do the following:
  - Credit any interest earned to the account;
  - Keep an itemized current accounting, in the manner required by federal law, of all income and expenses for each account;
  - Establish procedures for disbursing money from the account (including disbursing the net balance to the child upon release from care);
  - Use the benefits only for the following:
    - For the use and benefit of the child;
    - For purposes determined by the county to be in the child's best interest.
  
- Establish and maintain a dedicated account for each youth who receives past-due monthly benefits that exceed six times the maximum monthly benefit payable. All payments that exceed six times the maximum monthly benefit must be deposited into the dedicated account. Funds from this account cannot be used for basic maintenance costs, including reimbursing the county for any foster care maintenance payments made on behalf of the child, and must be used for the following purposes:
  - Medical treatment;
  - Education or job skills training;
  - Personal needs assistance;
  - Special equipment;
  - Housing modification;
  - Therapy or rehabilitation;
  - Other items or services deemed appropriate by the Social Security Administration.

Regulations will be developed to incorporate the above changes. In addition, an ACL will be released at a later date that will provide the Best Practice Guidelines to the counties. If you have any questions about this ACL, the AB 1633 Workgroup, or Foster Care eligibility or funding, please contact your Foster Care Eligibility Consultant at (916) 651-9152.

Sincerely,

***Original Document Signed By:***

MARY L. AULT  
Deputy Director  
Children and Family Services Division

c: CWDA