

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 13, 1996

ALL COUNTY LETTER NO. 96-32

REASON FOR THIS TRANSMITTAL
<input checked="" type="checkbox"/> State Law Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Agreement
<input type="checkbox"/> Clarification Requested by One or More Counties
<input type="checkbox"/> Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL CDSS ADOPTIONS DISTRICT OFFICES
 ALL PUBLIC AND PRIVATE ADOPTION AGENCIES

SUBJECT: SENATE BILL 321; ELIGIBILITY FOR FEDERAL AFDC-FC
 SUBSEQUENT TO A TERMINATION OF PARENTAL RIGHTS OR
 RELINQUISHMENT

The purpose of this letter is to provide counties with information on the effect of Senate Bill (SB) 321 (Chapter 418, Statutes of 1995) on eligibility for federal Aid to Families with Dependent Children-Foster Care (AFDC-FC) after a termination of parental rights (TPR) or relinquishment occurs.

Currently, the approved home of a relative foster care provider is an eligible facility for AFDC-FC purposes. Such an eligible facility is not required to be licensed as a foster care provider. However, after a TPR or relinquishment, a relative foster care provider is no longer considered a relative of the child for AFDC-FC purposes and must be licensed to continue receiving AFDC-FC. Licensing these "former relatives'" homes has proved problematic for some counties.

SB 321 added Welfare and Institutions Code (WIC), Section 11404.2 which provides that a child(ren) placed with a relative who has applied to adopt the related foster child(ren) continues to be eligible for AFDC-FC after a TPR or relinquishment occurs. Provided a child meets all other federal AFDC-FC requirements, the effect of this statute is to make the former relatives' home an eligible facility without being licensed.

To implement the provisions of SB 321, the California Department of Social Services has submitted proposed regulations which will address the status of all former relative placements, not just those where the relative has applied to adopt the foster child. The proposed regulations will define "former relatives" as "... a person related to the child by birth or adoption by being one of those persons listed in 45-101(ee)(1)(A), (B), or (C) when legal rights to the child are terminated by the filing of a relinquishment with the department or by court action."

As submitted, the regulations will make a former relative's home an eligible facility for the federal program. Unfortunately, it may be six to nine months before the regulations are filed and become effective.

Until the regulations become effective, counties should limit continued federal eligibility after TPR or relinquishment to children placed with former relatives who have applied to adopt the child. As noted above, WIC 11404.2 provides that children who are eligible for federal financial participation and live with a caretaker relative who has filed to adopt the child continue to be eligible for federal AFDC-FC after a TPR or relinquishment.

Once the proposed regulations have become effective, all former relatives will be able to meet eligible facility requirements after a TPR or relinquishment.

If you have any questions, contact your Foster Care Policy Consultant at (916) 445-0813.

Sincerely,



MARJORIE KELLY
Deputy Director
Children and Family Services Division