

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



February 9, 1995

ALL-COUNTY LETTER NO. 95-07

TO: ALL COUNTY WELFARE 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
- Initiated by CDSS

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC)
PROGRAM ELIGIBLE FACILITY REQUIREMENTS

REFERENCE: Welfare and Institution Code (WIC) section 11401(e) and Eligibility and Assistance Standards (EAS) sections 45-202.5 and 45-203.4

The purpose of this All-County Letter is to inform the counties of a change in policy concerning AFDC-FC eligible facility requirements in the case of Indian children placed in out-of-home care pursuant to the Indian Child Welfare Act (ICWA).

Effective the date of this letter, counties may claim state and federal AFDC-FC on behalf of an eligible Indian child in a foster care placement made pursuant to the ICWA. These placements may include a state licensed or approved facility and any home of a relative or nonrelative located on or off the reservation which is licensed, approved or specified by the Indian child's tribe. The change in policy provides more placement options for Indian children, but does not make changes in any other areas of AFDC-FC program administration.

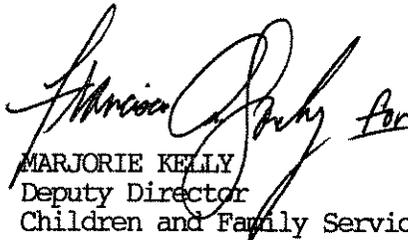
The change in policy is based on regulatory changes initiated by the California Department of Social Services (CDSS) in EAS sections 45-202.5 and 45-203.4 which provide that federal and state AFDC-FC respectively, may be claimed on behalf of an eligible Indian child placed in a home designated by the child's tribe. The CDSS will submit a Title IV-E State Plan amendment to the federal Department of Health and Human Services (DHHS), Administration for Children and Families, requesting formal approval to claim federal AFDC-FC for these placements. Additionally, the CDSS requested that the DHSS grant preliminary approval for the proposed amendment to the Title IV-E State Plan, and permission to implement the expanded funding options pending formal approval of both the regulatory changes and the State Plan amendment. The CDSS obtained written approval from the DHSS which granted both requests on December 14, 1994.

The policy and regulatory changes are supported by both federal and state statutes (ICWA 25 USC Section 1915 and WIC section 11401[e]). The ICWA was passed by Congress in 1978 to establish minimum federal standards for the removal

of Indian children from their homes. Specifically, the ICWA requires, in the absence of good cause to the contrary, that the preferred placement of an Indian child in foster care be the home of the Indian child's extended family or a foster home licensed, approved or specified by the Indian child's tribe. These ICWA provisions apply to all Indian children in foster care who are unmarried and less than 18 years of age and at a minimum have one parent who is a member of an Indian tribe recognized as eligible for the services provided to Indians by the Secretary of the Interior.

The CDSS encourages counties to work with tribes to establish mutually acceptable criteria for determining appropriate homes for the placement of Indian children. Please contact the Foster Care Policy Bureau at (916) 445-0813 if you have any questions regarding the implementation of this letter or any other issue related to AFDC-FC program administration.

Sincerely,



MARJORIE KELLY
Deputy Director
Children and Family Services Division