



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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EDMUND G. BROWN JR.  
GOVERNOR

November 3, 2017

ALL COUNTY LETTER (ACL) NO. 17-111

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL LOCAL MENTAL HEALTH DIRECTORS  
ALL COUNTY ADOPTION AGENCIES  
ALL ADOPTION DISTRICT OFFICES  
ALL GROUP HOME PROVIDERS  
ALL FOSTER FAMILY AGENCIES  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL OUT-OF-STATE GROUP HOMES

SUBJECT: DELAYED IMPLEMENTATION OF THE HOME-BASED FAMILY CARE -  
LEVEL OF CARE (LOC) RATE DETERMINATION PROTOCOL

REFERENCE: [ASSEMBLY BILL \(AB\) 403, CHAPTER 773, STATUTES OF 2015;](#)  
[AB 1997, CHAPTER 612, STATUTES OF 2016;](#) [AB 404, CHAPTER 732,](#)  
[STATUTES OF 2017;](#) WELFARE AND INSTITUTIONS CODE (WIC)  
SECTIONS [11364](#), [11387](#), [11453](#), [11460](#), [11461](#), [11462](#), [11462.01](#),  
[11462.04](#), [11462.015](#), [11462.02](#), [11463](#), [16000](#), [16121](#), [16519.5](#),  
[16519.52](#), [16519.53](#), [16519.54](#), [16519.55](#), [18358.30](#), [18987.72](#),  
ALL COUNTY LETTER ([ACL](#)) [11-51](#); [ACL 16-52](#); [ACL 16.54](#); [ACL 16-55](#);  
[ACL 16-57](#); [ACL 16-65](#); [ACL 16-79](#); [ACL 17-11](#); [ACL 17-75](#)

REASON FOR THIS TRANSMITTAL

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

The purpose of this ACL is to inform counties that the LOC Rate Determination Protocol (Protocol) will not be implemented until February 1, 2018. County agencies and the California Department of Social Services (CDSS) agreed that the additional time will allow county agencies to train their workforce and establish clear procedures regarding the appropriate use of the LOC Protocol. The LOC Protocol standardizes the expectations of Resource Families (RFs) who provide care and supervision for children and/or youth in out-of-home care. The LOC Protocol helps to facilitate a rate determination based on caregiver actions applied to support child/youth needs and activities in five Core Domains that are weighted by point values that equate to an LOC rate. An ACL providing more details about the LOC Protocol is forthcoming. The CDSS, along with the Resource Center for Family-Focused Practice at the University of California-Davis, invited County Social Service staff (including foster care eligibility staff), county probation officers, and Regional Training Academies to regional

Trainings for Trainers (T4Ts) to learn and understand how the Protocol is used to reach an LOC rate. These trainings began August 31, 2017 and concluded September 28, 2017 with a two-session T4T in the Southern Region.

### **LOC Protocol Use**

On or after February 1, 2018, the LOC Protocol will be used for initial/new and existing placements only if there is a triggering event. This applies to Resource Families (RFs), Foster Family Homes, Foster Homes certified by an FFA that are in the process of becoming RF approved homes, Relatives (including Approved Relative Caregiver) Non-Relative Extended Family Members, Non-Minor Dependents not residing in a Supervised Independent Living Placement. The LOC Protocol will not be used for Kinship-Guardianship Assistance Payment Programs, Non-Related Legal Guardian and Probate Non-Related Legal Guardian cases established prior to December 31 2016, per ACL 17-11.

The delay of the LOC Rate Determination Protocol to February 1, 2018 impacts the implementation of Phase II rates depending on if the child or youth is in an existing or initial/new placement. For all new placements that occur between December 1, 2017 and January 31, 2018, the Basic Level Rate will be paid until an LOC rate determination can be made on or after February 1, 2018. If an LOC 2-4 rate is determined, the rate will have an effective date retroactive back to the date of initial/new placement.

**No LOC rate determinations will be made prior to February 1, 2018.**

Please reference [ACL 17-11](#) which lists the triggering events and provides a general overview of the five Core Domains used in the LOC Protocol. A [LOC Overview Webinar](#) is posted on the CCR website and provides basic background and context about the LOC Protocol.

### **Intensive Treatment Foster Care (ITFC) transition to Intensive Services Foster Care (ISFC)**

Effective December 1, 2017, all ITFC and Treatment Foster Care Oregon Model (TFCO) (previously known as Multi-Dimensional Treatment Foster Care) FFA Programs will be paid the new ISFC rate as displayed in [ACL 17-75, Table H](#). Counties can continue to make new placements after December 1, 2017 at the new ISFC rate with their existing ITFC/TFCO providers. Certified foster parents and approved resource parents in an existing ITFC/TFCO Program should already be receiving the current ISFC rate of \$2,410. Counties will need to record the ISFC information on the revised County Assistance 800 (CA 800) form, Foster Care 1 (FC1) claim tab, and on the CA 237 FC form.

[AB 404, CHAPTER 732, STATUTES OF 2017](#) was signed into law by the Governor on October 12, 2017, and becomes effective on January 1, 2018. This new legislation includes the statutory requirements and framework for the ISFC Program. Providers and counties should review the legislation to determine what is being implemented for the ISFC Program. The procedures for transitioning existing ITFC/TFCO Programs to ISFC Programs are now being developed by the Department and providers will be expected to amend their existing ITFC/TFCO Program statements in accordance with those procedures. The ITFC/TFCO providers will be given time to officially transition to ISFC. FFA certified or resource families will be given time to meet additional training requirements. The Department does not want to impede the ability of counties to make new placements for children who need the supports and services ITFC/TFCO and ISFC provide. For purposes of tracking the program and the rate, ITFC/TFCO providers transitioning to ISFC will keep their existing ITFC/TFCO Program number.

Additional guidance will be forthcoming. It will also include instructions for providers that do not currently operate ITFC Programs but are interested in opening new ISFC Programs.

Please note, ISFC is not a Medi-Cal Specialty Mental Health Service and is not to be confused with Therapeutic Foster Care (TFC). However, an ISFC resource parent may become a TFC resource parent which is funded by a different funding source and can be paid in addition to the ISFC rate. The CDSS will issue further guidance about the implementation of the ISFC Program and how it pairs with TFC in the upcoming weeks. Information about TFC can be found in [ACIN-I-05-17](#).

#### Inquiries

If you have any questions regarding the information in this ACL, please send questions to [loc@dss.ca.gov](mailto:loc@dss.ca.gov) or contact the Foster Care Audits and Rates Branch, at (916) 651-9152. Claiming questions should be directed to [Fiscal.Systems@dss.ca.gov](mailto:Fiscal.Systems@dss.ca.gov).

Sincerely,

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

c: CWDA