

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 323-1263



July 9, 1982

ALL-COUNTY LETTER NO. 82-67

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: EMERGENCY ASSISTANCE PROGRAM IMPLEMENTATION

REFERENCE:

On June 16, 1982, you were advised, via All-County Information Notice I-70-82, that the federal Department of Health and Human Services had approved California's Emergency Assistance (EA) state plan amendment and that the program would be implemented July 1, 1982. The purpose of this letter is to provide you with a detailed program description as well as fiscal provisions and statistical reporting instructions for immediate implementation. Emergency regulations which were filed on July 8, 1982 and a required form are also attached.

I. PROGRAM DESCRIPTION

Implementation of the EA Program is required by two sections of the Welfare and Institutions Code. Section 11250.5 mandates EA implementation to provide assistance for thirty days to certain families who do not qualify for the federal Aid to Families with Dependent Children-Unemployed (AFDC-U) program. Section 11406.5 requires EA implementation to provide benefits to children in danger of abuse, neglect or exploitation and to families of such children. The two program components provide assistance for one thirty-day period in twelve consecutive months and are described below.

A. Emergency Assistance - Unemployed Parent (EA-UP)

The EA-UP program provides assistance for thirty days to certain families who are not eligible for the federal AFDC-U program because they either have not established a connection with the labor force or because they have not been unemployed for at least thirty days. Eligibility and Assistance Standards (EAS) Section 41-440, except .43 and/or .46, is applied to determine if the applicant is eligible. If the family is eligible for AFDC-U at the end of the thirty-day period, the case will be transferred to the federal or nonfederal AFDC-U program as appropriate without a new application or eligibility determination.

B. Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC)

The EA-ANEC program funds payments and services provided to families and children for a thirty-day period when a child is being or is in immediate danger of being abused, neglected or exploited. The EA-ANEC program has three elements: Family Services (FS), Emergency Shelter Care (ESC) and Foster Care (FC).

1. Emergency Assistance - Family Services (EA-FS): This program element provides services to families to prevent the need for out-of-home placement or, if the child has been removed, to effect the child's speedy return to the home. Eligibility for EA-FS is restricted to families who are recipients of AFDC-FG/U/FC benefits on the day services are initiated. Respite care, emergency in-home caretaker, parent education and transportation services may be provided either directly by County Welfare Department (CWD) staff or by purchase of service. Social work and information and referral services may be provided only by CWD staff. The "Emergency Assistance Application/Eligibility Determination" form (SOC 349) is the application and eligibility determination document. It will be used in conjunction with other existing forms referenced on the SOC 349. A draft copy of this form, which counties should reproduce until supplies are available, is attached. You will be notified of the form's availability through the normal "Notice of Form Change" (GEN 127) process.
2. Emergency Assistance - Emergency Shelter Care (EA-ESC): This program element funds emergency shelter care for children who have been removed from their homes. Eligibility is limited to children who:
 - a. Are recipients of AFDC-FG/U/FC benefits on the day services are initiated (these children and their families are also eligible for the Family Services described above except Respite Care and Emergency In-Home Caretaker); or
 - b. Meet the general AFDC income and property requirements at the time of removal (these children are also eligible for transportation, information and referral and social work services).

The SOC 349 and other existing forms referenced on it are used to determine eligibility for EA-ESC.

3. **Emergency Assistance - Foster Care (EA-FC):** This program element funds out-of-home care from the time eligibility for EA-FC is established for the child through the end of the thirty-day EA eligibility period. The SOC 349 is used in conjunction with the existing AFDC-FC application and eligibility determination process to determine EA-FC eligibility. When the Emergency Assistance thirty-day eligibility period ends, the case shall be transferred to the AFDC-FC federal or nonfederal program as appropriate, provided those program requirements continue to be met. A new application or eligibility determination is not necessary. Please note that the 30-day eligibility period starts with the beginning date of aid of the first element of Emergency Assistance provided to the child or family, including services as described above.

II. FISCAL PROVISIONS

Effective with the July-September 1982 quarter the fiscal claiming systems will be revised to include the Emergency Assistance Program. As previously stated, the Emergency Assistance Program contains the following two components: the Unemployed Parent component and the Abused, Neglected or Exploited Children component. This is to provide you with the administrative and assistance claiming instructions, funding ratios and allocation procedures necessary for the implementation of this program.

A. Emergency Assistance - Unemployed Parent

1. Administrative Costs

a. Time Studies/Claiming:

For the EA-UP component of the program, the administrative claim will not be revised to provide for the separate identification of the associated eligibility determination costs. Instead, eligibility workers are instructed to charge all time spent determining eligibility for EA-UP to Line A, AFDC-FG/U, Intake, on the DFA 43.

b. Allocations/Funding:

Administrative costs for this program element will be funded out of your normal AFDC administration allocation and will be subject to existing sharing ratios.

2. Assistance Claiming and Funding

EA-UP payments will be reimbursed at the current AFDC sharing ratios of 50 percent Federal, 44.6 percent State (89.2 percent of the nonfederal share of the payment), 5.4 percent county (10.8 percent of the nonfederal share of the payment) in accordance with W&I Code Section 15200.

In order to assure proper claiming, aid code 31 is to be used to identify and claim expenditures made to EA-UP recipients.

EA-UP cases shall be claimed on the Emergency Assistance Summary document for a maximum period of thirty days.

Family cases in which there is at least one EA-UP eligible member are to be coded under the appropriate EA code and claimed on the EA summary document/payroll. Example: Household composed of three members eligible for AFDC-FG and one member is EA-UP eligible, claim the entire case as EA-UP.

For those cases in which AFDC eligibility exists at the termination of EA, the case will be transferred to the appropriate aid program. Often this will require issuance of prorated warrants from both the EA and AFDC programs.

B. Emergency Assistance - Abused, Neglected, or Exploited Children

1. Administrative Costs

a. Time Study Instructions

Given the short time frames for implementation, the Social Services Time Study (DFA 46) and the Eligibility Nonservice Time Study (DFA 43) for the July-September 1982 quarter were not revised to include the Emergency Assistance Program. Therefore, for time study purposes, counties are instructed to identify the Emergency Assistance Program as follows:

DFA 46 - the blank line Y will be used by writing in Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC)

DFA 43 - the blank line 0 will be used by writing in Emergency Assistance - Abused Neglected or Exploited Children (EA-ANEC)

(1) Social Services Time Study (DFA 46)

Line Y Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC)

All time spent by social service caseworkers and their first line supervisors providing and/or arranging for Emergency Assistance services to eligible families and/or children should be charged to this line. Activities include the following:

- (a) For EA-ANEC eligible children who have been removed from their home charge time spent: (1) providing or arranging for EA services including time spent assessing the need, providing or arranging for EA - Family Services to facilitate the restoration of the child with the family; (2) providing Out-of-Home Care services activities to assist with the child's early return to a permanent family setting, including time spent completing an AFDC - Foster Care application, activities necessary for the development of the foster care case plan and/or court actions, etc; and (3) the ongoing case management functions.
- (b) For EA-ANEC eligible families charge time spent by social services staff assessing the need, providing or arranging for EA-Family Services to enable a child to remain safely in the home, including time spent on the ongoing case management functions.

EA-ANEC services include:

1. Emergency In-Home Caretaker
2. Emergency Shelter Care
3. Respite Care
4. Transportation, when necessary to support specific service plan
5. Parent Education
6. Counseling
7. Information and Referral

NOTE: EA activities are limited to 30 consecutive days commencing with the beginning date of aid under the EA Program. All time spent after the 30 days is to be charged to the

appropriate services program.
Please note that the 30-day period starts with the beginning date of aid of the first component of EA provided to the family or child, including services as described above.

(2) Eligibility Nonservice Time Study DFA 43

Line 0 Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC)

Time charged to this line shall be by workers performing eligibility determinations and grant maintenance functions for all elements of the EA-ANEC Program. Activities include:

- (a) For children who have been removed from the home of a relative due to the danger of abuse, neglect or exploitation identify all time on the following:
 - i Screening, processing all EA applications, approvals and denials, including time spent processing EA-FC applications and other dispositions of request for aid including restorations.
 - ii Budget computations, authorizing actions, referrals, home visits and intercounty transfers.
 - iii Responding to social services staff requests regarding the AFDC-FG/U status eligibility of the child.
- (b) For families with children who, with the provision of EA-Family Services, may remain safely in their home include time spent on the following:
 - i Consulting with social services staff regarding the family's AFDC-FG/U eligibility status.
 - ii Processing EA applications.

NOTE: Emergency Assistance activities are limited to 30 consecutive days commencing with the beginning date of aid under the EA Program. All time spent after the 30 days is to be charged to the appropriate categorical aid program. Please note that the 30-day period starts with the beginning date of aid of the first component of EA provided to the family or child, including services as described above.

b. Social Service Direct Costs

Allowable social services which may be directly charged include; (1) emergency shelter care, (2) emergency in-home caretaker, (3) respite care, (4) transportation, and (5) parent education services. These costs, when claimed on the DFA 325.3, are to be coded EA-ANEC.

c. Allocation/Funding:

- (1) Eligibility Nonservice - Administrative costs for this program element will be funded out of your normal AFDC administrative allocation and subject to existing sharing ratios. Augmentation will be provided for costs associated with providing the general AFDC income and property tests once funding can be secured. This pertains to those service-only cases that would not have otherwise been required to meet the general AFDC income and property test.
- (2) Social Services - Administrative costs for this program element will be funded out of your normal services block grant allocation and subject to the normal 25 percent county match. Counties shall be reimbursed through the allocation at a 75 percent rate for all service expenditures identified to OCSS. All service expenditures identified to EA-ANEC will be subject to 25 percent reimbursement (state share) through the block grant allocation. Fifty percent of all charges to EA-ANEC will be subject to federal reimbursement which is open-ended and will not be reflected in the allocation. Counties which have exceeded the combined OCSS/EA-ANEC allocation will be subject to 50 percent FFP for all EA-ANEC costs in excess of the single allocation.

2. Assistance Claiming and Funding

EA-FC payments will be shared at the current AFDC-FC sharing ratios of 50 percent federal, 47.5 percent state (95 percent of the nonfederal share of the payment), and 2.5 percent county (5 percent of the nonfederal share) in accordance with W&I Code Section 15200.

Aid code 43 is to be used to identify and claim payments made on behalf of EA-FC recipients. EA-FC cases may be claimed on the Emergency Assistance Summary document for a maximum of thirty days. NOTE: Emergency Assistance activities are limited to 30 consecutive days commencing with the beginning date of aid under the EA Program. All time spent after the 30 days is to be charged to the appropriate categorical aid program. Please note that the 30-day period starts with the beginning date of aid of the first component of EA provided to the family or child, including services as described above. (For EA-FC subsequent to the 30-day limitation, use existing AFDC-FC claiming procedures.)

Further claiming instructions for administrative costs will be forwarded with instructions for the September quarter administrative claim. The summary documents and claiming instructions for assistance payments will be sent later under separate cover.

III. STATISTICAL REPORTING

For statistical reporting purposes, EA cases will be included on three existing reports. EA-UP cases will be reported on the CA 237 FG/U. EA-FC cases will be reported on the CA 237 FC. EA-ESC and EA-FS cases will be reported on the SOC 291 statistical reports. EA cases will be reported as usual but several items on each report must be footnoted as outlined below.

A. Aid to Families with Dependent Children - Cash Grant Caseload Movement and Expenditures Report (CA 237 FG/U)

A footnote identifying EA-UP cases will be required on a supplemental page to Part A, Item 4 - "Disposed of during month"; Part B, Column 2, AFDC-U Items 7(c) "Transfers from other counties", 7(d) "Other transfers in: 1) intraprogram status change from medically needy" and Item 8 - "Total cases open during month".

B. Aid to Families with Dependent Children - Foster Care Caseload Movement and Expenditure Report (CA 237 FC)

A footnote identifying EA-FC cases will be required on a supplemental page to Part B, Items 7(a) - "Applications Approved", 7(b) -

"Restorations", 7(c) "Transfers from Other Counties", 7(d) - "Intraprogram Status Change: 1) from FG or U segments; and, 2) from medically needy" and Item 8(a) - "Received AFDC Foster Care".

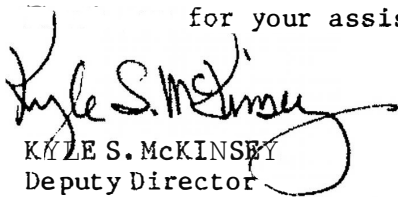
C. Child Protective Services Quarterly Report (SOC 291)

Under Section I, Part A - "Referral Movement", Item 4.a., "Disposed of during quarter - accepted," show on a supplemental page the number of EA-FS families and children who were accepted for services during the quarter.

Under Section III, Item 1 - "Total number of children removed from home this quarter", show on a supplemental page the number of children for whom emergency shelter care was funded (all or in part) by EA-ESC funds.

Questions concerning EA-UP and EA-FC program requirements should be directed to your AFDC program management consultant at (916) 445-4458 (ATSS 485-4458). Questions about EA-FS and EA-ESC program requirements should be directed to your Family and Children's Services program management consultant at (916) 445-7653 (ATSS 485-7653). Questions concerning fiscal aspects of the program should be directed to the Fiscal Policy and Procedures Bureau at (916) 445-7046 (ATSS 485-7046). Questions concerning statistical reporting should be referred to Dan Stone (916) 445-3644 (ATSS 485-3644) for the CA 237 FG/U and CA 237FC or to Kip Steely at (916) 323-2330 (ATSS 473-2330) for the SOC 291.

for your assistance in expediting implementation of this program.


 KYLE S. MCKINSEY
 Deputy Director
 Welfare Program Operations

Attachments

cc: CWDA

(Pursuant to Government Code Section 11343.1)

RECEIVED FOR FILING

JUL 6 1982

Office of Administrative Law

ENDORSED APPROVED FOR FILING

JUL 8 1982

Office of Administrative Law

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

DEPARTMENT OF SOCIAL SERVICES (Agency)

68000 (Billing Code)

Date of adoption, amendment, or repeal: July 6, 1982

By: [Signature] DIRECTOR (Title)

DO NOT WRITE IN THIS SPACE

ENDORSED FILED IN THE OFFICE OF

JUL 8 4 24 PM 1982

MARION FORD EU SECRETARY OF STATE OF CALIFORNIA

The attached regulations which are being adopted, amended or repealed are contained in Title of the California Administrative Code. Division, Part, Chapter, etc., affected by this order:

TYPE OF ORDER (Check as applicable)

- Emergency (Attach Finding of Emergency) Regular Certificate of Compliance Procedural and Organizational Certificate of Non-Compliance

CHECKLIST OF MANDATORY REQUIREMENTS

- One Certified Copy With Original Signature and Six Copies of Order or Certificate of Compliance Attached Effective Date: On Filing as Specified by Statute Regulation Summary (Form 690), Attached (1 copy) Publication Date (in Notice Register) of Notice for Attached Order or Certificate of Compliance is Authority and Reference Citation Placed Beneath Each Section in Attached Order Cost Statement Attached (Refer to SAM Section 6050) Rule-Making File (For emergency)

BUILDING STANDARDS (Check one)

- These regulations contain no building standards under Health and Safety Code Sections 18900-18915. These regulations do contain building standards under Health and Safety Code Sections 18900-18915. The attached copy contains Building Standards approval.

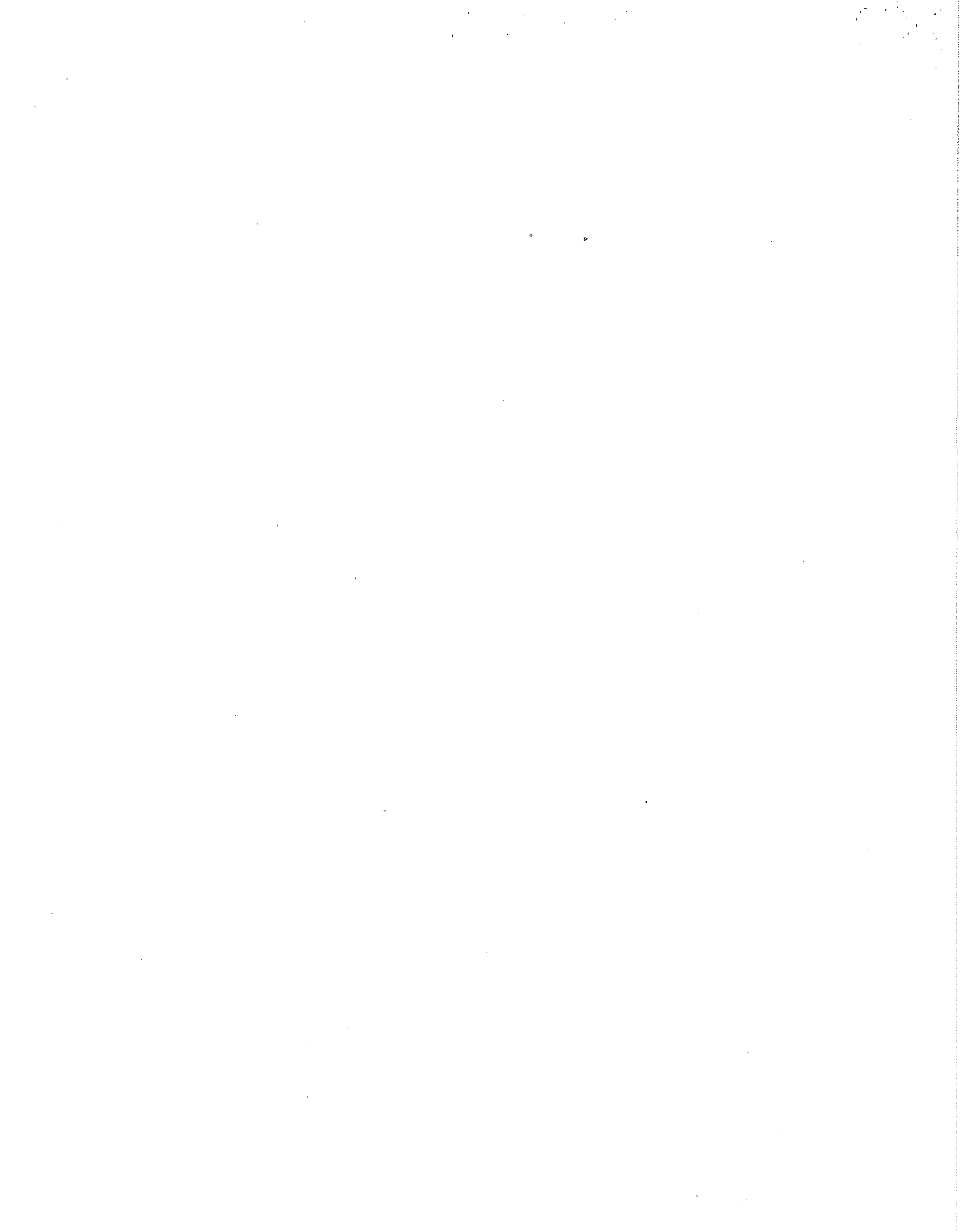
CONFLICT OF INTEREST (Check one if attached are Conflict of Interest Regulations)

The attached Conflict of Interest Regulations contain the FPPC approval stamp and:

- Are to be published in full in the Administrative Code. Are to be codified by appropriate reference in the Administrative Code, and include a statement as to where the full text may be obtained.

CAMPAIGN DISCLOSURES (Check if emergency Campaign Disclosure Regulations)

- These are emergency regulations pertaining to campaign disclosure law and were adopted by unanimous vote of all board or commission members present at the regulation adoption proceeding.



PROPOSED PUBLIC NOTICE

Chapters:

Division 10-000 Administrative Standards For Public Social Services; 10-300 Funding and Expenditures; Division 30-000 Program Standards For Social Services; 30-100 Protective Services For Children; 30-200 Out-of-Home Care Services For Children; Division 41-400 Deprivation of Parental Support or Care; 41-500 Emergency Assistance - Unemployed Parent (EA-UP) Program; Division 45-400 Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC) Program.

Informative Digest:

Existing Social Services regulations or Eligibility and Assistance Standards (EAS) regulations do not contain provisions for an Emergency Assistance Program. Welfare and Institutions Code Sections 11250.5 and 11406.5(a) require the Department to implement such a program. These proposed regulations would establish the Emergency Assistance Program enacted by the state legislature to provide financial assistance and services to certain families of unemployed parents and for children who are in immediate danger of neglect, abuse, or exploitation and to the families of such children.

The unemployed parent component would provide assistance in the form of payments to families where: a) neither parent in the home is employed full-time; b) the principal wage earner has been unemployed for less than 30 days and/or has not established a prior connection with the labor force; and c) the family has insufficient resources to meet their needs.

The abused, neglected or exploited children component would provide short-term financial assistance and social services aimed at providing immediate response in emergency situations in order to: a) maintain the child in a safe home environment; or b) provide short-term out-of-home care for children who cannot remain in their homes.

Emergency Statement:

These regulations were adopted on an emergency basis effective July 6, 1982. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11376.1(b).

SB 90 Statement: These regulations will result in no additional costs to state or local government. Therefore there are no reimbursable costs under Revenue and Taxation Code Section 2231.

CFR AND WELFARE AND INSTITUTIONS CODE SECTIONS: These regulations implement, interpret and make specific Sections 11250.5 and 11406.5 of the Welfare and Institutions Code and 45 CFR Section 233.120.

There is no pg. 3

STATEMENT OF REASONS

1) Specific purpose of regulations:

These proposed regulations implement, interpret and make specific the requirements of 45 CFR Section 233.120 and Welfare and Institutions Code Sections 11250.5 and 11406.5 which establish and set parameters for the Emergency Assistance Program.

2) The factual basis for the determination that the regulation is reasonably necessary to carry out the purpose for which it is proposed:

Existing Social Services regulations or Eligibility and Assistance Standards (EAS) regulations do not contain provisions for an Emergency Assistance Program. Welfare and Institutions Code Section 11250.5 mandates Emergency Assistance implementation to fund a portion of the nonfederal Aid to Families with Dependent Children-Unemployed Parent Program. Welfare and Institutions Code Section 11406.5(a) also requires the department to implement a program in order to prevent the need for out-of-home placement and to provide short-term out-of-home care when necessary. Emergency Assistance Program regulations are necessary because no such regulations currently exist and the provisions of the Welfare and Institutions Code which require the department to implement the Emergency Assistance Program do not provide sufficient direction or specificity to county welfare departments to allow implementation.

3) Identification of each technical, theoretical and empirical study, report, or similar document, if any, on which the agency is relying in proposing the adoption, amendment, or repeal of a regulation:

1. Welfare and Institutions Code Sections 11250.5 and 11406.5
2. 45 CFR Section 233.120
3. SB 1326 (Stats. 1982, Ch.327)

FINDING OF EMERGENCY

On June 7, 1982, the U.S. Department of Health and Human Services (HHS) approved California's State Plan proposing to implement an Emergency Assistance Program under Section 407(b)(1) of Title IV-A of the Social Security Act.

The Emergency Assistance Program was enacted by the State Legislature to provide financial assistance and services to certain families of unemployed parents and for children who are in immediate danger of neglect, abuse, or exploitation and to families of such children.

The unemployed parent component would provide assistance in the form of payments to families where: a) neither parent in the home is employed full time; b) the principal wage earner has been unemployed for less than 30 days and/or has not established a prior connection with the labor force; and c) the family has insufficient resources to meet their needs.

The abused, neglected or exploited children component would provide short-term financial assistance and social services aimed at providing immediate response in emergency situations in order to: a) maintain the child in a safe home environment; or b) provide short-term out-of-home care for children who cannot remain in their homes.

Welfare and Institutions Code Section 11406.5 reflects the sense of urgency intended by the Legislature for the immediate creation and implementation of the Emergency Assistance Program. The State Department of Social Services (SDSS) is specifically directed under the statute to implement for foster care component of the Emergency Assistance Program by July 1, 1981, if federal funds necessary for its implementation are available. In addition, the Legislature has specifically directed that these regulations be filed on an emergency basis. Section 213 of SB 1326 (Stats. 1982, Ch. 327) adds Section 11407.3 to the Welfare and Institutions Code. That section provides in part:

Regulations adopted to implement an Emergency Assistance Program or to qualify for federal funds therefore, or both, shall be adopted as emergency regulations.

HHS approval of the State Plan is a prerequisite to the receipt of federal funds and represents the final procedural step before the Department may issue regulations to implement the program. Although the proposed State Plan was initially submitted to HHS on June 19, 1981, final HHS approval was not given until June 7, 1982.

Now that matching federal funds have been secured for the Emergency Assistance Program, SDSS is required to immediately give effect to the provisions of Welfare and Institutions Code Section 11406.5. Accordingly, the Director of SDSS finds that in order to preserve the health, safety, and welfare of the public, it is necessary for the Department to enact regulations on an emergency basis to carry out the statutory mandate calling for the immediate implementation of the Emergency Assistance Program for Needy Families with Children in this state.

Adopt Section 41-440.49 to read:

.4 Conditions to be met for Federal Participation in Payment to AFDC-U Families

.49 If the applicant meets all the requirements of Section 41-440 except .43 and/or .46, the family shall be aided under the Emergency Assistance Program in accordance with the provisions and limitations of Chapter 41-500.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 11406.5; 45 CFR Section 233.120.

Adopt Chapter 41-500 to read:

41-500 EMERGENCY ASSISTANCE - UNEMPLOYED PARENT PROGRAM

41-500

.1 Purpose - To provide immediate response in the form of cash to families who are destitute due to the unemployment of the principal wage earner who is living in the home.

.2 General Policy

The Emergency Assistance-Unemployed Parent (EA-UP) Program shall be administered according to the policies and regulations of the AFDC Program except as specified in .62 below.

.3 Application

.31 Applications for EA-UP shall be in accordance with EAS Section 40-121.

.32 The county shall verify the applicant's eligibility or ineligibility for EA-UP in accordance with EAS Section 40-126.

.4 Eligibility

.41 A family shall be eligible for the EA-UP Program if all the requirements of EAS Section 41-440, except .43 and/or .46, are met, and the family is otherwise eligible for AFDC.

.5 Beginning Date of Aid

.51 The beginning date of aid for the EA-UP Program shall be consistent with EAS Section 44-317.

.6 Payments

.61 The initial EA-UP payment shall be delivered consistent with EAS Section 44-319.2.

.62 EA-UP payments shall be limited to one period of up to 30 days during any 12-month period.

.7 Program Transfer

.71 For an EA-UP recipient who has been determined to be eligible for EA-UP, a transfer of the case from EA-UP to AFDC shall be completed at the end of the EA-UP period of eligibility provided that the recipient is otherwise eligible.

Adopt Chapter 45-400 to read:

45-400 EMERGENCY ASSISTANCE - ABUSED, NEGLECTED OR
EXPLOITED CHILDREN (EA-ANEC) PROGRAM

45-400

The EA-ANEC Program shall consist of the following three elements:

Emergency Assistance - Family Services

Emergency Assistance - Emergency Shelter Care

Emergency Assistance - Foster Care

45-401 GENERAL PROVISIONS

45-401

.1 Purpose - to provide immediate response in emergency situations for a child who is being or is in immediate danger of being abused, neglected or exploited in order to:

(a) Maintain the child in a safe home environment; or

(b) Provide short-term, out-of-home care for a child who cannot remain in his/her own home.

.2 Program Definitions

Emergency Assistance - Abused, Neglected or Exploited Children means payments and/or services provided for a child and/or the child's family when the child is being or is in immediate danger of being abused, neglected or exploited.

.3 Application Process

Application and eligibility determinations shall be completed as follows:

.31 An Emergency Assistance Application/Eligibility Determination form (SOC 349) shall be completed for all EA-ANEC cases and a copy retained in the income maintenance and services case records.

.32 EA-FC cases shall also include the CA 1 and all appropriate AFDC-FC documentation required by EAS 45-200.

.4 The provisions of this chapter shall apply to all applications filed on or after July 1, 1982.

.1 General

.11 A child and/or a child's family are eligible for EA-ANEC if the specific requirements in .2, .3 or .4, below, and the following general requirements are met:

- (a) the child is being or is in immediate danger of being abused, neglected or exploited and the nature of the emergency has been documented by a CWD social worker in the service case record;
- (b) the child is living with a relative as defined in EAS 45-101.1(y) or lived with such relative within six months of application for EA-ANEC.
- (c) the need for emergency assistance did not arise because the child or the child's caretaker relative refused without good cause to accept employment or training for employment;
- (d) the child/family has not received EA within the 12 months prior to this period of EA eligibility; and
- (e) the CWD has services case management responsibility.

.2 Emergency Assistance - Family Service (EA-FS)

.21 The child and the child's family shall be eligible for the services listed in 10-330.1 if all of the following criteria are met:

- (a) the general requirements specified in .1, above; and
- (b) at the time services are initiated, the family is receiving AFDC-FG/U or the family is receiving AFDC-FC on behalf of the child in accordance with EAS 45-202.212.

.3 Emergency Assistance - Emergency Shelter Care (EA-ESC)

.31 A child shall be eligible for EA-ESC if all of the following requirements are met:

- (a) the general requirements specified in .1, above;
- (b) the child is in emergency shelter care as defined in MPP 30-002.21; and

.3 Emergency Assistance - Emergency Shelter Care (EA-ESC) (Continued).31 (Continued)

- (c) at the time of removal, the child was receiving AFDC-FG/U or the child meets the general AFDC requirements for property and income as specified in EAS 42-200 and 44-100.

.4 Emergency Assistance - Foster Care (EA-FC).41 A child shall be eligible for EA-FC if all of the following criteria are met:

- (a) the general requirements specified in .1, above; and
(b) the requirements of EAS 45-200.

.42 For a child who has been determined to be eligible for EA-FC, a program transfer of the case from EA-FC to AFDC-FC shall be completed at the end of the Emergency Assistance thirty-day eligibility period provided the child meets the requirements of EAS 45-200. A new eligibility determination shall not be required.

45-403 PAYMENTS45-403.1 EA-ANEC payments shall consist of three types as follows:

- (a) EA-FS payments for a child and/or the child's family.

For such payments, the beginning date of aid shall be the date the SOC 349 is completed.

- (b) EA-ESC payments for a child in emergency shelter care.

The beginning date of aid for EA-ESC shall be the first day of the child's placement into emergency shelter care.

- (c) EA-FC payments for a child removed from his/her home.

The beginning date of aid for EA-FC payments shall be determined in accordance with EAS 44-317 provided the child meets all the requirements in 45-200.

.2 Emergency Assistance payments shall not be made for more than one period of up to 30 days during any 12-month period for a child and/or the child's family. More than one type of EA-ANEC payment may be made during the 30-day period. EA-ANEC payments may be concurrent with EA-UP payments if eligibility for both exists.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 11406.5; 45 CFR Section 233.120.

CHAPTER 10 ADMINISTRATIVE STANDARDS FOR PUBLIC SOCIAL SERVICES

Amend Section 10-005.14 to read:

10-005 PURPOSE

- .14 All services programs defined in Divisions 10 and 30 and described in CASP, funded under Titles IV-A, IV-B and XX of the Social Security Act and provided by Primaries and their contract agencies and the contract agencies of ~~§§§~~ SDSS shall be subject to these regulations.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 11406.5.

Amend Section 10-010.9 to read:

10-010 DEFINITIONS

- .9 Respite Care means ~~the planned utilization of child care services or payment for services for children, (e.g., day care, or out-of-home placement care) which are and to provide temporary time-limited, preplanned and arranged as agreed upon by the parent or caretaker relative and the social worker and provided by persons other than their parent(s) or usual caretaker(s) as part of a service plan for specific situations where the parent or relative is ill and unable to provide proper care, requires time away from the child to fulfill obligations required by the service plan agreement, or needs relief from the stress of parental duties and responsibilities which may result in abuse and or neglect. Respite Care is limited to no more than 48 hours, excluding weekends and holidays in each episode of service. Emergency Shelter is distinguished from Out-of-Home Respite Care in that Emergency Shelter is a service in response to specific unanticipated needs. In-Home Respite Care is distinguished from Emergency In-Home Caretaker Services in that Emergency In-Home Caretakers Services are provided in response to specific unanticipated needs.~~ services or payment for services for children, (e.g., day care, or out-of-home placement care) which are and to provide temporary time-limited, preplanned and arranged as agreed upon by the parent or caretaker relative and the social worker and provided by persons other than their parent(s) or usual caretaker(s) as part of a service plan for specific situations where the parent or relative is ill and unable to provide proper care, requires time away from the child to fulfill obligations required by the service plan agreement, or needs relief from the stress of parental duties and responsibilities which may result in abuse and or neglect. Respite Care is limited to no more than 48 hours, excluding weekends and holidays in each episode of service. Emergency Shelter is distinguished from Out-of-Home Respite Care in that Emergency Shelter is a service in response to specific unanticipated needs. In-Home Respite Care is distinguished from Emergency In-Home Caretaker Services in that Emergency In-Home Caretakers Services are provided in response to specific unanticipated needs.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 16500 et seq.

Adopt Section 10-301.3 to read:

10-301 FUNDING

- .3 When the child/family is eligible for Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC) services, county welfare departments shall use Title IV-A Emergency Assistance funds in accordance with 10-330 for services delivered under provisions of 30-100 and 30-200.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Sections 11406.5 and 16500 et seq.

Amend Section 10-320.11, .12, .14, and .17 to read:

10-320 FUNDING AND EXPENDITURES - TITLE IV-B, CHILD WELFARE SERVICES

- .11 Making a protective services worker available to children in need of protection during evenings, nights and weekends to the extent that monies are not provided through EA-ANEC as specified in Section 10-330 as a first priority, or through child protective services emergency response funding as specified in Section 10-325.
- .12 To the extent that monies are not provided through EA-ANEC as specified in Section 10-330, training and providing temporary caretakers for in-home care of children in need of protection because of parents' absence or temporary incapacity.
- .14 To the extent that monies are not provided through EA-ANEC as specified in Section 10-330, training and providing personnel to teach parents homemaker and parenting skills in cases where abuse and neglect occurs or where there is clearly identified and recorded potential for neglect or abuse.
- .17 To the extent that monies are not provided through EA-ANEC as specified in Section 10-330, ~~beginning July 1, 1978,~~ to pay the cost of emergency shelter care for children in need of protection who cannot remain in their own homes. (See 30-106.22) Any facility used shall be licensed or exempt from licensure.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Sections 11406.5 and 16500 et seq.

Adopt Section 10-330.1 and .2 to read:

10-330 FUNDING AND EXPENDITURES - EMERGENCY ASSISTANCE - ABUSED, NEGLECTED OR EXPLOITED CHILDREN (EA-ANEC)

EA-ANEC are those activities aimed at providing immediate response in emergency situations where a child is being or is in immediate danger of being abused, neglected, or exploited in order to maintain the child in a safe home environment or provide short-term, out-of-home care for a child who cannot remain in his/her own home.

.1 When the child/family meets EA-ANEC eligibility criteria as set forth in EAS 45-400, county welfare departments shall use Title IV-A, Emergency Assistance funds for providing the following services:

.11 Emergency In-Home Caretaker, defined as care of a child provided in the home when the parent/relative caretaker is incapacitated, absent, or otherwise unable to provide proper care for the child.

.12 Emergency Shelter, as defined in 30-002.21.

.121 Funding for this service is restricted to the conditions and limitation set forth in 30-106.22.

.13 Information and Referral, as defined in 30-051.

.14 Parent Education/Training, defined as payment for and/or provision of parenting, personal care, child development, nutrition, home management, and consumer education provided through social work services and/or specialized formal instruction and practice in skill achievement. Parent Education/Training may utilize a broad range of training activity from formal classroom sessions to individual or group counseling and/or demonstration sessions.

.15 Respite Care, as defined in 10-101.9.

.16 Social Work Services defined as case management and counseling activities which assure the appropriate assessment of recipient need and provision of services.

.17 Transportation, as defined in 30-002.21.

.2 Funding under Emergency Assistance shall not be claimed for services for more than one period of up to 30 days during any 12-month period for a child and/or the child's family.

.3 The provisions of this chapter shall apply to all applications filed on or after July 1, 1982.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 16500 et seq.

DIVISION 30 - PROGRAM STANDARDS FOR SOCIAL SERVICES

Amend Section 30-002.4 to read:

30-002 SPECIAL DEFINITIONS

.4 Department means the State Department of ~~Health~~ Social Services.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 11406.5.

Amend Section 30-004.11 to read:

30-004 PERSONS SERVED

30-004

.1 Eligibility

.11 All persons without regard to income are eligible for Information and Referral Services (30-050), Protective Services for Children (30-100) and Protective Services for Adults (30-150). However, when these services or other services set forth in 10-330 are funded through EA-ANEC, the child and/or the child's family must meet the following criteria:

- (a) The child is being or is in immediate danger of being abused, neglected, or exploited.
- (b) The child is living with a relative as defined in EAS 45-101.1(y) or lived with such relative within six months of application for EA-ANEC.
- (c) The child's need for Emergency Assistance did not arise because the child or the child's caretaker relative refused without good cause to accept employment or training for employment.
- (d) The child or family is receiving AFDC or the child meets the requirements set forth for EA-ANEC in EAS 45-402.
- (e) The child/family has not received Emergency Assistance within the last 12 months.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 16500 et seq.

Amend Section 30-009.226 to read:

30-009 SERVICE DELIVERY STANDARDS

.226 Written application is not required for the Information and Referral service program or for the Protective Services programs. Information in the case record describing the basis for initiating the investigation and validation of a need for protective services serves as the written application. However when such services are provided to a child and/or the child's family and potentially may be funded through Emergency Assistance - Abused, Neglected or Exploited Children Program, an Emergency Assistance Application/Eligibility Determination form (SOC 349) shall be completed.

AUTHORITY: Welfare and Institutions Code sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Section 11406.5.

30-100 PROTECTIVE SERVICES FOR CHILDREN

Amend Section 30-104.1 to read:

30-104 PERSONS SERVED

.1 Eligibility

Any child is eligible for protective services without regard to income or status. Application or inquiry into income or status shall not be required. However when such services are provided to a child or a child's family and potentially may be funded through Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC) an Emergency Assistance Application/Eligibility Determination form (SOC 349) shall be completed. EA-ANEC eligibility criteria include the following:

- (a) The child is being or is in immediate danger of being abused, neglected, or exploited.
- (b) The child is living with a relative

as defined in EAS 45-101.1(y) or lived with such relative within six months of application for EA-ANEC.

- (c) The child's need for Emergency Assistance did not arise because the child or the child's caretaker relative refused without good cause to accept employment or training for employment.
- (d) The child or family is receiving AFDC or the child meets the requirements set forth for EA-ANEC in EAS 45-402.
- (e) The child/family has not received Emergency Assistance within the last 12 months.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Sections 11406.5 and 16500 et seq.

30-200 OUT-OF-HOME CARE SERVICES FOR CHILDREN

Amend Section 30-204.1 to read:

30-204 PERSONS SERVED

.1 Eligibility

- .11 A person is eligible to receive services if he/she is one of the following:
 - .111 A Status eligible
 - .112 An Income eligible
- .12 When such services are to be funded through the Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC) Program, the following eligibility criteria must be met as provided in EAS 45-400:
 - (a) The child is being or is in immediate danger of being abused, neglected, or exploited.
 - (b) The child is living with a relative as defined in EAS 45-101.1(y) or lived with such relative within six months of application for EA-ANEC.

- (c) The child's need for Emergency Assistance did not arise because the child or the child's caretaker relative refused without good cause to accept employment or training for employment.
- (d) The child or family is receiving AFDC or the child meets the requirements set forth for EA-ANEC in EAS 45-402.
- (e) The child/family has not received Emergency Assistance within the last 12 months.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Sections 11406.5 and 16500 et seq.

Amend Section 30-206.154 to read:

30-206 PURPOSES AND CONDITIONS OF PROGRAM ELEMENTS

30-206

- .154 Initiate documentation of placement to trigger Emergency Assistance - Foster Care (EA-FC) and/or AFDC-FC payments when appropriate.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Sections 11406.5 and 16500 et seq.

EMERGENCY ASSISTANCE APPLICATION/ ELIGIBILITY DETERMINATION

A.

NAME OF CHILD(REN)		FAMILY NAME	CASE NUMBER
STREET ADDRESS		APARTMENT NUMBER	CASE NAME
CITY	COUNTY	ZIP CODE	PHONE NUMBER

Application is being made for Emergency Assistance funding for services:

Signature of Caretaker Relative, Legal Guardian or Social Worker Date

B. To be completed by social worker for all potential Emergency Assistance cases:

YES NO Is the child being or in immediate danger of being abused, neglected, or exploited?
 (Response must be YES and details provided in the case record for EA funding of services.)

YES NO Is the child living with a relative or has lived with a relative within six months of application for services?
 (Response must be YES for EA funding of services.)

YES NO Is the child or child's family's need for assistance a result of refusal without good cause by the child/relative to accept employment or training for employment?
 (Response must be NO for EA funding of services.)

YES NO Has the child/family received EA funding of services within the last 12 months?
 (Response must be NO for EA funding of services.)

Signature of Social Worker Date

C. To be completed for all potential Emergency Assistance-Family Services cases:

YES NO Is the family receiving AFDC?
 (Response must be YES for EA funding of Family Services.)
 If YES, how was status verified? MediCal Card _____ CWD Records _____

Signature of Social Worker Date

D. To be completed for all potential Emergency Assistance-Emergency Shelter Care cases:

YES NO Is the child receiving AFDC?
 If YES, how was status verified? MediCal Card _____ CWD Records _____
 If NO, Social Worker shall refer to Eligibility Worker for determination of eligibility.

Signature of Social Worker Date

YES NO Does the child meet the AFDC property and income eligibility criteria?
 (Response must be YES for EA funding of Emergency Shelter Care services.)

Signature of Eligibility Worker Date

E. To be completed for all potential Emergency Assistance-Foster Care cases:

YES NO Is the child eligible for AFDC-FC?
 (Response must be YES for EA funding of Foster Care services.)

Signature of Eligibility Worker Date

F.

First day of EA eligibility: _____

Last day of EA eligibility: _____

EMERGENCY ASSISTANCE APPLICATION/ELIGIBILITY DETERMINATION INSTRUCTIONS

General:

Social Worker shall complete and sign all applicable sections. If the Social Worker has determined eligibility, he/she shall retain one copy in the services case record and forward one copy to the Eligibility Worker. If the Eligibility Worker must determine eligibility, he/she shall complete and sign all applicable sections, retain one copy in the income maintenance case record, and return one copy to the Social Worker. In Section B, C, D and E, the person signing the section shall indicate to the left of the signature line whether the child/family is eligible or ineligible.

Section A:

Caretaker Relative, legal guardian or Social Worker shall complete and sign as indicated.

Section B:

Social Worker shall answer each question. It may be necessary to obtain information concerning previous EA funding from case records and/or Eligibility Worker.

Relative means any of the following persons related to the child by virtue of birth, marriage, or adoption:

The father, mother, brother, sister, half-brother, half-sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand-, great-, or great-great-.

If answers to all questions in Section B are appropriate for EA funding, the Social Worker/Eligibility Worker shall complete Sections C, D, and/or E as appropriate to determine if the child/family is eligible for EA funding for Family Services, Emergency Shelter Care, and/or Foster Care.

Section C:

If answers to all questions in Section B are appropriate for EA funding and the response to Section C is Yes, the child/family are eligible for EA funding for the following services:

Emergency In-Home Caretaker, Information and Referral, Parent Education/Training, Respite Care, Transportation, and/or Social Work Services.

Section D:

If answers to all questions in Section B are appropriate for EA funding and the answer to the first question in Section D is Yes, the child is eligible for EA funding for Emergency Shelter Care and the child and the child's family are eligible for all Family Services listed under Section C.

If the answer to the first question in Section D is No, and the caretaker relative or legal guardian is not available, not cooperating, deceased or incapacitated, the Social Worker shall complete the property and income sections of the CA-2 or, at the county's option, those same sections on the FC-2, and forward to the Eligibility Worker. If the caretaker relative or legal guardian is available and cooperating, the Eligibility Worker shall assist the family in completing the property and income sections of the CA-2.

If the answer to the second question in Section D is Yes, the child is eligible for EA funding for the following services:

Emergency shelter care, Information and Referral, Transportation, and/or Social Work Services.

Section E:

If answers to all questions in Section B are appropriate for EA funding and the child meets AFDC-FC eligibility criteria, the child is eligible for EA-Foster Care and EA funding of the following services:

Transportation, and/or Social Work Services.

First day of EA funding eligibility: First day appropriate EA eligibility criteria are met and services provided

Last day of EA funding eligibility: 30th. day of EA eligibility