

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 30, 2006

ALL COUNTY INFORMATION NOTICE I-19-06

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY 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: INTERIM INSTRUCTIONS FOR FEDERAL STATUTORY CHANGES TO THE ROSALES TITLE IV-E ELIGIBILITY CRITERIA

RERERENCE: All County Letter (ACLs) Nos. 03-43, and 04-12, and County Fiscal Letter (CFL) No. 04/05-38

The purpose of this letter is to alert you to changes to the foster care program made by the Deficit Reduction Act of 2005 signed into law by the President on February 8, 2006. This act amends the federal Title IV-E statute to alter the foster care eligibility criteria previously established in Rosales v. Thompson. Rosales v. Thompson created eligibility for benefits for certain foster children who were living with relatives during any part of the six month period prior to their removal; eligibility could be based on that relative's home rather than only upon the home of the parent or relative from whom removed (home of removal). (See ACL 04-12.)

Current regulation, Manual of Policies and Procedures (MPP) Section 45-202.331, requires counties to first attempt to base eligibility on the home of removal. For relatives not found eligible under this provision, MPP 45-202.332 permitted the county to determine eligibility based on the Rosales criteria. Application of MPP 45-202.332 will change due to the passage of the Deficit Reduction Act, which states an effective date of October 1, 2005.

The California Department of Social Services is currently seeking federal Department of Health and Human Services (DHHS) and court clarification before issuing detailed instructions on the implementation of this change.

However, effective immediately, counties must cease basing new eligibility decisions for foster care upon MPP 45-202.332 (the Rosales criteria); eligibility must be based on the home of the parent from whom the child was removed, as set forth in MPP 45-202.331. In addition, any cases previously determined eligible for foster care benefits using Rosales criteria on or after February 8, 2006, should be evaluated for eligibility for California Work Opportunity and Responsibility to Kids (CalWORKs), the Kinship Guardianship Assistance Payment (KinGAP) program, or other applicable programs as soon as possible.

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In addition, counties must immediately "track" all Rosales cases, for which federal foster care benefits were paid starting on October 1, 2005, and thereafter until clarification is received from the court and DHHS.

Additional information and new claiming instructions will be provided to counties once clarification is received. If you have any questions regarding this ACL, please contact your Foster Care Eligibility Consultant at (916) 651-9152.

Sincerely,

MARY L. AULT
Deputy Director
Children and Family Services Division

cc: CWDA
CPOC