



CDSS

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ARNOLD SCHWARZENEGGER
GOVERNOR

September 30, 2009

ALL COUNTY LETTER (ACL) NO. 09-45

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

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC), KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT PROGRAM AND ADOPTION ASSISTANCE PROGRAM

REFERENCE: Assembly Bill X4 4, (Chapter 4, Statutes of 2009)
Senate Bill 84, (Chapter 177, Statutes of 2007)
Welfare and Institutions Code sections 11461(c)(6),
11461(d)(1)(C), 11461(d)(2)(A), 11461(d)(2)(B),
11461(e)(4)(A), 11461(f)(3)(A)–(C), 11461(f)(4),
11461(f)(5), 11462(f)(1), 11462(f)(2)(A), 11462(g)(4),
11465(a), 11465(c)(4), and 16121.01
Manual of Policies and Procedures, section 11-420.1(.11)

The purpose of this ACL is to provide information on the impact of the 2009/10 Budget Act, Assembly Bill (AB) X4 4, (Chapter 4, Statutes of 2009), (hereafter referred to as AB 4). Provisions of AB 4, signed by the Governor on July 28, 2009, statutorily requires for certain rates paid in the Foster Care Program be decreased effective October 1, 2009. The state-approved foster care rates for out-of-home placements and Aid to Families with Dependent Children-Foster Care (AFDC-FC) are provided on the following pages.

REASON FOR THIS
TRANSMITTAL

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

FOSTER FAMILY HOMES (FFHs)

Pursuant to AB 4, the AFDC-FC standardized basic rates for FFHs, including small family homes, are to remain at the same level as approved as of January 1, 2008. The chart below provides the Schedule of Basic Rates that remains in effect for State Fiscal Year (SFY) 2009/10:

FAMILY HOMES Schedule of Basic Rates – Effective January 1, 2008					
AGE	0-4	5-8	9-11	12-14	15-19
Basic Rate	\$446	\$485	\$519	\$573	\$627

In accordance with AB 4, the counties that have FFH basic rates, that are higher than the standardized Family Homes Schedule of Basic Rates will remain at the rate level effective January 1, 2008. The following chart reflects rates for FFHs and small family homes in Los Angeles, Marin, Orange, and Santa Clara Counties for SFY 2009/10:

FAMILY HOMES Schedule of Basic Rates – Effective January 1, 2008					
AGE	0-4	5-8	9-11	12-14	15-19
Los Angeles County	\$446	\$485	\$525	\$573	\$627
Orange County	\$446	\$485	\$519	\$659	\$659
Santa Clara County	\$446	\$485	\$525	\$573	\$627
AGE	0-4	5-6	7-12	13-19	
Marin County	\$457	\$485	\$558	\$635	

Except as specifically noted in this ACL, any county choosing to pay a rate higher than the state-approved basic rates indicated above will pay any excess dollar amount using county-only funds.

KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS PROGRAM (Kin-GAP)

Section 11364 of the Welfare & Institutions Code (W&IC) provides for Kin-GAP Program rates paid on behalf of eligible children to be paid at an amount equal to 100 percent of the basic rate paid to a licensed or approved FFH. Please refer to the charts on page two of this ACL reflecting the standardized basic family homes rates effective for SFY 2009/10 and to the Family Homes Schedule of Basic Rates effective for SFY 2009/10, for the four counties paying higher rates than the standardized rates.

The Program permits Specialized Care Increment (SCI) payments as part of the Kin-GAP payment if the child was receiving AFDC-FC SCI payments in the month prior to when the Kin-GAP benefits began.

Effective July 1, 2009, pursuant to AB 4, if a child, while in foster care, received a dual agency rate immediately prior to his or her enrollment in the Kin-GAP Program, the Kin-GAP rate will be the amount of the dual agency rate.

If a child, while in foster care, is receiving services under the California Early Start Intervention Services Act, and is receiving AFDC-FC benefits immediately prior to his or her enrollment in the Kin-GAP Program, the child will be considered and assessed for the dual agency rate. If the child becomes a regional center client, the Kin-GAP rate will be the amount of the dual agency rate.

NOTE: The Department of Developmental Services (DDS) is revising the criteria for eligibility of services under the California Early Start Intervention Services Act. Counties should advise foster caregivers caring for children receiving Early Start Intervention Services that this criteria may change effective October 1, 2009. The CDSS will disseminate clarifying information when it becomes available.

FOSTER FAMILY AGENCIES (FFA)

Pursuant to AB 4, the FFA treatment rates have been reduced by ten percent effective October 1, 2009. The Manual of Policies and Procedures (MPP), division 11-403 delineates the FFA treatment program rates by age and requires that the certified foster family home be paid a minimum of the total of the base rate and the child increment. The base rate and child increment to be paid to the certified parent(s) is reflected in the schedule on the following page; nothing precludes the FFA from providing a payment to the certified parents in excess of the basic rate and the child increment reflected in the chart. The schedule on the following page provides the basic rates and components for FFAs providing treatment programs.

Schedule of FFA Treatment Rates Effective October 1, 2009					
AGE	0-4	5-8	9-11	12-14	15-19
Basic Rate	\$373	\$405	\$431	\$480	\$522
Child Increment	\$189	\$189	\$189	\$189	\$189
Social Work	\$296	\$296	\$296	\$296	\$296
Administration	\$572	\$593	\$611	\$643	\$672
Total Rate	\$1,430	\$1,483	\$1,527	\$1,608	\$1,679

The FFA Non-Treatment Rates are to be reduced by ten percent as indicated in the schedule below.

Schedule of FFA Non-Treatment Rates Effective October 1, 2009					
AGE	0-4	5-8	9-11	12-14	15-19
Basic Rate	\$ 373	\$ 405	\$ 431	\$ 480	\$ 522

Please Note: The counties are not required to send a Notice of Action (NOA) for the rate reductions that apply to FFAs, Intensive Treatment Foster Care Programs or group homes unless the reason for an individual request is an incorrect grant computation. Questions about a hearing request related to the statutory ten percent reduction, which also involves an incorrect grant computation for which a NOA should be issued, should be directed to county counsel.

INTENSIVE TREATMENT FOSTER CARE PROGRAMS

Provisions of AB 4 decrease the Intensive Treatment Foster Care Program rates by ten percent effective October 1, 2009; the following chart reflects the new rates for Intensive Treatment Foster Care Programs. Pursuant to W&IC section 18358.30, the FFA is required to pay an amount not less than \$1,200 per child per month to the certified foster parent(s).

Schedule of Service and Rate Levels for FFA Intensive Treatment Foster Care Programs					
Service Level	A	B	C	D	E
Rate	\$4,028	\$3,695	\$3,349	\$3,023	\$2,687

SPECIALIZED CARE INCREMENTS

In accordance with AB 4, the SCI will remain at the same levels effective January 1, 2008.

ADOPTION ASSISTANCE PROGRAM (AAP)

The AAP payment may not exceed the maximum state-approved foster care facility rate. AAP payments for out of home placements may not exceed 18 months per episode. (Welfare and Institutions Code section 16121[b]). Out of home placements for adopted children beginning on or after October 1, 2009, must reflect the 10 percent reduction in the state-approved foster care facility rate. Accordingly, an amended AAP agreement and AAP2, as well as a NOA, must be executed with families to reflect the change in benefit amount.

DUAL AGENCY RATES

Effective July 1, 2007, pursuant to Senate Bill (SB) 84, (Chapter 177, Statutes of 2007), dual agency rates were established for children residing in non-vendorized family homes who are served by both the California Regional Centers and California Child Welfare and Probation Agencies. These children are children receiving AFDC-FC or AAP benefits. SB 84 provides for a rate of \$2,006 for the care and supervision of dual agency children three years of age and older and a rate of \$898 for the care and supervision of children under the age of three years of age who receive services under the California Early Start Intervention Services Act, but are not determined to have a developmental disability as defined in the Lanterman Developmental Disabilities Services Act. SB 84 also established a supplement to the rate not to exceed \$1,000 for children three years of age and older with extraordinary care and supervision needs.

For foster care providers receiving an AFDC-FC rate for a dual agency child where the rate was set prior to July 1, 2007, and that rate is higher than the \$2,006 rate, (and the supplement to the rate, if applicable), the higher rate will remain in effect until a change in placement warrants a redetermination of the rate or the child is no longer AFDC-FC eligible. Please refer to ACLs No. 08-17 and No. 08-54 for more information regarding dual agency rates.

Pursuant to AB 4, effective July 1, 2009, if a child, while in foster care, received a dual agency rate immediately prior to his or her enrollment in the Kin-GAP Program, the Kin-GAP rate will be the amount of the dual agency rate.

Effective July 1, 2009, if a child, while in foster care, is receiving services under the California Early Start Intervention Services Act, and is receiving AFDC-FC benefits immediately prior to his or her enrollment in the Kin-GAP Program, the child will be

considered and assessed for the dual agency rate. If the child becomes a regional center client, the Kin-GAP rate will be the amount of the dual agency rate.

Effective October 1, 2009, due to changes to the eligibility criteria, some AFDC-FC children may no longer be eligible to receive services under the Early Start Intervention Program. Counties may pay the basic rate plus the SCI (if applicable) to foster children under the age of three entering the system, who may have otherwise been determined to be eligible for the Early Start Intervention Program rate of \$898. Counties should not make any changes to the rate unless otherwise notified by the child's Regional Center of a change in eligibility for the child. CDSS will provide additional information when it becomes available.

CLOTHING ALLOWANCE

Pursuant to AB 4, county clothing allowances will not be reduced and they will remain at the same levels approved for January 1, 2008. Children in receipt of the dual agency rate are not eligible for county clothing allowances, but are eligible for the \$100 state clothing allowance.

EXTENSION OF STATE SUPPLEMENTAL CLOTHING ALLOWANCE

The 2001-02 Budget Act originally appropriated funds to provide a \$100 state supplemental clothing allowance per foster child per SFY to **supplement** the counties' existing clothing allowances as found in W&IC section 11461(f)(4).

The Fiscal Year (FY) 2009/10 Budget Bill included continued funding to provide the state supplemental clothing allowance. The state supplemental clothing allowance does not supplant the regular county clothing allowance.

USE OF CLOTHING ALLOWANCE FUNDS FOR DISPOSABLE DIAPERS

Clothing allowance funds can be used to purchase additional clothing for an AFDC-FC child, including, but not limited to, an initial supply of clothing, school clothing or any other uniforms. This includes disposable diapers for infants and children who use disposable diapers as undergarments.

INFANT SUPPLEMENT

The Infant Supplement rates are to remain at the levels approved effective January 1, 2008. Children who are in receipt of Kin-GAP benefits are also entitled to

receive the Infant Supplement. The chart below provides the rates for the Infant Supplement by placement type.

Infant Supplement Effective January 1, 2008		
Placement Type	Group Home	FFH/FFA
Rate	\$890	\$411

GROUP HOMES(GHs)

The AB 4 provides that GH rates are to be decreased by ten percent effective October 1, 2009. The decreased rates for out-of-home placements and foster care support programs are provided in the chart below.

GHs Standardized Schedule of Rates Effective October 1, 2009		
RCL	Point Ranges	Standard Rate
1	Under 60	\$1,337
2	60-89	1,700
3	90-119	2,058
4	120-149	2,420
5	150-179	2,779
6	180-209	3,140
7	210-239	3,500
8	240-269	3,862
9	270-299	4,221
10	300-329	4,583
11	330-359	4,941
12	360-389	5,302
13	390-419	5,665
14	420 & Up	6,025

EXTENSION OF TEMPORARY GH RATE CLASSIFICATION LEVEL

The AB 4 extended the temporary Rate Classification Level (RCL) rate relief for SFY 2009/10, pursuant to W&IC section 11462(f)(2)(A). This statute requires that GH programs that receive AFDC-FC payments for services performed during SFY 2009/10, the adjusted RCL point ranges reflected below will be used for establishing biennial

rates for existing programs, in performing program audits, and in determining any resulting rate reduction, overpayment assessment, or other action.

The continued schedule for the temporary point ranges in each RCL is reflected on the following chart.

Rate Classification Level	Current Point Ranges	Adjusted Point Ranges
1	under 60	under 54
2	60-89	54-81
3	90-119	82-110
4	120-149	111-138
5	150-179	139-167
6	180-209	168-195
7	210-239	196-224
8	240-269	225-253
9	270-299	254-281
10	300-329	282-310
11	330-359	311-338
12	360-389	339-367
13	390-419	368-395
14	420 – up	396 – up

This temporary RCL point reduction is subject to the following restrictions:

1) It applies only to non-provisional program audits performed of GH services provided in SFYs 2002/03, 2003/04, 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10, unless the Legislature extends it to additional fiscal years in the future; 2) The adjusted schedule does not apply to the establishment of provisional rates or to audits of GH programs with provisional rates; and, 3) The GH providers remain responsible for ensuring the health and safety of children in placement in their programs. The current statutory point ranges specified in W&IC section 11462(f)(1) continue to apply for provisional rate audits. Providers should be aware that if the Legislature does not extend the adjusted point schedule in any year, providers will be held to the regular point range for biennial rate setting and audit purposes.

WRAPAROUND

The Wraparound rates established in W&IC section 18254(a) will be decreased by ten percent effective October 1, 2009.

Non-Federally Eligible Children

The chart below provides the maximum Wraparound rates for non-federally eligible children who are receiving Wraparound services effective October 1, 2009:

RCL	Rate
10/11	\$4,792
13	\$5,665

Federally Eligible Children

1. Federally eligible children can be served in Wraparound. However, the Title IV-E is not flexible and can only be claimed when a child is living in an eligible placement.
2. There are different Wraparound rates from October through December 31, 2010 due to the current FMAP of 56.2 percent.
3. The chart below provides the Wraparound rates for federally eligible children who are receiving Wraparound service from October 1, 2009 through December 31, 2010.

RCL	Rate
10/11	\$2,086
13	\$2,481

4. Effective January 1, 2011, the FMAP will revert to 50 percent.
5. The chart below provides the Wraparound rate for federally eligible children who are receiving Wraparound services effective January 1, 2011.

RCL	Rate
10/11	\$2,381
13	\$2,832

INQUIRIES

County staff should contact the Foster Care Rates Policy Unit, Foster Care Rates Bureau, with questions regarding foster care rates, infant supplement rates, clothing allowances, and/or state supplemental clothing allowances at (916) 324-4857. The GH and FFA providers with questions regarding this ACL should contact their Foster Care

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Rates Consultant at (916) 324-4857. Any questions pertaining to Kin-GAP should be directed to the Kinship Care Policy Unit at (916) 657-1858. Questions regarding SCI should be directed to the Recruitment Network Development Unit at (916) 651-7465. Any questions regarding the AAP should be directed to the Adoptions Services Bureau at (916) 651-8089. Questions pertaining to the counties with questions regarding the Wraparound rate should contact their Wraparound Consultant in the Child Protection and Family Support Branch at (916) 651-6600.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division