

Insert Date

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY INFORMATION NOTICE NO. XX-XX

This All County Information Notice (ACIN) transmits information to counties regarding the determination of alternative resources for foster children eligible for In Home Supportive Services (IHSS).



KIM JOHNSON
DIRECTOR

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



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ALL COUNTY INFORMATION NOTICE NO. XX-XX

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY IN-HOME SUPPORTIVE SERVICES PROGRAM
MANAGERS

SUBJECT: DETERMINATION OF ALTERNATIVE RESOURCES FOR
FOSTER CHILDREN IN THE IN-HOME SUPPORTIVE SERVICES
(IHSS) PROGRAM

REFERENCE: [SOCIAL SECURITY ACT \(SSA\), SECTION 475 \(4\); WELFARE AND INSTITUTIONS \(WIC\) CODE, SECTION 12309; WIC, SECTION 16519.5\(o\)\(1\); MANUAL OF POLICIES AND PROCEDURES \(MPP\), SECTION 30-757.171 \(a\)\(2\); MPP, SECTION 30-763.6; MPP, SECTION 30-701\(o\); ALL COUNTY LETTER \(ACL\) 18-06; ACL 18-06 ERRATA; ACL 18-25; ACL 18-32; ACL 18-48; ALL COUNTY INFORMATION NOTICE \(ACIN\) I-40-17](#)

The purpose of this All County Information Notice (ACIN) is to transmit information to counties regarding the determination of alternative resources for foster children eligible for In Home Supportive Services (IHSS).

According to [ACIN I-40-17](#), as set forth in [MPP Section 30-701\(o\)](#), individuals who reside in licensed facilities such as community care facilities are not considered to live in their “own home” and therefore are not eligible for IHSS. However, under the Resource Family Approval (RFA) Program, implemented on January 1, 2017, resource families are not licensed as community care facilities pursuant to [WIC Section 16519.5\(o\)\(1\)](#). Accordingly, children/youth who are placed with approved resource families are not considered to live in licensed facilities for the purposes of IHSS. Therefore, children placed with approved resource families or in a foster care setting which is required to become an approved resource family by December 31, 2020, are considered to be living in their own home, and may receive IHSS if they are otherwise eligible.

Pursuant to [MPP Section 30-763.6](#), counties must explore alternatives to IHSS which may be available from other agencies or programs to meet the needs of the recipient as assessed in accordance with recipient need as required by [WIC Section 12309 \(b\)](#).

Because foster care services and supports may be provided in the minor recipient's own home, the county must assess whether the foster care maintenance payments are intended to cover the cost of providing the all or some of the assessed need for IHSS, and thus, should be considered an alternative resource to the minor recipient in the context of the IHSS program.

The Aid to Families with Dependent Children Foster Care (AFDC-FC) Program provides a foster care payment to an RFA home for the care and supervision of a foster child/youth. The payment is commonly referred to as a foster care maintenance payment. The maintenance payment covers the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

Payment amounts made to resource families may differ depending upon the additional care and supervision provided by a caregiver based on the individual level of need for each child/youth. For example; if a child exhibits behavioral and/or physical (including health) challenges then a resource family may be authorized a higher foster care rate. Counties should note; in foster care there are many other programs and rates that assist caregivers serving child/youth who have a higher level of need.

The California Department of Social Services (CDSS) is the single state agency with authority to set, standardize, and implement foster care rates on a state-wide basis. In January of 2017, the department implemented a new rate structure utilized for the Foster Care, Kinship Guardianship Assistance Payment Program (KinGAP), Approved Relative Caregiver (ARC), and Adoption Assistance Program (AAP) Programs.

The Level of Care Protocol Tool (LOCP) was developed for use by county child welfare and probation departments to determine new foster care rates. The protocol matches the individual care and supervision needs of foster children with resource parents' level of support. These rates are commonly referred to as the Level of Care rates. The LOCP is comprised of a matrix that lists five core domains; Physical, Behavioral/Emotional, Health, Educational, and Permanency. These components are scored separately in the matrix and total points translate to a LOCP Rate.

Currently, county welfare/probation departments are limited in scope to using the LOCP tool to only Foster Family Agency (FFA) placements. The LOCP is not yet phased-in for all foster care placements i.e., placements with relatives, Non-Relative Extended Family Members (NREFMs), county foster family homes, ARC homes, KinGAP, and Non-Minor Dependents (NMDs).

When a LOCP rate determination is conducted, the Level of Care rate may increase when additional care and daily supervision is necessary based on the needs of a foster child. For example, the [LOC Rate Determination Matrix](#) included in [ACL 18-06](#) states that foster parents may be required to assist with Activities of Daily Living (ADL), Instrumental Activities of Daily Living (IADL) as well as other care tasks that may be authorized as IHSS tasks during an IHSS assessment. Foster care ADLs include transferring (i.e., walking and/or moving from place to place), use of upper extremities (hand, arms, fingers), bathing, grooming, menstrual care, dressing, feeding and/or toileting including enuresis/encopresis. Foster care IADLs include accessing transportation, shopping, preparing meals, managing medications and/or completing basic housework. (Note: IADLs apply to youth 14 years of age and older for purposes of the Level of Care.) Other care and daily supervision tasks that may be performed by foster parents also include providing 24-hour observation/line-of-sight care, providing direct medical treatments and/or specialized care, attending medical and therapy appointments, and providing assistance with the use of medical equipment.

Because the performance of these foster care ADLs and IADLs are equivalent to the performance of IHSS services, these care and daily supervision responsibilities may be considered alternative resources for the purposes of [MPP Section 30-763.6](#).

In order to determine whether the Level of Care rate already compensates the foster parent for performing compensable IHSS tasks as part of foster parent's duty to provide adequate care and supervision to the child, and thus should be considered an alternative resource for the purposes of IHSS, the county may ask the following questions during assessments:

- What ADLs and IADLs is the foster parent responsible for performing for the minor recipient as part of the child's LOCP?
- Is the foster parent responsible for providing 24-hour observation and line of sight care as part of child's LOCP?
- What medical and/or therapy appointments is the foster parent require to attend as part of the child's LOCP?
- What medical treatments or specialized care does the foster parent perform as part of the child's LOCP?
- Is the foster parent responsible for providing assistance with medical equipment as part of the child's LOCP? If so, what assistance is provided?

We encourage the county to closely work with the foster care case-carrying social worker to determine what alternative resources the minor recipient child may be receiving through their foster parent. The county should also obtain information about other alternative resources that the recipient may be receiving from sources other than the foster parent. Once the information is obtained, the county should provide a detailed description of all alternative resources received in the recipient's case notes or assessment narrative and enter the alternative resources into the Case Management Information and Payrolling System II (CMIPSI).

If you have any questions or need additional guidance regarding the information in this letter, contact the Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division