

## ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: September 5, 2012  
Revised: May 10, 2013

Number: J-0103

### Foster Care, AAP, and Kin-GAP Rates for Young Adults

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**Purpose** To provide guidelines for Extended Foster Care (EFC), Kinship Guardian Assistance Payment (Kin-GAP), and Adoption Assistance Payment (AAP) rates for young adults.

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**Approved** This policy was approved by Gary Taylor, CFS Director, on May 10, 2013.  
*Signature on file.*

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**Most Recent Revision** This Policy and Procedure (P&P) includes:

- Increase in AAP rates to reflect the 2.98 percent increase in California Necessities Index (CNI) for Fiscal Year (FY) 2012
- Changes in Attachments 1, 2, and 3 to reflect the extension of rates to age 21
- Extension of benefits to youth living with current or former Non-Related Legal Guardian (NRLGs) as long as guardianship was established in Juvenile Court
- Extended CalWORKS payments to Non-Minor Dependents (NMDs) uninterrupted if youth turned 19 years of age prior to January 1, 2013

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**Background** Assembly Bill (AB) 12 established a new category of rates covering NMDs and NRLGs in Extended Foster Care (EFC) and young adults in Kin-GAP and AAP.

Aid to Families with Dependent Children-Foster Care (AFDC-FC) provides funding to support NMDs in county-licensed foster homes, approved relative homes, non-relative extended family members (NREFM) homes, Supervised Independent Living Placements (SILPs), Transitional Housing Placement Plus Foster Care (THP+FC), and other state licensed foster homes. Foster care rates for NMDs are based on placement needs and are reviewed annually, biannually, or when there is a change in the NMD's circumstances.

NMDs must be placed in eligible out-of-home care consistent with their best interest and special needs. To support a NMD's special needs (e.g., medical, developmental, emotional, or behavioral) requiring specialized care or equipment, supplemental funding in the form of a Special Care Increment (SCI) is added to the basic foster care rate to secure and maintain the NMD's placement.

The passage of Senate Bill (SB) 1013 in 2012 provided the basis for extending EFC, AAP, Kin-GAP, and NRLG assistance to young adults, beginning at age 18, and increasing annually until the young adult reaches age 21.

Effective September 20, 2011, the state supplemental clothing allowance was eliminated. The county clothing allowance became optional at the county's discretion for NMDs, NRLGs, and young adults residing in Kin-GAP and adoptive placements.

Educational travel expenses to the school of origin are considered an allowable foster care maintenance cost. Consequently, reimbursement is available to the caregiver or NMD if school completion at their school of origin is selected as the participation criteria for EFC.

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## Definitions

For purposes of this P&P, the following apply:

**Adoption Assistance Payment (AAP) Program:** A program of financial and/or medical assistance to facilitate the adoption of children who otherwise would remain in Long-Term Foster Care (LTFC).

**Extended Foster Care (EFC):** Allows foster youth to remain in foster care and continue to receive foster care payment benefits (AFDC-FC payments) and services beyond age 18, as long as the foster youth is meeting participation requirements, living in an approved or licensed home/facility, and meeting other eligibility requirements.

**Kinship Guardian:** A relative who has been appointed the legal guardian of a dependent child pursuant to Welfare and Institutions Code (WIC) Sections (§§) 366.26 or 360 or a ward of the Juvenile Court pursuant to WIC § 728(d).

**Non-Minor Dependent (NMD):** A current dependent or ward of the Juvenile Court who satisfies all of the following criteria:

- Has turned 18 years of age, but is less than 21 years of age
- Is in foster care under the placement and care responsibility of Children and Family Services (CFS), County of Orange Probation Department, or an Indian tribe that entered into an agreement pursuant to WIC § 10553.1
- Is participating in or intending/willing to participate in a Transitional Independent Living Plan (TILP)

NMDs include young adults in legal guardianship with an open dependency case as of their 18<sup>th</sup> birthday.

**Supervised Independent Living Placement (SILP):** A residence approved and supervised by CFS in which a NMD lives independently (e.g., apartment, college dorm, shared living situation, room and board, etc.).

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## POLICY

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## EFC Funding

Pursuant to California Department of Social Services (CDSS) ACL 11-61, NMDs interested in entering EFC must meet the age, placement, and participation requirements to be eligible for foster care funding.

EFC provides the following AFDC-FC benefits:

### A. **Initial Transition into EFC:**

For NMDs not subject to CalWORKs, the minimum benefit upon entering EFC will be the basic AFDC-FC rate for that age.

In addition to the basic rate, NMDs are also eligible for the following enhancements, either as a supplement or a substitute:

- SCI based on meeting requirements for that specialized increment
- Dual agency rate
- Wraparound
- Infant supplement
- Clothing allowance (at county discretion)
- Supplemental Security Income (SSI)

With the exception of youth living in a SILP or CalWORKs funded placement, the caregiver will be the payee (recipient) of EFC payments.

Pursuant to WIC § 11461, NMDs placed in SILPs are only eligible for the following benefits:

- Basic foster care rate
- County clothing allowance (at county discretion)
- Infant supplement

**Required Approval:** SSW

### **Required Forms:**

- *Mutual Agreement for Extended Foster Care (SOC 162)*
- *Six-Month Certification of Extended Foster Care Participation (SOC 161)*
- Current Case Plan and Transitional Independent Living Plan (TILP)

For additional information regarding eligibility requirements necessary to initiate EFC services and funding, refer to *Foster Care Eligibility—Required Documents to Transition to Extended Foster Care (F063-25-681)*.

See Attachment 1 of CFS P&P Foster Care Rates (H-0112) for rate chart.

### B. **CalWORKs EFC:**

Pursuant to CDSS ACL 11-78 and ACL 11-78E, as youth transition into EFC, the NMD may not be eligible for state or federal AFDC-FC. For these cases, CalWORKs will be the primary source of funding for the NMD. A NMD will have three options available through CalWORKs:

1. Participate in CalWORKs EFC which is exempt from the normal CalWORKs program rules including Welfare-to-Work (WTW) and reporting requirements.

In addition to the standard participation requirements for EFC detailed in CFS P&P Extended Foster Care (EFC) (J-0101), CalWORKs EFC requires the NMD to continue to live with an approved relative not eligible for state or federal AFDC-FC.

2. Enter into regular CalWORKs program, as it provides benefits (e.g., childcare, etc.) not available through CalWORKs EFC (e.g., as in the case of a pregnant or parenting youth).

**Note:** Under CalWORKs EFC, only the parenting youth receives a benefit in contrast to regular CalWORKs where the youth and child both receive a benefit.

3. Receive CalWORKs benefits while enrolled full time in high school or a vocational/technical training program. Upon graduation, either at or prior to age 19, the NMD can elect to transition to CalWORKs EFC if eligibility requirements are met.

Discussion between the NMD, the assigned SSW, and a Foster Care (FC) Eligibility representative knowledgeable about CalWORKs may assist the NMD in making the best decision.

Participation in CalWORKs EFC entitles the NMD to receive direct payment of their monthly CalWORKs benefit. Additionally, the NMD remains eligible for Medi-Cal.

**Required Approval:** SSW

**Required Forms:**

- *Mutual Agreement for Extended Foster Care (SOC 162)*
- *Six-Month Certification of Extended Foster Care Participation (SOC 161)*
- Current case plan and TILP

If the NMD chooses traditional CalWORKs, the assigned SSW will forward all required forms and documentation to the CalWORKs Eligibility worker. If the NMD chooses to receive CalWORKs EFC, the assigned SSW will forward all required forms and documentation to the FC Eligibility worker. The Eligibility worker will provide the correct CalWORKs rate to the assigned SSW. To ensure the timely initiation of funding, refer to *Foster Care Eligibility—Required Documents to Transition to Extended Foster Care (F063-25-681)*.

C. **Re-Entry into EFC:**

Pursuant to CDSS ACL 12-12, to re-enter EFC and access funding, a young adult must meet participation and eligibility requirements as detailed in CFS P&P Extended Foster Care (EFC) (J-0101).

The county that had jurisdiction over the NMD immediately prior to the youth exiting EFC maintains financial responsibility for the youth upon re-entry.

The *Voluntary Re-Entry Agreement for Extended Foster Care (SOC 163)* which satisfies an eligibility requirement should be signed at the earliest possible date once a decision to re-enter has been made, and promptly forwarded to FC Eligibility, as it establishes the beginning date of aid (BDOA). The BDOA is either the date the *Voluntary Re-Entry Agreement for Extended Foster Care (SOC 163)* is signed or the date the young adult is placed in an eligible facility, whichever comes later. Dependency may be resumed at a later date.

When a youth re-enters foster care subsequent to the termination of a dependency case, it is considered a new foster care episode. A new eligibility determination is required to determine Title IV-E eligibility based on AFDC-FC requirements.

**Required Approval:** SSW

**Required Forms:**

- *Voluntary Re-Entry Agreement for Extended Foster Care (SOC 163)*
- *Emergency Assistance Application (F063-25-367)*
- *Foster Care Application (FCApp) Information (F063-28-307)*
- *Statement of Facts Supporting Eligibility For AFDC-Extended Foster Care (EFC) (FC 2 NM)*(refer to CWS/CMS Data Entry Standards—Generating the FC 2)
- *Determination of Federal AFDC-FC Eligibility (FC3)*
- *Foster Child's Data Record and AFDC-FC Certification (SOC 158A)* (refer to CWS/CMS Data Entry Standards—Generating the SOC 158A)
- *Application for Cash Aid, Food Stamps, and/or Medi-Cal/State CMSP (SAWS 1)*
- *Six-Month Certification of Extended Foster Care Participation (SOC 161)* (original copy)
- *Approval of Family Caregiver Home (SOC 815)* as applicable
- Current Case Plan and TILP
- Court order terminating prior dependency
- Court order indicating that placement is in NMD's best interest (minute order from WIC § 388(e) hearing)

If the AFDC-FC eligibility determination is the same as the prior dependency episode, the NMD is eligible for the same rates and/or rate supplements that were available on initial entry into EFC.

See Attachment 1 of CFS P&P Foster Care Rates (H-0112) for rate chart.

- D. **NRLG:**  
Pursuant to WIC § 11402(d), former dependent foster youth of NRLGs ordered by Juvenile Court are eligible for EFC benefits.

Pursuant to WIC § 11405, in order to be eligible for EFC benefits, a young adult who formerly or currently lives with a NRLG must meet the eligibility criteria specified below:

- Age and participation requirements as detailed in CFS P&P Extended Foster Care (EFC) (J-0101)
- Reside with their former NRLG

**Note:** The young adult may live in a college dorm or other setting as required to access education or employment opportunities, as long as the NRLG continues to financially support the young adult.

Pursuant to ACL 12-48, a young adult living with a former NRLG established in Probate Court and receiving state AFDC-FC is not eligible for EFC benefits.

**Required Approval:** SSW

**Required Forms:**

- *Mutual Agreement for Extended Foster Care (SOC 162)*
- *Six-Month Certification of Extended Foster Care Participation (SOC 161)*

For additional information regarding processing the above applicable forms and other supporting documentation, refer to *Foster Care Eligibility/Non-Dependent Legal Guardianship—Required Documents to Transition to Extended Foster Care (F063-25-691)*.

See Attachment 2 of CFS P&P Foster Care Rates (H-0112) for rate chart.

## Extension of Benefits

- A. **Kin-GAP:** Pursuant to CDSS ACL 11-86, for youth in a relative guardianship, where Kin-GAP funding commenced on or after the youth's 16<sup>th</sup> birthday, funding may be extended up to age 21, contingent on the youth meeting the participation criteria for EFC.

The Kin-GAP program, unlike EFC, is an extension of funding only, and does not require supervision by Court or services by CFS. Kin-GAP participants receive a negotiated rate that covers the changing needs of the youth and the circumstances of the relative.

The Kin-GAP rate cannot exceed that which would have been paid based on age-related, state approved foster family rate and any applicable SCI for the youth placed in the approved home of a relative.

The extended Kin-GAP program provides for the following rate and rate supplements:

- Foster care basic rate
- SCI
- Age related increases
- County clothing allowance (at county discretion)
- Infant supplement
- Dual Agency rate
- Medi-CAL
- Supplemental Security Income (SSI)

For relative guardianships residing out-of-county or out-of-state, refer to CFS P&P Foster Care Rates (H-0112).

The Kin-GAP rate will be reviewed no less than every two years or as the needs of the youth or the circumstances of the family warrant it.

For information regarding the participation criteria for extended Kin-GAP, refer to CFS P&P Extended Foster Care (EFC) (J-0101).

**Required Approval:** SSW

**Required Forms:** (Prior to 18<sup>th</sup> birthday)

- *Kin-GAP Mutual Agreement for Nonminor Former Dependents (KG 3)*
- *Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment (SOC 369A)*

The applicable forms and supporting documentation necessary to initiate extended Kin-GAP will be returned to the Kin-GAP Eligibility Technician (ET)

See Attachment 2 of CFS P&P Foster Care Rates (H-0112) for rate chart.

**B. AAP:**

Pursuant to ACL 11-86, AAP benefits beyond the age of 18 may be extended for young adults meeting the eligibility and participation criteria. The initial *Adoption Assistance Agreement (AD 4320)* must be signed on or after the young adult's 16<sup>th</sup> birthday.

Participation in the extension of AAP benefits is contingent on the young adult meeting one of five participation criteria, described in CFS P&P Extended Foster Care (EFC) (J-0101).

The extension of AAP benefits is for funding only and does not require court supervision or additional involvement of CFS staff.

Other than the criteria mentioned above, the AAP program requirements remain the same as outlined in CFS P&P Adoption Assistance Program (AAP) (C-0501). The rate enhancements (e.g., SCI, dual rate) are consistent with AAP rates for minor dependents as discussed in CFS P&P Foster Care Rates (H-0112).

**Required Approval:** SSW, SSSS, PM (as required)

**Required Forms:** (Prior to 18<sup>th</sup> birthday)

- *Adoption Assistance Agreement (AD 4320)* (an amended *Adoption Assistance Agreement [AD 4320]* is not required for California Necessities Index [CNI] increases)
- *Payment Instructions—Adoption Assistance Program (AAP2)*

The applicable forms and supporting documentation to initiate extended AAP will be returned to the AAP ET.

See Attachment 3 of CFS P&P Foster Care Rates (H-0112) for rate chart.

**Foster Care  
Overpayments**

Pursuant to CFS Policy, to avoid overpayments social work staff must notify FC Eligibility of a placement change or change in placement circumstance. This initial notification will stop payment to the placement and will be completed as soon as possible but no later than 24 hours after the change.

The assigned SSW will complete the initial notification by calling the placement hotline or completing and emailing a *Placement Coordination Stop Payment Memo (F063-29-61)*. Within five calendar days following removal of a child from placement, the placing social worker will complete and the unit clerk will route a *Placement Information Change (PIC) Notice (F063-28-301)*. Refer to CFS P&P Placement Change Notification (K-0209).

When an overpayment occurs, notification will be made by FC Eligibility to the out-of-home caregiver or the NMD by letter. The amount and reason for overpayment will be included. Pursuant to Eligibility and Assistance Manual (EAS) § 45-304.122, repayment of overpayments will be required from licensed FFHs, relative placements, approved homes of NREFMs, and NRLGs if the caregiver had knowledge of, or contributed to the cause of the overpayment.

FFAs, GHs, and Small Family Regional Center Homes are legally required to repay the overpayment.

All other placements are legally uncollectable (e.g., FFH, relative, NREFM, and NRLG), however a request will be made to return the overpayment voluntarily to Social Services Agency (SSA) Financial Resources, P.O. Box 1965, Santa Ana, CA 92702.

**Foster Care  
Rate Appeals**

Pursuant to Confidentiality, Fraud, Civil Rights and State Hearings (CFC) Manual § 22-073.23, in an effort to resolve disagreements regarding the appropriate care rate at the lowest level possible, the out-of-home caregiver or NMD will be offered the opportunity to resolve the rate appeal through participation in an informal two-step process. Per CFS policy, the following will be provided:

- An Initial Conference with the assigned SSW and SSSS
- If needed, a subsequent Administrative Conference with the assigned SSW and SSSS's Program Manager (PM) when the parties are unable to mutually agree upon a foster care rate

Pursuant to EAS § 40-107(e), at any time during this informal procedure, the out-of-home caregiver or NMD may opt out of this process and request a State Hearing. Refer to CFS P&P State Hearings (B-0122) for additional information.

**Initiating and  
Changing Rates**

CFS P&P Foster Care Rates (H-0112) provides guidance for initiating, changing, or establishing a basic/supplemental rate.

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**REFERENCES**

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**Attachments and CWS/CMS Data Entry Standards**

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- Attachment 1—Foster Care Rates
- Attachment 2—State and Federal Kin-GAP and Non-Related Legal Guardian Basic Rates
- Attachment 3—Adoption Assistance Program Rates
- CWS/CMS Data Entry Standard—Foster Care Rates and Incidental Payments

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**Hyperlinks**

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Extended Foster Care (EFC) (J-0101)
- CFS P&P Foster Care Rates (H-0112)
- CFS P&P Adoption Assistance Program (AAP) (C-0501)
- CFS P&P State Hearings (B-0122)

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**Other Sources**

Other printed references include the following:

None.

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**FORMS**

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**Online Forms**

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

<b>Form Name</b>	<b>Form Number</b>
Mutual Agreement for Extended Foster Care	SOC 162
Foster Care Eligibility—Required Documents to Transition to Extended Foster Care	F063-25-681
Foster Care Eligibility/Non-Dependent Legal Guardianship—Required Documents to Transition to Extended Foster Care	F063-25-691
Voluntary Re-Entry Agreement for Extended Foster Care	SOC 163
Statement Of Facts Supporting Eligibility For AFDC—Extended Foster Care (EFC)	FC 2 NM
Kin-GAP Mutual Agreement for Nonminor Former Dependents	KG 3
Notice of Action: Foster Care Change	NA 9
Placement Coordination Stop Payment Memo	F063-29-61
Adoption Assistance Agreement	AD 4320
Payment Instructions—Adoption Assistance Program	AAP 2
Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment	SOC 369A
Application For Cash Aid, Food Stamps, And/Or Medi-Cal/State CMSP	SAWS 1
Foster Child's Data Record And AFDC-FC Certification	SOC 158A
Voluntary Re-Entry Agreement for Extended Foster Care	SOC 163

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**Hard Copy Forms** Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. **For reference purposes only**, links are provided to view these hard copy forms, where available.

<b>Form Name</b>	<b>Form Number</b>
Emergency Assistance Application	F063-25-367

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**CWS/CMS Forms** Forms that may **only** be obtained in CWS/CMS are listed below. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

<b>Form Name</b>	<b>Form Number</b>
Approval of Family Caregiver Home	SOC 815
Six-Month Certification of Extended Foster Care Participation	SOC 161
Placement Information Change (PIC) Notice	F063-28-301
Foster Care Application (FCApp) Information	F063-28-307

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**Brochures** Brochures to distribute in conjunction with this procedure include:

<b>Brochure Name</b>	<b>Brochure Number</b>
None.	

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## LEGAL MANDATES

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California Department of Social Services (CDSS) Confidentiality, Fraud, Civil Rights, and State Hearings Manual (CFC) Division 22-073.23 encourages that appeals be resolved at the lowest administrative level.

Eligibility and Assistance Standards (EAS) Manual, Division 40-107(e) discusses foster care rate appeals.

EAS Manual, Division 45-304.122 defines the type of placements for which overpayments must be repaid.

Welfare and Institution Code (WIC) §11400(v) increases the age for a NMD to 21.

WIC § 11402(d) allows for a NMD, up to age 21, to receive EFC benefits while being placed in the home of a current or former NRLG.

WIC §11405 details the requirements for NRLGs requesting extended benefits.

WIC § 11461 directs basic rate methodology for licensed homes, relative NREFM homes, SILPs, SCIs, clothing allowances, and the state supplemental clothing allowance for NMDs.

CDSS ACL 11-15 and ACL 11-15EII change the eligibility requirements, rates, benefits, and funding for Kin-GAP program.

CDSS ACL 11-63 and ACL 11-63E applies the new basic rate methodology to NMDs in licensed Foster Family Homes (FFHs), approved relative homes, NREFMs, Kin-GAP, tribal specific homes, NRLG homes, and adoptive placements.

CDSS ACL 12-12 describes eligibility and funding requirements as related to NMDs.

CDSS ACL 11-78 and ACL 11-78E address the impact of California Work Opportunity and Responsibility to Kids (CalWORKs) on EFC for NMDs.

CDSS ACL 11-86 details the requirements, procedures, and forms to use in extending financial benefits to Kin-GAP and AAP recipients who have turned 18 on or after January 1, 2012. Benefits are extended in one-year increments.

CDSS ACL 12-43 increases basic foster care, dual agency, multi-dimensional treatment foster care (MTFC), group home (GH), and wraparound rates by 2.98 percent, which represents the latest annual increase in California Necessities Index (CNI). Additionally, funding for NMDs, NRLGs, Kin-GAP recipients and adoptive parents was extended from age 20 to 21.

CDSS ACL 12-45 increases AAP rates by 2.98 percent, which represents the latest annual increase in CNI.

CDSS ACL 12-48 and ACL 12-48E provide extended benefits to non-minors living with current or former NRLGs as long as the guardianship was established in Juvenile Court.

CDSS ACL 13-10 allows NMDs receiving extended CalWORKs benefits to receive such aid uninterrupted provided they turned 19 years of age prior to January 1, 2013.