



Relative Caregiver Guide Benefits for Foster Children



Steps to understanding, applying and receiving the appropriate benefits for foster children.

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Dear Relative Caregiver:

This letter provides an explanation of the financial benefits you may be eligible to receive as a relative caregiver of a foster child placed with you by the Department of Children and Family Services (DCFS). A relative is someone related to the child up to the fifth degree by blood, adoption or marriage. The enclosed guide contains information on the following topics:

Section One: Foster Care Funding

You may be eligible for federal foster care funding for the children in your care. Foster care funding is a higher amount of money than CalWORKs and has increased rates for children with special needs. If you are denied foster care funding or are not paid from the date of placement, you have the right to appeal the denial and attend a fair hearing.

Section Two: CalWORKs

Relative caregivers are eligible for CalWORKs (welfare) from the date DCFS placed the child(ren) in your care. It does not matter if the child does not qualify for foster care funding and your income does not affect the CalWORKs grant.

Section Three: Health Insurance (Medi-Cal) & Disability Income (SSI)

Foster children are entitled to health care insurance through the Medi-Cal program. Furthermore, if the child is only eligible to receive CalWORKs and has special medical/emotional/developmental needs, the child may be eligible for child disability benefits through Social Security (SSI).

***Five Helpful Tips:**

- 1) You are entitled to some form of funding starting from the date DCFS places the child in your care.
- 2) If you receive a Notice of Action, approving or denying benefits, you only have **90** days to appeal any decision in the Notice that you disagree with.
- 3) If you live out-of-state or outside of Los Angeles County and you are having difficulty getting funding from the date of DCFS placement, please contact the Alliance for further assistance.
- 4) If you are a non-relative and are not receiving foster care funding from DCFS, please contact the Alliance for further assistance.
- 5) Children with special needs can qualify for up to \$1035 in Supplemental Security Income.

One: Foster Care Funding

1) You may be eligible for federal foster care funding:

- DCFS determines, based on federal law, whether or not the child qualifies for federal foster care funding.
- Federal foster care eligibility includes: (1) an analysis of the biological parents' situation in the month the child was removed, including the parents' income, and (2) an approval of the home under the Adoptions and Safe Families Act (ASFA).
- A DCFS ASFA worker will inspect your physical home to check if it meets the licensing standards. If your home does not meet standards, DCFS should help you make necessary changes (called a Corrective Action Plan) to obtain approval (such as assist you in purchasing beds or locks). For details on the home approval process, call the Alliance and request the Alliance DCFS Home Approval Guide.
- Additionally, every adult living in your home must be finger-printed for a criminal background check (this is called a livescan). If anyone in your home has a criminal background, DCFS will review the specific circumstances and determine whether an exemption is necessary and obtainable.
- If your home approval is denied, DCFS must notify you in writing. If your home approval is denied, but the children remain placed in your home, you may be entitled to a hearing to challenge this denial. Please contact the Alliance for assistance at 213.368.6010

2) If you are approved for foster care funding, but the start date is wrong, you have a right to appeal:

- DCFS cannot pay federal foster care funding until your home is approved under ASFA. The funding start date will be the date of home approval which may be after the child was placed with you.
- If DCFS caused your approval to be delayed (for example, DCFS failed to come to your home until months after the child was placed), you can file an appeal for the retroactive funding.
- If you disagree with the funding start date, you must file an appeal with the state within 90 days of the date of the Notice. Use the process outlined below. For help, contact the Alliance.

3) If you are denied federal foster care funding, you have a right to appeal the decision:

- If DCFS denies you foster care funding, you should receive a letter, called a **Notice of Action** in the mail. If you do not agree with the decision, you must appeal to the state within **90 days** of the Notice date.
- However, in some instances you may not receive a Notice. If the child has been placed with you for more than 90 days and you have not received a Notice or started to receive funding, you should still file an appeal. When in doubt, always file an appeal – you can always withdraw at any time with no penalty.

4) Filing an Appeal:

- To request a fair hearing, you can use the form on the back of the Notice of Action. You may also: (1) **call** State Hearings at 1.800.952.5253 (make sure to ask for the name of the person you speak with for proof of filing); (2) **fax** a written request to 916.229.4110 and keep the confirmation page; or (3) **write** a letter to: State Hearing Support, California Department of Social Services, 744 P Street, Mail Station 19-37, Sacramento, CA 95814 (send by certified mail for proof of mailing). Keep a copy for your records. Tell the state hearing office that you want to appeal DCFS's decision to deny you foster care funding.
- Although you do not need a legal representative at the hearing, you may contact the Alliance for Children's Rights, at 213.368.6010 or the Legal Aid Foundation of Los Angeles (LAFLA), at 213.640.3901, to request assistance at no cost. DCFS is represented by a County Hearing Specialist who will be assigned to your case. Keep in mind that you have a right to this appeal, and

the County **should not** talk you out of going forward with the hearing, even if the Hearing Specialist says your case has no merit.

***Changes in Case Plan**

Regardless of federal foster care eligibility, if the case plan becomes more permanent through guardianship or adoption, you may be entitled to additional sources of funding. Please discuss these options with the child's social worker and minor's attorney.

Two: CalWORKs (Welfare) Funding

1) You have a right to CalWORKs from the date the child is placed with you, regardless of your income:

- If you apply for a CalWORKs grant only for the child in your care, your income is not counted. This is called Non-Needy Relative Caregiver's Assistance.
- The only requirement to obtain Non-Needy Relative Caregiver's Assistance is that you are caring for a relative child.
- Additionally, youth in the foster care system may now be entitled to CalWORKs until age 21 if they have an open foster care case.
- CalWORKs funding is lower than *federal* foster care funding, and unlike federal foster care funding, every child does not receive the same amount of funding. CalWORKs also does not have higher rates for children with special needs (**however, if you have a child with special needs, please see Section Three on Disability Income).
- As a relative caregiver, you are eligible for CalWORKs from the date the child was placed in your home by DCFS. This is important if: (1) you are not immediately provided with funding (for example, your home approval is still pending) or (2) DCFS determines that the child is not eligible for federal foster care funding.

If you are low-income, and want to get CalWORKs for yourself as well as for your child, tell the worker; your income will then be considered and there will be other requirements.

2) Have the right paperwork!

Going to apply for CalWORKs can be frustrating if you do not have the correct paperwork. Even though you have the right to receive CalWORKs, it is common for workers at the CalWORKs office to get confused and deny relatives funding. Here is a list of the documents you should take with you to the CalWORKs office. The child's DCFS social worker needs to give you the first three things on this list. If necessary, contact the minor's attorney for assistance in getting the paperwork from the social worker.

- **SAWS-1** (the application form for funding that the social worker fills out) with the date that DCFS placed the child with you. This form may be attached to a Notice of Action if you were denied federal foster care funding. If the date on the form is different from the date DCFS placed the child in your care, please contact the Alliance for assistance.
- Copy of the **child's birth certificate**, or application for the birth certificate.
- Copy of the **child's social security card**, or application for the card.
- Any documents **showing that you are a relative to the child**, including a letter from the DCFS social worker, birth certificates, court documents or school records.
- The attached memo between DCFS and the CalWORKs office about benefits for foster children.
- Any documents that you have in your possession concerning the child, including any Court Reports or minute orders, any birth certificates, and any Notices of Action.
- Your own birth certificate and social security card; and
- Proof of your income if you are applying for aid for yourself.

If you do not have any of these documents, **you may still apply** for CalWORKs and provide the required documents within **30 days**. You may also ask the worker to let you sign an **affidavit called a PA 853**, showing that you have tried to obtain the documents.

Step 2: Going to the CalWORKs Office

- Set aside a full day to apply for CalWORKs. Make a copy of all your documents before you go to the office and keep the originals for your records. To locate the office nearest to you, please refer to the attached map. It may take you most of the day to fill out all the paperwork and meet with the eligibility worker at the CalWORKs office.
- Once you get to the office make sure to fill out the application and get the name and number of the eligibility worker. Even if you do not have all of the needed documents or if the eligibility worker says that you do not qualify, you should demand the right to fill out the application. **Remember**, once your case is approved, the benefits will go back to the date that the child was placed with you by DCFS.
- You will be referred to the Child Support Services Department (CSSD) to provide information about the identity and whereabouts of the child's parent(s). The county cannot apply a child support penalty if you do not know the whereabouts of the parent(s) or do not participate in providing this information. You do not have to provide the information to receive a Non-Needy Relative Caregiver's CalWORKs grant.
- For a list of common problems that relatives face at the CalWORKs office, please refer to the attached page called "Common Problems that Relatives Face at the CalWORKs Office".

Step 3: Getting Approved

- Once you have applied, the worker has **30 days** to approve your application and to allow you time to turn in additional required information or documents.
- If your application is denied, the eligibility worker must send you a Notice of Action that explains the reasons for the denial. The Notice of Action is a written document listing why you were denied.
- As a relative caregiver, you are entitled to CalWORKs for the child in your care. Please contact the Alliance for Children's Rights immediately if you receive a Notice denying your application for **Non-Needy** Relative Caregiver's Assistance (child-only grant).
- If you are denied a **Needy** Grant (assistance for your relative child AND grant you or your biological children), please contact the Legal Aid Foundation of Los Angeles LAFLA, 213.640.3901.
- You must appeal within **90 days** of receiving any Notice of Action, or you will forfeit your right to benefits.

3) Foster Care Funding vs. CalWORKs: Choose Foster Care Funding!

Federal foster care funding is more money than CalWORKs, has higher rates for children with special needs, and pays the full amount of funding to each child.

- Once the *federal* foster care funding is approved, you will be given the option of continuing to receive CalWORKs for the child or to start the federal foster care funding.
- DCFS will give you a form to sign in order to make that choice. You should always choose *federal* foster care funding over CalWORKs.
- If you are receiving CalWORKs for yourself, you can receive federal foster care funding for the child and continue to get CalWORKs aid for yourself.
- **The federal foster care funding should begin from the date of placement or the date of the home approval, whichever is later, regardless of whether you received CalWORKs. If the start date is not correct, contact the Alliance at 213.368.36010**

Three: Health Insurance & Disability Benefits (SSI)

1) Healthcare Coverage: Children in foster care are entitled to some form of healthcare coverage. If you receive Federal Foster Care funding, the Medi-Cal should automatically turn on. If you are not receiving Federal Foster Care funding, you may need to apply separately for Medi-Cal.

- If you receive CalWORKs for a child in your care, he/she will also **automatically** receive Medi-Cal. You do **not** need to submit a separate application for Medi-Cal.
- If you choose not to apply for CalWORKs for the child but still would like health insurance, you may apply for Medi-Cal separately. To apply, you may: (1) call 1.877.597.4777 to have an application mailed to you; (2) go to a local CalWORKs/Department of Public Social Services Office; (3) go to a local hospital; or (4) go to a CHDP (Child Health and Disability Prevention Program) clinic (call 800.993.2437 to find the nearest clinic).
- You will need to provide copies of your photo identification card, the child's social security card and proof that you live in Los Angeles County in order to complete the application.
- If you need help filling out the application, please make an appointment with an eligibility worker at your local CaWORKs office. Normally, the Medi-Cal office will approve or deny your application within **45 days** of receiving the application. Please contact the Alliance if you are not contacted within 45 days or if your application is denied.
- If you have paid for medical expenses for a child placed with you by the Department of Children and Family Services (DCFS), you may be able to obtain reimbursement for the cost. Please contact the Alliance for further assistance at 213.368.6010

2) Supplemental Security Income (SSI) for Children with Special Needs & Disabilities

- If you are caring for a child who is blind or disabled and who is **not** eligible for federal foster care, you should apply for Supplemental Security Income (SSI).
- SSI funding is more money than CalWORKs.
- Children in foster care are eligible for a higher rate of SSI (up to \$1035). Please ask the Social Security Administration to complete **form SSP 22** for the supplemental benefits.
- You may call **1.800.772.1213** to ask for an appointment with a social security representative near you to fill out the child SSI application. You can also get more information by going to www.ssa.gov/.
- Your income should not count or reduce the amount of the child's SSI grant. The grant should not be reduced for "in-kind" support.
- If you are eligible for foster care, confirm which is higher. You cannot receive funding under both programs. Contact the Alliance for further assistance.
- If the child is denied SSI or if the grant is reduced based on your income, you may contact The Legal Aid Foundation of Los Angeles (LAFLA) 213.640.3901 or Bet Tzedek 323.939.0506 for assistance.

Common Problems Encountered by Relative Caregivers at the CalWORKs Office

Even when relative caregivers follow appropriate steps, some eligibility workers still make mistakes. Although it can be frustrating, it is very important that you fill out an application while you are at the CalWORKs office. This makes it easier for advocates to assist with any problems. The following are common problems that relatives encounter at the CalWORKs office.

Requiring Birth Certificates to Show Relative Status: An eligibility worker may insist that you prove you are a relative by obtaining a birth certificate chain from the child to you. This is often impossible, as the parents are often not available. At the very least, tell the eligibility worker that you want to complete and sign an affidavit stating you are a relative, and that you will get proof later.

Counties Outside of Los Angeles County Refusing to Pay Retroactive Payment: If the child is placed with you by the Los Angeles County DCFS, you are entitled to receive CalWORKs from the date of placement, even if you live in another county. This is a battle that often requires an advocate. Therefore, request that the eligibility worker in the other county start your CalWORKs from the date of your application, and contact Legal Aid Foundation of Los Angeles (LAFLA) at 213.640.3901 or the Alliance at 213.368.6010 Rights to advocate for the retroactive payments.

Denying Relatives Based on the Relative's Income: Some eligibility workers require a relative to provide proof of income for the entire household. As described above, a relative is entitled to Non-Needy Relative Caregiver's Assurances, regardless of the relative's income. If an eligibility worker asks for proof of income, or states that you are not eligible for CalWORKs because of your income, complete an application anyway and state that you want Non-Needy Relative Caregiver's Assistance.

Denying CalWORKs Because the Child is in Foster Care: All children in foster care, living with a relative and not receiving foster care funding are eligible for CalWORKs, unless they have their own income (such as Survivor Benefits, Supplemental Security Income [SSI] or a Trust Fund). Relative caregivers waiting for federal foster care funding to start or who has been denied federal foster care funding are eligible for CalWORKs. If an eligibility worker tries to reject the CalWORKs application because the child is in foster care, tell the eligibility worker that you are not receiving foster care funding and that you want to fill out an application.

Denying Back-pay: Sometimes CalWORKs is approved, but it is not provided from the date the child was placed in the caregiver's home. Some eligibility workers will start CalWORKs, but not pay the back-pay (otherwise known as retroactive payments). Attached is an agreement (the memorandum) between DCFS and DPSS (the agency that pays CalWORKs) stating that relatives caring for foster children get CalWORKs from the date of placement, which is listed on the SAWS-1 form. If you get CalWORKs started, but the start date is not the date the child was placed in your home by DCFS, contact the eligibility worker. Request that the payment go back to the date listed on the SAWS-1 form. If the date on the SAWS-1 form is wrong, contact the Alliance at 213.368.6010 for further assistance.

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