

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 27, 1994

ALL-COUNTY LETTER NO. 94-90

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

Reason for this Transmittal

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

**SUBJECT: EMERGENCY ASSISTANCE FOR CHILD WELFARE SERVICES AND
PROBATION - POLICY CHANGES AND CLARIFICATIONS**

The purpose of this letter is to provide counties with information regarding changes in the Emergency Assistance (EA) program. This letter addresses changes and clarifications in EA policy, program definitions and the revision of the EA application. This same information was shared with counties in draft format during the Assistance to Children in Emergency (ACE) statewide training provided during the first two weeks of September 1994.

As indicated during the ACE training, the changes and clarifications in this letter became effective September 19, 1994. This effective date coincides with the implementation of the new EA tracking system known as the Assistance to Children in Emergency (ACE) system. The California Department of Social Services (CDSS) will be distributing information regarding the implementation of the ACE tracking system via an All-County Letter early in October 1994.

POLICY CHANGES AND CLARIFICATIONS**Program Intent**

The EA program is intended to resolve the emergency of a "needy child" and to provide assistance on behalf of "such a child or any other member of the household in which he/she is living." Provision of assistance and/or services to a household member is contingent upon the existence in the household of a child who is eligible for EA and is experiencing an emergency shared with the household member. Eligibility of such a child and the household members must be based on an application.

Currently, the Child Welfare Services (CWS) and Probation EA components only provide assistance and/or services to the "eligible needy child." However, anticipated expansion of the EA program will include the provision of assistance and/or services to other

family members in order to resolve the "eligible needy child's" emergency.

Child Specific Eligibility

Effective with the implementation of the ACE system, the CWS and Probation components of the EA program will become child specific. This change impacts county operations in the following manner:

1. An application must be taken for each child experiencing an emergency.
2. Each child authorized to receive EA will have his/her own twelve-month period of eligibility.
3. Each "eligible needy child" will be considered a "family" for the purposes of the assistance and/or services provided in the CWS and Probation EA components.
4. At the present time, only the child's income will be considered when determining income eligibility.
5. Multiple children in the same household may have different but concurrent twelve-month periods of eligibility.

If a child was not included in an EA case plan as a member of a family who was authorized to receive EA assistance and/or services, an application may be taken on behalf of that potentially eligible child to determine whether he/she is otherwise eligible for EA. However, any child who was included in a case plan as a member of a family authorized to receive EA prior to September 19, 1994, and for whom the twelve-month period of eligibility has not expired, will not be eligible for EA assistance and/or services under the "child specific eligibility" policy until the twelve-month period of eligibility has expired. This policy applies regardless of whether EA assistance and/or services were received. Because the child was included in the case plan and authorized as a member of an EA eligible family, his/her EA eligibility for the specified twelve-month period has been consumed. However, counties are not precluded from abating an existing EA authorized episode in favor of a new EA emergency which occurs within the twelve-month period of eligibility.

It is important to note that a child specific approach excludes adult household members from receiving EA assistance and/or services. However, at this time the types of assistance and/or services covered under the California Title IV-A State Plan for CWS and Probation are child focused. When the EA program is modified to include assistance and/or services to adult members in an effort to resolve a child's emergency, the CDSS will issue an All-County Letter containing new policy instructions.

Definitions

"**Applicant**" is defined as the "needy child" on whose behalf EA has been requested. Either the parent/relative or County Worker (CW) can request EA on behalf of the child.

"**Authorization Date**" is defined as the date the Eligibility Worker (EW) authorizes assistance and/or services, under the specified EA emergency component, as determined to be appropriate and necessary to resolve the emergency.

"**Eligible Needy Child**" is defined as a "needy child" for whom an EA application has been made and on whose behalf EA assistance and/or services have been authorized.

"**Episode**" is defined as a period of time during which a child is experiencing an emergency covered under California's Title IV-A State Plan and for which assistance and/or services have been authorized. The "episode" begins from the date of removal (which for CWS is the date of determination of risk) and ends when the case is closed; however in all instances, the episode may not exceed twelve-months from the date of the EW's authorization.

"**Family**" is defined as those persons, who may or may not be related, that are living in the same residence which is maintained as their home and for whom EA assistance and/or services have been deemed necessary and appropriate in order to meet the needs of an "eligible needy child." Provision of assistance and/or services to a family member is contingent upon the existence in the household of an "eligible needy child" who is experiencing an emergency shared with the family member.

For CWS and Probation purposes, each "eligible needy child" will be considered a "family." The definition of "family" in its entirety will be applied at such a time as the EA program is modified to provide assistance and/or services to other family members. When such program changes occur, the CDSS will issue an All-County Letter containing new policy instructions.

"**Head of Household**" is defined as the parent or specified relative with whom the "needy child" is, or within six months prior to the month in which EA is requested has been, living with in a shared residence.

"**Household**" is defined as a group of persons, who may or may not be related, that are living in the same residence which is maintained as their home. This could include the "needy child," the parent or specified relative, and/or any other related or unrelated persons. This may also include individuals who do not share income and resources with the "needy child."

4

"Needy Child" is defined as a child who is in a state of emergency as defined in California's Title IV-A State Plan, is under the age 21, and is otherwise eligible for EA, and for whom EA is necessary to resolve or ameliorate the emergency.

Presumptive Eligibility

Presumptive eligibility (PE) is the method whereby counties can authorize assistance and/or services prior to making a final determination of eligibility. The EW must determine whether assistance and/or services should be authorized based on PE. There may be a variety of situations in which the EW finds it reasonable to presume eligibility. Typically, these would include a delay in documentation or information necessary to complete eligibility determination (e.g., cases where the county is waiting for a Social Security Number or access to the EA tracking system is delayed). There is no limit on the amount of time allowed to determine final eligibility of PE cases; however, in all instances, the county must make a final determination of eligibility before Federal Financial Participation (FFP) can be claimed.

To assist in providing a method for uniform documentation of PE, the EA application has been revised to include a box to be checked when using PE and a field for entering the date of the final determination of eligibility. Because assistance and/or services must be authorized within a specified time period (reference the Application Processing Timelines section below), the allowance of PE is critical in maximizing the counties' ability to claim FFP. Counties should establish procedures to ensure that guidelines regarding the use of PE are implemented.

Documentation

While the Federal Administration for Children and Families (ACF) does not specify the manner in which EA eligibility and assistance and/or services are documented in the case record, they have recently reiterated the importance of documentation that is sufficient to show that 1) an emergency existed at the time EA was authorized, 2) such authorization was based on a valid EA application, 3) the child and other household members were eligible to receive EA based on federal and state requirements, 4) EA was properly authorized by the EW, and 5) EA assistance and/or services are documented on a case specific basis.

The ACF has additionally clarified that county episode summaries are only required to contain documentation to support claims to specified cases in the claiming county. While documentation must also include information which provides for a clear audit trail (i.e., the name of the county a case transferred from or to), it is not necessary for counties to maintain episode

5

summaries of costs claimed in other counties. The CDSS shares this information in the hope that it will relieve the administrative burden for those counties which are currently maintaining a record of EA costs claimed by other counties.

Social Security Numbers

It is state policy that each child receiving EA assistance and/or services (unless they are undocumented) have a social security number. Based on this policy, applications for children who do not have social security numbers and are not undocumented must be authorized presumptively. This means that counties are precluded from claiming FFP for these types of cases until a social security number is obtained and final eligibility determination is made. It is of further importance to note that all pseudo numbers used to enter a child's information on the ACE tracking system must be replaced by the social security number once it is obtained.

Although having a social security number is not an EA eligibility requirement, it is a "condition of eligibility" based on the fact it is used as the unique identifier to determine whether a family has been authorized to receive EA assistance and/or services in the past twelve-months.

EA APPLICATION

The EA application has been revised to coincide with the September 19, 1994, implementation of ACE. Attached are copies of the CWS and Probation applications, application instructions, and Notice of Action language. Counties should begin using the new EA application effective September 19, 1994. A supply of forms will be made available for your use at that time. Key changes to the EA application are as follows:

General Changes

1. An EA application must be taken on each child who is experiencing an EA emergency as defined in California's Title IV-A State Plan.
2. For the CWS application, the effective date is now referred to as the "date child determined to be at risk." This change has been made to accommodate EA program expansion. Until such expansion has taken place, this date continues to be the "date of removal."
3. Applications will be printed in various colors of ink to allow CWS and EWS to more easily identify the EA emergency components.

Primary and Supplemental Applications

These items have been added to the application in the

6

anticipation of expansion of the EA program. Until such a time that the EA program is expanded, all CWS and Probation applications will be "primary applications." When the EA program expansion occurs, the CDSS will issue an All-County Letter containing instructions on the proper use of these items.

Information Required for Eligibility Determination

1. Information in this section has been modified to allow the EA application to be used as the ACE input document.
2. A Child's ID Section has been added to allow counties to enter information to facilitate local case identification and tracking.
3. The information in this section is structured to allow for the use of window envelopes for mailing purposes.

Certification Section

1. A list of qualifying specified relatives has been included in the application instructions.
2. The allowable income level for the current State Fiscal Year is no longer specified. The new income level will be transmitted annually via an All-County Information Notice.
3. A comment area has been added for CW use. It is recommended that this field be used to communicate with the EW when the CW feels the use of PE may be necessary.

Eligibility Worker Section

1. The authorization language has been revised to specify the particular EA emergency component for which assistance and/or services are being authorized and reflect the new twelve-month period for authorization.
2. A field has been added to allow for the entry of the authorization date.
3. A check box has been added to indicate if PE was used to authorize assistance and/or services.
4. A field has been added for entering the date of final eligibility determination for cases where PE was used.

Application Processing Timelines

Following are the timelines to be adhered to when processing an EA application. Counties should be aware that these timelines reflect the maximum time allowed. It is in the counties' best interest to process EA applications forthwith to avoid the

EMERGENCY ASSISTANCE APPLICATION FOR PROBATION

Primary Application Supplemental Application

Date of Removal (Effective Date) _____

INFORMATION REQUIRED FOR ELIGIBILITY DETERMINATION

Child at Risk	Name (Last, First, M.I.)	AKA Name (Last, First, M.I.)	Date of Birth	Social Security Number	
Related Head of Household	Name (Last, First, M.I.)		Date of Birth	Social Security Number	
	Street Address		Telephone Number ()		
	City, State, Zip Code		Child's Case ID Info	CWS Case Name (Last, First, M.I.)	
	Mailing Address If Different Than Above (Address, City, State, Zip Code)			CWS Case Number	Other ID Number

CERTIFICATION SECTION (Place a "X" in each applicable box.)

1. Does an emergency exist meeting the definition of Emergency Assistance because of a child's behavior that resulted in the child's removal from the home and a judicial determination that the child must remain in out-of-home care for more than seventy-two (72) hours?.....	Applicant	County Worker
2. Is this application on behalf of a child under age 21 living with, or within the past six months having lived with, a parent/relative? (specify relative).....	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Did the emergency arise because an adult family member refused without good cause to accept employment or training?.....	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Is the total family income equal to or less than 200% of California's median income for the current state fiscal year?.....	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is this application being made by a county worker on behalf of a child whose parents or relatives are unavailable or unwilling to apply for emergency assistance for this child?.....		Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Comments _____		

Parent/Relative Signature (If none, state reason)	Relationship to Child	Date
County Worker Signature (Required)	Office	Telephone Number ()
		Date

ELIGIBILITY WORKER SECTION (Place a "X" or a "Date" in each applicable box.)

7. Reviewed signed application and County Worker certification of emergency.....

8. The emergency did not arise because an adult family member refused without good cause to accept employment or training as certified in Item 3 above.....

9. This family meets the income criteria for Emergency Assistance as certified by the applicant.....

10. Emergency Assistance database queried and response received.....

11. I authorize that from the date of removal stated above, until the case is closed, or for a period not to exceed twelve months from the date of authorization, this family is eligible for all probation assistance and services covered under the California State Plan for Title IV-A Emergency Assistance, as determined to be appropriate and necessary to meet the needs of the family.....

a. Date services were authorized (If based on presumptive eligibility, place an "X" in the box) _____

b. Date of final eligibility determination if authorization in Item 11a was based on presumptive eligibility..... _____

c. Last date services can be provided under this authorization (Not To Exceed Date)..... _____

12. Date Emergency Assistance was denied (Specify reason(s) below)..... _____

13. Comments _____

Eligibility Worker Signature (Required)	Date	Supervisor Signature and Date (Optional)
Office Name and Address (Optional)		Telephone Number (Optional) ()

8

County Name _____

EMERGENCY ASSISTANCE APPLICATION FOR CHILD WELFARE SERVICES

Date Child Determined to be at Risk (Effective Date) _____

Primary Application Supplemental Application

INFORMATION REQUIRED FOR ELIGIBILITY DETERMINATION

Child at Risk	Name (Last, First, M.I.)	AKA Name (Last, First, M.I.)	Date of Birth	Social Security Number
	Name (Last, First, M.I.)		Date of Birth	Social Security Number
Related Head of Household	Street Address		Telephone Number ()	
	City, State, Zip Code		Child's Case ID Info	CWS Case Name (Last, First, M.I.)
	Mailing Address If Different Than Above (Address, City, State, Zip Code)			CWS Case Number

CERTIFICATION SECTION (Place a "X" in each applicable box.)

1. Does an emergency exist meeting the definition of Emergency Assistance because a child is at risk of abuse, neglect, abandonment, or exploitation?.....	Applicant	County Worker
2. Is this application on behalf of a child under age 21 living with, or within the past six months having lived with, a parent/relative? (specify relative).....	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Did this emergency arise because an adult family member refused without good cause to accept employment or training?.....	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Is the total family income equal to or less than 200% of California's median income for the current state fiscal year?.....	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is this application being made by a county worker on behalf of a child whose parents or relatives are unavailable or unwilling to apply for emergency assistance for this child?.....	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Comments _____		

Parent/Relative Signature (If none, state reason)	Relationship to Child	Date
County Worker Signature (Required)	Office	Telephone Number ()
		Date

ELIGIBILITY WORKER SECTION (Place a "X" or a "Date" in each applicable box.)

7. Reviewed signed application and County Worker certification of emergency.....

8. The emergency did not arise because an adult family member refused without good cause to accept employment or training as certified in Item 3 above.....

9. This family meets the income criteria for Emergency Assistance as certified by the applicant.....

10. Emergency Assistance database queried and response received.....

11. I authorize that from the date of determination of risk stated above, until the case is closed, or for a period not to exceed twelve months from the date of authorization, this family is eligible for all child welfare services assistance and services covered under the California State Plan for Title IV-A Emergency Assistance, as determined to be appropriate and necessary to meet the needs of the family.....

a. Date services were authorized (If based on presumptive eligibility, place an "X" in the box) _____

b. Date of final eligibility determination if authorization in Item 11a was based on presumptive eligibility..... _____

c. Last date services can be provided under this authorization (Not To Exceed Date)..... _____

12. Date Emergency Assistance was denied (Specify reason(s) below)..... _____

13. Comments _____

Eligibility Worker Signature (Required)	Date	Supervisor Signature and Date (Optional)
Office Name and Address (Optional)		Telephone Number (Optional) ()

9

Instructions for Completing the Emergency Assistance (Title IV-A) Application

PRIMARY AND SUPPLEMENTAL APPLICATION - Check the box which indicates the status of the application. If this is a primary application, the entire application must be completed. If this is a supplemental application, the County Worker provides the information requested in the "Information Required for Eligibility Determination" section, completes Item 1 in the "Certification Section", signs the application where required, and returns the application to the county Eligibility Worker (EW).

INFORMATION REQUIRED FOR ELIGIBILITY DETERMINATION - This section is used for identifying Emergency Assistance (EA) applicants, contains information necessary to determine eligibility, and is used as the input document for the Assistance to Children in Emergency (ACE) tracking system.

Child At Risk - The child's name and date of birth is mandatory and must be entered before the application can be processed. If the child does not have a Social Security Number (SSN), a MEDS pseudo number may be used. If a MEDS pseudo is used, then the related head of household's SSN must be entered in the Related Head of Household section. The only exception is if both the child and head of household are undocumented aliens, in which case the ACE will assign a MEDS pseudo number for the child and the related head of household.

Related Head of Household - The related head of household's name and address is mandatory and, in some instances, the SSN. If the related head of household's SSN is unavailable, then the child's SSN must be entered in the Child At Risk section. The only exception is if both the child and head of household are undocumented aliens, in which case the ACE will assign a MEDS pseudo number for the child and the related head of household.

Child's Case ID Information - If this is a Child Welfare Services (CWS) EA application and a SSN was not entered in the Child At Risk section, then the CWS case number must be entered. The "Other ID Number" field is optional and may be used to assist in local case identification and tracking.

CERTIFICATION SECTION - Items 1 through 5 must have an entry before the application can be processed. If the parent/relative is signing the application, they must complete Items 2 through 4. If the County Worker (CW) is completing the application on behalf of the child, the CW must complete Items 2 through 4. Item 6 is a "comment" area and may be used by the CW to request presumptive eligibility. Specific instructions for Items 2 and 4 are as follows:

Item 2. Use the Aid to Families with Dependent Children - Foster Care (AFDC-FC) federal definition of relative as defined in the Eligibility and Assistance Standards Manual, Section 45-101.1(ee) as follows:

(ee) A relative means:

(1) A person related to the child by birth or adoption by virtue of being one of the followings:

- (A) The father, mother, brother, sister, half-brother, half-sister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand-, great-, or great-great-.
- (B) The stepfather, stepmother, stepbrother or stepsister.
- (C) The spouse of any person named in (A) or (B) above even after the marriage has been terminated by death or dissolution.*

(2) For AFDC-FC purposes, when a parent's rights to a child are terminated by the filing of a relinquishment with the Department or by court action, that parent and his or her relatives are no longer considered to be the child's relatives.

Item 4. Consider the total income of all persons to whom EA services will be provided or are anticipated to be provided during the eligibility period.

ELIGIBILITY WORKER SECTION - This section must be completed by the EW. Items 7 through 10 must be completed before services can be authorized. Specific instructions for Item 11a-c are as follows:

Item 11a. If the authorization is based on presumptive eligibility, enter the authorization date and place a "X" in the box.

Item 11b. Complete Item 11b if the authorization in Item 11a is based on presumptive eligibility.

Item 11c. Enter the "Not To Exceed Date" (NTE) generated by the ACE tracking system.

10

HOW TO FILE AN APPEAL AND REQUEST A HEARING

The Emergency Assistance (EA) program is a federally funded program under Title IV-A of the Social Security Act which provides funding for assistance and services which can be offered to families in crisis.

Receipt of this form shall constitute a Notice of Action to the parent/relative of the child noted on the reverse side of this form that EA has been applied for and, upon eligibility worker determination, will be authorized or denied.

A copy of the EA application will be mailed to you within thirty (30) calendar days from the date EA is requested. The copy of the application mailed to you will indicate whether EA was authorized or denied for your child. If you as a parent/relative disagrees with the eligibility determination on the application, you may file a request for a hearing with your County Welfare Department (in Los Angeles County, the Department of Children's Services) within fourteen (14) calendar days of the date the EA application (Notice of Action) is received. Upon filing of a request for hearing, the intended action shall be suspended until the review is complete, the appeal process has been exhausted or you abandon the appeal process.

If you want to request a hearing because you are in disagreement with the proposed actions of the County Welfare Department regarding EA requested on behalf of your child, send a copy of the EA application that you disagree with along with a written request for a hearing to your County Welfare Department at:

The hearing will be conducted by an administrative staff person at a level higher in authority than the county worker who made the contested decision. You or your authorized representative is required to attend the hearing. If you or your authorized representative fail to appear at the hearing, you will be deemed to have abandoned your appeal. Only persons directly affected by the hearing will be allowed to attend.

Within ten (10) calendar days following the receipt of your request for a hearing, the County Welfare Department Appeals Section staff will notify you of the time and place of the hearing. The time and place of the hearing shall, to the extent possible, be convenient for you.

The county will arrange for the presence of an interpreter at the hearing, if one is requested by you.

At the hearing the legal, regulatory, or policy basis for the intended action will be explained to you. During the hearing, you will have an opportunity to explain the reason(s) you believe the County Welfare Department's decision is incorrect. The County Welfare Department's staff will present any material facts omitted by you. A written decision will be mailed or delivered to you within ten (10) calendar days after the hearing.

If you disagree with the written hearing decision received from the County Welfare Department, you have fourteen (14) calendar days in which to submit a written appeal to the California Department of Social Services at 744 "P" Street, Mail Station 19-37, Sacramento, CA, 95814. If you do not submit an appeal request within fourteen (14) calendar days, your appeal process shall be deemed abandoned and the County Welfare Department will implement the intended action.

Upon receipt of an appeal request, the California Department of Social Services may request copies of the basic data file and other relevant materials from the County Welfare Department. The California Department of Social Services may also conduct any investigations, interviews or mediation necessary to resolve the appeal. The decision of the California Department of Social Services will be mailed or delivered to you and to the County Welfare Department within ninety (90) calendar days after receipt of the appeal request.

11

potential loss of FFP because an emergency ends prior to authorization of EA assistance and/or services.

1. An EA application must be taken forthwith, or no later than 30 calendar days from the date the child has been a) determined to be at risk of abuse, neglect, abandonment, or exploitation or, b) removed from his/her home due to his/her behavior and a judicial determination that the child must remain in out-of-home care for more than seventy-two hours.
2. The EW must authorize or deny EA assistance and/or services within 30 calendar days from the date of application. The date of application is the date the parent/relative or CW signs the EA application. In all instances, EA must be authorized prior to the termination of the emergency situation.
3. The CW has 30 calendar days from the date of authorization to continue to build the case service plan and/or assessment document.

The CDSS appreciates the counties' cooperation and patience during this time of program redirection. We hope the information and clarification provided in this letter assists counties in the administration of the EA program. Should you have any comments or questions regarding this material, please contact Ms. Nancy Stone in the Child Welfare Services Bureau at (916) 445-2890, or FAX (916) 445-2836.



MARJORIE KELLY
Deputy Director
Children and Family Services Division

Enclosure