

## FOSTER CARE HANDBOOK

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ISSUED/REVISED: 05-01-17

RESIDENCE/REFUGEE/  
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SECTION: 45-201.5

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### I. GENERAL

Refugees are non-citizens given permission to come to the United States (U.S.) because they have a fear of persecution in their own country. They receive refugee status prior to entry.

An alien is any person who is not a citizen or national of the U.S. Undocumented non-citizens are people not authorized to be in or remain in the United States. Undocumented people normally do not have valid or current immigration documents.

The United States Citizenship and Immigrant Services (USCIS) formerly recognized as the Immigration and Naturalization Service (INS) is the branch of the government that administers regulations regarding noncitizens in the U.S. An undocumented person may apply for lawful status, but before a green registration card is issued; he or she may complete a Permanent Resident Under the Color of the Law (PRUCOL) application that is submitted to the USCIS.

This Handbook Section will include the requirements for children/youth entering the U.S. and applying for Foster Care (FC) and Medi-Cal benefits.

### II. RESIDENCE

Foster Care children are considered to be residents of the state/county that has court jurisdiction of the child's care and control. This is usually the place of residence of the natural parents.

Federal regulations allow the court to delegate care and control to caregivers. As a result, caregiver relatives may reside in a county or state other than the one that has jurisdiction of the child. Foster Care assistance payments are the responsibility of the county/state with court jurisdiction.

When a child is not eligible for federal foster care (Title IV-E) and the child is placed through Interstate Compact for the Placement of Children (ICPC) in California by another state the child may be eligible as a California resident for CalWORKs even when the other state retains jurisdiction. For more information regarding the ICPC refer to the FC handbook section on 'Out of State Placements', DM 45-102.3.

#### A. Evidence of Residence (EAS 42-407)

The written statement on the appropriate statement of facts (FC 2/SAWs 2A) is acceptable to establish intention and action to establish residence.

#### B. Children Placed Out-of-State by Contra Costa County

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A child that is a dependent of California continues to meet the residency requirements. A child placed in another state by this county retains California residency for Foster Care/CalWORKs purposes, as long as the Contra Costa County court system retains jurisdiction over the child. Out-of-State, non-federal relatives may be eligible for TANF assistance where they live.

### C. Child Placed in California By Another State

TANF (CalWORKs) cash assistance may be specified as the financial plan submitted by the sending agency. The plan may provide for an application to be filed on the child's behalf for TANF cash assistance with the sending state for a child not eligible to federally funded FC. When the child is placed out of state by Contra Costa County, the relative caregiver may be asked to apply for TANF benefits in the receiving state when the child is not eligible for federally funded FC benefits.

### D. Residency – Inmate Natural Parent

#### Child's Parent is an Inmate at Time of Removal (Child is a Dependent):

An inmate's legal residence is defined as the county in which he/she was residing at the time of arrest, regardless of where the arrest, trial or incarceration takes place. A child's county of residence is determined by the county of residence of the parent with whom the child resides. Therefore, the 'county of residence' for a child born to an inmate is the county where the inmate resided at the time of arrest. If the child becomes or is made a dependent, that county is responsible for the infant's care, custody and control.

#### Legal Guardian or Other Custodial Control (Non-Dependent):

When a court has awarded another person custody or guardianship of the child, the child's county of residence is that of the person awarded custody or guardianship, regardless of the mother's county of residence. However, if the child becomes or is made a dependent or ward of the court, county of jurisdiction is responsible for the child's care, custody and control.

## III. ELIGIBILITY FOR FEDERAL OR NON-FEDERAL FOSTER CARE

Only citizens of the United States (and U.S. territories such as American Samoa or the American Virgin Islands) and certain categories of aliens are eligible for federal or non-federal Foster Care. Citizens must prove their citizenship and non-citizens must prove their eligible alien status. AFDC-FC funding must not be authorized until eligible alien status is verified.

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A non-citizen eligible for federal or non-federal Foster Care is:

Lawfully admitted for permanent residence (may meet federal requirements), or Permanently Residing in the U.S. under Color of Law (PRUCOL) and will always be non-federal. (EAS 42-431.2)

#### IV. UNACCOMPANIED REFUGEE MINORS (URM) PROGRAM

The URM Program provides culturally and linguistically appropriate child welfare, foster care, and independent living services to minors who do not have parents in the U.S., or who enter the U.S. unaccompanied by a parent, an immediate adult relative, or an adult having documentable evidence of custody of the minor.

These youth enter the U.S. in several different ways, but are designated into the URM program by the Federal Office of Refugee Resettlement (ORR) and are eligible for the URM program based on their status as a Refugee, Asylee, Cuban/Haitian entrant, Victim of Human Trafficking, or because they have been granted a Special Immigrant Juvenile Status or a U-Visa. These youth do not enter the state's child welfare system, because they are usually not removed from the home due to abuse or neglect, or through a voluntary agreement.

California has two URM program service providers, who contract with California Department of Social Services (CDSS): Catholic Charities of Santa Clara County (CCSCC) and Crittenton Services for Children and Families (Crittenton) in Orange County. Both service providers place URM youth with certified foster parents in the counties surrounding Santa Clara County and Orange County. An application for Medi-Cal may be made on behalf of a URM in their county of residence. A URM Medi-Cal application will be processed and managed by the Workforce Services Bureau.

For more information about the URM program and the process for URMs, refer to Medi-Cal Handbook Section 65-170.

#### V. PRUCOL FOR FOSTER CARE CHILDREN

##### A. Background

“PRUCOL” is defined as persons who are Permanently Residing Under the Color of the Law and refers to noncitizens residing in the United States with the knowledge and permission of the United States Citizenship and Immigration Services (USCIS), and USCIS does not contemplate enforcing their departure.

Section 153 of the Federal Immigration act of 1990 provides Special Immigrant Status (SIS) to undocumented children who are dependents of the juvenile court, deemed eligible for long-term

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foster care and for whom the court has declared that it is not in the child's best interest to be returned to their country of origin.

B. United States Citizenship and Immigration Services (USCIS)

PRUCOL is no longer deemed a relevant criterion for federal public benefits and is no longer supported. USCIS no longer responds to requests to verify whether a non-citizen falls under a PRUCOL category. Thus, FC EWs will no longer be required to submit the USCIS G-845, G-845 Supplement and the MC 13 forms as long as federal documentation has not been received. Please refer to the FC 201.5 PRUCOL Desk Guide for information on the Systematic Alien Verification for Entitlements (SAVE) process.

C. Verification Requirements

To be eligible for non-federal AFDC-FC, children who are not U.S. citizens are required to present documentation.

The following forms are required to be completed and filed into the case file:

1. G-845 Verification Request
2. G-845 Supplement Verification Request
3. MC 13, Statement of Citizenship, Alienage, and Immigration Status
  - a. A MC 13 must be completed for all noncitizens. A copy of the MC 13 is completed by the assigned SW or the EW.

Reinvestigations:

At reinvestigation, a new PRUCOL determination is not necessary, unless new federal documentation has been received.

D. PRUCOL Procedure for Foster Care

The following procedure shall be used to apply for PRUCOL status:

1. Social Worker/Probation Officer (SW/PO)
  - a. Complete the USCIS G-845 'Verification Request Form'.

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- Questions 16 serves as the case summary. There are several areas that need to be addressed as concisely as possible i.e. medical problems, no likelihood of family reunification with either parent, no one to return to in country of origin, prospects for adoption are minimal, minor will remain a dependent until the age of majority, etc.
  - When at all possible the SW/PO should provide birth certificates and identification for all available sources, i.e. minor, school records, parents and relative, etc. However, lack of those documents must not prohibit the EW from processing the case.
- b. Complete the USCIS G-845 Supplement form.
- Questions 10 serves as the case summary. There are several areas that need to be addressed as concisely as possible, i.e. medical problems, no likelihood of family reunification with either parent, no one to return child to in country of origin, prospects for adoption are minimal, minor will remain a dependent, until the age of majority, etc.
- NOTE:** No sections can be left blank. ‘Information Unknown’ or ‘Information Not Available’ must be entered when appropriate.
- c. Completion of the MC 13 may be done by the Social Worker or the Eligibility Worker
- d. Retain copies of the USCIS G-845, the USCIS G-845 Supplement, MC13 and all supporting documents for the SW file.
- e. Secure necessary information such as birth certificates and identification from all available sources, i.e. minor, school records, parents and relatives, etc.
2. Intake Foster Care Eligibility Worker (FC EW)
- a. Review the USCIS G-845 and USCIS G-845 Supplement.
  - b. Scan the USCIS G-845 and USCIS G-845 Supplement, MC 13 and any supporting documents into the case file.

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VI. REFERENCE

EAS 42-407; Residence

EAS 42-431.2; Eligibility Requirements for a Non-Citizen

DM 45-102.3 Out of State Placements

[DM 65-170; Unaccompanied Refugee Minors](#)

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