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August 21, 2008

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: **COMPILATION OF INFORMATION PERTAINING TO ROSALES COURT CASE**

The Ninth Circuit recently issued a new decision in the Rosales case, which remands the case back to the district court. Previously in the district court the plaintiffs had filed a discovery motion, which will now be reconsidered. The plaintiffs are seeking evidence as to whether the California Department of Social Services (CDSS) and the counties complied with the August 2004 order of the district court. This order, which was implemented via All County Letter (ACL) No. 04-12, required the counties to review relative cases that were not receiving federal foster care benefits to determine whether they were eligible for foster care benefits under the new, broader eligibility criteria of the Rosales case. The time period during that these reviews were to have occurred was from September 2004 through March 2005. Claims for retroactive payments for the time period prior to January 2004, were to be submitted in accordance with ACL No. 04-12 by April 30, 2005. Claims for "Rosales" payments made for periods starting with January 2004 forward were to be incorporated into the adjustment lines of the current month's assistance claims or in a supplemental county expense claim (CEC).

Pursuant to ACL No. 04-12, the counties were to keep supporting documentation for any claims submitted for audit purposes.

In order to prepare for upcoming court proceedings, CDSS is requesting the counties to provide supporting documentation as follows:

- For foster care cases open prior to December 31, 2003, documentation that indicates that counties completed the Rosales reviews as required by ACL No. 04-12, and that retroactive claims were paid, (Note that claims submitted for retroactive eligibility prior to December 31, 2003, were to be submitted on special claims forms attached to ACL No. 04-12.)
- For payments made after January 2004, documentation that indicates that counties were applying the new Rosales eligibility requirements. As indicated in ACL No. 06-19, application of Rosales eligibility criteria to new cases ceased on

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June 9, 2006. However, for cases that were previously established as eligible under Rosales, the "Rosales" payment was to continue until the case was re-reviewed in the course of the regular required six month reviews. (Note that claims for payments made after January 2004, would have been included in the counties' regular federal foster care claims.)

- Counties are also asked to provide any information, either in summary format or per case (with identifying information redacted), demonstrating that all relative cases were reviewed, and for those cases not found to be eligible, the reasons for ineligibility. Examples include: the natural parent was residing in the home of the relative; the relative could not be approved; and, the child was placed in the relative's home after the petition was filed.
- For counties that do not submit claims that indicated cases that were eligible for retroactive "Rosales" payments, please provide an explanation as to why this occurred. For example, before ACL No. 04-12 was issued in September 2004, the county may have already initiated "Rosales" payments pursuant to the Ninth Circuit decision that was issued on March 3, 2003, and so the reviews would not have resulted in any newly-discovered eligible cases.

Please note that CDSS already has the claim forms and/or the accompanying certification forms on file that were supposed to have been submitted by March 31, 2005. Therefore do not resubmit these forms. The information we are requesting is to explain and supplement the information contained in these forms.

Counties are asked to provide information identified above no later than September 5, 2008. Please respond by email with the information to: Rosales.Case@dss.ca.gov. If counties have questions or can provide information at a later date, please let us know what information you can provide and how long it will take to get this information to us, utilizing the email address above.
Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

c: CWDA