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29-400 AFDC-FOSTER CARE (FC) AGREEMENTS 29-400

- .1 AFDC-FC agreements required in EAS Section 45-202.612, 45-202.614, 45-203.512, and 45-203.515 shall be executed on a written document prescribed by the Department which specifies:
 - .11 A description of the population of children to which the agreement applies;
 - .12 A description of the types of services to be provided by and responsibilities of each agency;
 - .13 The conditions under which AFDC-FC assistance shall be paid; and
 - .14 That the probation department or licensed adoption agency will safeguard information in accordance with Welfare and Institutions Code Section 10850.
- .2 The county welfare department shall:
 - .21 Execute a new agreement with the probation department or licensed adoption agency within 90 days of notification by the Department that the content of the agreement has been revised as a result of a change in federal and/or state law; and
 - .22 Send a copy of any newly-executed agreement to the Department within 10 working days of the date of execution.

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CHAPTER 29-400 AGREEMENTS AND CONTRACTS

29-405 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT 29-405 AND PROBATION DEPARTMENT

AGREEMENT BETWEEN THE PROBATION DEPARTMENT AND THE WELFARE DEPARTMENT OF THE COUNTY OF _____, STATE OF CALIFORNIA

This AGREEMENT between the Probation Department of the County of _____, State of California, referred to as the "probation department," and the Welfare Department of the County of _____, State of California, referred to as the "welfare department," establishes and/or ratifies existing relationships and procedures between these parties effective the date of execution.

The welfare department is responsible for administering the Aid to Families with Dependent Children Program, including the determination of eligibility and the payment of aid, and for assuring that services are provided for children in foster care for whom AFDC is paid.

Part E of Title IV of the Social Security Act provides federal funds and state law (California Welfare and Institutions Code 11450) provides state funds in Aid to Families with Dependent Children payments for certain children living in family home or group homes.

Section 472 of the Social Security Act, state law (California W&I Code Section 114(a) and EAS 45-202.612 and 45-203.512) require that a written agreement be in effect between the probation department and the welfare department in order to claim federal and/or state AFDC-FC for costs of care for foster children supervised, by a probation department.

This agreement applies to a child who:

1. Meets the general AFDC-FC eligibility requirements in EAS 45-201 as well as those requirements specified in EAS 45-202 or EAS 45-203 and all requirements in Chapter 45-300 which apply; and
2. Was removed from his/her home pursuant to a court order which resulted in his/her placement in foster care and which designated the care, custody and control of the child to the probation department.

29-405 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT 29-405 AND PROBATION DEPARTMENT (Continued)

FOR EACH CHILD, THE PROBATION DEPARTMENT AGREES TO:

1. Place the child in an eligible facility specified in EAS 45-202.5 or EAS 45-203.4, and
 - a. If the child is placed in the home of a relative or guardian, document that the home is suited to the child's needs.
 - b. If the child is placed under the authority of Welfare and Institutions Code Section 362.(b) or 727.(b) into a family home which is certified pending licensure.
 - (1) Certify that the needs of the child cannot be met in any available licensed or exempt facility, including an emergency shelter care facility.
 - (2) Notify the licensing agency of the proposed placement.
 - (3) Verify that a license application is pending and has not been denied.
 - (4) Make a preplacement home visit to determine the suitability of the family home.
 - (5) Certify to the licensing agency in writing that the home meets licensing standards for family homes as defined in Title 22, Division 6 of the California Administrative Code.
 - c. If the child is placed in a licensed group home, document that such placement is necessary to meet the treatment needs of the child and that the facility offers those treatment services.
2. Provide the following services in accordance with Section 471 of the Social Security Act, Sections 11404.(b) and 11404.1 of the Welfare and Institutions Code and EAS 45-201.4:
 - a. Provide preplacement preventive services prior to placement into foster care to children placed into foster care on or after October 1, 1983 and document in the case record why provision of these services was not successful in maintaining the child with his/her family.
 - b. Develop a written assessment as defined in 45-101.1 and an initial service plan as defined in 45-101.1 no later than 30 calendar days from the date the probation department became involved with the child or the date the child was removed from his/her parents' or caretakers' home, whichever is later.

29-405 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT AND PROBATION DEPARTMENT (Continued)

- c. Ensure that periodic reviews, as defined in EAS 45-101.1, are conducted on behalf of the child in placement no less frequently than once every six months.
 - d. Ensure that permanency planning hearings, as defined in EAS 45-101.1, are conducted on behalf of the child within 18 months of the date of placement into foster care and no less frequently than once every 18 months thereafter.
 - e. Update the assessment and service plan at the time of the periodic reviews.
 - f. Provide services to return the child to his or her own home or establish an alternate permanent placement for the child if return home is not possible or is inappropriate.
 - g. Visit the child as often as appropriate, but no less frequently than once every six months.
3. Comply with the informing, offering of assistance with transportation and scheduling and documentation requirements of MPP Section 30-342.35 and 30-376.16(e) with regard to the Child Health Disability Prevention (CHDP) Program.
 4. Provide the welfare department with:
 - a. A statement on a form prescribed by the Department of Social Services which certifies that:
 - (1) The requirements in 1 and 2, above, have been met;
 - (2) The child meets the authority for placement requirement of EAS 45-202.4 or EAS 203.313.

This certification shall occur as specified in EAS 45-201.4, 45-202.52, and 45-203.42.
 - b. A copy of:
 - (1) The court order which resulted in the child's placement in foster care.
 - (2) The mutual agreement signed by an 18-year-old child as required by EAS 45-201.111(c), if applicable.

29-405 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT AND PROBATION DEPARTMENT (Continued)

- c. All information needed by the welfare department to determine the child's initial and continuing eligibility for AFDC-FC, to whom payment shall be made, and the amount of payment to be made.
 - d. Immediate notification of any events which may affect the child's eligibility for AFDC-FC. Some of these are: change in the child's income or property, a change in or termination of the child's placement or a change in the school attendance or employment of a child over the age of 16.
5. Complete and submit written and statistical reports required by the welfare department and the State Department of Social Services.

THE WELFARE DEPARTMENT AGREES TO:

- 1. Provide the probation department with information and brochures on the Child Health and Disability Prevention Program and all regulations and other information on policy changes;
- 2. Determine eligibility for Aid to Families with Dependent Children and pay aid as appropriate under applicable federal and state statutes and regulations.

The probation department understands that state and federal participation in AFDC-FC payments depends on completion of 1, 2, and 3 above, and on submission of all written reports and information required in 4 and 5, above.

Signed this ____ day of _____, 19

By:
Chief Probation Officer

By:
County Welfare Director

29-410 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT 29-410 AND LICENSED ADOPTION AGENCY

AGREEMENT BETWEEN THE LICENSED ADOPTION AGENCY AND THE WELFARE DEPARTMENT OF THE COUNTY OF _____, STATE OF CALIFORNIA

This agreement between the licensed adoption agency known as _____,

situated in the County of _____, State of California, referred to as

the "adoption agency", and the Welfare Department of _____ County, State of California, referred to as the "welfare department", established and/or ratifies existing relationships and procedures between these parties effective the date of execution.

The welfare department is responsible for administering the Aid to Families with Dependent Children Program, including the determination of eligibility and the payment of aid, and for assuring that services are provided for children in foster care for whom AFDC-FC is paid.

Part E of Title IV of the Social Security Act provides federal funds and state law (California Welfare and Institutions Code Section 11450) provides state funds in Aid to Families with Dependent Children payments for certain children living in family homes or group homes.

Section 472 of the Social Security Act and state regulations in EAS 45-202.614 and 45-203.514 require that a written agreement be in effect between the adoption agency and the welfare department in order to claim federal and/or state AFDC-FC for costs of care for foster children supervised by an adoption agency.

This agreement applies to a child who meets the general AFDC-FC eligibility requirements in EAS 45-201 as well as those requirements specified in EAS 45-202 or EAS 45-203 and all requirements in Chapter 45-300 which apply; and

1. Has been relinquished to a public or private adoption agency by one or both parents or has been declared free from the care, custody and control of one or both parents; or
2. Prior to relinquishment by one or both parents:
 - a. Has been accepted for voluntary placement by the welfare department or by a public or private adoption agency; or
 - b. Has been accepted for voluntary placement by the welfare department which has delegated placement and care to a private adoption agency.

29-410 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT 29-410 AND LICENSED ADOPTION AGENCY

FOR EACH CHILD, THE ADOPTION AGENCY AGREES TO:

1. Place the child in an eligible facility specified in EAS 45-202.5 or EAS 45-203.4, and
 - a. If the child is placed in the home of a relative, document that the home is suited to the child's needs.
 - b. If the child is placed under the authority of Welfare and Institutions Code Section 16507.5 into a family home which is certified pending licensure:
 - (1) Certify that the needs of the child cannot be met in any available licensed or exempt facility, including an emergency shelter care facility.
 - (2) Notify the licensing agency of the proposed placement.
 - (3) Verify that a license application is pending and has not been denied.
 - (4) Make a preplacement home visit to determine the suitability of the family home.
 - (5) Certify to the licensing agency in writing that the home meets licensing standards for family homes as defined in Title 22, Division 6 of the California Administrative Code.
 - c. If the child is placed in a licensed group home, document that such placement is necessary to meet the treatment needs of the child and that the facility offers those treatment services.
2. Provide the following services in accordance with Section 471 of the Social Security Act, Sections 11404. (b) and 11404.1 of the Welfare and Institutions Code and EAS 45-201.4:
 - a. If the child has not been relinquished by one of both parents, provide preplacement preventive services prior to placement into foster care to children placed into foster care on or after October 1, 1983 and document in the case record why provision of these services was not successful in maintaining the child with his or her family.
 - b. Develop a written assessment as defined in 45-101.1 and an initial service plan as defined in 45-101.1 no later than 30 calendar days from the date the adoption agency became involved with the child or the date the child was removed from his/her parents' or caretakers' home, whichever is later.

29-410 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT AND LICENSED ADOPTION AGENCY (Continued)

- c. Ensure that periodic reviews, as defined in EAS 45-101.1, are conducted on behalf of the child in placement no less frequently than once every six months.
 - d. Ensure that permanency planning hearings, as defined in EAS 45-101.1, are conducted on behalf of the child within 18 months of the date of placement into foster care and no less frequently than once every 18 months thereafter.
 - e. Update the assessment and service plan at the time of the periodic reviews.
 - f. Provide services to return the child to his or her own home or establish an alternate permanent placement for the child if return home is not possible or is inappropriate. Welfare and Institutions Code Section 300.1 provides that, "...family reunification services shall not be provided to a minor adjudged a dependent pursuant to subdivision (e) of Section 300."
 - g. Visit the child as often as appropriate, but no less frequently than once every six months.
3. Comply with the informing, offering of assistance with transportation and scheduling and documentation requirements of MPP Section 30-342.35 and 30-376.16(e) with regard to the Child Health Disability Prevention (CHDP) Program.
 4. Provide the welfare department with:
 - a. A statement on a form prescribed by the Department of Social Services which certifies that:
 - (1) The requirements in 1 and 2, above, have been met.
 - (2) The child meets the authority for placement requirement of EAS 45-203.311 for relinquishment or EAS 45...203.314 for voluntary placement.

This certification shall occur as specified in EAS 45-201.4, 45...202.52, and 45-203.42.
 - b. A copy of:
 - (1) The voluntary placement agreement, if applicable;

29-410 WRITTEN AGREEMENT BETWEEN COUNTY WELFARE DEPARTMENT AND LICENSED ADOPTION AGENCY (Continued)

- (2) The mutual agreement signed by an 18-year-old child as required by EAS 45-201.111(c), if applicable.
 - c. All information needed by the welfare department to determine the child's initial and continuing eligibility for AFDC-FC, to whom payment shall be made, and the amount of payment to be made.
 - d. Immediate notification of any events which may affect the child's eligibility for AFDC-FC. Some of these are: change in the child's income or property, a change in or termination of the child's placement or a change in the school attendance or employment of a child over the age of 16.
5. Complete and submit written and statistical reports required by the welfare department and the State Department of Social Services.

THE WELFARE DEPARTMENT AGREES TO:

- 1. Provide the adoption agency with information and brochures on the Child Health and Disability Prevention Program and all regulations and other information on policy changes;
- 2. Determine eligibility for Aid to Families with Dependent Children and pay aid as appropriate under applicable federal and state statutes and regulations.

The adoption agency understands that state and federal participation in AFDC-FC payments depends on completion of 1, 2, and 3 above, and on submission of all written reports and information required in 4 and 5, above.

Signed this ___ day of _____, 19

By:
Executive Director

By:
County Welfare Director

**INTRA- AND INTERAGENCY RELATIONS AND AGREEMENTS
INTERCOUNTY DISPUTES AS TO CARE OF INDIGENTS**

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CHAPTER 29-500 INTERCOUNTY DISPUTES AS TO CARE OF INDIGENTS

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CHAPTER 29-500 INTERCOUNTY DISPUTES AS TO CARE OF INDIGENTS

29-501 APPLICABILITY OF CHAPTER 29-501

The regulations set forth in this chapter are applicable only to those intercounty disputes concerning the care of an indigent which are referred to the SDSW pursuant to Sec. 17005 of the W&IC.

29-503 ESTABLISHMENT OF RESIDENCE 29-503

Residence is established by union of act and intent. Physical presence and an intent to reside at that place must both exist at the same time.

Evidence acceptable to indicate residence intent includes physical presence, statements of the person, purchase of property, investment in business interests, search for employment, presence of immediate family, presence when not employed, registration to vote, and community and business affiliations.

In the absence of evidence to the contrary it may be deemed that residence begins as of the date of entry into the state.

Establishment of residence of persons unable to exercise intent is not governed by this section. Such persons include prisoners, and unmarried minors.

29-505 COMPUTATION OF LENGTH OF STATE RESIDENCE 29-505

The continuity of state residence is suspended but not broken by periods of time spent in a public institution or on parole therefrom, or by absence from the state for employment or other special or temporary purpose. Such periods are not included in the computation of the three-year period the person must have "lived continuously" in the state. Time spent in the state prior to and subsequent to the period of suspension may be added together to compute the total length of state residence.

29-507 LOSS OF STATE RESIDENCE 29-507

State residence is lost only through absence from the state for a period of one year or more for some purpose other than a temporary of special purpose, such as for labor or imprisonment. State residence may be retained, if the person so desires, during an absence of more than a year if the absence is for a temporary or special purpose. If a person remains in the other state after employment or other specific or temporary purpose terminates, there is a rebuttable presumption that he starts acquiring residence in the other state at the time of such termination.

29-509 COMPUTATION OF LENGTH OF COUNTY RESIDENCE

29-509

County residence need not be determined if the person does not have the required three years state residence.

The continuity of county residence is suspended but not broken by periods of time spent in a public institution or on parole therefrom or in a private charitable institution. Such periods are not included in the computation of the required one year county residence. Time of residence in the county prior to and subsequent to the period of suspension may be added together to compute the total length of county residence.

Absence from the county for special or temporary purpose, such as employment, does not suspend acquisition of the required year period of county residence.

Where county responsibility depends on length of presence because the applicant lacks one year of continuous residence in any county during the three years prior to application, only the time of actual physical presence may be counted. Time spent in a public institution or on parole therefrom or in a private charitable institution shall not be counted as physical presence.

Time spent in a nonresponsible county by a person supported pursuant to an intercounty agreement under Sec. 17110, W&IC, shall not be counted either as time of residence or time of presence in the nonresponsible county.

29-511 LOSS OF COUNTY RESIDENCE

29-511

Absence from the county with intent to establish residence elsewhere terminates county residence.

County residence is not lost through absence for a special or temporary purpose, such as labor or imprisonment. If a person remains outside the county of residence after employment or other special or temporary purpose terminates, there is a rebuttable presumption that he starts acquiring residence in the other jurisdiction at the time of such termination.

County responsibility may continue pursuant to Sec. 17105, W&IC, even after county residence has terminated.

**29-513 EXAMPLE OF COUNTY RESPONSIBILITY IN ABSENCE OF A
YEAR'S RESIDENCE****29-513**

The "A" family applied for General Relief in county "W" on September 3, 1955, after residing there since January 3, 1955. Investigation disclosed they had lived in the following counties:

	From	To	Length
County W	1/03/55	9/03/55	8 months
County X	3/03/54	1/03/55	10 months
County Y	7/18/53	3/03/54	7 1/2 months
County Z	9/01/52	7/18/53	10 1/2 months

Since the family has resided in County "Z" for the longest period of time in three years preceding application, County "Z" is responsible for their support.

29-515 RESIDENCE OF INMATES OF PUBLIC INSTITUTIONS**29-515**

A person in a public institution or on parole therefrom maintains the residence he had prior to commitment. Exception: Minors. See Section 29-519.3.

29-517 RESIDENCE OF MARRIED PERSONS**29-517**

A husband or wife may each have a separate residence, a fact which is established by the actions and intent of each. If married persons are living separate and apart the wife may establish her own residence in the same manner as any other person.

29-519 RESIDENCE OF MINORS 29-519

.1 Married

The residence of minor married persons is determined in accordance with the rules relating to adults and is not affected by their minority.

.2 Unmarried

If the residence of an unmarried minor cannot be determined by applying the provisions of Sec. 17102, W&IC, the residence shall be determined under the provisions of Sec. 17.1(c), (d), (e) or (f), W&IC.

.3 In Institutions

The residence of a minor may be changed while he is in an institution by the person who determines the minor's residence.

29-521 RESIDENCE OF SEAMEN 29-521

The residence of a seaman as established upon adoption of his career or occupation is usually deemed to remain unchanged. He may, however, fix a residence elsewhere by union of act and intent.

A seaman shall be deemed to have residence for GR purposes if he presents papers showing substantially continuous discharge or sailings from California ports for a period of three years or more and meets the other residence requirements of the law.

When a seaman is married, his residence is usually the place where his wife and family dwell. A seaman may not start to acquire residence before he first came to the state even though his family preceded him. When a seaman has friends, property or business interests in a certain place and is in the habit of spending his time here when not at sea, this place may be regarded as his residence.

29-523 RESIDENCE OF ARMED FORCES PERSONNEL

29-523

The residence of a member of the Armed Forces generally remains that which he had prior to such service. Residence is neither gained nor lost by being temporarily stationed in line of duty at a particular place even for a period of years.

A new residence may be acquired during service if both act and intent concur. The period of acquisition should be computed from date of such concurrence.

29-525 INTERCOUNTY DISPUTE PROCEDURE

29-525

Any county involved in a dispute with another county involving responsibility for an indigent may refer the dispute to the State Department of Social Welfare by filing an appeal with the department on a form substantially similar to the form in this section. The form must be signed by the chairman of the board of supervisors.

The form must be accompanied by a statement of the evidence and the contentions of the appealing county.

Three copies of all papers must be transmitted so that the department can furnish copies to the other county.

The department shall forward copies of the appeal and supporting documents to the board of supervisors and county welfare director of the other county. Thirty days shall be allowed for an answer. Copies of any material filed by either county shall be forwarded to the other county and an opportunity given for reply. The record shall not be closed for decision until at least thirty days have elapsed without the filing of an answer, or at least fifteen days have elapsed without the filing of a reply to the answer or any subsequently filed material.

The department may base the decision on the written materials filed by the counties, or may schedule a hearing before a referee.

The decision of the director may be appealed to the SSWB within thirty days of the mailing of the director's decision to the county. The appeal must be in writing, but may be informal. The department's record upon which the director's decision was based may be supplemented by additional evidence and contentions or a hearing before the board makes its decisions.

The decision of the board shall be the final decision of the department and shall not be subject to further appeal or rehearing.

29-525 INTERCOUNTY DISPUTE PROCEDURE (Continued) 29-525

STATE DEPARTMENT OF SOCIAL WELFARE

In the Matter of)
)
) APPEAL TO THE
) STATE DEPARTMENT OF
 a person alleged to come within) SOCIAL WELFARE
 the provisions of Chapter 1,)
 Part 5, Division 9 of the Welfare)
 and Institutions Code, State of)
 California)

IT APPEARING that the responsibility (within the meaning and intent of Chapter 1, Part 5, Division 9 of the Welfare and Institutions Code, State of California), for the above-mentioned

is in dispute between the County of
and the County of _____, the Board of
Supervisors of the said County of _____, in
conformity with the provisions of Section 17005 of the above-mentioned Chapter 1, Part 5, of Division 9 of
the Welfare and Institutions Code, State of California, hereby submits said dispute to the State
Department
of Social Welfare for decision.

Attached to this appeal is the summary of facts upon which this appeal is based.

Approved this ___ day of _____, 19__.

Board of Supervisors of the County of

By
Chairman of Board of Supervisors