

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3-38

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Public Social Services regarding Approval to Opt-In to the Approved Relative Caregiver (ARC) Funding Option Program, is deleted from the agenda for Tuesday, October 6, 2015.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on October 6, 2015 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: October 6, 2015
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.
3-38

xc: DPSS

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

302



FROM: Department of Public Social Services

SUBMITTAL DATE:
September 10, 2015

SUBJECT: APPROVAL FOR DPSS TO OPT-IN TO THE APPROVED RELATIVE CAREGIVER (ARC) FUNDING OPTION PROGRAM [Districts-All] [\$803,469 FY15/16 total]; [\$1,606,937 annually]; [State Funding: 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and authorize the Director of the Department of Public Social Services, or designee, to submit the attached letter to the California Department of Social Services electing to opt-in to the Approved Relative Caregiver (ARC) Funding Option Program effective January 1, 2016.

BACKGROUND:

Summary

The State created the ARC program to address a funding disparity in benefit amounts that currently exist between federally and non-federally eligible children placed with approved relative caregivers. The ARC program described in Welfare and Institutions Code (WIC) Section 11461.3 pays all approved relative caregivers an equal rate, thereby ensuring that every child in out-of-home care has access to the same minimum level of support to meet their needs.

Susan von Zabern

Susan von Zabern
Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 803,469	\$ 1,606,937	\$ 2,410,406	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: Federal Funding: 0% State Funding: 100%; County Funding:0%; Realignment Funding: 0%; Other Funding: 0%				Budget Adjustment: No	
				For Fiscal Year: 15-16	

C.E.O. RECOMMENDATION:

APPROVE

BY:

Jennifer L. Sargent
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Departmental Concurrence

Positions Added

Change Order

A-30

4/5 Vote

Prev. Agn. Ref.:

District:All

Agenda Number:

3-38

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Approval for DPSS to Opt-In to the Approved Relative Caregiver (ARC) Funding Option Program [Districts-All] [\$803,469 FY 15/16 total]; [\$1,606,937 annually]; [State Funding: 100%]

DATE: September 10, 2015

PAGE: Page 2 of 3

BACKGROUND:

Summary (continued)

A child is determined to be federally or non-federally eligible based on a review of the parents/guardian from whom the court removed the child, as established by federal regulations in July 1996. This assessment determines whether federal foster care funding is available to support out-of-home placement costs. When a child is placed with a relative caregiver, federal foster care is the only funding source that can be used. If the child is not eligible, the relative caregiver is referred to the California Work Opportunity and Responsibility to Kids (CalWORKS) program to receive assistance. Under CalWORKs, the approved relative is evaluated for a CalWORKs payment on behalf of the child. The CalWORKs benefits are not a per-child payment, but are based on the size of the family as a whole, and are considerably less than the basic foster care rate, which is noted below.

CalWORKs Monthly Grant	Basic Foster Care Monthly Grant
\$369	\$671-838 (based on child's age)

If the limited CalWORKs grant proves to be a barrier for a relative to be the caregiver, DPSS, on a case-by-case basis, will approve the use of County funds to provide the regular foster care rate. Similarly, if the child does not meet citizenship requirements than only county funds can be used to pay the relative caregiver. With the Board's approval of DPSS to opt-in to the ARC program, DPSS will be able to access State funding to take the place of County funding for existing relative caregivers up to a maximum caseload as defined by the State.

Under the ARC Program, relative caregivers will continue to access the CalWORKs grant, if eligible and will receive a supplemental grant using State funding to create an amount that is equivalent to the basic foster care rate. If the number of relative caregivers receiving assistance exceeds the defined caseload, than County funds would be required to provide the supplemental grant. For Riverside County, the defined caseload is 341. However, approximately 38% of current relative caregivers decline to receive any assistance, 61% receive the CalWORKs grant, and currently only 1% of cases are utilizing County funding.

Relative placement is a priority and a best practice for the well being of children. As a result, relatives are always considered for appropriate placement as a first step, with county funding used to support placement when necessary. The alternative could be a regular foster home or placement with a foster family agency, which often exceeds the basic foster care rate by a \$1,000 per month. The ARC program will provide relative caregivers with additional funding, to the extent that they need it, to ensure that the child's needs are being adequately met. At the same time, the ARC program will reduce the extent to which County funding is currently used to support this expenditure. Based on current utilization, it is not anticipated that the County will exceed the base caseload eligible for State funding. However, if the caseload should increase to such an extent, placement with relatives would still be given first priority for the best interest of the children. Further, it would be the least costly placement option available.

The initial effective date for implementation of ARC was January 1, 2015; however, counties have opted in at different points throughout the year while waiting for the development of State policies and procedures and automation of this program in the State case management system. Based on the experiences of early implementing counties, we opted to wait for finalization of the policies and procedures and some automation of the process. The guiding documents have been finalized, but the programming of the systems is still in progress. Some automation is expected to be available in January 2016, which aligns with our recommended target date for implementation. This will minimize the manual processing of payments that would otherwise be required.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Approval for DPSS to Opt-In to the Approved Relative Caregiver (ARC) Funding Option Program [Districts-All] [\$803,469 FY 15/16 total]; [\$1,606,937 annually]; [State Funding: 100%]

DATE: September 10, 2015

PAGE: Page 3 of 3

With the Board's approval, DPSS will notify the State of our intent to opt-in and then notify currently eligible relatives of this new program. The relative caregivers will be invited to forums at which they will be advised of the process and have an opportunity to address any questions they may have. In addition to having more automation in place, DPSS is recommending that the ARC program be effective January 1, 2016 to allow sufficient time for all parties to be noticed and the required documentation to be obtained.

Impact on Residents and Businesses

Approval to opt-in to the ARC Program will allow DPSS to provide equal funding for relative caregivers whether or not the child is federally eligible. This will promote kinship care, which may increase placement stability, assist with family reunification, and reduce trauma experienced by children placed into foster care. In addition, research indicates that children are safer and have increased well being when placed with relatives.

SUPPLEMENTAL:

Additional Fiscal Information

DPSS proposes to opt-in to the ARC program with an effective date of January 1, 2016. The funding each county receives is based upon a point-in-time base caseload as designated by the California Department of Social Services (CDSS). For the purposes of ARC, the point-in time was July 1, 2014. The base caseload data methodology, specifically targets approved relative homes for non-federally eligible foster children. Riverside County's base caseload is 341, which includes both foster and probation children. The County will receive State funding as reimbursement for expenses incurred up to an estimated maximum monthly amount of \$134,000. The State has committed to covering this base cost. Any caseload growth in future years will be the County's responsibility pursuant to Realignment 2011 that shifted programmatic and financial responsibility of Child Welfare Services to counties. By providing this base allocation, the State recognizes that this program change represents a cost increase not previously factored into the realignment calculations. As a result, the State is providing additional funding to support the cost increase for existing cases. Consistent with the underlying expectations of Realignment, any future caseload growth in Child Welfare programs is expected to be funded by Realignment or the County if there aren't sufficient Realignment revenues available. As a result, the State letter (ACL 14-89) is explicit that any increase in the ARC caseload above the base caseload is solely the county's responsibility.

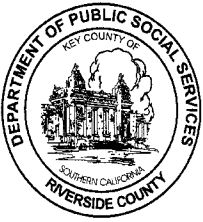
According to ACL 14-89, should the State General Fund allocation for ARC be reduced, CDSS will presume that all counties have opted out of the program effective January 1, following the enactment of the State budget. However, a county also has the option to opt out of the ARC program at any time with adequate notice to CDSS and relative caregivers. The county must continue to make ARC payments to participating relative caregivers for the duration of the notice period.

Administrative costs to implement and manage ARC were not included in the ARC allocation. Existing staff will absorb this workload.

ATTACHMENTS:

- A. All County Information Notice I-42-14
- B. All County Letter 14-89 (Opt-in letter template included)
- C. County Fiscal Letter (CFL) No. 14/15-45

SvZ:kj



Department of Public Social Services

Administrative Office: 4060 County Circle Drive, Riverside, CA 92503
(951) 358-3000 FAX: (951) 358-3036
www.dpss.co.riverside.ca.us

Susan von Zabern, Director

September 14, 2015

California Department of Social Services
Attention: Foster Caregiver Policy and Support Unit
744 P Street, MS 8-13-78
Sacramento, CA 95814

To Whom It May Concern:

SUBJECT: APPROVED RELATIVE CAREGIVER FUNDING OPTION PROGRAM

The purpose of this letter is to inform the California Department of Social Services (CDSS) that Riverside County elects to participate in the Approved Relative Caregiver (ARC) Funding Option Program (hereinafter referred to as the ARC Program). By choosing to participate in this optional program, Riverside County agrees to the terms and conditions of the program, as described in Welfare and Institutions Code (W&I) section 11461.3. In addition, for calendar-year 2015 only, Riverside County agrees to separately provide county caseload data necessary for CDSS to determine the amount of funding that the county is eligible to receive.

For calendar-year 2015 (for opt-in letters submitted after December 1, 2014), Riverside County believes that good cause exists for not submitting the opt-in letter by October 1, 2014, due to the complexities involved in resolving policy and operational issues associated with implementation of the ARC Program.

For calendar-year 2015 (for opt-in letters submitted after March 1, 2015), Riverside County believes that good cause exists for not submitting the opt-in letter in a timely fashion due to the need to completely assess the program, identify resources and resolve policy and operational issues associated with the implementation of the ARC Program, including extensive assessment of the C-IV system work-around. Riverside County plans to implement January 1, 2016.

Participation Agreements

In submitting this letter to CDSS, Riverside County acknowledges that it understands and agrees to all of the following conditions for participating in the ARC Program and for accessing related state funds pursuant to W&I section 11461.3:

- 1) A county that opts-in to the ARC Program will participate continuously in the program unless the county decides to opt-out, or state funding for the ARC Program is reduced, as described in number six below. A county that opts-out may opt-in again by notifying CDSS in writing of its decision to participate in the ARC Funding Option Program by October 1 of the year before participation begins. Participation begins on January 1 of the following year.
- 2) The county agrees to make per-child, per-month ARC Program payments to approved relative caregivers on behalf of eligible children in an amount equal to the basic rate paid to foster care providers pursuant to W&I section 11461(g).

To be eligible, a related child must meet all of the following criteria: a) reside in California; b) be a dependent or ward of the California juvenile court, or be placed by a voluntary placement agreement; and c) not be federally eligible under Title IV-E of the Social Security Act. The county agrees to make these payments for the duration of the county's participation in the program.

- 3) To participate in the ARC Funding Option Program, the county must ensure that all relative caregivers with whom eligible children are placed are approved pursuant to W&IC sections 309(d), 361.4 or 16159.5 (Resource Family Approval).
- 4) The county will comply with paragraph number two above even if the allocated state and federal funds are insufficient to make all eligible payments to approved relative caregivers.
- 5) If a county decides to opt-out of the program, the county must give CDSS at least 120 days' prior written notice. The county must also give each participating approved relative caregiver at least 90 days' prior written notice that his or her payments will be reduced, including the date the reduction will occur. In addition, the county must comply with paragraph number two above for the duration of both notice periods.
- 6) Funding for the ARC Program is contingent upon an annual appropriation of funds. If the appropriation for the ARC Program is reduced, no matter how small the reduction may be, CDSS will presume that all counties have opted-out of the program. If a county would like to continue to provide ARC Program funding, it must notify the CDSS of its intent to opt-in within 60 days of the enactment of the state budget authorizing the reduction. Counties that do not opt-in must give each participating approved relative caregiver at least 90 days' prior written notice that his or her payments will be reduced, including the date the reduction will occur. In addition, these counties must comply with paragraph number two above for the duration of this notice period.

ARC Program Provisions

The county also understands and agrees to the following provisions of the ARC Program:

- Funding for the ARC Program is comprised of California Work Opportunity and Responsibility to Kids (CalWORKs) funds, an ongoing state general fund appropriation for the ARC Program, and potentially county funds if the other funding sources are insufficient to cover all eligible ARC payments. (Counties are also responsible for the county share of costs associated with the CalWORKs portion of the ARC payment.)
- Funds are allocated to participating counties based on the number of approved relative caregiver placements in the county as of July 1, 2014, using a methodology and timing developed by CDSS in consultation with county human services agencies and their representatives.
- If in any calendar year the entire amount of the funding appropriated by the State for the ARC Program has not been fully expended, a county that has paid funds to cover amounts that exceeded the county's allocation may ask CDSS to be reimbursed for those expenses. The CDSS' authority to approve these requests will be limited by the amount of available unspent funds.
- Any reduction in payments to an approved relative caregiver that occurs as the result of a county's decision to opt-out of the program is exempt from the state-hearing process under W&IC section 10950.

- An approved relative caregiver receiving payments on behalf of an eligible child under this program is not eligible to receive additional CalWORKs payments on behalf of the same child under W&IC section 11450.
- To the extent permitted by federal law, payments received by an approved relative caregiver from the ARC Funding Option Program cannot be considered income for the purpose of determining other public benefits.

Sincerely,

A handwritten signature in black ink that reads "Susan von Zabern". The signature is written in a cursive, slightly slanted style.

Susan von Zabern
Director



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

August 1, 2014

ALL COUNTY INFORMATION NOTICE NO. I-42-14

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL COUNTY ELIGIBILITY SUPERVISORS
 ALL FOSTER CARE MANAGERS
 ALL ADMINISTRATIVE LAW JUDGES
 TITLE IV-E AGREEMENT TRIBES
 ALL CONSORTIA PROJECT MANAGERS
 CHILD WELFARE SERVICES NEW SYSTEM
 ALL COUNTY CALWORKS PROGRAM SPECIALISTS

SUBJECT: THE APPROVED RELATIVE CAREGIVER FUNDING OPTION PROGRAM

REFERENCE: SENATE BILL (SB) 855 (CHAPTER 29, STATUTES OF 2014); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS 10950, 11401, 11404, 11450, 11460, 11461, AND 11461.3

This All County Information Notice (ACIN) provides county child welfare and probation departments with introductory information regarding the Approved Relative Caregiver (ARC) Funding Option Program enacted by SB 855. Pertinent sections of SB 855 are attached for your information. A more detailed All County Letter (ACL) about this program will be forthcoming in order for counties to operationalize this program by the January 1, 2015, effective date.

BACKGROUND

When a child is removed from the physical custody of a parent, federal and state laws require that preferential consideration be given to placing the child with a relative. Although placement with a relative is the preferred placement, the funding of that placement depends upon whether the child is eligible to receive federal Aid to Families with Dependent Children-Foster Care (AFDC-FC). While AFDC-FC payments may be made to an approved relative on behalf of a federally eligible child, an approved relative who cares for a non-federally eligible child in foster care is not eligible to receive

AFDC-FC under state law. When a non-federally eligible child is placed with an approved relative caregiver, the relative may apply for California Work Opportunity and Responsibility to Kids (CaWORKs) payments on behalf of the child. The CaWORKs benefits are not a per-child payment, but are based on the size of the family as a whole, and are less than the AFDC-FC rate. To address this issue, the Legislature has enacted the ARC Funding Option Program, which gives counties the option to provide funding equal to the basic foster care rate to an approved relative caregiver with whom a non-federally eligible child is placed. Such a non-federally eligible child must reside in California and be a dependent or ward of the juvenile court.

OPTIONAL ARC FUNDING OPTION PROGRAM

The ARC Funding Option Program, described in W&IC section 11461.3, is an optional program established to make the amount paid to an approved relative caring for a non-federally eligible dependent child the same as the basic foster care rate that an approved relative caring for a federally eligible dependent child would receive. This basic foster care rate does not include a county specialized care increment, a clothing allowance, or an infant supplement.

If a county would like to participate in the ARC Funding Option Program, the county must opt-in. Counties that opt-in will receive additional funds to make per-child, per-month payments for a population equal to all eligible children placed with an approved relative caregiver as of July 1, 2014. The payments must be made for the duration of the county's participation in the program in an amount equal to the basic rate paid to foster care providers pursuant to W&IC section 11461(g). These payments will consist of funds derived from both CaWORKs and an ongoing state general fund appropriation. While it is the Legislature's intent to fully fund the base caseload of approved relative caregivers as of July 1, 2014, a county shall be solely responsible for making full payments to eligible relative caregivers even if the funds allocated to the ARC Funding Option Program are insufficient to make all eligible payments. There will be a one-time opportunity to adjust the ongoing state general fund appropriation of \$30 million to fully fund the base caseload of approved relative caregivers as of July 1, 2014. To determine this amount, the California Department of Social Services (CDSS) is requiring specific caseload data from counties (please see Data Requirements below).

Opt-In

A county that elects to participate in the ARC Funding Option Program shall notify CDSS in writing of its decision on or before October 1, 2014. If a county does not opt-in

by that date, and cannot demonstrate good cause for missing the deadline, the county will not be eligible to participate in the program for the calendar year beginning January 1, 2015. Counties not participating as of January 1, 2015, may opt-in each year thereafter by no later than October 1 for the upcoming calendar year.

Attached is the letter template that a county must use to opt-in to the program. The program terms and conditions are included in the opt-in letter. A Microsoft Word version of the opt-in letter may be requested at ARCFO@dss.ca.gov.

Opt-Out

A participating county may choose to opt-out of the ARC Funding Option Program at any time during the calendar year. If a county chooses to opt-out, the county shall provide at least 120 days' prior written notice of that decision to CDSS. Additionally, the county shall provide at least 90 days' prior written notice to each approved relative caregiver receiving an ARC program payment that his or her per-child, per-month payment will be reduced. This notice must include the date the reduction will occur.

Data Requirements

As part of the opt-in process, CDSS is requiring specific data from counties to enable CDSS and the County Welfare Directors' Association to determine whether the base caseload of approved relative caregivers as of July 1, 2014, needs to be adjusted on or before October 1, 2015, to ensure adequate funding for the program. The county opt-in letter identifies the data being required.

QUESTIONS

The CDSS has received many implementation and operational questions concerning the ARC Funding Option Program. An ACL containing additional program implementation/participation instruction will be forthcoming. In the meanwhile, questions concerning foster care eligibility requirements should be directed to the Foster Care Funding and Eligibility Unit at (916) 651-9152. Questions concerning the ARC Funding Option Program policy should be directed to the Foster Caregiver Policy and Support Unit at (916) 657-7465, or ARCFO@dss.ca.gov. Questions concerning fiscal claiming, reporting, and aid codes should be directed to fiscal.systems@dss.ca.gov.

All County Information I-42-14
Page Four

Questions concerning CalWORKS policy should be directed to the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

KAREN B. GUNDERSON
Child and Youth Permanency
Children and Family Services Division

Senate Bill No. 855

CHAPTER 29

[Approved by Governor June 20, 2014. Filed with Secretary of State June 20, 2014.]

SEC. 74.

Section 11461.3 is added to the Welfare and Institutions Code, to read:

11461.3.

(a) The Approved Relative Caregiver Funding Option Program is hereby established for the purpose of making the amount paid to approved relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments. This is an optional program for counties choosing to participate, and in so doing, participating counties agree to the terms of this section as a condition of their participation. It is the intent of the Legislature that the funding described in paragraph (1) of subdivision (e) for the Approved Relative Caregiver Funding Option Program be appropriated, and available for use from January through December of each year, unless otherwise specified.

(b) Subject to subdivision (c), effective January 1, 2015, counties shall pay an approved relative caregiver a per child per month rate in return for the care and supervision, as defined in subdivision (b) of Section 11460, of a child that is placed with the relative caregiver that is equal to the basic rate paid to foster care providers pursuant to subdivision (g) of Section 11461, if both of the following conditions are met:

- (1) The county with payment responsibility has notified the department in writing by October 1 of the year before participation begins of its decision to participate in the Approved Relative Caregiver Funding Option Program.

(2) The related child placed in the home meets all of the following requirements:

(A) The child resides in the State of California.

(B) The child is described by subdivision (b), (c), or (e) of Section 11401 and is not eligible for AFDC-FC pursuant to subdivision (a) of Section 11404.

(C) The child is not eligible for AFDC-FC while placed with the approved relative caregiver because the child is not eligible for federal financial participation in the AFDC-FC payment.

(c) A county's election to participate in the Approved Relative Caregiver Funding Option Program shall affirmatively indicate that the county understands and agrees to all of the following conditions:

(1) Commencing October 1, 2014, the county shall notify the department in writing of its decision to participate in the Approved Relative Caregiver Funding Option Program. Failure to make timely notification, without good cause as determined by the department, shall preclude the county from participating in the program for the upcoming year. Annually thereafter, any county not presently participating who elects to do so shall notify the department in writing no later than October 1 of its decision to participate for the upcoming calendar year.

(2) The county shall confirm that it will make per child per month payments to all approved relative caregivers on behalf of eligible children in the amount specified in subdivision (b) for the duration of the participation of the county in this program.

(3) The county shall confirm that it will be solely responsible to pay any additional costs needed to make all payments pursuant to subdivision (b) if the state and federal funds allocated to the Approved

Relative Caregiver Funding Option Program pursuant to paragraph (1) of subdivision (e) are insufficient to make all eligible payments.

(d) (1) A county deciding to opt out of the Approved Relative Caregiver Funding Option Program shall provide at least 120 days' prior written notice of that decision to the department. Additionally, the county shall provide at least 90 days' prior written notice to the approved relative caregiver or caregivers informing them that his or her per child per month payment will be reduced and the date that the reduction will occur.

(2) The department shall presume all counties have opted out of the Approved Relative Caregiver Funding Option Program if the funding appropriated in subclause (II) of clause (i) of subparagraph (B) of paragraph (1) of subdivision (e), including any additional funds appropriated pursuant to clause (ii) of subparagraph (B) of paragraph (1) of subdivision (e), is reduced, unless a county notifies the department in writing of its intent to opt in within 60 days of enactment of the state budget. The counties shall provide at least 90 days' prior written notice to the approved relative caregiver or caregivers informing them that his or her per child per month payment will be reduced, and the date that the reduction will occur.

(3) Any reduction in payments received by an approved relative caregiver on behalf of a child under this section that results from a decision by a county, including the presumed opt-out pursuant to paragraph (2), to not participate in the Approved Relative Caregiver Funding Option Program shall be exempt from state hearing jurisdiction under Section 10950.

(e) (1) The following funding shall be used for the Approved Relative Caregiver Funding Option Program:

(A) The applicable regional per-child CalWORKs grant from federal funds received as part of the TANF block grant program.

(B) (i) General Fund resources that do not count toward the state's maintenance of effort requirements under Section 609(a)(7)(B)(i) of Title 42 of the United States Code. For this purpose, the following money is hereby appropriated:

(I) The sum of thirty million dollars (\$30,000,000) from the General Fund for the period January 1, 2015 through December 31, 2015.

(II) The sum of thirty million dollars (\$30,000,000) from the General Fund in each calendar year thereafter, as cumulatively adjusted annually by the California Necessities Index used for each May Revision of the Governor's Budget, to be used in each respective calendar year.

(ii) To the extent that the appropriation made in subclause (I) is insufficient to fully fund the base caseload of approved relative caregivers as of July 1, 2014, for the period of time described in subclause (I), as jointly determined by the department and the County Welfare Directors' Association and approved by the Department of Finance on or before October 1, 2015, the amounts specified in subclauses (I) and (II) shall be increased in the respective amounts necessary to fully fund that base caseload. Thereafter, the adjusted amount of subclause (II), and the other terms of that provision, including an annual California Necessities Index adjustment to its amount, shall apply.

(C) County funds only to the extent required under paragraph (3) of subdivision (c).

(D) This section is intended to appropriate the funding necessary to fully fund the base caseload of approved relative caregivers, defined as the number of approved relative caregivers caring for a child who is not eligible to receive AFDC-FC payments, as of July 1, 2014.

(2) Funds available pursuant to subparagraphs (A) and (B) of paragraph (1) shall be allocated to participating counties proportionate to the number of their approved relative caregiver placements, using a methodology and timing developed by the department, following consultation with county human services agencies and their representatives.

(3) Notwithstanding subdivision (c), if in any calendar year the entire amount of funding appropriated by the state for the Approved Relative Caregiver Funding Option Program has not been fully allocated to or utilized by counties, a county that has paid any funds pursuant to subparagraph (C) of paragraph (1) of

subdivision (e) may request reimbursement for those funds from the department. The authority of the department to approve the requests shall be limited by the amount of available unallocated funds.

(f) An approved relative caregiver receiving payments on behalf of a child pursuant to this section shall not be eligible to receive additional CalWORKs payments on behalf of the same child under Section 11450.

(g) To the extent permitted by federal law, payments received by the approved relative caregiver from the Approved Relative Caregiver Funding Option Program shall not be considered income for the purpose of determining other public benefits.

(h) Prior to referral of any individual or recipient, or that person's case, to the local child support agency for child support services pursuant to Section 17415 of the Family Code, the county human services agency shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims good cause exception at any subsequent time to the county human services agency or the local child support agency, the local child support agency shall suspend child support services until the county social services agency determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the local child support agency shall suspend child support services until the applicant or recipient requests their resumption, and shall take other measures that are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for the time the failure to cooperate lasts.

(i) Consistent with Section 17552 of the Family Code, if aid is paid under this chapter on behalf of a child who is under the jurisdiction of the juvenile court and whose parent or guardian is receiving reunification services, the county human services agency shall determine, prior to referral of the case to the local child support agency for child support services, whether the referral is in the best interest of the child, taking into account both of the following:

(1) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(2) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

...

SEC. 88.

(a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made by Sections 1, 64, 67, 68, 69, 70, 72, 73, 74, 75, 77, 79, 80, and 81 of this act through all-county letters or similar instructions until regulations are adopted.

(b) The department shall adopt emergency regulations implementing these provisions no later than January 1, 2016. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by

the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.



WILL LIGHTBOURNE
DIRECTOR

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



EDMUND G. BROWN JR.
GOVERNOR

December 16, 2014

ALL COUNTY LETTER 14-89

TO:

ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL FOSTER CARE MANAGERS
ALL ADMINISTRATIVE LAW JUDGES
TITLE IV-E AGREEMENT TRIBES
ALL CONSORTIUM PROJECT MANAGERS
CHILD WELFARE SERVICES NEW SYSTEM
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY SFIS COORDINATORS
ALL COUNTY EBT PROJECT MANAGERS
JUDICIAL COUNCIL STAFF

SUBJECT:

APPROVED RELATIVE CAREGIVER (ARC)
FUNDING OPTION PROGRAM

REFERENCE:

SENATE BILL (SB) 855 (CHAPTER 29, STATUTES OF 2014);
SB 873 (CHAPTER 685, STATUTES OF 2014); WELFARE AND
INSTITUTIONS CODE (W&IC) SECTIONS 309, 361.4, 10950,
11401, 11401.1, 11450, 11461, 11461.3, AND 16519.5; HEALTH
AND SAFETY CODE SECTION 1522; MANUAL OF POLICIES
AND PROCEDURES (MPP) SECTIONS 42-211, 42-431.22, AND
63-502.14; ALL COUNTY LETTER (ACL) 11-51, 12-25, 12-49, 14-
28, AND 14-39; ALL COUNTY INFORMATION NOTICES (ACIN)
I-42-14 AND I-71-00

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

This ACL provides counties with information and instructions regarding the Approved Relative Caregiver (ARC) Funding Option Program (hereinafter referred to as the ARC Program) enacted by SB 855. The SB 855 is the budget trailer bill signed into law by Governor Brown on June 20, 2014; the ARC Program provisions are contained in W&IC section 11461.3. The purpose of this program is to make the amount paid to an

approved relative caregiver for the care and supervision of a child who is under the jurisdiction of the California juvenile court—and who is *ineligible* for Aid to Families with Dependent Children-Foster Care (AFDC-FC)—equal to the basic amount paid on behalf of such a child who is *eligible* for AFDC-FC.

BACKGROUND

State law requires that preferential consideration for placement be given to an approved relative caregiver when a child is removed from the physical custody of a parent. It is estimated that 36 percent of all foster children in the state are in the care of a relative. An approved relative caregiver in California must meet health and safety standards that mirror those for a licensed foster parent, such as undergoing criminal background and child abuse index checks.

Although placement with a relative is the preferred placement, the funding associated with that placement depends on whether the child is eligible to receive federal AFDC-FC. While an approved relative may receive AFDC-FC payments on behalf of a *federally* eligible foster child, an approved relative caring for a *non-federally* eligible foster child is ineligible for AFDC-FC. For a non-federally eligible child in foster care, an approved relative may apply to receive California Work Opportunity and Responsibility to Kids (CalWORKs) benefits on behalf of the child. Unlike AFDC-FC, typical CalWORKs grants are not a per-child payment, but are based on the size of the family as a whole, and are less than the AFDC-FC rate.

To address this disparity, California has enacted the ARC Program. This program provides funding to enable participating counties to make payments equal to the basic foster care rate to approved relative caregivers with whom a non-federally eligible foster child is placed. Such a child must reside in California and be under the jurisdiction of the California juvenile court.

INTRODUCTION TO COUNTY ARC RESPONSIBILITIES

The ARC Program is a county optional program that operates on a calendar-year basis. A county that elects to participate in the ARC Program must agree to pay all approved relative caregivers with whom an eligible child is placed a per-child, per-month rate equal to the basic rate paid to foster care providers pursuant to W&IC section 11461(g). This rate is intended to pay for the care and supervision of the eligible child. The county agrees to make these payments for the duration of the county's participation in the ARC Program, including during required notice periods if a county is no longer going to participate in the program.

A county that elects to participate in the ARC Program is required to notify the California Department of Social Services (CDSS) in writing of its decision on or before October 1, 2014, *unless CDSS determines that good cause exists to extend the deadline pursuant to W&IC section 11461.3(c)(1)*. County participation for the upcoming calendar year would be effective January 1, 2015.

For this initial year of the ARC Program, CDSS *has* determined that good cause exists for extending the October 1, 2014, deadline for counties to elect to participate in the program. The new deadline(s)—for calendar-year 2015 only—is the first day of any month starting December 1, 2014 until March 1, 2015, with participation in the county to commence at the start of the month following notification. For example, if a county notifies CDSS on January 1, 2015, that it wishes to participate in the ARC Program, county participation would commence on February 1, 2015.

The new deadline(s) will give CDSS more time to provide implementation instructions for the ARC Program and the counties more time to evaluate all available information before deciding whether to participate. In the interim, counties have submitted non-binding letters of interest to CDSS.

Please refer to the Opt-In Provisions section for instructions and more information.

ELIGIBILITY CRITERIA FOR CHILDREN

To be eligible for the ARC Program, a child must meet all of the following criteria:

- The child must reside in California. *That is, the child must be placed with an approved relative caregiver in California.* Out-of-state placements are not eligible for the ARC Program.
- The child must be a dependent or ward of the California juvenile court pursuant to W&IC sections 11461.3(b)(2)(B) and 11401(b), (c), or (e), with one exception pertaining to voluntary placement agreements (see third bullet below). Of special note, this includes the following:
 - A *probation ward* who meets ARC Program eligibility requirements.
 - A *nonminor dependent* (NMD) pursuant to W&IC section 11401(e) (see below).
 - A *child who has been removed from his or her home as the result of a voluntary placement agreement and has been adjudged a dependent child of the court on the grounds that he or she is a person described by section 300, as specified in W&IC 11401(b)(1)*. However, under W&IC sections 11461.3(b)(2)(B) and 11401(c), a child who is *not* a dependent or ward of the juvenile court—but who has been voluntarily placed by his or her parent or guardian, with the county child welfare department or the county probation department having

responsibility for placement and care—can participate in the ARC Program under a voluntary placement agreement for 180 days (six months) pursuant to W&IC section 11401.1(b). After that, the child may continue in the ARC Program if the county files the appropriate petition on behalf of the child, making the child a dependent or ward of the juvenile court.

- The child must *not* be federally eligible under Title IV-E of the Social Security Act while placed with an approved relative caregiver pursuant to W&IC section 1461.3(b)(1)(C).
- An ARC Program application, including all necessary related information and documentation, must be completed for each child. If this is not done, an otherwise eligible child cannot participate in the ARC Program. Although CalWORKs eligibility is not a requirement of the ARC Program, a CalWORKs eligibility determination must be completed for each child to determine if CalWORKs funds can be part of the child's ARC payment. Please refer to the CalWORKs and Implementation of the ARC Program section of the ACL. In addition, please refer to the attached form ARC 1 (Statement of Facts Supporting Eligibility for the Approved Relative Caregiver (ARC) Funding Option Program), which is hereinafter referred to as the ARC Program application.

NMDs and ARC payments. An NMD participating in the ARC Program is eligible to receive funding up to age 21.

Undocumented children. An undocumented child may be eligible for the ARC Program if all ARC requirements are met. In addition, an undocumented PRUCOL (Permanently Residing Under Color of Law) child, as specifically defined in MPP section 42-431.22, may be eligible for CalWORKs. An undocumented child who meets the requirements of MPP section 42-431.23 may also be eligible for CalWORKs; this section pertains to victims of trafficking, domestic violence, and other serious crimes. Please refer to ACL 06-60.

Participation of eligible children. Any ARC-eligible child may participate in the ARC Program. This includes eligible children currently placed with an approved relative, as well as any eligible children placed with an approved relative in the future. However, a family may choose not to participate in the ARC Program and continue to receive only CalWORKs benefits instead.

REQUIREMENTS FOR RELATIVE CAREGIVERS

A relative caregiver with whom an eligible child is placed must be approved pursuant to W&IC sections 309(d), 361.4, or 16519.5 (Resource Family Approval (RFA)). The approved relative caregiver must reside in California. Relative approval standards, including RFA standards, remain the same under the ARC Program.

A "relative" is defined in W&IC section 319(f)(2) as:

. . . an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

As clarification, approved nonrelative extended family members (NREFMs) are *not* eligible to participate in the ARC Program; non-federally eligible children placed with an approved NREFM receive an AFDC-FC payment. Please note that the expanded definition of "relative" described in ACL 14-28—under which NREFMs are considered "fictive" relatives or kin—*only* applies to the federal Kinship Guardianship Assistance Payment Program pursuant to W&IC section 11391(c).

OPT-IN PROVISIONS

As noted, CDSS has determined that good cause exists to extend the October 1, 2014, deadline for a county to elect to participate in the ARC Program (or "opt-in") for calendar-year 2015 only. Counties that opt-in for this initial year of program operation must do the following:

- Notify CDSS in writing of the county's decision to opt-in to the ARC Program by the first day of any month starting December 1, 2014 until March 1, 2015, with participation in the county to commence at the start of the month following notification.
- Use the attached opt-in letter template to notify CDSS.
- If the opt-in letter is submitted after December 1, 2014, include a "good cause" justification in the letter. The CDSS believes that good cause exists for not submitting the opt-in letter by October 1, 2014, due to the complexities involved in resolving policy and operational issues associated with implementation of the ARC Program. Opt-in letters submitted after March 1, 2015, for calendar-year 2015 will be evaluated for good cause on a case-by-case basis.
- Submit required caseload data to CDSS separately from the opt-in letter. Instructions for pulling and submitting the caseload data will be transmitted to counties in a forthcoming departmental letter.

Any county that does not opt-in for the initial year of the ARC Program may elect to participate in any future year by submitting an opt-in letter to CDSS by no later than October 1 for the upcoming calendar year, as specified in W&IC section 11461.3(c)(1).

Once a county has opted-in to the ARC Program, the county will not have to opt-in again in subsequent years. A county's participation in the program is continuous unless and until the county "opts-out" of the program, or state funding for the ARC Program is reduced, as described below.

OPT-OUT PROVISIONS

A county can opt-out of the ARC Program at any time. (Please refer to the attached opt-out letter template that counties must use.) However, a county that decides to opt-out must meet the following notification requirements:

- Notice to CDSS. The county must give CDSS at least 120 days' prior written notice that it is opting-out of the program.
- Notice to caregivers. The county must give each participating approved relative caregiver at least 90 days' prior written notice that his or her payments will be reduced, including the date the reduction will occur. A statewide notice template for counties to use will be developed in the near future.

The county must continue to make ARC payments to participating approved relative caregivers *for the duration of both of these notice periods*. For example, a county cannot give timely notice to CDSS, then provide a delayed notice to caregivers 60 days later and expect the county's financial obligation to caregivers to end when the 120-day notice period to CDSS expires. The county continues to be responsible for making ARC payments to relative caregivers for the entire 90-day notice period regardless of when that notice period ends in relation to the 120-day notice period to CDSS.

A county that opts-out of the ARC Program can later opt-in again by following the opt-in procedures described above.

State Budget Reduction: Automatic Opt-Out

Current law authorizing the ARC Program provides for an automatic opt-out for participating counties if state funding for the ARC Program is reduced. Funding for the program is contingent upon an annual appropriation of funds. If the appropriation for the ARC Program is reduced, no matter how small the reduction may be, CDSS will presume that all counties have opted-out of the program effective the January 1 following the enactment of the state budget. Under these circumstances, a participating county has two options:

- If the county wants to continue to provide ARC payments to participating approved relative caregivers, it must notify CDSS in writing of its intent to opt-in—using the

attached opt-in letter template—within 60 days of the enactment of the state budget authorizing the reduction.

- If the county wants to let the automatic opt-out stand, the county must give each participating approved relative caregiver at least 90 days' prior written notice that his or her payments will be reduced, including the date the reduction will occur. Again, the county must continue to make ARC payments for the duration of the notice period.

The CDSS will notify all counties if a state budget is enacted that authorizes a reduction in the ongoing state general fund appropriation for the ARC Program. Pursuant to W&IC section 11461.3(d)(2), CDSS will confirm in the notification that all counties have opted-out of the program unless a county notifies CDSS in writing of its intent to opt-in within 60 days of the enactment of the state budget. The CDSS notification will include the date by which counties must opt-in to ensure compliance with the required 60-day time frame.

Unlike the ARC Program, which operates on a calendar-year basis, California's state budget is enacted on a fiscal-year basis. The deadline for a county to opt-in to the program under normal circumstances is by no later than October 1. However, if a state budget includes a reduction to the appropriation for the ARC Program that triggers an automatic opt-out for participating counties, the October 1 opt-in date would likely change. For example, if such a state budget is enacted by July 1, the beginning of the state fiscal year, a county would be automatically opted-out unless the county chose to opt-in within 60 days of July 1 (i.e., by August 30 or the next business day, not by October 1). This opt-in date may vary based on the actual date that the state budget is enacted in any given fiscal year.

Overall County Opt-Out Issue

If a county opts-out of the ARC Program for any reason, including due to caseload increases, the county opts-out of the program entirely. Existing cases cannot remain in the ARC Program (i.e., be grandfathered in) once the opt-out is effective.

Instructions regarding the submittal of required county opt-in and opt-out letters, using the attached templates, are provided at the end of this ACL.

FUNDING FOR THE ARC PROGRAM

Funding Sources

By law, funding for the ARC Program is comprised of up to three sources:

- Federal, state and county CalWORKs funds, including—for all ARC cases—the county share of costs associated with the CalWORKs portion of the ARC payment;
- State general funds (\$30 million for calendar-year 2015, as described below); and
- County funds if the other two funding sources are insufficient to make the ARC payment.

Together, these funding sources will be used to fund per-child, per-month payments under the ARC Program *in an amount that is equal to the basic foster care rate pursuant to W&IC section 11461*. In other words, the amount that an ARC-eligible child receives (or would receive) per month from CalWORKs will be applied toward the child's monthly ARC payment. The balance of the child's monthly ARC payment, up to the equivalent of the basic foster care rate, will come from state general fund resources specifically appropriated for the ARC Program (and potentially from county funds, as mentioned above). For example, an ARC payment in January 2015 for an eligible nine-year-old child who lives in Monterey County—which is in CalWORKs Region 1 (the higher-cost counties)—would consist of the following: a CalWORKs Region 1 monthly payment of \$369, plus ARC state general fund resources of \$395, to bring the child's total ARC payment up to the basic foster care rate of \$764 for the child's age group.

Although CalWORKs funds may be part of the ARC payment, a child does not have to be eligible for CalWORKs to participate in the ARC Program. Please refer to CalWORKs and Implementation of the ARC Program below.

California Necessities Index (CNI)/CalWORKs Adjustments

Each calendar year the ARC Program's base state general fund appropriation will be adjusted by an annual CNI rate used for the Local Assistance program estimates in the final appropriation for the Governor's Budget. However, the CNI increase to the average foster care rate, which is used for the ARC payment, will not be reflected until July 1 of each year pursuant to W&IC sections 11461.3 and 11461(g). The state general fund share of the ARC payment will be adjusted based on changes to statute for the CalWORKs exempt Maximum Aid Payment (MAP) levels.

Supplemental Allowances

The ARC Program authorizes per-child, per-month payments up to the basic foster care rate, as specified in W&IC section 11461.3. It does *not* authorize any supplemental allowances to the rate.

STATE GENERAL FUND APPROPRIATION AND BASE CASELOAD AMOUNT

As part of SB 855, the Legislature made a \$30 million appropriation from the state general fund for the ARC Program for the period January 1, 2015 through December 31, 2015. This is an ongoing appropriation that will be adjusted annually by the CNI. The Legislature intended this appropriation *to fully fund the base caseload of approved relative caregivers as of July 1, 2014*, subject to the “true-up” process described below. Funds from this appropriation will be distributed to counties participating in the ARC Program via county-specific allocations using a methodology that is currently being developed.

The SB 855 did not include an additional funding source for administrative costs to implement the ARC Program. Instructions regarding administrative costs associated with the ARC Program will be provided in a forthcoming County Fiscal Letter (CFL).

The \$30 million appropriation from the state general fund is not part of the 2011 realignment. Thus, a county that opts-in to the ARC Program will receive its full allocation of 2011 realignment funds in addition to its share of ARC funds.

Further, Title IV-E California Well-Being Project (Project) counties (waiver counties) may participate in the ARC Program as long as their cases are not eligible for federal Title IV-E or state AFDC-FC foster care funds and the county has opted-in. The ARC Program is separate from the Project. Therefore, counties participating in the Project that opt-in to the ARC Program will receive their normal allocation of federal waiver dollars. The CalWORKs and state general funds associated with the ARC Program will be provided as a non-waiver allocation.

One-Time Opportunity to Adjust State General Fund Appropriation: True-up

The new law provides for a one-time opportunity to ensure that the ongoing state general fund appropriation for the ARC Program is sufficient to fund the base caseload of approved relative caregivers as of July 1, 2014. This process is called the true-up. The true-up is scheduled in law to occur on or before October 1, 2015. To the extent that the state general fund appropriation is insufficient to fund the base caseload—as jointly determined by CDSS and the County Welfare Directors Association (CWDA), and as approved by the California Department of Finance—the amount of the ongoing state general fund appropriation will be increased pursuant to W&IC section 11461.3(e)(1)(B).

Such an increase would be made retroactively for all counties that participate in the ARC Program in calendar-year 2015 and prospectively for all participating counties in the future.

Once the adjusted amount of the ongoing state general fund appropriation for the ARC Program is determined on or before October 1, 2015, it will not be adjusted again except for the annual CNI adjustment, based on W&IC section 11461.3. New legislation would be required to increase or decrease the amount of the appropriation.

Methodology

Since there is only a one-time opportunity to adjust the ongoing state general fund appropriation for the ARC Program, it is important for each county to provide CDSS with reliable data regarding the number of eligible children placed with an approved relative caregiver as of July 1, 2014, even if a county is not currently choosing to opt-in. *Funds for the ARC Program will be allocated to participating counties based on the maximum number of approved relative caregiver placements of eligible children in the county as of July 1, 2014, using a methodology and timing currently being developed by CDSS in consultation with CWDA and other representatives of county human services agencies.* Please also see Required/Requested County Data below. More information about the methodology will be provided in a forthcoming departmental letter.

Base Caseload

Related to the preceding information, questions have arisen regarding the definition of "base caseload," including which cases are included and who is eligible for the ARC Program going forward. Regarding the base caseload, the phrase used in W&IC section 11461.3 is "to fully fund the base caseload of approved relative caregivers as of July 1, 2014." Thus, the term "base caseload" refers to all eligible children placed with an approved relative caregiver as of July 1, 2014. *It is a snapshot as of the day of July 1, 2014.* As described in earlier sections of this ACL (Eligibility Criteria for Children and Requirements for Relative Caregivers), the term "base caseload" is further defined as follows:

- Includes any *non-federally* eligible child under Title IV-E of the Social Security Act who is under the jurisdiction of the California juvenile court and who is placed with an approved relative caregiver residing in California. (The term "approved" means the relative caregiver has gone through the assessment process and has met required approval standards that mirror those for licensed foster parents, or has met RFA approval standards. Please see W&IC sections 309(d), 361.4 and 16519.5.)

- Includes probation wards placed with an approved relative caregiver; children placed with an approved relative caregiver through a voluntary placement agreement pursuant to W&IC sections 11401(b), (b)(1), and (c); and NMDs as described in W&IC section 11401(e).
- May include an undocumented child if all ARC eligibility requirements are met. For more information about eligibility and undocumented children, please refer to Eligibility Criteria for Children.
- Does not include probate guardianship cases.
- *ONLY consists of eligible children placed with an approved relative caregiver as of July 1, 2014.* Relative caregiver approvals that were pending as of July 1, 2014, or that occurred after July 1, 2014, are not included. Neither are pending approvals of relative caregivers with whom a probation ward is placed and pending RFA approvals. None of these cases can be included in the base caseload unless the relative caregivers were actually approved as of July 1, 2014.
- For purposes of determining the base caseload, includes in the baseline calculation all ARC-eligible children placed with an approved relative caregiver regardless of whether the child is receiving a CalWORKs payment or not.

REQUIRED/REQUESTED COUNTY DATA

To accurately determine whether the \$30 million state general fund base ARC funding amount needs to be adjusted on or before October 1, 2015, it is necessary to obtain caseload data as of July 1, 2014 for all counties regardless of whether a county is opting-in or not. This will ensure adequate funding for the ARC Program. To aid in this effort, CDSS is developing a template for capturing county caseload data that all opt-in counties will be required to complete and return to CDSS. This template and related instructions will be transmitted to counties separately.

Counties that do not elect to participate in the ARC Program for calendar-year 2015 will also be asked to complete and return the template to CDSS. Even if a county does not opt-in this year, the county may want to opt-in to the program in a subsequent year. Thus, it is in the best interests of all counties to submit county caseload data to CDSS. There will only be one opportunity to adjust the ongoing state general fund appropriation for the ARC Program. More accurate data will allow for a more accurate adjustment of the ARC appropriation.

The CDSS has received numerous inquiries about how the data submitted by the counties will be reviewed and utilized. The data provided by counties will be compared with state data. Variances will be discussed and resolved based on agreements reached between CWDA, the counties and CDSS.

The due date(s) for county submission of this data to CDSS is still being determined and will be conveyed to counties along with the template and related instructions.

END-OF-YEAR ARC PROGRAM REIMBURSEMENT PROVISIONS

It was the Legislature's intent to fully fund the base caseload of approved relative caregivers as of July 1, 2014, while optimizing the use of CalWORKs funds. However, if the county-specific ARC caseload exceeds the baseline caseload as of July 1, 2014 (i.e., the county experiences an overall increase in its ARC-eligible relative placements after July 1, 2014), *the county is solely responsible for continuing to make full ARC payments to eligible relative caregivers pursuant to W&IC section 11461.3(c)(3)*. The law does provide for some fiscal relief. If in any calendar year the entire amount of the ARC Program appropriation has not been fully expended, the unexpended funds may be used to reimburse some or all of the costs for those counties that have paid funds to cover amounts exceeding the county's allocation, using an agreed-upon methodology to redistribute the funds. The CDSS' authority to approve county requests for reimbursement will be limited to the amount of available unspent funds. A future CFL will explain the process CDSS will use to address these requests pursuant to W&IC section 11461.3(e)(3).

EXEMPTION FROM THE STATE-HEARING PROCESS

Under W&IC section 10950, an approved relative caregiver cannot appeal any reduction in his or her per-child, per-month payment that occurs as a result of a county opting-out of the ARC Program. This includes any reduction in payments following the presumed opt-out of counties in the event of a state-budget reduction. However, if there is a reduction in payments to an approved relative caregiver as a result of some other determination unrelated to a county opting-out of the ARC Program, the caregiver retains his or her existing appeal rights.

CALWORKS AND IMPLEMENTATION OF THE ARC PROGRAM

The ARC payment will include a portion of CalWORKs funds unless the child does not qualify for CalWORKs. Although CalWORKs is one of the funding sources for the ARC Program, eligibility for the CalWORKs Program is not a requirement for receipt of the ARC payment. An otherwise eligible child who does not meet the CalWORKs income and property requirements specified on the ARC Program application can still participate in the ARC Program. However, each ARC-eligible child must be assessed for CalWORKs eligibility in order to determine if CalWORKs funds can be utilized in the child's ARC payment. For more information, please refer to Children Who Do Not Qualify for CalWORKs below.

The CalWORKs Requirements and Relative Caregivers

The CDSS notes that the following CalWORKs requirements will not apply to an approved relative applying for the ARC Program on behalf of an eligible child:

- Statewide Fingerprint Imaging System (SFIS) requirements. It is considered sufficient that an approved relative caregiver has already been fingerprinted and undergone a criminal records background check as part of the approval process pursuant to W&IC section 361.4 and Health and Safety Code section 1522.
- Face-to-face interview requirement
- Requirement for a photo-image of the approved relative caregiver

Despite this, if the caretaker relative or other children in the home receive CalWORKs benefits but do not participate in the ARC Program, the caretaker relative must comply with SFIS, face-to-face interview and photo-imaging requirements.

The ARC Program Application and Other Eligibility Information

As noted, in order for an approved relative caregiver to receive the ARC payment on behalf of an eligible child, an ARC Program application must be fully completed, signed by the relative caregiver, and submitted to the county. The ARC Program application consists of two parts: the first part establishes the child's eligibility for the ARC Program and the second part establishes the child's eligibility for CalWORKs. Because the county should already have this information from the AFDC-FC determination, the forms FC 2 (Statement of Facts Supporting Eligibility for AFDC-Foster Care (FC)) and SOC 158A (Foster Child's Data Record and AFDC-FC Certification) may be used as documentation. Please refer to the attached form ARC 1 (ARC Program application).

Income and property requirements mirroring those for Temporary Assistance to Needy Families (TANF) are included on the ARC Program application. **All TANF income, property, and citizenship rules remain the same and will apply to the ARC Program.** For ARC Program purposes, compliance with these requirements is evaluated in the same way that TANF evaluates them.

For CalWORKs eligibility, children must meet the requirements regarding citizenship specified in ACIN I-71-00.

CalWORKs Assistance Unit (AU)

For ARC Program purposes, each participating child will be in an AU of one regardless of how many other persons in the family receive CalWORKs, including any siblings of the child.

The CalWORKs Portion of the ARC Payment: CalWORKs Regions 1 and 2

The amount of the CalWORKs portion of an eligible child's ARC payment will depend on where the child lives. There are two CalWORKs regions in California: Region 1 consists of the higher-cost counties and Region 2 consists of the rest of the state. The CalWORKs MAP rate is slightly higher for Region 1 than for Region 2. Although the amount of the CalWORKs portion of the ARC payment will vary from Region 1 to Region 2, each child participating in the ARC Program will receive an ARC payment equal to the basic foster care rate regardless of the child's county of residence.

For CalWORKs Region 1 (the higher-cost counties), the MAP for an ARC-eligible child's CalWORKs portion of the ARC payment will be \$369 per month from January 2015 through March 2015. The amount will increase to \$387 per month on April 1, 2015, when the MAP increases by five percent.

Counties in Region 1 consist of Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, and Ventura.

For CalWORKs Region 2 (the rest of the state), the MAP for an ARC-eligible child's CalWORKs portion of the ARC payment will be \$351 per month from January 2015 through March 2015. The amount will increase to \$369 per month on April 1, 2015.

Counties in Region 2 consist of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Mono, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba.

Effect of ARC Program on CalWORKs Payments

An approved relative caregiver receiving ARC payments on behalf of an eligible child is not eligible to receive additional CalWORKs payments on behalf of the same child under W&IC section 11450. These additional CalWORKs payments are described in MPP section 42-211, and include payments for special needs, emergencies, homeless assistance, and pregnancy special needs. Any statutory changes imposed on the

CalWORKs grant levels, such as changes to the MAP levels, shall also be applied to the CalWORKs portion of the ARC payment.

To the extent permitted by federal law, payments received by an approved relative caregiver from the ARC Program cannot be considered income for purposes of determining other public benefits (except for CalFresh in some circumstances). Thus, the ARC payment will not be included as income when determining the relative caregiver's or other household members' eligibility for CalWORKs assistance.

Recipients of ARC funding may also be eligible for CalFresh benefits. For CalFresh budgeting purposes, monies made available through the ARC Program shall be treated in the same manner as foster care payments made to CalFresh households. CalFresh households shall be informed of their option to include in the CalFresh household an ARC-eligible foster child for CalFresh budgeting purposes. That is, ARC-eligible foster children may be considered part of the CalFresh household, with the ARC payment treated as unearned income to the CalFresh household; OR ARC-eligible foster children can be considered boarders and excluded for CalFresh budgeting purposes from the household, with the ARC payment excluded from income consideration. For more information, please refer to MPP sections 63-402.32 and 63-502.2(o).

COUNTY WITH PAYMENT RESPONSIBILITY

Although the county of residence is typically the county with payment responsibility for CalWORKs (except for NMDs), **the county of court jurisdiction will be the county with payment responsibility for the ARC Program.** This includes the CalWORKs portion of the ARC payment, which will apply in the vast majority of ARC cases. Thus, the county of court jurisdiction—the county with placement and care responsibility over the child or the NMD—will make the ARC payment. The county of court jurisdiction will continue to make the ARC payment even if the child is placed out of county, as long as the child is placed in California; it does not matter if the county in which the child is placed is an ARC opt-in county or not. As a result, for certain cases, an Inter-County Transfer may be necessary to transfer the case from the county of residence to the county of court jurisdiction. This issue will be addressed in greater detail in a forthcoming CalWORKs ACL.

Needy or non-needy caretaker relatives caring for a child(ren) who is not participating in the ARC Program, but who is receiving CalWORKs, will continue to receive their CalWORKs benefits from the county of residence.

ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEM

The goal in utilizing the EBT system for ARC payments is to make implementation of the ARC Program as seamless as possible. The EBT system is a payment system for CalWORKs, CalFresh, and other benefits. The ARC Program will be able to utilize the EBT system through the creation of a new benefit type and new aid codes, allowing ARC payments to be made on EBT cards by the county of court jurisdiction.

If an ARC-eligible child's family currently receives CalWORKs or other benefits, *and the county of court jurisdiction is also the county of residence*, the child's ARC payments may be consolidated onto the family's existing EBT card. However, *if the county of court jurisdiction is different from the county of residence*, the child's ARC payments must be issued on a separate EBT card by the county of court jurisdiction.

The CDSS notes that the EBT system may not be available to issue ARC payments by January 1, 2015. In light of this, CDSS is exploring alternative payment options pending utilization of the EBT system for ARC payments. At the same time, CDSS is working with the Office of Systems Integration and the Statewide Automated Welfare System (SAWS) consortium to determine how ARC payments can be handled through the EBT system. For more information about the EBT system, please access www.ebtproject.ca.gov.

PAYMENTS AND OVERPAYMENTS

Date of Issuance of ARC Payments

The CalWORKs payments are issued at the beginning of the month through the EBT system. The ARC payments will also be issued at the beginning of the month. This is consistent with CalWORKs statute and with the goal of consolidating ARC payments and other benefits onto an existing or a single EBT card where feasible. The W&IC section 11265.46 requires CalWORKs benefits for the foster care population to be issued prospectively.

Date of Issuance if CalWORKs Determination Is Pending

If a child is ARC-eligible, but the determination of eligibility for the CalWORKs portion of the ARC payment is pending, the ARC payment should still commence upon the date the child is determined to be ARC eligible. Once CalWORKs eligibility is determined, CalWORKs eligibility and the ARC payment will be retroactive to the date of the ARC Program application, and the county can make the necessary funding adjustments (e.g., retroactively apply CalWORKs funds to the ARC payment). This will optimize the use of CalWORKs funds in the ARC Program, which was the intent of the Legislature.

ARC Payment Offset

The ARC payment would be offset by any social security income that an ARC-eligible child or NMD receives. Counties should follow the offset rules in MPP section 44-100.

ARC Overpayments

The issue of ARC overpayments and will be discussed in a forthcoming departmental letter.

AID CODES FOR MEDI-CAL ELIGIBILITY

Five new aid codes for Medi-Cal eligibility have been assigned to the ARC Program:

- 2S – ARC Funding Option + federal CalWORKs;
- 2T – ARC Funding Option + state CalWORKs;
- 2U – ARC Funding Option + state CalWORKs (for NMDs);
- 2P – ARC Funding only (state general fund); and
- 2R – ARC Funding only (state general fund) (for NMDs).

EBT AUTOMATION

A new EBT benefit type code is under development at this time and is not yet available to be used. The new benefit type is expected to be available sometime in the second quarter of 2015. Once the development process is completed, the SAWS consortia and the counties will be notified in order to allow programming of the benefit type code.

If you have any questions regarding the ARC benefit type, please contact the EBT Operations Helpdesk at 916-263-6600.

CHILDREN WHO DO NOT QUALIFY FOR CALWORKS

The ARC Program seeks both to optimize the use of CalWORKs funds and to provide ARC payments to all eligible children. However, if the CalWORKs income and property sections of the ARC Program application make the child ineligible for the CalWORKs portion of the ARC payment, the child can still participate in the ARC Program. In cases where the child is ineligible for CalWORKs, the child's ARC payment will consist entirely of state general funds appropriated for the ARC Program in an amount equal to the basic foster care rate pursuant to W&IC section 11461(g). County funds may also potentially be needed to fund such ARC payments if the county-specific ARC allocation is insufficient to fund the payments after the true-up.

Since ARC payments cannot be made through the EBT system in time for the January 1, 2015 ARC Program implementation date, a county will have to make the above ARC payments through a manual county process until the automated process can be implemented. As noted earlier, CDSS is exploring alternative payment options pending utilization of the EBT system for ARC payments.

TRIBES AND THE ARC PROGRAM

Although SB 855 is silent on whether tribes are opt-in entities, any Indian child who meets all of the ARC requirements is eligible for ARC payments in the same way as any other child. Moreover, tribes—whether Title IV-E tribes or not—will have an interest in assuring that any of their children covered by the Indian Child Welfare Act (ICWA) are provided any potential benefits from the ARC Program if the county responsible for the child's case has chosen to opt-in and the child is otherwise ARC eligible. Counties that have ICWA-covered children should therefore reach out to and collaborate with tribes to inform them of the new program and how it might benefit their children.

CHILD SUPPORT PROVISIONS

The CDSS is currently working with the California Department of Child Support Services to resolve key child support issues regarding the ARC Program. These issues will be addressed in a forthcoming ACL.

OUTREACH

There are several ways for relative caregivers to be informed about the ARC Program, as follows:

- Educational brochure. To assist with county outreach efforts, PUB 468 (Approved Relative Caregivers Funding Option Program) has been prepared as an informational brochure for relative caregivers. For a camera-ready copy of this brochure, contact the CDSS Forms Management Unit at fmudss@dss.ca.gov.
- Monthly visits. Upon initial implementation of the ARC Program, social workers are encouraged to discuss the ARC Program with approved relative caregivers, and to give them copies of the brochure and the ARC Program application, during monthly social worker visits. Social workers are also encouraged to assist approved relative caregivers with filling out the application, providing information already gathered in the AFDC-FC determination process (e.g., on the forms FC 2, SOC 158A), verifying information if necessary, and submitting the application to the county's CaWORKs eligibility unit.
- Prospective relative caregivers and newly eligible children. For this population, it is anticipated that information about the ARC Program will be incorporated into the

normal procedures that counties follow when prospective relative caregivers receive orientations and related children in foster care are initially evaluated to determine which funding source is the most appropriate for them.

- Other avenues. Counties may wish to distribute copies of the aforementioned brochure and ARC Program application to local organizations that provide kinship services. Advocacy or caregiver newsletters and websites may be other avenues to explore to spread the word about the ARC Program.

While there is no requirement for counties to notify relative caregivers about the ARC Program prior to its implementation, counties interested in participating in the program are encouraged to let local relative caregivers know about it as soon as possible.

CHECKLIST AND SUMMARY OF KEY PROGRAM PROVISIONS

For ease of reference, following is a checklist of county responsibilities under the ARC Program, as well as a summary of other key program provisions:

County Responsibilities

- Notify CDSS in writing of the county's intent to opt-in to the ARC Program by no later than October 1 for the upcoming calendar year (except for calendar-year 2015). Once a county has opted-in to the program, the county will not have to opt-in again in subsequent years.
- Provide CDSS with caseload data.
- Make per-child, per-month ARC payments to approved relative caregivers on behalf of ARC-eligible children in an amount equal to the basic foster care rate paid to AFDC-FC providers for the duration of the county's participation in the program, even if the funds allocated to the county are insufficient to make all eligible ARC payments. (Counties may seek reimbursement for county funds used to make eligible ARC payments if in any given calendar year the entire amount of the ARC Program appropriation has not been fully expended.)
- Ensure that a child deemed ARC-eligible meets all of the following criteria: 1) is a dependent or ward of the California juvenile court, or is placed under a voluntary placement agreement; 2) is *not* federally eligible under Title IV-E of the Social Security Act; and 3) resides in California. A completed ARC Program application must also be submitted on behalf of the child.
- Ensure that all relative caregivers with whom an ARC-eligible child is placed reside in California and are approved pursuant to W&IC sections 309(d), 361.4, and/or 16519.5.

- If the county decides to opt-out of the program, give CDSS at least 120 days' prior written notice and approved relative caregivers at least 90 days' prior written notice. Continue to make ARC payments for the duration of both notice periods.
- If a presumed opt-out of all counties occurs as the result of a state-budget reduction for the ARC Program and the county decides to opt-in, notify CDSS within 60 days of the enactment of the state budget. If a county decides not to opt-in, give approved relative caregivers at least 90 days' prior written notice and continue to make ARC payments for the duration of the notice period.

Other Program Provisions

- Funding is derived from CalWORKs funds, an ongoing state general fund appropriation for the ARC Program, and county funds if the other two funding sources are insufficient to fund ARC payments. (Counties are also responsible for the county share of costs associated with the CalWORKs portion of the ARC payment.)
- The ongoing state general fund appropriation for the ARC Program is intended to fully fund the base caseload of approved relative caregivers as of July 1, 2014, and will be adjusted annually by the CNI reflected in the annual Governor's Budget appropriation.
- There will be a one-time opportunity to adjust the current \$30 million ongoing state general fund appropriation for the ARC Program to ensure that the base caseload of approved relative caregivers as of July 1, 2014, is fully funded. This "true-up" must occur on or before October 1, 2015.
- The ARC Program funds will be allocated to participating counties based on the number of approved relative caregiver placements in the county as of July 1, 2014.
- Any reduction in ARC payments that occurs as the result of a county opting-out is exempt from the state-hearing process under W&IC section 10950.

OPT-IN AND OPT-OUT LETTER TEMPLATES AND MAILING INSTRUCTIONS

As mentioned previously, attached are letter templates that counties must use to opt-in or opt-out of the ARC Program. Letters may be transmitted to CDSS in one of two ways:

- Hard copy. Hard-copy letters may be sent to CDSS. If this method is chosen, the following applies:
 - For the purpose of determining whether a county opt-in letter is received in a timely manner, an opt-in letter will be considered received by CDSS based on the date of the postmark on the envelope.

- For the purpose of determining when the 120-day notice period to CDSS of the county's decision to opt-out begins, the date the opt-out letter is dated by the county will be considered the first day of the 120-day notice period as long as the letter is received by CDSS within ten calendar days. The county can choose a later date for the 120-day notice period to begin, but cannot choose an earlier date.

Please send hard copies of letters to the following address:

**California Department of Social Services
Attention: Foster Caregiver Policy and Support Unit
744 P Street, MS 8-13-78
Sacramento, CA 95814**

- Soft copy. Signed, scanned copies of letters may be sent to CDSS via e-mail at ARCFO@dss.ca.gov. If this method is chosen, the following applies:
 - For both opt-in and opt-out letters, the date of the e-mail transmission will be considered the date the letter was received by CDSS.
 - For an opt-out letter, the date of the e-mail transmission will be considered the first day of the 120-day notice period to CDSS of the county's decision to opt-out, unless the county indicates in the letter that the notice period will begin on a later date.
 - A hard copy of the original scanned, signed letter must be received by CDSS within ten calendar days.

Notices to caregivers. If a county opts-out of the ARC Program, the county must also send CDSS a copy of the written notice it sends to participating approved relative caregivers. The copy of this notice must be received by CDSS within ten calendar days of the date the notice is dated by the county. As indicated earlier, a statewide notice template for counties to use will be forthcoming.

ARC PROGRAM QUESTIONS AND ANSWERS (Q&As)

Since the enactment of SB 855, CDSS has received many questions regarding the ARC Program. Although many of these questions have been answered in this ACL, attached is a document containing outstanding Q&As to assist in understanding the nuances of the ARC Program.

CONTACT INFORMATION

If you have policy-related questions concerning the ARC Program, please contact the Foster Caregiver Policy and Support Unit at (916) 651-7465 or ARCFO@dss.ca.gov. Questions concerning fiscal claiming, reporting and aid codes should be directed to fiscal.systems@dss.ca.gov. Questions concerning CalWORKs policy should be directed to the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

APPROVED RELATIVE CAREGIVER (ARC) FUNDING OPTION PROGRAM

QUESTIONS AND ANSWERS (Q&As)

Following are Q&As that were not addressed in the All County Letter (ACL). Additional information will be provided in forthcoming departmental letters.

1) **Auditing**. What type of state/federal monitoring/auditing will the ARC Program be subject to?

To be determined. Discussions are ongoing about what type of monitoring/auditing should be conducted for this type of funding program.

2) **CalWORKs**. Will families have the option to stay on CalWORKs?

Yes, as noted in the ACL, families may choose not to participate in the ARC Program and to continue to receive CalWORKs benefits only. However, if a family is caring for an ARC-eligible child, a county representative who is familiar with the family's situation should educate the family about the advantages of an ARC payment for the child versus a straight CalWORKs payment. For example, the family may want to consider the following factors: The ARC payment will be considerably higher than the straight CalWORKs payment. In addition, the ARC payment will not be included as income when determining the relative caregiver's or other household members' eligibility for CalWORKs assistance.

3) **Closed cases**. Do relatives with closed cases qualify to participate in the ARC Program?

It is unclear what is meant by "closed cases." There are several possibilities, as follows:

If the term "closed case" refers to a closed CalWORKs case (e.g., the approved relative caregiver previously declined CalWORKs), then the answer is yes, the child can still participate in the ARC Program if the child meets ARC eligibility requirements. The child can qualify for the ARC Program regardless of whether or not he or she qualifies for CalWORKs. However, if the child does qualify for CalWORKs, then CalWORKs can be used to fund a portion of the child's ARC payment.

If the term "closed case" pertains to a child who is no longer a dependent or ward of the juvenile court, then the answer is no, the child cannot participate in the ARC Program. However, children who exit foster care to guardianship with a relative or adoption may be eligible to receive funding, respectively, through the Kinship Guardianship Assistance Payment Program or the Adoption Assistance Program.

Finally, an approved relative caregiver cannot be paid retroactively for care that has already been provided to an ARC-eligible child.

4) Federal foster care amounts. What is the federal basic foster care rate?

Foster care rates are adjusted yearly according to the California Necessities Index. Following are the federal basic foster care rates for Fiscal Year 2014-15:

- *Birth to four years of age: \$671*
- *Five to eight years of age: \$726*
- *Nine to 11 years of age: \$764*
- *Twelve to 14 years of age: \$800*
- *Fifteen to 20 years of age: \$838*

The ARC Program does not utilize Title IV-E federal foster care funds. However, ARC payments must be equal to the federal basic foster care rates described above.

5) Financial aspects. Please provide a description of the financial side of the ARC Program, including statistical reporting and claim requirements. What changes need to occur in order to process the changes in the funding?

Answers will be provided in forthcoming departmental letters.

6) Fiscal report. Which fiscal report will include the ARC Program?

Assuming this question is in regard to an assistance claim, the answer will be provided in a forthcoming County Fiscal Letter (CFL).

7) Foster Family Agencies (FFA). How will this approved funding affect FFA placements?

The ARC Program should not affect FFA placements. The FFAs typically derive their funding from Aid to Families with Dependent Children-Foster Care (AFDC-FC). A certified foster parent or a licensed caregiver would receive a full AFDC-FC payment on behalf of a foster child in their care. For more information about FFAs, please access www.childsworld.ca.gov/pg1346.htm.

8) Methodology. Will counties be provided with a block of funds on January 1 of each year, or will the counties claim monthly and be reimbursed from an allocation?

This information will be provided in a forthcoming CFL.

- 9) **Methodology.** How will funds be distributed? As part of realignment, or as a CalWORKs allocation or a separate allocation?

It will be a separate allocation.

- 10) **Statewide Automated Welfare System (SAWS) funding.** Is there funding for the SAWS system to implement this program?

Any programming changes to SAWS necessary to implement the ARC Program is considered a workload change and should be prioritized against other existing programming changes within the SAWS baseline budget. Additional funding to complete the ARC programming changes may be requested through the next budget cycle and is subject to the state budget approval process.

- 11) **Special needs.** Are ARC Program payments higher for children with special needs?

No. As indicated in the ACL, the ARC Program does not include a Specialized Care Increment. In addition, the monthly ARC payment itself is not higher for a child with special needs.

- 12) **State-funding reduction.** If state funding is reduced but a county wants to continue to participate, would the payment be a 100 percent local cost, or just the difference between the CalWORKs grant and the foster care rate?

If there is a budget reduction and the county wants to continue to participate in the ARC Program, the county will need to use local funds to make up the loss of state general funds. A state-budget reduction to the ARC Program would automatically trigger the opt-out of all participating counties unless a county chooses to opt-in again within 60 days of the enactment of the state budget. Such an opt-in county would likely continue to receive some ARC funds. The magnitude of the county reduction in ARC funds would depend on the magnitude of the state-budget reduction. In this situation, to cover a monthly ARC payment, the county would continue to use available ARC funds to the extent possible together with CalWORKs funds (the CalWORKs portion of the payment is not capped). If that was not sufficient to cover the monthly ARC payment, the county would be responsible for funding the rest of the payment up to the equivalent of the basic foster care rate.

COUNTY LETTERHEAD

**APPROVED RELATIVE CAREGIVER FUNDING OPTION PROGRAM:
COUNTY OPT-IN LETTER TEMPLATE**
(Counties must use this template if they choose to opt-in.)

DATE

California Department of Social Services
Attention: Foster Caregiver Policy and Support Unit
744 P Street, MS 8-13-78
Sacramento, CA 95814

To Whom It May Concern:

SUBJECT: APPROVED RELATIVE CAREGIVER FUNDING OPTION PROGRAM

The purpose of this letter is to inform the California Department of Social Services (CDSS) that _____ County elects to participate in the Approved Relative Caregiver (ARC) Funding Option Program (hereinafter referred to as the ARC Program). By choosing to participate in this optional program, _____ County agrees to the terms and conditions of the program, as described in Welfare and Institutions Code (W&IC) section 11461.3. In addition, for calendar-year 2015 only, _____ County agrees to separately provide county caseload data necessary for CDSS to determine the amount of funding that the county is eligible to receive.

For calendar-year 2015 (for opt-in letters submitted after December 1, 2014), _____ County believes that good cause exists for not submitting the opt-in letter by October 1, 2014, due to the complexities involved in resolving policy and operational issues associated with implementation of the ARC Program.

For calendar-year 2015 (for opt-in letters submitted after March 1, 2015), _____ County believes that good cause exists for not submitting the opt-in letter in a timely fashion due to _____

Participation Agreements

In submitting this letter to CDSS, _____ County acknowledges that it understands and agrees to all of the following conditions for participating in the ARC Program and for accessing related state funds pursuant to W&IC section 11461.3:

COUNTY LETTERHEAD

- 1) A county that opts-in to the ARC Program will participate continuously in the program unless the county decides to opt-out, or state funding for the ARC Program is reduced, as described in number six below. A county that opts-out may opt-in again by notifying CDSS in writing of its decision to participate in the ARC Funding Option Program by October 1 of the year before participation begins. Participation begins on January 1 of the following year.
- 2) The county agrees to make per-child, per-month ARC Program payments to approved relative caregivers on behalf of eligible children in an amount equal to the basic rate paid to foster care providers pursuant to W&IC section 11461(g). To be eligible, a related child must meet all of the following criteria: a) reside in California; b) be a dependent or ward of the California juvenile court, or be placed by a voluntary placement agreement; and c) not be federally eligible under Title IV-E of the Social Security Act. The county agrees to make these payments for the duration of the county's participation in the program.
- 3) To participate in the ARC Funding Option Program, the county must ensure that all relative caregivers with whom eligible children are placed are approved pursuant to W&IC sections 309(d), 361.4 or 16159.5 (Resource Family Approval).
- 4) The county will comply with paragraph number two above even if the allocated state and federal funds are insufficient to make all eligible payments to approved relative caregivers.
- 5) If a county decides to opt-out of the program, the county must give CDSS at least 120 days' prior written notice. The county must also give each participating approved relative caregiver at least 90 days' prior written notice that his or her payments will be reduced, including the date the reduction will occur. In addition, the county must comply with paragraph number two above for the duration of both notice periods.
- 6) Funding for the ARC Program is contingent upon an annual appropriation of funds. If the appropriation for the ARC Program is reduced, no matter how small the reduction may be, CDSS will presume that all counties have opted-out of the program. If a county would like to continue to provide ARC Program funding, it must notify the CDSS of its intent to opt-in within 60 days of the enactment of the state budget authorizing the reduction. Counties that do not opt-in must give each participating approved relative caregiver at least 90 days' prior written notice that his or her payments will be reduced, including the date the reduction will occur. In addition, these counties must comply with paragraph number two above for the duration of this notice period.

COUNTY LETTERHEAD

ARC Program Provisions

The county also understands and agrees to the following provisions of the ARC Program:

- Funding for the ARC Program is comprised of California Work Opportunity and Responsibility to Kids (CalWORKs) funds, an ongoing state general fund appropriation for the ARC Program, and potentially county funds if the other funding sources are insufficient to cover all eligible ARC payments. (Counties are also responsible for the county share of costs associated with the CalWORKs portion of the ARC payment.)
- Funds are allocated to participating counties based on the number of approved relative caregiver placements in the county as of July 1, 2014, using a methodology and timing developed by CDSS in consultation with county human services agencies and their representatives.
- If in any calendar year the entire amount of the funding appropriated by the State for the ARC Program has not been fully expended, a county that has paid funds to cover amounts that exceeded the county's allocation may ask CDSS to be reimbursed for those expenses. The CDSS' authority to approve these requests will be limited by the amount of available unspent funds.
- Any reduction in payments to an approved relative caregiver that occurs as the result of a county's decision to opt-out of the program is exempt from the state-hearing process under W&IC section 10950.
- An approved relative caregiver receiving payments on behalf of an eligible child under this program is not eligible to receive additional CalWORKs payments on behalf of the same child under W&IC section 11450.
- To the extent permitted by federal law, payments received by an approved relative caregiver from the ARC Funding Option Program cannot be considered income for the purpose of determining other public benefits.

STANDARD COUNTY CLOSING WITH CONTACT INFORMATION

Sincerely,

SIGNATURE
TITLE

**APPROVED RELATIVE CAREGIVER FUNDING OPTION PROGRAM:
COUNTY OPT-OUT LETTER TEMPLATE**
(Counties must use this template if they choose to opt-out.)

DATE

California Department of Social Services
Attention: Foster Caregiver Policy and Support Unit
744 P Street, MS 8-13-78
Sacramento, CA 95814

To Whom It May Concern:

SUBJECT: APPROVED RELATIVE CAREGIVER FUNDING OPTION PROGRAM

The purpose of this letter is to inform the California Department of Social Services (CDSS) that _____ County elects to opt-out of the Approved Relative Caregiver (ARC) Funding Option Program, also known as the ARC Program, effective _____ (120 days from the date on this letter or later).

In deciding to opt-out of the program by this letter, _____ County is giving CDSS at least 120 days' prior written notice. _____ County will also give each participating approved relative caregiver at least 90 days' prior written notice that his or her payments will be reduced, including the date the reduction will occur. We understand that ARC payments must continue to be made during the notice periods, even if those notice periods run consecutively compared to concurrently.

We also agree to forward CDSS a copy of the notice sent to participating approved relative caregivers when it is available.

We further understand that _____ County may opt-in again by notifying CDSS in writing of its decision to participate in the ARC Program by October 1 of the year before participation begins. Participation begins on January 1 of the following year.

If you have any questions, please contact _____ at _____.

STANDARD COUNTY CLOSING WITH CONTACT INFORMATION.

Sincerely,

SIGNATURE
TITLE

STATEMENT OF FACTS SUPPORTING ELIGIBILITY FOR THE APPROVED RELATIVE CAREGIVER (ARC) FUNDING OPTION PROGRAM

(PART ONE)

INSTRUCTIONS: Please complete in ink all of the questions to the left of the heavy black line. If you need more space, attach another sheet of paper. Fill out this form for each eligible child/youth. If you need help filling out this form, please contact the child/youth’s social worker or eligibility worker.

1. Approved Relative Caregiver’s Name **Phone**
()

2. Give us all the facts for this child/youth.

Child/Youth’s Name (First, Middle, Last) **Sex**
 Male Female

Address

Birthdate (Month/Day/Year) Birthplace (City/State/Country)

Social Security Number

Citizen of U.S. A.? YES NO Noncitizen Status

Reside in the State of California? YES NO

Relationship of Child/Youth to the Relative Caregiver

3. Is the child/youth currently receiving CalWORKs?

YES NO

If “YES”, list the CalWORKs Case No.: _____ and sign below (page two).

If “NO”, you must complete Part Two, starting with #4, below.

COUNTY USE ONLY

CASE NAME

CASE NUMBER

WORKER NAME AND NUMBER

DATE RECEIVED

Verification
 SSN
 Citizen
 Eligible Noncitizen
 California Residency

Verification of Dependency Status
 Dependency Order
 Voluntary Placement Agreement _____ (end date)
 SOC 158A
 FC 3

Verification of Federal Funding Status
 Eligible for federal AFDC-FC
 Ineligible for federal AFDC-FC
 SOC 158A
 FC 3

Verification
 CalWORKS eligibility confirmed

STATEMENT OF FACTS SUPPORTING CALWORKS ELIGIBILITY (PART TWO, ARC PROGRAM STATEMENT OF FACTS)

NOTE: If you need help filling out this form, please contact the child/youth’s social worker or eligibility worker.

Verification
 FC 2

4. Does the child/youth have health insurance, including Medi-Cal?

YES NO DON’T KNOW

If “YES”, list policy number, company name, and name of policy:

For Medi-Cal, list the Medi-Cal Case No.:

Verification provided
 For Medi-Cal, Relative Caregiver chooses:
 Managed Care Fee for Service
 FC 2

5. Does the child/youth get or expect to get any income, YES NO such as: DON'T KNOW
Earnings, Supplemental Security Income/State Supplementary Payment (SSI/SSP), Social Security Benefits, Child Support, Veterans Benefits, etc.
 If "YES", complete below:

TYPE OF INCOME	AMOUNT (before deductions, if any)	WHEN	HOW OFTEN
	\$		

Will this income continue? YES NO
 If "NO", explain any known changes: DON'T KNOW

Verification provided

Income:
 Earned _____
 Unearned _____
 Exempt _____
 FC 2 _____

6. Does the child/youth own any property or have resources, such as: YES NO DON'T KNOW
cash, land, vehicle, motorcycle, bank accounts, trust funds, savings bonds, Native American per capita payments or trust funds, or other items?
 If "YES", complete below:

TYPE OF RESOURCE	ACCOUNT/POLICY NUMBER	NAME, ADDRESS OF BANK, ETC.	CURRENT VALUE
			\$
			\$

Verification provided
 Restricted account
 Exempt
 FC 2

CERTIFICATION

I understand that:

- I understand that giving false or misleading statements or misrepresenting, hiding or withholding facts to establish eligibility is fraud and that I may be subject to penalties under state and federal law if I provide false or untrue information. Fraud can cause a criminal case to be filed against me and/or I may be barred for a period of time (or life) from getting ARC benefits.
- I understand that Social Security Numbers or Immigration Status for household members applying for benefits may be shared with the appropriate government agencies as required by federal law.

I declare under penalty of perjury under the laws of the State of California that the information contained on this Statement of Facts is true, correct, and complete to the best of my knowledge.

SIGNATURE OF APPROVED RELATIVE CAREGIVER

DATE

COUNTY USE ONLY

INELIGIBLE (Reason)

ELIGIBLE

Date Eligibility Conditions Met:

Authorization Date:

- ARC Eligible
- CalWORKs Eligible
- ARC-only Eligible

NOTES:

Signature of County Worker

Date

Signature of Supervisor

Date

INFORMATION FOR APPROVED CAREGIVERS

If you are an approved relative caregiver of a foster child, or want to become one, you may be eligible to receive funds under a new program. This program is called the Approved Relative Caregiver (ARC) Program.¹ Under this program, an approved relative caregiver with whom an eligible child is placed will be able to receive a payment equal to the basic foster care rate.

Participating in the ARC program is optional for counties. Talk to your social worker or contact your local child welfare office to find out if your county is participating in the ARC program.

¹ SB 855 added ARC Funding Option Program provisions to Section 11461.3 of the Welfare and Institutions Code.

State of California
Health and Human Services Agency
Department of Social Services



CONTACT YOUR LOCAL OFFICE:

APPROVED RELATIVE REGIVERS FUNDING OPTION PROGRAM

RMATION FOR
APPROVED CAREGIVERS

PUB 468 12/14



HOW MUCH IS A PER-CHILD, PER-MONTH ARC PAYMENT?

The payment is the same as the basic foster care rate. Due to cost-of-living increases, this rate can vary from year to year. For 2014, the basic foster care rate is as follows:

- Birth to four years of age: \$671
- Five to eight years of age: \$726
- Nine to 11 years of age: \$764
- Twelve to 14 years of age: \$800
- Fifteen to 20 years of age: \$838

If you are already receiving this amount or more, this program will not provide additional funds to you.

MEDI-CAL ELIGIBILITY?

Yes, a child is eligible for Medi-CAL under the ARC Program.

HOW DOES A CHILD QUALIFY FOR THIS PROGRAM?

A child must meet all the following criteria:

- Be a dependent or ward of the California juvenile court, or be placed under a voluntary placement agreement.
- Reside in California and be placed with an approved relative caregiver.
- Be ineligible for federally funded foster care benefits (your eligibility worker may be able to help you determine this).

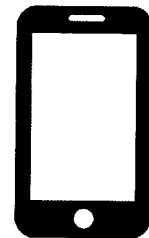
In addition, an ARC Program Application must be completed for each child, even if the child is already receiving CalWORKs. Please contact the child's social worker for more information.

HOW DO RELATIVE CAREGIVERS QUALIFY FOR THE PROGRAM?

To qualify for participation in the ARC Funding Option Program, relative caregivers must reside in California and be "approved" by the county.

SO ...WHAT DO I DO NOW?

For more information, talk to your social worker or contact your local child welfare office.



CONTACT YOUR LOCAL OFFICE:



CDSS

WILL LIGHTBOURNE
DIRECTOR

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



EDMUND G. BROWN JR.
GOVERNOR

February 4, 2015

COUNTY FISCAL LETTER (CFL) NO. 14/15-45

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL COUNTY AUDITOR CONTROLLERS
ALL COUNTY REFUGEE COORDINATORS
ALL CALWORKS PROGRAM SPECIALISTS

SUBJECT: APPROVED RELATIVE CAREGIVER (ARC) FUNDING OPTION
METHODOLOGY FOR COUNTIES TO DETERMINE AND
SUBMIT PROGRAM CASELOAD

REFERENCES: ALL COUNTY LETTER (ACL) NO. 14-89,
DATED DECEMBER 16, 2014; ACL NO. 14-44,
DATED JULY 28, 2014; SENATE BILL (SB) 855 (CHAPTER 29,
STATUTES OF 2014); WELFARE AND INSTITUTIONS CODE
(W&IC) SECTION 11461.3

This CFL provides counties with instructions for determining the caseload that will be associated with the ARC program. For details regarding the ARC program, see ACL No. 14-89, dated December 16, 2014, and ACL No. 14-44, dated July 28, 2014.

Background

The SB 855 requires the California Department of Social Services (CDSS) to collaborate with the County Welfare Directors' Association to determine the base caseload eligible for the ARC program. The purpose of establishing a base caseload is to calculate a county cost base for allocating the General Fund (GF) needed to fund the ARC program. Each county will be required to follow the methodology described in this CFL for determining ARC eligible cases from the Child Welfare Services/Case Management System (CWS/CMS). The methodology will satisfy the 'Eligibility Criteria for Children' detailed on page three of ACL No. 14-89. In an effort to ensure the base caseload is fully funded, a one-time opportunity to adjust the GF appropriation will occur as specified on page nine of ACL No. 14-89.

Methodology for Determining ARC Base Caseload from CWS/CMS

- **Step One:** Select all Approved Relative Home Placements active on July 1, 2014. These cases are coded '1421' and '1422' (tribal) within the CWS/CMS Placement Facility Type variable (PLC_FCLC).
- **Step Two:** Exclude non-related extended family members (NREFMs) from the data set produced from step one above. These are coded '1636' and '1637' within the CWS/CMS variable Substitute Care Provider Relationship (SCP_RLTC).
- **Step Three:** Exclude cases residing outside of the state of California from the data set produced from step two. These cases are coded '1828' in CWS/CMS Placement Home Location State variable (HMSTATE).
- **Step Four:** Exclude AFDC-FC and Emergency Assistance cases (aid codes 40, 42 and 5K) from the data set produced from step three.
- **Step Five:** Exclude AFDC-FC eligible non-minor dependents (over 18 years of age [aid codes 43 and 49]) from the data produced from step four.

In order to complete steps four and five, information may be required from the county's consortia. The resulting data set from the above methodology is the county's ARC eligible base caseload.

County data programmers can combine the above steps for efficiency.

For determining the county's base allocation, the ARC base caseload requires the following age categories: 0-4, 5-8, 9-11, 12-14, 15-20 (please see example below). These age categories determine the foster family home rates, which vary by age, and will be used to develop individual county costs.

ARC Eligible Base Caseload (Example)	
Age Category	Number of Cases
0 - 4	50
5 - 8	30
9 - 11	25
12 - 14	20
15 - 20	10
Total ARC Cases	135

Cases receiving payments from another state through the Interstate Compact for the Placement of Children (ICPC) are ineligible for ARC and therefore should not be included in the county's breakout of ARC cases that are submitted to CDSS.

Caseload Submission

Counties should submit their ARC base caseload breakout by using the format shown in the table on page two. A template is provided in this CFL as Attachment I. All caseloads should be submitted by February 18, 2015, and must include the signature of the county's Fiscal Officer or a higher classification.

All counties are required to submit the base caseload using the methodology described in this CFL for CDSS to develop a base allocation should the county opt-in to the ARC program at a future date. If a base caseload is not provided, CDSS is required to develop an ARC eligible base caseload for the county that will not be updated with the exception of the annual California Necessities Index rate as defined on page eight in ACL No. 14-89. Submitting the base caseload information does not require participation in the ARC program; however, it establishes a funding base for counties that opt-in to the ARC program on a future date.

For questions regarding this CFL and to submit your county's caseload, please contact Jon Somma, Research Program Specialist III in the Fiscal Forecasting and Policy Branch, via email at Jon.Somma@dss.ca.gov or by phone at (916) 654-1768.

Sincerely,

Original Document Signed By:

LILIA A. YOUNG, Chief
Fiscal Forecasting and Policy Branch

Attachment

California Department of Social Services (CDSS)
 Approved Relative Caregiver (ARC) Base Caseload

Please see CFL 14/15-45 for instructions and submit this form to CDSS by February 18, 2015.	
County:	

ARC Eligible Base Caseload	
Age Category	Number of Cases
0 - 4	
5 - 8	
9 - 11	
12 - 14	
15 - 20	
Total ARC Cases	

Fiscal Officer's Signature

Date

Please submit this form to Jon Somma in Research Program Services via email at Jon.Somma@dss.ca.gov