

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
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June 24, 1985



ALL-COUNTY LETTER NO. 85-69

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION DEPARTMENTS

SUBJECT: DEFINITION OF "REMOVAL FROM HOME" FOR FEDERAL AFDC-FC
ELIGIBILITY PURPOSES

The purpose of this letter is to ensure the uniform interpretation and application of Eligibility and Assistance Standards (EAS) Section 45-202.42. To qualify for federal AFDC-FC, a child must be removed from the home of a parent or relative as the result of a court order. EAS 45-202.42 specifies that this court order "...shall result in the child's placement in foster care with a nonrelative or with a different relative than the one from whose home he/she was removed."

It appears there may be some confusion regarding the meaning of "the home from which removed." Situations where the child is removed from a parent or relative, placed with a different relative, and later removed from that relative can pose a problem in terms of determining whether the child meets the federal authority for placement criteria. Specifically, if a child is removed from his mother, placed with his aunt, and then subsequently removed from the aunt by a court order, is that subsequent removal a change in placement or a "removal from the home"? If it is considered an original removal, federal AFDC-FC eligibility is lost if the child is placed back with his aunt; if it is considered a change in placement, the child can be returned to his aunt's home without loss of federal AFDC-FC eligibility.

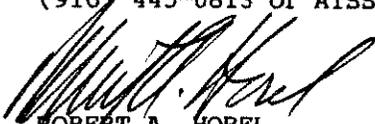
The Department of Health and Human Services (DHHS) recently clarified the difference between an original removal and a change in placement in situations like those discussed above. According to DHHS, the distinction between an original removal and a change in placement lies in the difference between the inherently temporary and conditional nature of foster care placements where the county has responsibility for the child as opposed to the more permanent and fixed nature of a home of removal. In other words, as long as dependency continues, the child is placed with

his relative on a temporary basis and removal from this relative is considered a change in placement. However, if dependency is dismissed, the relative's home becomes the child's new permanent home; a subsequent removal would be considered an original removal. The following examples illustrate this policy:

- o In 1978, John is removed by court order from his mother's home and placed into foster care. In 1980, as one in a series of foster care placements, John is placed with his sister. Four years later, John is removed from his sister by court order and placed in another foster home. Since dependency has remained with the county, this removal is considered a change in placement. Federal AFDC-FC eligibility continues when John is later placed into his sister's home again.

- o In 1978, John is removed by court order from his mother's home and placed into foster care. After a series of foster care placements, John is placed in his sister's home. A year later, John's sister becomes his legal guardian and the dependency of the County Welfare Department (CWD) is dismissed. The sister's home now becomes John's permanent home. John could not be removed from his sister's home and later placed back in it without loss of federal AFDC-FC eligibility.

If you have any questions regarding the above policy clarification, please contact Ms. Ingrid Petty of the Foster Care Program Management Bureau at (916) 445-0813 or ATSS 485-0813.



ROBERT A. HOREL
Deputy Director

cc: CWDA