

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 1, 1990

ALL COUNTY INFORMATION NOTICE NO. I-40-90

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: INTRAPROGRAM STATUS CHANGE, INTERCOUNTY TRANSFERS AND
COUNTY OF RESPONSIBILITY

The purpose of this letter is to provide County Welfare Departments (CWDs) with the State Department of Social Services (SDSS) policy statement regarding Intraprogram Status Changes (IPSC), Intercounty Transfers (ICT) and County of payment responsibilities for dependent placed children, relinquished children, and children placed voluntarily in foster care.

A child who is placed in foster care may be eligible to receive cash assistance under one of the Aid To Families With Dependent Children (AFDC) programs. Those programs are: (1) Family Group (FG), (2) Unemployed Parent (U) and (3) Foster Care (FC). There are other programs under which the child may be eligible, however, this letter will deal only with children who have been placed in foster care who are eligible for or receiving aid under one of the above AFDC programs.

COUNTY OF RESPONSIBILITY

Once California residency has been determined pursuant to Eligibility and Assistance Standards (EAS) 42-400, it is necessary to determine the County in which the child lives to establish the County of responsibility for the aid payment. Regulations identifying the County of responsibility are contained in EAS 40-125.

Pursuant to EAS 40-125.8, the County with legal custody of a child either by court order, relinquishment, or by voluntary placement agreement is responsible for the AFDC-FC payment regardless of where the child is physically placed (i.e., in State or out-of-State). In contrast, the County of payment responsibility for a child receiving AFDC-FG/U who resides with a parent or caretaker relative (including a related legal guardian) is the County in which the child is physically residing (EAS 40-125.3). A court order making a child a dependent does not affect the determination of County of payment responsibility for a child receiving AFDC-FG/U who resides in the State. To determine the County of payment responsibility for a child placed out-of-state who is eligible for or receiving AFDC-FG/U, please refer to All County Information Notice No. I-74-89.

The County of payment responsibility for a child receiving State AFDC-FC whose authority for placement (EAS 45-203.312) is non-related legal guardianship (NRLG), is the County in which the child is residing with the NRLG. (NOTE: In this specific situation the child is not a dependent or ward of the court.) If the NRLG moves to another State, eligibility for State AFDC-FC ceases.

The manner in which a County begins its payment responsibility will depend upon the child's circumstances at the time of placement in foster care or when a change in AFDC programs is necessary.

For example, a child was physically residing in County A and not receiving any assistance. The child was subsequently made a dependent of County B and placed into foster care with a relative in County A. An application for AFDC-FC is made in County B.

If County B determines that the child is eligible for Federal AFDC-FC, they will process the application and apply EAS 44-317.1 to determine the beginning date of aid.

If County B determines that the child is not eligible for Federal AFDC-FC, they shall forward the application to County A (EAS 40-119) who will make the AFDC-FG/U eligibility determination (EAS 40-125.1) using EAS 44-317.1 to determine the beginning date of aid. (NOTE: A new application is not required in this circumstance. The original application date is to be used.)

If the child is receiving AFDC cash assistance in County A, the following IPSC conditions will apply.

INTRAPROGRAM STATUS CHANGE (IPSC)

Pursuant to EAS 40-183, a County making an AFDC assistance payment shall process an IPSC to another AFDC program, when appropriate, using the requirements of EAS 44-317.6 to determine the effective date of the program transfer. Therefore, if a child becomes ineligible for the type of AFDC cash assistance s/he is receiving but appears eligible under another AFDC cash program, the request for aid under that program is to be recorded and any required additional investigation completed promptly so there will be no interruption in aid payments (EAS 40-109.3).

For example, a child was receiving Federal AFDC-U in March. During that month the child was removed from the parents, made a dependent of the County and placed in foster care. A request for AFDC-FC is made by the CWD. If the subsequent investigation supports eligibility for AFDC-FC, the CWD shall process an IPSC to the appropriate AFDC-FC program using EAS 44-317.622 to determine the date of the program transfer.

The same process is to be applied for a child receiving an AFDC aid payment if the child appears eligible for one of the other AFDC cash programs.

For example, a child is receiving AFDC-FG assistance with a non-needy relative (NNR). The child is also a dependent of that County. The NNR requests an evaluation be made for AFDC-FC. If the subsequent investigation supports eligibility for the Federal AFDC-FC program, the CWD shall process an IPSC using EAS 44-317.623 to determine the date of the program transfer.

The fact that a child may be under the jurisdiction of another County does not alter the IPSC process.

In the previous two examples, the County with dependency (County A) has been the same County making the AFDC-FG/U payment. If the child were a dependent of County B, the same process would apply. County A would be responsible for making the IPSC to the appropriate AFDC-FC program. County B shall assist County A in making the AFDC-FC determination by providing all pertinent documents such as the SOC 158A (Foster Child's Data Record and AFDC-FC Certification), FC-2 (Statement of Facts Supporting Eligibility for AFDC-Foster Care), court orders and any other documentation as needed to support case eligibility or ineligibility per EAS 40-125.4. If eligibility for AFDC-FC exists, County A will initiate an ICT to County B as described in the following section.

INTERCOUNTY TRANSFERS (ICT)

Pursuant to EAS 40-189.12, a child in AFDC is generally considered to make his/her home in the County in which s/he is physically present. One exception to that rule is a child receiving AFDC-FC living in a family or group home as a result of a placement by an agency of another County as provided in EAS 40-125.8. That child is considered to make his/her home in the County where the placement agency is located pursuant to EAS 40-189.122.

Pursuant to EAS 40-189.2, Counties are to initiate an ICT under EAS 40-187 when confirmation is received that a recipient (child) has moved to another County to make his/her home.

In the last example, County A would initiate an ICT to County B using form ABCDM 215 (EAS 40-187.16). At the end of the transfer period as defined in EAS 40-187.14, County B will assume payment responsibility for the AFDC-FC payment.

CASE EXAMPLES

The following examples have been developed to assist the CWDs with the processes discussed in this letter.

EXAMPLE NO. 1

A child who is a dependent of County A is placed with relatives in County B. The child is not Federally eligible for AFDC-FC purposes. Which County is responsible for the AFDC-FG/U payment?

RESPONSE:

County B. Pursuant to EAS 40-125.3, the County of responsibility is the County in which the child lives. How County B assumes the payment responsibility will depend upon the child's circumstances at the time of placement with the relative as illustrated by the following:

If the child was not receiving any type of AFDC assistance in County A at the time of placement with the relative, the application for AFDC-FG/U shall be made in County B. If County A takes the application for County B, the application is to be forwarded to County B pursuant to EAS 40-119 for processing.

If the child was receiving assistance in County A as described in EAS 40-183 (State AFDC-FC) at the time of placement with the relative, County A is responsible for initiating an IPSC to AFDC-FG followed by an ICT to County B pursuant to EAS 40-187 and 40-189.24. County A would be responsible for the AFDC-FG/U payment until the expiration of the transfer period (EAS 40-187.14). If the child was receiving AFDC-FG/U in County A at time of placement with the relative, an ICT to County B would be appropriate.

EXAMPLE NO. 2

A child who is a dependent of County A is placed with a relative in County B. The child is not Federally eligible for AFDC-FC purposes. County B is paying AFDC-FG/U. The placement terminates and the child goes into a State AFDC-FC eligible group home in County B. Which County is responsible for initiating the AFDC-FC payment?

RESPONSE:

County B. Pursuant to EAS 40-183, an IPSC shall be initiated to State AFDC-FC by County B followed by an ICT to County A (EAS 40-125.8 and 40-189.122). County A shall assist County B in making the AFDC-FC determination (EAS 40-125.4) by providing all pertinent documents mentioned earlier in this letter to support the AFDC-FC determination.

EXAMPLE NO. 3

A child who is in receipt of AFDC-FG/U in the home of his parent(s) in County A is taken into protective custody in County B and made a dependent of County B. Which County is responsible for initiating the AFDC-FC payment?

RESPONSE:

County A. As discussed in the response for example No. 2, an IPSC to AFDC-FC shall be initiated by County A with assistance from County B, followed by an ICT to County B.

EXAMPLE NO. 4

A dependent child is receiving AFDC-FC from County A. County A files an order to transfer jurisdiction to County B. What date is used to initiate the ICT process when jurisdiction is transferred?

RESPONSE:

Pursuant to EAS 40-125.841, County B accepts responsibility for the child when it receives and files the order from the court in County A to transfer jurisdiction to the court in County B.

If County B refuses to accept jurisdiction of the child at a subsequent hearing and refers the matter back to County A, one of two actions shall be taken; (1) If the ICT transfer period has expired and County B has assumed the AFDC-FC payment responsibility, County B shall initiate an ICT to County A; or (2) If the ICT transfer period has not yet expired, County B shall notify County A that it is refusing the transfer using the ABCDM 215. County A shall continue the AFDC-FC payment as jurisdiction of the child remains with County A.

EXAMPLE NO. 5

A child who was living in County A is taken into protective custody in County B and made a dependent of County B. The child was discontinued from a AFDC-FG/U case in the month prior to the placement into protective custody. The child is determined eligible for AFDC-FC. Must County A process an IPSC to AFDC-FC and a ICT to County B?

RESPONSE:

No. Since the child was not in receipt of a categorical aid payment in the month of placement into protective custody, the IPSC and ICT regulations do not apply.

If you have any further questions concerning this issue, please contact your Foster Care Program Consultant at (916) 445-0813.



ROBERT A. HOREL
Deputy Director
Welfare Program Division