

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



ALL-COUNTY LETTER NO. 95-53

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
 Initiated by CDSS

SUBJECT: EMERGENCY ASSISTANCE (EA) FOR COUNTY WELFARE DEPARTMENTS -- CHANGE IN EMERGENCY RESPONSE (ER) ACTIVITIES CLAIMABLE AS ADMINISTRATIVE EXPENSES

REFERENCE: ALL COUNTY LETTER (ACL) 95-06, COUNTY FISCAL LETTER (CFL) 94/95-06, AND CFL 94/95-47

The purpose of this transmittal is to provide information regarding the need to revise the definition of ER activities which are claimable as administrative activities under the Child Welfare Services (CWS) component of California's Title IV-A EA Program. This revision involves several changes to the information previously provided in ACL 95-06, dated February 8, 1995. In order to assist counties in understanding this evolving and technically complex topic, we are consolidating all current program guidelines regarding EA-ER administrative activities into this ACL. This letter provides a description of the specific changes and incorporates these changes into a general description of EA-ER administrative activities. The information contained in this ACL supersedes the EA-ER IMPLEMENTATION, Claimable Activities section of ACL 95-06.

BACKGROUND

Program instructions for the implementation of EA-ER and Crisis Resolution Services were originally provided to counties in ACL 95-06. Federal officials of the Administration for Children and Families (ACF), Region IX, have been consistent in their general policy position that activities which are part of the EA eligibility determination process are claimable as EA administrative costs. As part of EA-Administration, the costs of these activities do not have to be tied back to a specific EA-eligible case; rather they can be claimed on the basis of time studies. This ability to use time studies as the basis for claiming EA administrative costs was a critical factor in determining the approach used by the California Department of Social Services (CDSS) when the original EA-ER program instructions included in ACL 95-06 were developed. At that time, CDSS had not yet developed a methodology that would have allowed the costs of EA Crisis Resolution Services provided by county social workers to be tied back to a specific EA-eligible case. In the absence of such a methodology, the only county social worker costs that could be claimed under the EA Program were those that

could be defined as part of EA-Administration. Therefore, in order to maximize federal funding under the EA Program, CDSS adopted a very broad interpretation of the EA eligibility determination process when the original program guidelines for EA-ER activities were issued in ACL 95-06.

The changes to the definition of EA-ER activities implemented in this letter narrow the definition of ER activities that can be claimed as part of EA-Administration. Some of these changes are being implemented retroactively to become effective August 1, 1994, while others became effective April 1, 1995. The CDSS is implementing these changes for two primary reasons. First, following the issuance of ACL 95-06 in February, ACF, Region IX, provided CDSS with more specific and narrow instructions on the activities that may be included as part of the EA eligibility determination process. Second, working with representatives of the counties over the past several months, CDSS has developed a method that will make it administratively feasible for counties to claim activities performed by county social workers as EA Crisis Resolution Services. The CDSS recently received approval from Region IX to begin implementing this case management proposal and the Fiscal Policy Bureau will issue instructions for claiming these costs as EA Crisis Resolution Services as soon as they are finalized.

POLICY CHANGES

In March 1995, after reviewing the application process used by California for the CWS component of the EA Program, ACF, Region IX informed CDSS of its conclusion that the eligibility determination process for social worker activities ends when the eligibility worker (EW) authorizes or denies the EA application. When CDSS provided CWS training in March and April of 1995, counties were informed that the categories EA-ER Foster Care Assessment/Case Plan and EA-ER In-Home Assessment/Case Plan must be limited to case plan activities which occur prior to the authorization or denial of the child's EA application. Any case planning activities which occurred after the authorization of the EA application must be claimed on a case specific basis as case management activities under Crisis Resolution Services.

Effective August 1, 1994, specific changes are:

1. Detention Preparation is not an allowable EA activity because the court-related process is a State mandated requirement not an EA program requirement.
2. Assessment/case plan activities are claimable as EA administrative costs only until the EW authorizes or denies the EA application.

After ACF, Region IX, staff reviewed the EA-CWS operations in two counties, CDSS was instructed to limit the claiming of social worker time involved with assessment/case planning activities to the assessment of the child's risk. ACF, Region IX, staff determined that case planning activities are not part of the eligibility determination process because the EW does not use the case plan to assess whether the child is eligible for the EA Program. Because neither CDSS nor ACF, Region IX, staff were aware of how case plan activities should be appropriately claimed until after the county reviews were completed in May 1995, ACF, Region IX, has agreed to allow counties to begin claiming assessment/case plan activities as an EA service cost rather than as an EA administrative cost on a prospective basis. The CDSS issued CFL 94/95-47, dated June 19, 1995, informing

counties of the change in claiming of assessment/case plan activities effective with the June 1995 quarter.

Effective April 1, 1995, specific changes are:

1. The social worker's time which is claimable as an EA administrative expense ends when the assessment of the child's situation determines that the child is 1) at risk of abuse, neglect, abandonment, or exploitation and an EA application is taken or 2) not at risk, the ER case is closed, and no EA application is taken.
2. Assessment/case plan activities cannot be claimed as EA administrative activities. Assessment/case plan activities are not directly related to the EA eligibility determination process but may be claimed as an EA service: case management activities under Crisis Resolution Services.
3. EA-ER activities, including the hotline, are limited to child protection allegations and do not include the time spent providing routine information and referral services.

EA-ER ADMINISTRATIVE ACTIVITIES

Definition of EA Administrative Activities

Under EA-ER, Title IV-A funding is available for those administrative activities which are considered to be a specific part of the EA eligibility determination process. EA administrative activities are governed by Title IV-A regulations and are distinctly different from Title IV-E administrative activities. Only those activities which are directly related to determining whether a child is eligible for the EA Program are claimable as administrative costs under Title IV-A. This means that social workers may only claim as EA-ER activities, those involved in determining whether a child is at risk, completing the EA application process, or training-related activities. The allowable EA administrative costs incurred by the EW in determining EA eligibility include those EA administrative activities associated with determining EA eligibility, including time spent screening for prior EA episodes, authorizing or denying the EA application, and issuing notices of the eligibility determination.

To meet the federal requirements for claiming EA administrative costs, counties must distinguish between eligibility-related EA-ER activities and other unrelated activities which may be performed by the emergency response/county worker. If the activity is not required for EA eligibility determination, then the related administrative costs cannot be charged to EA. It is the EA activity, not the individual who performs the activity, that determines whether costs should be claimed as an administrative or services expense. This precludes claiming an ER worker's time to EA if that worker is performing a non-EA related activity, such as answering general questions which are received by hotline personnel.

The CDSS has defined the EA application process as those administrative activities involved in investigating emergency response referrals, taking the EA application, determining EA eligibility and authorizing EA assistance and/or services. EA-ER activities begin with the initial referral for emergency response and include the social worker time involved in the investigation of the referral. EA-ER activities end with either the social worker's determination that the child

is not at risk or that the child is at risk and that an EA application must be taken on the child's behalf. Prior to completing the EA application, administrative costs identified as part of the emergency response investigative process or the EA application process can be claimed as EA administrative expenses based on a time study which does not need to be case-specific.

Once an application is taken on behalf of the needy child, the social worker activities must be based on a case-specific time study. Court-related activities are not claimable as EA costs.

An EA application would be taken under the following circumstances:

- o When a decision is made to initiate a case plan which will lead to a voluntary placement agreement.
- o The child is removed from the home.
- o The child requires Crisis Resolution Services in order to remain in the home safely.

All social worker activities which occur after the application is submitted to the EW, except for EA-ER training-related activities as noted below, must be documented on a case specific basis. Those ER activities performed by a social worker which are claimable as an administrative cost are described below.

EA-ER Claimable Activities

The following EA-ER categories of activities are claimable as administrative expenses effective April 1, 1995. These revised categories of allowable EA-ER activities supersede the information presented in ACL 95-06, EA-ER IMPLEMENTATION, Claimable Activities section.

1. EA-ER Training:

This category includes the time spent by Title IV-A staff developing EA-ER training materials, scheduling training classes, duplicating training materials, traveling to and from training sites and providing training to eligibility and social worker staff. It also includes the time spent by eligibility and social worker staff traveling to and from training sites and receiving training, as well as, the time spent on reinforcement training provided by a supervisor of eligibility and social workers in individual or unit meetings.

2. EA-ER Referrals:

This category includes the time staff spends receiving emergency referrals, including the expenses incurred in providing a hotline for public use in reporting potential child abuse, neglect or exploitation; however, it does not include the time staff spends handling general information or referral-type telephone calls which are not related to a potentially abused, neglected, abandoned or exploited child. It also includes the time staff spends on the following activities: assessing whether the referral alleges abuse, neglect, abandonment, or exploitation; recording referral information from the referent (voluntary or mandated reporters); applying ER protocols as outlined in Division 31 of the Manual of Policies and Procedures Section 31-105;

assigning a response time (e.g., immediate or 10 day); clearing a case on the local agency database to determine the case status (priors/open case); supervisorial review of the referral; and assigning the referral for field investigation.

Once the referral is received by the field social worker, it includes the time the social worker spends reviewing the referral; making collateral contacts as necessary; traveling to and from the location of the child(ren) and family to conduct the in-person investigation of the referral, either alone or with law enforcement, as appropriate. However, it does not include the time spent by law enforcement accompanying the social worker or investigating the referral. It also includes the time the social worker spends investigating and completing the assessment of the child's circumstances and determining whether the child is at risk of abuse, neglect, abandonment or exploitation.

When a social worker makes a decision to immediately remove the child from the home due to an imminent risk of abuse, neglect, abandonment or exploitation, emergency response activities are extended to include those activities which are necessary to ensure the child's safety. This category of ER activities would include the time the social worker spends taking the child into custody; locating a temporary placement and placing the child in the temporary placement. This category can also include the time spent taking the application and obtaining the parent/relative's signature if it is not time studied under EA Application Completion.

If the investigation does not substantiate the allegations or the allegations are unfounded, it includes the time spent closing the case.

3. EA Application Completion:

This category includes the time spent taking the EA application, explaining the EA Program, reviewing the EA eligibility requirements, obtaining the child's social security number, if available or unknown; obtaining the parent/relative's signature, and signing as the county worker, if the time is not included under the EA-ER Referral category. It also includes the time spent reviewing the EA application for completeness and sending it to the EW for determination of eligibility.

Should you have any comments or questions regarding this material or any further questions concerning the EA Program, please contact Ms. Nancy Stone, Manager, EA Policy Unit, EA Program Bureau at (916) 322-5946 or FAX (916) 324-2456.

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