STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

February 8, 1995

ALL-COUNTY LETTER NO. 95-06

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

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[X] Initiated by CDSS

SUBJECT: EMERGENCY ASSISTANCE (EA) FOR COUNTY WELFARE DEPARTMENTS EMERGENCY RESPONSE (ER) ACTIVITIES AND CRISIS RESOLUTION SERVICES

REFERENCE: ALL COUNTY LETTER (ACL) 93-64, COUNTY FISCAL LETTER (CFL) 94/95-06, CFL 94/95-27 AND ERRATA TO CFL 94/95-27, DATED OCTOBER 31, 1994

The purpose of this letter is to transmit information regarding the implementation of EA-ER activities and Crisis Resolution Services as an expansion of the Child Welfare Services (CWS) component under California's Title IV-A EA program.

EA PROGRAM OVERVIEW

The EA program is a federally funded program under Title IV-A of the Social Security Act. Under provisions of the Act, federal financial participation (FFP) is available to provide assistance and/or services to families for the purpose of alleviating emergency situations that meet certain specified criteria. The EA emergency definitions and eligibility criteria are contained in California's Title IV-A State Plan.

Previously, the EA program has focused on county probation and CWS. The probation component of EA was implemented effective July 1, 1993, and provides assistance and/or services to children whose behavior has resulted in their removal from the home and in a judicial determination that the child must remain in out-of-home care for more than seventy-two (72) hours. The probation component includes juvenile assessment centers (e.g., juvenile halls), residential treatment facilities (e.g., camps and ranches), foster care for wards, and after care services. The CWS component was implemented effective September 1, 1993, and provides assistance and/or services for children determined to be at risk due to abuse, neglect, abandonment, or exploitation. The CWS component includes emergency shelter care and foster care for dependents and voluntary placements.

EA-ER IMPLEMENTATION

Claimable Activities

EA-ER is an expansion of the CWS component of the EA program which became effective August 1, 1994. Unlike other expansions to the EA program, an amendment to California's Title IV-A State Plan was not required in order to accomplish this change. Prior to this expansion, only the eligibility worker's (EW) activities and support staff activities related to processing the EA application were claimable as an EA administrative cost. Under EA-ER, Title IV-A funding will additionally be available for all emergency response activities leading up to the taking of an EA application, and those activities subsequent to taking the application which are considered part of the eligibility determination process.

The emergency response activities currently claimable as administrative costs are specified in the Errata to CFL 94/95-27, dated October 31, 1994. For children for whom an application is taken, caseworker claimable activities include those activities occurring after application which are related to the development of the foster care or in-home case plan. These activities also include time spent updating the case plan when it occurs within 30 calendar days from the first date of authorization of the EA assistance and/or services. Only those assessment/case plan activities which occur from the date of the referral through 30 calendar days from the date of authorization qualify as claimable administrative expenses.

Following are the categories of EA-ER claimable activities:

1. EA-ER Training: This category includes the time spent in the preparation of and provision of EA-ER training for staff.

2. EA-ER Detention Preparation: This category includes time spent in the preparation of the detention petition and report.

3. EA-ER Referrals: This category includes the time spent receiving the emergency referrals, including the expenses incurred in providing a hotline for public use in reporting potential child abuse, neglect or exploitation; assessing whether the referral alleges abuse, neglect, abandonment, or exploitation; completing the ER protocol as outlined in Division 31 Regulations Section 31-105, which includes investigating the emergency allegations, conducting in-person investigations as necessary, and pursuing collateral contacts; time spent closing the case if the allegation is unfounded; if the allegations are founded, time spent in ongoing investigation activities including reporting to the Department of Justice and noticing parents regarding the temporary custody of the child.

4. EA-ER Foster Care Assessment/Case Plan: This category includes the time spent in assessment and case plan activities, when the child is in out-of-home placement and includes time spent gathering and evaluating relevant information; notifying the parent/guardian/Indian tribe, as appropriate; meeting with the parent(s)/guardian to explain the case plan and to request the parent/guardian's signature approving the plan and, for a child placed per a voluntary placement agreement, indicating a willingness to participate in the child's case plan; the review by the

caseworker's supervisor of the assessment and case plan if it occurs within 30 calendar days of the EW's first date of authorization of the EA assistance and/or services; updating the case plan, when that occurs within 30 calendar days of the EW's first date of authorization of the EA assistance and/or services; and obtaining the parent's signature on the EA application.

5. EA-ER In-Home Assessment/Case Plan: This category includes the time spent in assessment and case plan activities, when those activities occur prior to the child's removal from the home or while the child remains at home under county supervision. These activities include the time spent gathering and evaluating relevant information; notifying the parent(s)/guardian/Indian tribe, as appropriate; meeting with the parent(s)/guardian to explain the case plan and to request the parent(s)/guardian's signature approving the plan and indicating a willingness to participate in the child's case plan; the review by the caseworker's supervisor of the assessment and case plan if it occurs within 30 calendar days of the EW's first date of authorization; updating the case plan when that occurs within 30 calendar days of the EW's first date of authorization; and obtaining the parent's signature on the EA application.

6. EA Application Completion: This category includes time spent completing the EA application and obtaining the parent's signature on the EA application if the time was not included under another category.

After an application is taken on behalf of a child, all subsequent caseworker activities not identified above as part of the eligibility determination process must be case specific. EWs continue to be able to claim activities identified as part of the eligibility determination process (e.g., determining the child's eligibility for EA and authorizing EA assistance and/or services) as administrative costs. Court-related activities are not claimable as EA administrative costs by either the caseworker or the EW. Court-related activities which cannot be claimed include the time and costs of the judge and other court personnel, court overhead, the time the caseworker spends attending the court hearing, the time spent preparing and presenting the case to the court by the attorney representing the county, and court-appointed counsel for the parent or child.

Counties are aware that the California Department of Social Services (CDSS) must ensure statewideness with regard to the implementation and administration of the EA program. To meet this requirement, the CDSS is requiring a Memorandum of Understanding (MOU) with the County Welfare Directors Association (CWDA) which is acting as the consortium for the County Welfare Departments (CWD). Before this MOU can be completed, all 58 counties must submit to the CWDA a signed certification agreeing to meet the requirements of the MOU. All 58 counties have signed and submitted the certifications to the CWDA, which have been forwarded to the CDSS. Execution of the MOU between the CWDA and the CDSS is anticipated in the near future. While counties can accumulate time study hours beginning August 1, 1994 for their EA-ER activities as described in the referenced CFLs, they will not receive EA reimbursement for these costs until the MOU between the CDSS and the CWDA is signed.

Requirements for Taking an EA Application

Counties are required to take an application when the caseworker determines that the child meets the EA CWS definition of emergency (i.e., a child is at risk of abuse, neglect, abandonment, or exploitation). The application must be taken and signed within 30 calendar days from the date that the caseworker determines the child is at risk. The only exception is for a child that the caseworker knows is not EA eligible (e.g., county records show a prior episode of EA within the past twelve months, income exceeds the allowable limit, child has not lived with a specified relative in the past six months, etc.). For such children, the caseworker is not required to take an EA application. CWS caseworkers, if they are employees of a IV-A agency, may screen EA applications because IV-A agency employees have the authority to determine eligibility. County workers in all other EA components are prohibited from screening applications in this manner. It is important to note that this exception applies only to EA applications completed by the CWS caseworker on behalf of a child. All applications completed by a parent or specified relative must be processed and eligibility determined by the EW.

Except as stated above, an application must be taken on every child determined to be at risk, including those children who are known to be Title IV-E eligible. This requirement allows for the provision of the Crisis Resolution Services.

Although an application must be taken for all children determined to be at risk, the determination of "at risk" may occur at different times. For example, for a child removed from the home, the caseworker will take the EA application at 1) the time of removal or shortly thereafter, or 2) at the time a voluntary placement agreement is signed. For a child who has been determined to be at risk but may safely be maintained in the home with the provision of Crisis Resolution Services as described below, the caseworker will take the application at the time of that determination which should coincide with the initiation of the case plan. For children determined not to be at risk, an EA application need not be taken.

CRISIS RESOLUTION SERVICES

Crisis Resolution Services are aimed at resolving the family crisis through the provision of EA services to (1) children who can remain in the home with the provision of supportive services, (2) children who have been placed in out-of-home care, regardless of the funding source, who may be returned home more quickly with the provision of supportive services, and (3) children who have been returned home because supportive services are available to ensure the child's safety. Crisis Resolution Services may be provided to Title IV-E eligible children who are otherwise EA eligible in order to help resolve the child's emergency.

The CDSS submitted an amendment to the Title IV-A State Plan on September 29, 1994, expanding the scope of CWS services to include Crisis Resolution Services effective August 1, 1994. It is important to note that Crisis Resolution Services can only be claimed for EA applications dated August 1, 1994, and later. As submitted in the Title IV-A State Plan amendment, Crisis Resolution Services may include:

- Information and referral
- Case management

- Counseling
- In-home caretakers
- Respite care
- Therapeutic day services
- Teaching and demonstrating homemakers
- Parenting training
- Substance abuse testing
- Transportation related to the above

At the present time, although these services can be provided by either the caseworker or through a Purchase-of-Service (POS) agreement with other county and/or private agencies, only those services provided through a POS agreement are claimable as EA Crisis Resolution Services. These POS costs must be tracked back to an individual EA case. A method for tracking the social worker's time back to an individual EA case has not yet been developed. The CDSS is currently working with county staff to develop a social worker tracking system so that these caseworker activities can be claimed in the future. For EA cases where services are provided through a POS agreement, the appropriate program identifier numbers counties should use for administrative expense claiming are provided in the Errata to CFL 94/95-27.

Counties should accumulate costs of Crisis Resolution Services provided via POS; however, reimbursement of costs is contingent upon the execution of the MOU between the CDSS and the CWDA and the federal approval of the Title IV-A State Plan amendment.

Should you have any comments or questions regarding this material or any further questions concerning the EA program, please contact Ms. Nancy Stone, Manager of the EA Policy Unit, in the Child Welfare Services Bureau at (916) 445-2890.

Marjorie Kelly

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Children and Family Services Division