



JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER
GOVERNOR

August 17, 2009

Regulation Package #0309-03

CDSS MANUAL LETTER NO. OPS-09-01

TO: HOLDERS OF THE OPERATIONS MANUAL, DIVISION 11

Regulation Package #0309-03

Effective 7/1/09

Section 11-425

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG609.htm>

The amendment of Section 11-425 will assist counties and the state in determining the fiscal viability of potential group home and foster family agency care providers. Senate Bill 84 (Chapter 177, Statutes of 2007) added Welfare and Institutions Code Section 11466.23(c) which requires the repayment of overpaid federal share of funds upon identification which is described as having met due process. It is a common practice of nonprofit corporations to abandon their license and program when an overpayment is assessed, never repaying the overpayment, in part or in full. In these circumstances, those same providers will come back into the business under a different corporation, license and group home. The amendment of this section will allow counties to deny county support letters to applicants of a group home rate if those applicants were ever a part of a corporation that has not repaid an assessed overpayment. The determination and denial of a county support letter is limited to those individuals who were part of a Board of Directors, Executive Director, licensee, or Program Administrator as these are the positions with fiscal and programmatic responsibility.

These regulations were adopted on an emergency basis effective July 1, 2009, and were considered at the Department's public hearing on August 12, 2009.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Operations Manual regulation changes was OPS-06-03.

Page(s)

Replace(s)

176 through 177.1

Pages176 and 177

Attachments

EV

11-420 SPECIAL NEED PAYMENTS **11-420**

- .1 Clothing Allowances
 - .11 Counties shall have the authority to make provision for the cost of additional clothing, including an initial supply of clothing and school or other uniform when not included in the rate.
 - .12 State participation in increases for clothing allowances established by the county shall not exceed the percentage cost-of-living increase granted other AFDC recipients in accordance with Welfare and Institutions Code Section 11453.
- .2 Allowance for Funeral Expenses
 - .21 When a foster parent(s) desires a funeral other than as provided by the county, the county shall reimburse the foster parent(s) for the cost of the funeral expenses up to \$5,000 for a child receiving foster care at the time of his/her death to the extent not otherwise reimbursed for costs incurred for such purposes.
 - .211 Direct payment of the claim to the funeral home and burial plot provides shall be made under the following circumstances:
 - (a) upon request by the foster parent(s); or
 - (b) when death of the foster child is due to the foster parent's alleged criminal negligence or other alleged criminal action.
 - .212 The county shall submit claims to the Department for costs incurred and paid within the above limitations.
- .3 Exclusions
 - .31 No amount shall be allowed as special need for the following:
 - .311 Items other than those specified in Sections .1 and .2 above.
 - .312 Any special need item available to the child prospective caretaker without cost.
 - .313 Service-connected expenses (see Section 10-305).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11212 and 11468, Welfare and Institutions Code.

11-425 **RESPONSIBILITIES OF COUNTY WELFARE DEPARTMENTS** **11-425**

- .1 The county welfare and probation departments' responsibilities shall include, but not be limited to, the following:
 - .11 Paying the rate(s) determined by the Department on behalf of AFDC-FC eligible children placed with foster parents and providers. (See Sections 11-401, 11-402 and 11-403.)
 - .12 Recommending the establishment of a new program by a new or existing provider, or a program change which is either more than one RCL greater than the original RCL determination or a program change to RCL 13 or 14. (See Sections 11-402.41, .42, and .43). The recommendation is to include:
 - .121 Program is needed in that county.
 - .122 Provider is capable of effectively and efficiently operating the program.
 - (a) The county shall use reasonable efforts to determine whether a new or existing Board of Directors member, Executive Director, licensee and Program Administrator were employed in similar capacities in a corporation that has not fully repaid any overpayment of AFDC funds, or was the respondent in a community care license revocation accusation within the past three years. Reasonable efforts shall include contacting the department, Foster Care Rates and Audits Bureau, and the Community Care Licensing Division. If the county determines that one or more of these persons were employed in similar capacities in such a corporation, the county cannot determine that the provider is capable of effective and efficient program operation, unless the county finds that compelling reasons exist to believe that the person or persons so identified are now capable of effective and efficient program operation, and shall include those reasons in the recommendation.
 - .123 Provider is willing and able to accept AFDC-FC children for placement who are determined by the placing agency to need the level of care and services that will be provided by the program.
- .13 Confirming the existence and legitimacy of more than one program as appropriate. (See Section 11-402.1.)
- .14 Reviewing children placed by the placement agency in the program which is determined to have points at RCL 13 or 14 and verifying to the Department that all the children have special treatment needs. (See Section 11-402.18)
- .15 Upon request by the Department, counties shall report the county's understanding of the services offered by the program and the population served.

This page is intentionally left blank.