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## I. BACKGROUND

As a result of SB 84 effective July 1, 2007 children who are consumer of regional center services and recipients of either AFDC-FC or AAP benefits are referred to as 'Dual Agency Children'. SB 84 also preserves higher rates established before July 1, 2007, and the continuation of regional center services to dual agency children. In addition, effective July 1, 2009 KinGAP children became eligible to dual agency rates including the supplement to the rate.

## II. DEFINITIONS

### Lanterman Act

The Lanterman Development Disabilities Services Act, known as the 'Lanterman Act' is a law passed in California in 1969. It provides that people with developmental disabilities and their families have a right to the services and supports they need to live an independent and normal life. The Lanterman Act declares that people with developmental disabilities have the same legal rights and responsibilities guaranteed all other persons by federal and state constitution and laws. California Early Start Intervention Services Act (CESISA)

Regional Centers provide services under the California Early Start Intervention Services Act to children under the age of three who have not yet been determined to have a developmental disability, but who meet other criteria for the program.

### Dual Agency Child

A dual agency child is a child in a foster care home, a child in adoptive placement, or adopted from the foster care system, who receives AFDC-FC, KinGAP or AAP benefits and who is concurrently a consumer of California Regional Center services due to a developmental disability, as defined by the Lanterman Act, and/or children receiving services under the California Early Start Intervention Services Act.

### California Regional Center

A California Regional Center is an agency that provides evaluations, assessments, case management, and services for individuals with developmental disabilities who are residents of the State of California. Contra Costa County is served by the Regional Center of the East Bay (RCEB).



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Regional Center Home/Provider

Typically, these providers are licensed as small family homes or other licensed agencies. However, in order to receive the Alternate Residential Model (ARM) Rate (also known as Regional Center Vendorized Rate), the provider must be ‘vendorized’ or in other words have a contractual agreement with one of the Regional Centers in California in addition to being licensed.

Regional Center Vendorized Rates/Alternate Residential Model (ARM) Rates

Rates for board and care of regional center clients living in Regional Center/Community Care Facilities (CCFs) are set by the California Department of Developmental Services (CDDS). Effective January 1, 1991 CDDS implemented the ARM for setting the rate to cover the cost of care and supervision for regional center client/dual agency clients. The ARM rates are based on the level of services provided and are broken down into two categories, ‘Four Beds or Less’ and ‘Five or More Beds’. The regional center ‘vendorizes’ each licensed facility and approves the service level, which then corresponds to an established rate. For Regional Center Vendorized Rates/ARM rates refer to the FC 400 located in FormSTAR.

Supplemental Rate

A child served under the Lanterman Act, age three or older, and determined by the social worker to have extraordinary care and supervision needs, may receive a monthly supplemental payment. Senate Bill (SB) 84

SB 84 clarifies the roles and responsibilities of child welfare service, probation agencies and regional centers, and is intended to promote the timely and appropriate placement of developmentally disabled children with foster and adoptive families. (Welfare and Institutions Code (W&IC) Section 11464)

Personal & Incidental (P&I) Expense Rate

This is an additional expense that is paid when the child is receiving SSI and it is requested by the SW. Refer to the FC 400 for current P&I Expense Rate (listed under the Regional Center rates). The payment is made through the ‘Collect Case Special Need Payment/Request Detail’s screen in CalWIN. Choose ‘FC P&I Allowance’ from the ‘Type’ dropdown and enter the P&I dollar amount in the ‘Amount Requested’ box.

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**III. FACILITY TYPES AND RATES**

## A. Dual Agency

1. SB 84 establishes a new rate effective July 1, 2007 (and the supplemental rate, if applicable), per child, per month, for dual agency children who receive AFDC-FC, AAP or KinGAP benefits.

A dual agency child may receive a Dual Agency Non-Vendorized rate when:

- The child is placed in a licensed or approved non-vendored placement and
- The Regional Center is serving the child under the Lanterman Act (child age 3 and older), or
- The Regional Center is serving the child under the California Early Start Intervention Services Act (child under 3)

2. The documents required to authorize the Dual Agency Payment are as follows:

## a. Foster Care

- A signed SOC 158A
- A copy of the letter from the Regional Center stating the child is receiving services

## b. KinGAP

- The SOC 369A or the SOC 158A from the FC case is acceptable when the dual agency rate was paid while in FC, stating the child is a dual agency child verifying the rate paid was either CESISA rate or the dual agency rate. If the child was under age 3 while in Foster Care, it must be verified that the child remains a Regional Center child once turning age 3.
- If, while in receipt of KinGAP the child becomes a Regional Center client, a copy of the letter from the Regional Center to verify services is required.

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## c. AAP

- The '*Payment Instructions Adoption Assistance Program*', AAP 2 is required for the FC EW case file. Supporting documentation will be kept in the confidential Adoption SW case file
- Continuing AAP cases where a new request and assessment for the Dual Agency Rate is performed will require a copy of the Regional Center letter with new payment instructions
- The EW will file a copy of the Regional Center letter verifying the child's eligibility in the case

**NOTE:** Rates can be found on the FC 400 and typically receive a California Needs Index (CNI) annually in July

## B. Supplemental Rate

1. A supplement to the dual agency rate up to, but not to exceed, one thousand dollars per month, is available. This is only for a dual agency child three years of age and older if the child in foster care placement, KinGAP, or AAP is deemed to have a need for extraordinary care and supervision that cannot be met by the basic dual agency rate.
2. The supplement rate structure has four levels (\$250, \$500, \$750, and \$1,000) based on the assessed severity of a dual agency child's condition, but the amount of a supplement must not exceed one thousand dollars.
3. A supplement to the rate may be requested directly by a dual agency child's foster caregiver or adoptive parent through a referral from a regional center, or by the assigned social worker, adoption worker, or probation officer.
4. A supplement to the rate, once determined, will remain in effect until the dual agency child is no longer eligible for AFDC-FC, KG or AAP benefits.
5. Children eligible to the supplement to the rate are not eligible to Difficulty of Care (DOC).
6. Verification required to authorize the Supplemental payment

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The following forms completed and signed by the SW are required to be in the child’s eligibility case file when an evaluation for the Supplement to the Rate payment is made, regardless if it is approved or denied:

- a. ‘Supplement to the Dual Agency Rate – Multiple Questionnaire Worksheet’ (SOC 835)
- b. ‘Supplement to the Rate Eligibility Form (SOC 836)
- c. ‘Supplement to the Rate Questionnaire’ (SOC 837)
- d. ‘Foster Childs’s Data Record and AFDD-FC Certification’, SOC 158A – A comment should be included in the ‘Rationale Description’ field stating the reason for the new SOC 158A (this document is not required for KinGAP cases but can be taken from the foster care case to justify paying the dual agency supplement)

**EXCEPTION:** AAP cases will only require a completed AAP 2 to pay the supplement

C. Regional Center Vendorized Homes

- 1. Care Facilities are licensed by the Community Care Licensing Division of the State Department of Developmental Services (CDSS) to provide 24-hour non-medical residential care to children and adults with developmental disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Based upon the types of services provided and the persons served, each CCF vendorized by a regional center is designated on of the following service levels:
  - Service Level 1: Limited care and supervision for persons with self-care skills and no behavior problems
  - Service Level 2: Care, supervision and incidental training for persons with some self-care skills and no major behavior problems
  - Service Level 3: Care, supervision, and ongoing training for person with significant deficits in self-help skills, and/or some limitations in physical coordination and mobility, and/or disruptive or self-injurious behavior



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- Service Level 4: Care, supervision, and professionally supervised training for persons with deficits in self-help skills, and/or severe impairment in physical coordination and mobility, and /or severely disruptive or self-injurious behavior.
- Service Level 4 is subdivided into Levels 4A through 4I, in which staffing levels are increased to correspond to the escalating severity of disability levels. Refer to the FC 400 for the rates assigned to the Service Level and corresponding monthly rate.

**NOTE:** KinGAP is not eligible for the rate. AAP children/youth may receive the Vendorized rate if the SW indicates the rate on the AAP 2.

2. Documentation Required for the CCF/Vendorized Home Payment

A completed SOC 158A providing the placement details is required to make this payment.

**IMPORTANT:** In order to qualify as a Vendorized Home and receive payment the provider must provide proof of licensing and that it has been vendorized by the Regional Center. The FC EW can only pay these facilities when they appear on the CFS ‘*Approved Facilities List*’ (AFL) found on STARS. If the facility is not listed on the AFL, the FC EW must notify the Foster Care Program Analyst.

D. Providers Potentially Eligible to Dual Agency Rates

The following provider types may be eligible to dual agency rates:

- Approved home of a relative or NREFM
- Licensed foster parents/Resource Family Home
- Licensed small family homes
- The home of a non-related legal guardian (NRLG) or former non-related guardian when the guardianship of a child otherwise eligible for AFDC-FC has been dismissed due to a child attaining 18 years of age
- Adoption Assistance Program (AAP) cases



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- KinGAP cases

## E. EW Responsibility

When notified by the Social Worker that a child is now a Regional Center Dual Agency Child (DAC)—age 3 and older, or a California Early Start Intervention Services Act (CESISA) child—less than three years of age, the FC EW must:

1. Request from the SW or caregiver a copy of the letter from Regional Center
2. The beginning date of the new rate will be taken from the date designated on the SOC 158A
3. For Foster Care and KinGAP, Difficulty of Care (DOC) amount presently being paid must be end dated
4. Notify the Government Benefits Clerk for any 9X case with SSI, that Cost of Care has increased
5. For AAP cases, the FC EW will receive an updated AAP 2 and will pay the rate indicated

## F. CalWIN Instructions for Foster Care

1. The 'Display Foster Care Summary' window on the 'Authority for Placement' tab includes a placement type of '*Dual Agency*'. Although Dual Agency is treated as a separate placement type in CalWIN, the provider should fall under one of the providers potentially eligible to dual agency rates as listed above. The '*Level of Placement*' field is mandatory and has the following selections:
  - Early Start
  - Developmentally Disabled
2. The checkbox asking if the child is a Dual Agency child should be marked with a 'Y'.
3. An additional 'Y/N' check box in this screen indicates whether or not this child is identified under the Lanterman Act. This box must be checked to allow the Dual Agency rate to be paid.



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NOTE: This box should be no for children under age 3 unless the child has been determined to have a developmental disability

4. If the child under age 3 has not yet been determined to have a developmental disability as defined under the Lanterman Act, a tickler should be set for the month before the child turns three. The EW will have to end the dual agency placement and change the placement type to continue the FC at the basic rate on the case. When/if the child is later determined to be eligible to the Dual Agency rate, the FC EW will take appropriate action to increase to the Dual Agency rate effective the date the determination was made. A NOA should be generated when the placement type is changed.

G. Frequently Asked Questions (FAQ)

**Question # 1:**

What rate should be paid for a child over three years of age who received services under the California Early Start Intervention and Services Act (CESISA) but who has not yet been determined to have a developmental disability, as defined in the Lanterman Act?

**Answer:**

The rate for ages 0-3 is discontinued when the child is three years of age. A child who has not been determined to have a developmental disability as defined in the Lanterman Act, would therefore, receive the basic Foster Care rate plus a Specialized Care Increment (SCI) aka Difficulty of Care (DOC), if applicable

**Question # 2:**

What is the applicable foster care rate to be paid on behalf of a court dependent child who had been receiving the basic AFDC-FC rate plus the SCI but who was subsequently determined to be a dual agency child?

**Answer:**

To avoid disruption of the placement, if the child’s basic AFDC-FC rate plus the SCI is higher than the dual agency rate, the applicable rate will continue to be the higher rate until a change in placement occurs. At this time the child will receive the dual agency rate and the supplement to the rate, if applicable.





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**Question # 3:**

Is there a Personal and Incidental (P&I) allowance paid in addition to the dual agency rate?

**Answer:**

No, there is not a P&I payment in addition to the dual agency rate.

**IV. REFERENCE**

- All County Letter No. 08-17, dual Agency Rates for Children with Developmental Disabilities Who Receive AFDC-FC or AAP Benefits
- All County Letter No. 08-54, Instructions Regarding the Supplement to the Rate Paid on Behalf of a Dual Agency Child
- All County Letter No. 10-16, Dual Agency Rates: Answers to Frequently Asked Questions
- W&IC Section 11464, Senate Bill 84
- W&IC Section 11464 (c)(2)(A), Dual Agency-Supplemental Rate

**V. FORMS**

- AAP 2, Payment Instructions Adoption Assistance Program
- SOC 158A, Foster Childs’s Data Record and AFDC-FC Certification
- SOC 369A, Kinship Guardianship Assistance (KinGAP) Program Agreement Amendment
- SOC 835, Supplement to the Dual Agency Rate – Multiple Questionnaire Worksheet
- SOC 836, Supplement to the Rate Eligibility Form
- SOC 837, Supplement to the Rate Questionnaire
- FC 21, Request to Suspend SSA/SSI Benefits