

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

**REASON FOR THIS TRANSMITTAL**

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

March 19, 2008

ALL COUNTY LETTER NO. 08-12

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CHIEF FISCAL OFFICERS

SUBJECT: IMPLEMENTATION OF ASSEMBLY BILL 1331

REFERENCE: ASSEMBLY BILL 1633 (Chapter 641, Statutes of 2006)
ALL COUNTY LETTER NO.07-10

This All County Letter (ACL) provides instructions to counties on the implementation of Assembly Bill (AB) 1331 (Chapter 465, Statutes of 2007). AB 1331 was a follow-up bill to AB 1633. Pursuant to AB 1633, the California Department of Social Services (CDSS) issued ACL 07-10 which transmitted Best Practice Guidelines to counties on Supplemental Security Income/State Supplemental Payments (SSI/SSP) screening processes for children/youth in foster care. AB 1331 requires counties to screen all foster youth for potential SSI/SSP eligibility when foster youth are at least 16.5 years of age and no more than 17.5 years of age.

This bill became effective January 1, 2008. However, additional funds to implement the provisions of this bill are not available in the current Fiscal Year (FY). Counties are encouraged to implement the provisions of AB 1331 in the current FY within the limits of their existing allocations. Funding for implementation of AB 1331 is included in the Governor's Budget for FY 2008-09.

Under current federal regulations, foster youth who are in receipt of federal Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits in excess of what they would receive in SSI/SSP benefits, will have their applications denied as income ineligible PRIOR to having a medical eligibility determination completed by the Social Security Administration (SSA). Accordingly, AB 1331 provides a solution to this problem, by directing counties to forego federal AFDC-FC benefits for the potentially SSI/SSP eligible youth for one month, during which time an SSI/SSP application is submitted.

The CDSS and the SSA are working cooperatively to successfully implement the AB 1331 solution. The SSA has agreed to accept and process applications for SSI/SSP benefits for foster youth during the month they are in receipt of State AFDC-FC. Providing SSI benefits to

disabled foster youth exiting foster care will increase the chances for a successful transition to independent living and could help prevent homelessness.

For foster youth determined to be potentially eligible for SSI/SSP, AB 1331 requires counties to submit an application for SSI/SSP to the SSA. Therefore, counties will transfer a youth from federal AFDC-FC to State AFDC-FC for one month while the SSI/SSP application is submitted. After the one month transfer, the youth must be transferred back to federal AFDC-FC. Notwithstanding normal prohibitions of Eligibility and Assistance Standards (EAS) Manual 45-203.2, foster children living with relative providers are eligible for this one month transfer to State AFDC-FC to allow for an SSI/SSP application to be submitted. Additionally, SSI payments are not paid for an individual's first month of eligibility. Therefore, no SSI payment will be made for that one month in which foster care payments were State-funded.

Applications to the SSA should be submitted early enough to allow a determination to be made by SSA as to the youth's eligibility PRIOR to the youth's emancipation from foster care and loss of AFDC-FC benefits. This application determination process may take six months. Once the youth has been determined to be medically eligible for SSI/SSP, if the youth is in receipt of federal AFDC-FC benefits in excess to what they would receive in SSI/SSP, counties can request that the SSA put the youth's SSI/SSP benefits in suspense for up to 12 months.

The 12 month period starts with the first month in which the child becomes ineligible for SSI/SSP benefits when transferred back to Federal AFDC-FC from State AFDC. For example, a youth is transferred into State AFDC-FC and an application is submitted to the SSA in June 2008. The youth is then transferred back into federal AFDC-FC in July 2008. The SSA makes a determination of eligibility in September 2008. According to this example, the 12 month period began in July 2008.

It is important that applications not be made so early that this 12 month period is exceeded and the youth has to begin the application process over again. It is the county's responsibility to contact the SSA to have the benefits reinstated prior to the youth aging out of foster care. The SSA does NOT initiate the request for reinstatement.

If you have any questions about this ACL, please contact your Foster Care Eligibility Consultant at (916) 651-9152.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Acting Deputy Director
Children and Family Services Division

c: CWDA
CPOC