

FOSTER CARE HANDBOOK



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ISSUED/REVISED:

PAYMENTS TO CAREGIVERS
FOR CHILDREN WHO RECEIVE
GOVERNMENT BENEFITS

SECTION: 45-700.2

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EFFECTIVE: 03-01-18

I. PURPOSE

This section provides information regarding how to determine the appropriate payment levels for children who receive government and other benefits.

II. POLICY

The Department must be payee for all Foster Children who are Dependent children of the court and will apply to become payee for the benefits as soon as the court makes a Dependency Order. The Department will remain payee as long as the child remains in court-ordered placement.

III. PROCEDURE

A. Social Worker (SW) Responsibility

The SW is responsible for:

1. Completing the CWS 16, *Clerical Specialist (Tech) Form*, with all the necessary information to determine the appropriate payment for the placement.
2. This information is given to the Clerical Specialist who passes it on to the Eligibility Worker (EW) for payment.

B. Determining of Cost of Care

1. When the child is placed with a relative and not eligible to receive AFDC-FC or Approved Relative Caregiver (ARC) Program:
 - a. If the Department is already payee and the child is placed with a relative who does not qualify for AFDC-FC or ARC, the child's full benefit should be passed-through to the caregiver.
2. When the child is placed in a resource family home or with a relative receiving AFDC-FC:
 - a. For a child in a resource family home, or relative care, the amount that the caregiver receives is dependent on the level of Difficulty of Care (DOC) aka Specialized Care Increment (SCI) the child has been authorized to receive. The Department's policy is to pay the caregiver the basic AFDC-FC rate plus the approved DOC rate for that child's needs.

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- When a child is authorized to receive DOC, the amount the caregiver receives will continue to be the AFDC-FC rate plus the approved DOC for that child’s need.
 - If DOC is not authorized, the amount the caregiver receives will be the basic AFDC-FC rate.
3. When the child is placed in a facility vendorized by the Regional Center, the cost of care is the vendorized rate for that facility provided the child is also a Regional Center client.
 4. When a child is placed in a Foster Family Agency (FFA) or Group Home/Short Term Residential Treatment Placement (STRTP) placement, the cost of care is the rate set by the California Department of Social Services (CDSS) for that facility.

C. When the Cost of care is Less than the Child’s Income

If the cost of the child’s care is less than his/her income, the difference after the care is paid will be put into the child’s trust account.

D. When the Cost of care Exceeds the Child’s Income

1. When the child receives AFDC-FC, the SW needs to take no action as long as the child remains AFDC-FC eligible.
2. When the child receives County Board and Care for Children (CBCC) funding (aid code ‘9X’), the SW will need to complete the CBCC 335, *County Board & Care For Children (CBCC) Payment Authorization*, requesting appropriate approval for the difference between the cost of care and the child’s income amount.

EXAMPLE: The child receives \$750 per month income and the cost of the child’s care is \$890. The SW will complete a CBCC 335 requesting approval for the \$140 difference. The CBCC 335 may be written to cover up to a six-month period.

NOTE: If this is an ongoing situation a tickler should be set to remind the worker to request another CBCC 335 approval prior to the expiration of the existing one.

EXCEPTION: When the cost of care exceeds the threshold listed on the FC



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21A, *Situational Guide for SS Benefit*, it is not cost effective for the Department to receive SSI for these federally eligible children, therefore, the EW will notify the GBC to discontinue the SSI.

IV. PAYMENT LEVEL – CHILD PLACED OUT-OF-STATE

The Department’s policy is to pay the other state’s rates. For a child placed in a resource family home, the cost of care is the basic AFDC-FC rate plus the appropriate DOC for that child’s needs. For a child placed in an FFA, the cost of care is the rate set for that facility by the other state’s rate-setting authority.

A. Cost of care Is Less than Child’s Income

When the cost of care is less that the child’s income, the SW should complete the SOC 158A, *Foster Child’s Data Record and AFDC-FC Certification*, instructing the EW to pass-through the child’s monthly benefit to the caregiver. If the child is placed in an FFA or Group Home/STRTP, the SW should complete the SOC 158A, instructing the EW to pay that facility’s rate as established by the rate-setting authority in the other state.

NOTE: The SW will need to work closely with the placement facility to develop a plan for spending the trust money before it exceeds the property limit (\$10,000 for RSDI income and \$2,000 for SSI). When the child’s trust balance goes over the property limit the income is returned by the GBC to the SSA because the child remains ineligible to the income until the trust account balance goes below the property limit.

1. SSI:

The EW will forward a GBC 1, *Communication to GBC*, to inform the GBC of the change in residence and the GBC will notify Social Security. When Social Security is notified that a child has changed to an out-of-state placement, it will trigger an informational notice from the SSA that provides the other state’s rate of pay for that placement. The GBC will forward that information to the EW/SW. This is the amount the SW will use as the pass-through amount when completing the SOC 158A to notify the EW of the placement change. Generally, California’s SSI rates are higher than those of other states.

2. SSA/Other Benefits:

The EW will contact the GBC to verify the current level of benefits being received for the child. The EW will complete a GBC 1, if appropriate asking for a pass-through of the child’s benefits.



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B. Cost of care Is More than Child’s Income

When the cost of care is more than the child’s income, the SW will complete a SOC 158A to instruct the EW to pay the rate set by the rate-setting authority in the other state. The child’s monthly benefit will be used to reimburse the county for the cost of care. If the child’s income is SSI, the benefit level will be changed to that of the other state.

V. CHILD IS RETURNED HOME

A. Steps to Take When Child Returns Home

The Department’s policy is to pass-through the child’s income to the parent/guardian for as long as the Department remains payee for the benefits. Once the case is Vacated and Dismissed, the following will occur:

1. The EW will notify the parents, advising them to apply with the SSA to become payee for the child’s benefits.
2. The EW will send a copy of the Vacate and Dismiss Court Order to the GBC requesting that they notify the SSA of the dismissal.
3. If the child has money in a trust/dedicated account, disbursement may be made by the SW when the child’s need have been documented and approved for payment. The trust/dedicated monies may only be disbursed **prior to** the effective date of the Vacate & Dismiss Court Order.
4. The Non-Medical Out-of-Home Care (NMOHC) benefit level cannot be paid to a natural or adoptive parent.
 - a. The SSA is responsible for determining the amount of SSI the child is eligible to receive. SSI is a public assistance program for persons with limited income/resources. When the child is returned home, the parent’s, including adoptive parent’s income/resources will be deemed available to the child and will reduce the SSI benefit. If the parents, including adoptive parents, are on aid (GA or CalWORKs) the child will remain eligible, but the benefit level will be reduced. If the parents, including adoptive parents, are not on aid (GA or CalWORKs) their income and property will be evaluated to determine what grant level, if any, the child will receive.
 - b. A child in his /her own home, who qualifies for SSI, may also qualify for

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In-Home Supportive Services (IHSS). If the child needs personal care and supervision because of his/her medical condition and the parent/guardian should be advised to apply for IHSS at the local Employment and Human Service Office (EHSD).

5. RSDI/Other Benefits

There will be some delay between the time the parent/guardian makes the request to be payee and when the change of payee process is completed. To ensure that the family does not experience undue hardship, the SW should complete a DC 107 instructing the GBC to pay the entire amount of the monthly benefit to the parent/guardian upon the county’s receipt of the money. This request will only be honored if made prior to the effective date of the Vacate and Dismiss Court Order.

VI. FOSTER CAREGIVER BECOMES LEGAL GUARDIAN

If the foster caregiver becomes the child’s legal guardian, the decision regarding who is payee for the child’s benefits is conditional on the child’s dependency status. The Department’s policy is to recommend that dependency be vacated when guardianship is established, although there have been occasional exceptions to that policy.

NOTE: If the guardian is a relative who has been receiving AFDC-FC, s/he will become ineligible for AFDC-FC when dependency is vacated.

A. If the child remains a dependent, the Department must be payee as long as the child is a Dependent of the Court.

NOTE: If the guardian is a relative who has been receiving AFDC-FC, s/he will remain eligible for AFDC-FC as long as the dependency/placement order remains in effect.

B. When the child is no longer a dependent, the EW should advise the legal guardian to apply to be payee. Typically, a relative receiving Foster Care who becomes a Legal Guardian transitions into the KinGAP Program. Non-related guardians may also qualify for KinGAP if the child is federal. (See Handbook Section on KinGAP/Fictive Kin, 45-600).

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VII. REFERENCE

ACL 14-28, Expansion of the Definition of Relative for the KinGAP Program
DM 45-600, Kinship Guardianship Assistance Payment (KinGAP) Program

VIII. FORMS

CBCC 335, County Board & Care for Children (CBCC) Payment Authorization
CWS 16, Clerical Specialist (Tech) Form
DC 107, Trust Account Disbursement Request
FC 21A, Situational Guide for SS Benefits
GBC 1, Communication to GBC
GBC 3, SW Notice to GBC/Tech (Child Receives Other Benefits)
SOC 158A, Foster Child's Data Record and AFDC-FC Certification