STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

October 2, 1991

ALL COUNTY LETTER (ACL) NO. 91-105

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS

SUBJECT: FEDERAL AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC) PROGRAM AND THE AFDC-FAMILY GROUP/UNEMPLOYED (FG/U) LINKAGE REQUIREMENT

The purpose of this ACL is to inform Counties of the regulatory change to the Federal AFDC-FC Program. The effective date of these regulations is October 1, 1991 (RDB #0391-09).

AFDC-FG/U LINKAGE REQUIREMENT

To be eligible under the Federal AFDC-FC Program, a child must be linked to the AFDC-FG/U Program (Eligibility & Assistance Standards (EAS) 45-202.3). This eligibility criteria is met as long as certain conditions existed (EAS 45-202.311, .312, .313) during a specified time period. The time period during which Counties can link a child to the Federal AFDC-FC Program has been revised, and the purpose of this letter is to explain how this regulatory change will be implemented.

Beginning October 1, 1991 linkage to the AFDC-FG/U Program can only occur during the month in which a petition (to remove a child from his/her parents' or relative's home) is filed in juvenile court. This petition must have led to the child's placement into foster care pursuant to a detention or dispositional order.

To meet the above linkage requirement, one of the following three conditions, which allow linkage to the AFDC-FG/U program, must exist during the month in which the petition is filed in juvenile court:

- "the child was living in the home of the parent or relative from whom removed, was eligible for, and received federal AFDC-FG/U" (45-202.311);

- "the child was living in the home of the parent or relative from whom removed and would have been eligible for federal AFDC-FG/U in the month of petition had application been made" (45-202.312);

- "the child was no longer living in the home of the parent or relative from whom removed, but would have been eligible for federal AFDC-FG/U based on that parent's or relative's home had s/he been living there and had application been made" (45-202.313).

This last condition is met as long as the (1) child had lived in the home of the parent(s) or relative(s) from whom removed within any of the six months prior to the month in which the petition was filed; and (2) parent(s)/relative(s) would have been eligible for AFDC-FG/U during the month of petition, had application been made (45-202.313 (a)).

SIX MONTH PHASE-IN PERIOD

Effective October 1, 1991 Counties are required to begin an evaluation of all federal AFDC-FC cases, with the purpose of re-determining the AFDC-FG/U linkage requirement. A six month phase-in process beginning on October 1, 1991 would end March 31, 1992. This re-determination of federal AFDC-FC eligibility shall be conducted in conjunction with the required periodic re-determination of AFDC-FC eligibility (EAS 45-201.7).

This re-determination must be documented in the eligibility file by completing a new Statement of Facts Supporting Eligibility for AFDC-FC (FC 2, JA 2 or SAWS 2). In addition, Counties should fill out a new Determination of Federal AFDC-FC Eligibility (FC-3) to replace the original FC-3 in file.

When a child is found to no longer be "linked" to the AFDC-FG/U program, payments made under the federal AFDC-FC program must cease. Federal financial participation cannot be claimed after this date. However, because errors found during this phase-in period are a result of this regulatory change, Counties are not required to do retroactive changes to their claiming.

When necessary, Counties should proceed with Intra Program Status Change (IPSC) procedures to identify cases that may be eligible under the State AFDC-FC Program or under the AFDC-FG/U program. Please refer to All County Information Notice I-40-90 for information regarding IPSCs.

FISCAL CLAIMING INSTRUCTIONS

As mentioned above, effective October 1, 1991 the linkage requirement to the AFDC-FG/U Program can only be met during the month in which a petition is filed in juvenile court. Beginning with the effective date of the child's ineligibility to Federal AFDC-FC, due to not being linked to the AFDC-FG/U Program during the month of petition, the County shall adjust their AFDC-FC claim in accordance with the following instructions.

All IPSC from Federal AFDC-FC to Federal AFDC-FG must occur on a prospective basis. Retroactive IPSC are not necessary from Federal AFDC-FC to Federal AFDC-FG for the six month phase-in process. On a prospective basis, those children found eligible for State AFDC-FC must have their aid code changed from 42 {Federal} to 40 {Nonfederal}. Those children found eligible for Federal AFDC-FG must have their aid code changed from 42 to 30 (AFDC-FG).

Counties should send Notices of Action to recipients, informing them that their grants have been effected by either a change in program and/or grant. In addition, no overpayments will result from the discovery that a child is no longer linked to the AFDC-FG/U Program.

Fiscal questions should be directed to Stephanie Davis, Fiscal Consultant, at (916) 654-0942. AFDC-FG/U questions should be directed to AFDC/FS Policy Implementation Bureau at (916) 654-1322. AFDC-FC eligibility questions should be directed to your Foster Care Program consultant at (916) 445-0813.

ROBERT A. HOREL
Deputy Director
Welfare Program Division

cc: CWDA

Attachment

Amend Sections 45-202.3 and 45-202.421 to read:

.3 AFDC-FG/U Linkage Determination

.31 The child shall have been linked to the federal Aid to Families with Dependent Children - Family Group/Unemployed (AFDC-FG/U) Program during the ~~petition~~ month ~~or any of the six (6) months prior to the month~~ in which the petition was filed with the juvenile court, which led to ~~foster care~~ the child's placement into foster care pursuant to a detention or dispositional order. ~~That is,~~ ~~t~~This linkage requirement is met ~~as long as the following two conditions are met during the petition month or any of the six months prior to the court proceedings which led to the foster care placement,~~ if one of the following conditions exists during the month in which the petition was filed:

.311 The child was living in the home of the parent or relative from whom removed, was eligible for, and received federal AFDC-FG/U.

.31~~1~~2 The child ~~resided with the~~ was living in the home of the parent or relative from whom removed~~,~~ and would have been eligible for federal AFDC-FG/U ~~2) the child either received or could have received AFDC-FG/U while residing with that relative~~ had application been made.

.313 The child was no longer living in the home of the parent or relative from whom removed, but would have been eligible for federal AFDC-FG/U based on that parent's or relative's home had he/she been living there and had application been made.

(a) To meet this condition, the child shall have been living with the parent or relative from whom removed, within any of the six months prior to the month in which the petition was filed with the juvenile court, which led to the child's placement into foster care pursuant to a detention or dispositional order. (Continued)

.4 Authority for Placement (Continued)

.421 This requirement shall be determined to be met if the child was absent from the parent's or relative's home in the month the petition, which initiated court action for removal, was filed, provided the child had resided with such parent or relative within any of the six months prior to the month that petition was filed. For example, the child was living with a grandparent for any reason in the month the petition was filed. However, within any of the six months preceding the filing of the petition, which initiated court action, the child lived with the parent from whom the child was removed. This child shall be considered removed from the home of his/her parent and placed with the grandparent. Furthermore, the linkage determination shall be based on that parent's home as provided in Section~~s~~ 45-202.31~~3~~ ~~and~~ ~~311~~.