

DEPARTMENT OF SOCIAL SERVICES  
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November 16, 1981

ALL-COUNTY LETTER NO. 81-115

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES  
ALL DSS ADOPTIONS DISTRICT OFFICES  
ALL CHIEF PROBATION OFFICERS

SUBJECT: AB 2749 REGULATIONS

REFERENCE:

On March 6, 1981, All-County Information Notice I-25-81 was sent to advise county welfare directors, chief probation officers, licensed adoption agencies and juvenile court judges of the major provisions of Assembly Bill 2749 (Chapter 1166, statutes of 1980), certain implementation issues and the anticipated effective date of the regulations. The purpose of this letter is to provide information regarding AFDC-FC payments for pre-relinquished children in voluntary placements under these regulations, to provide information regarding the requirement for a CWD/Licensed Adoption Agency Agreement and to advise you of the effective date of the regulations.

AFDC-FC Funding For Pre-Relinquished Voluntarily Placed Children

Some confusion seems to exist regarding continued AFDC-FC eligibility under AB 2749 regulations for pre-relinquished children in voluntary placements who are placed and supervised by a private adoption agency. The Department believes the intent of AB 2749 was not to eliminate funding for such children nor to preclude funding of such placements since they support permanency planning. Regulations implementing AB 2749 specify that only CWD's, licensed public adoption agencies and district adoption offices of the department have the authority to decide whether a child is to be accepted for voluntary placement. Once a CWD has made the decision that a pre-relinquished child is in need of voluntary placement, the regulations will provide CWD's the option of delegating responsibility for placement and care of the child to a licensed private adoption agency. If a CWD delegates placement and care responsibility, regulations will require the voluntary placement agreement to be signed by the child's parent or guardian and agency representatives from the CWD as well as the private adoption agency. The private adoption agency would then become the agency with responsibility for placement and care and would be required to provide those social services mandated for initial and continuing AFDC-FC eligibility for the remainder of the voluntary placement. For a child placed on or after January 1, 1982, the total time the child is in such voluntary placement may not exceed six months. However, once the relinquishment has occurred, the placement is not time limited.

CWD/Licensed Adoption Agency Agreement

In the March 1981 All County Information Notice, reference was made to a proposed agreement to be executed by CWD's and licensed adoption agencies. The AB 2749 regulations will require that such an agreement be executed in order for AFDC-FC payments to be made for any child whose placement and care responsibility rests with a licensed adoption agency which is separate from a CWD. The purpose of the agreement, which is similar to the current CWD/Probation Department Agreement, is to formalize the relationship between the two agencies and to assure that each agency understands the conditions under which AFDC-FC will be paid. The agreement will be required in the following situations:

1. A pre-relinquished AFDC-FC eligible child who has been accepted for voluntary placement by:
  - a. A CWD which has delegated responsibility for the child's placement and care to a licensed private adoption agency; or
  - b. a licensed public adoption agency which is separate from a CWD; and
2. An AFDC-FC eligible child who has been relinquished to:
  - a. a licensed public adoption agency which is separate from a CWD; or
  - b. a licensed private adoption agency.

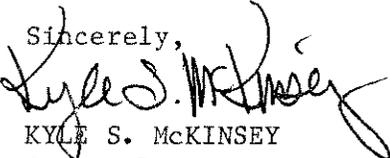
Copies of the format for the agreement will be transmitted to counties prior to the effective date of the regulations. The agreement must be executed prior to or on the effective date of the regulations, when the agreement is revised and subsequently at each county's option.

Effective Date of AB 2749 Regulations

Because of the large volume of testimony received at the March public hearing on the AB 2749 regulations and passage of Assembly Bill 1111 (Ch. 567/Statutes of 1979), which revised procedures relating to enactment of regulations, the AB 2749 regulations implementation date has been substantially delayed. The regulations were filed with the Secretary of State on October 30, 1981. In order to provide adequate lead time for county implementation, the regulations will be effective January 1, 1982. An All-County Letter will follow shortly, detailing our plans to conduct training on these regulations.

If you have any questions regarding this issue, please contact your AFDC Management Consultant at (916) 445-4458.

Sincerely,

  
 KYLE S. MCKINSEY  
 Deputy Director

cc: CWDA