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December 12, 2018

To the Community:

This letter provides important funding information for families caring for children in foster care while they complete Resource Family Approval (RFA).

Funding for Emergency Caregivers: Families Not Yet Approved through RFA

Caregivers who have a child placed prior to completing RFA (through an emergency placement or placement on a compelling reason), also called emergency caregivers, now receive emergency caregiver funding.

Emergency caregiver funding took effect on March 30, 2018. Eligibility depends on when the placement occurred and when you started RFA:

- **RFA Completed Prior to March 30, 2018:** If you accepted placement prior to March 30, 2018 AND you were approved pursuant to RFA prior to March 30, 2018, you are not eligible for the emergency caregiver funding described in this letter.
- **RFA Application Pending On or After March 30, 2018:** If you are an emergency caregiver who was completing RFA on or after March 30, 2018, you are eligible for emergency caregiver funding for each child placed in your home. This funding is only available back to March 30, 2018 – **OR** – the date the RFA application was submitted, whichever is later. The amount of funding for the period between March 30, 2018 through June 30, 2018 is \$923/month. If you did not complete the RFA process by June 30, 2018, the emergency caregiver funding will increase to \$960/month as of July 1, 2018.
- **Placement Prior to Approval On or After July 1, 2018:** If you took placement of a child prior to completing RFA on or after July 1, 2018, you are eligible for emergency caregiver funding as of the date of placement. However, for that funding to start, you must submit the RFA application. The amount of emergency caregiver funding for families that took placement on or after July 1, 2018 is \$960/month.

It is important you sign and submit the RFA application (RFA-01 form) quickly to receive emergency caregiver funding. In most cases, you will receive emergency caregiver funding up until you complete RFA.

Funding for Resource Families: Post-Approval Funding

You should continue to receive foster care funding in an amount no less than the basic rate (\$960/month) without interruption if you are approved.

Note that emergency caregiver funding and foster care funding is paid in arrears, which means you will receive the funding for the month you provide care after that month has ended. For example, if you had a child placed in your home during the month of April, you would receive emergency caregiver funding payment in May.

Please contact your county worker if you have questions. Los Angeles County caregivers can call (800) 697-4444 or email FCHL@dcfs.lacounty.gov. You can also contact Shanti Ezrine with our office at (213) 368-6010.

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Background: Two recent changes provide emergency caregiver funding to families completing Resource Family Approval (RFA), sometimes referred to by its authorizing legislation, Assembly Bill (AB) 110 and AB 1811. AB 110 went into effect on March 30, 2018 and provided families with funding that expired on June 30, 2018. AB 1811 extends the funding initiated under AB110, so that families benefiting from AB 110 will continue to receive emergency caregiver funding. AB 1811 also provides funding for families who accept placement after July 1, 2018 and are not yet approved as resource families.

This document provides information regarding both types of emergency caregiver funding.

Q: What is emergency caregiver funding?

A: Emergency caregiver funding is financial support for caregivers who accept placement of children in foster care on an emergency basis or based on a compelling reason prior to completing RFA.

Q: Can a family receive emergency caregiver funding even if the probation department has jurisdiction?

A: Yes. Families qualify for emergency caregiver funding regardless whether a child welfare department or probation department has jurisdiction so long as the family meets the criteria required for emergency caregiver funding. These criteria are explained below.

Q: What is AB 110?

A: AB 110 provided short-term funding for the period of March 30, 2018 through June 30, 2018, for caregivers who accepted placement of a child in foster care on an emergency basis or based on a compelling reason before being approved as a resource family as long as they had submitted a RFA application. AB 110 funding:

- is not available prior to March 30, 2018, even if the placement occurred before that date.
- is not retroactive back to March 30, 2018 if the RFA application was submitted after that date and/or if placement occurred after March 30, 2018.
- is replaced by regular foster care funding if the caregiver was approved between March 30, 2018 and June 30, 2018.

Q: What was the effective date of AB 110 funding?

A: The effective dates of AB 110 funding are as follows:

- March 30, 2018, for those individuals who took placement AND submitted an RFA application prior to March 30, 2018.
- The date that the RFA application was submitted, for those who accepted placement OR submitted their RFA application after March 30, 2018 and before July 1, 2018.

Q: Does AB 110 provide emergency caregiver funding back to the time the child was placed in a home?

A: No. Emergency caregiver funding through AB 110 is available only as of March 30, 2018. No funding is available for the period between the date of placement and March 30, 2018, if the placement occurred prior to March 30, 2018. **In other words, there is no retroactive payment back to the date of placement to cover the time that a child was placed in an emergency caregiver's home before enactment of AB 110.** For example, if a child was placed in the home of a caregiver in January 2017, there is no back payment for the period between January 2017 and March 30, 2018.

AB 110 funding is available to families who were caring for a child but were not yet approved between March 30, 2018 and June 30, 2018. This means that families who received placement prior to March 30, 2018 can still qualify for AB 110 funding in their RFA application was still pending after March 30.

Eligible families will receive emergency caregiver funding through AB 110 back to March 30, 2018 OR the date of the RFA application – whichever date is later.

Q: What paperwork was required to receive AB 110 funding?

Note: paperwork requirements are different for AB 1811.

A: For AB 110 funding, caregivers were required to complete an RFA application. Relatives caring for a non-federally eligible child were also required to sign an Approved Relative Care (ARC) application to receive AB 110 funding. The child's eligibility worker determines a child's eligibility for federal funding and a caregiver was provided the ARC application, if necessary. If a child was eligible for Emergency Assistance (EA) and not ARC, the county worker completes the EA application and the caregiver is not required to complete or sign it.

Like AB 1811, AB 110 funding cannot be initiated until an RFA application is submitted. However, unlike AB 1811, AB 110 funding is not available from the date of placement; it is only available from the date the RFA application was submitted.

Q: What is the Approved Relative Caregiver program?

A: The Approved Relative Caregiver (ARC) program provides financial support equal to a foster care payment to relatives caring for children who are not federally eligible. The child's federal eligibility is determined by a county worker. Relatives caring for a non-federally eligible child should be provided a copy of the ARC application at the time of placement.

Families do not have to submit an ARC application to receive emergency caregiver funding for placements made after July 1, 2018.

Q: What is the Emergency Assistance (EA) program?

A: California's EA program provides short-term assistance for up to 12 months to caregivers who accept emergency placement of a child. EA is available for children who are federally eligible and placed with a relative on an emergency basis or for a child placed with a non-relative regardless of the child's federal eligibility. A county worker determines the child's federal eligibility based on the timing of the removal petition and the income and resources of the home where the child was removed.

Some families received funding through the EA program in AB 110. Under AB 1811, all families will receive funding through the EA program. However, if the child is not eligible for EA, the family will still receive emergency caregiver funding.

Caregivers do not sign or complete an EA application. Instead, the child welfare or probation department is responsible for ensuring an EA application is filed for families and, if possible, signed by biological parents or the parent(s) from whom the child is being removed. Although the EA application asks for the caregiver's signature, caregiver means biological parent or the home of removal in this instance.

Q: What happens if a family was receiving emergency caregiver funding through AB 110, but they were not approved as a resource family by the time AB 110 expired on June 30, 2018?

A: AB 1811 extended funding through AB 110 beyond June 30, 2018. Families will continue receiving emergency caregiver funding through AB 110 if they are not approved by June 30, 2018. There should be no break in payment.

Please note that if someone was entitled to receive emergency caregiver funding under AB 110 but has yet to receive it by the time AB 110 expired on June 30, 2018, they are still entitled to receive it.

Q: What happens if a caregiver was receiving emergency caregiver funding through AB 110 and they are still not approved as a resource family?

A: They will continue receiving emergency caregiver funding if:

- they were receiving, or were eligible to receive, emergency caregiver funding through AB 110;
- they are still caring for the child, and
- they have not completed the RFA process as of June 30, 2018.

Q: When will families caring for a child while completing the RFA process receive emergency caregiver funding?

A: Emergency caregiver funding through AB 1811 is effective on July 1, 2018. However, families are eligible for emergency caregiver funding prior to July 1, 2018 pursuant to AB 110 if they were caring for a child prior to approval between March 30, 2018 and June 30, 2018. Each county has its own process to release funding to caregivers. The county process for distributing funds will determine when any individual family will receive their initial payment. Contact your county worker for information on when funding will be provided.

Families who were entitled to a payment under AB 110 and did not receive such payment as of July 1, 2018 still have a right to receive that funding for the period between March 30, 2018 and June 30, 2018 when they met the eligibility criteria.

Q: What are the eligibility requirements for an individual to receive emergency caregiver funding through AB 1811?

A: Caregivers are eligible for emergency caregiver funding through AB 1811 if they received placement on or after July 1, 2018, and they:

- are caring for a child in foster care in California;
- have a placement based on an emergency basis or compelling reason
- have not been approved as a resource family;
- signed and submitted a RFA application filed (Form RFA-01), and
- the county agency filed an Emergency Assistance (EA) form on your behalf.

Emergency caregiver funding will continue for up to 180 days (and in some cases up to 365 days) or until the RFA application is approved or denied, whichever occurs first.

Q: What happens to the funding once the caregiver is approved?

A: Once RFA is complete, the family continues to receive funding in the form of regular foster care benefits at the child's assessed Level of Care, and such funding is at least the basic foster care rate, if the family is approved as a resource family. In some cases, once the family is approved, the foster care benefit may be more than the basic rate because the child may be assessed at a higher Level of Care and/or the child may qualify for additional supplemental payments such as the clothing allowance, specialized care increment, or special rates for foster children who have developmental disabilities and are clients of a regional center.

Q: How long will emergency caregivers receive funding pursuant to AB 1811?

A: From July 1, 2018 to June 30, 2019 (fiscal year 2018-2019), the emergency caregiver funding is available for up to 180 days, as long as the RFA application is still pending, and can continue for up to 365 days, if the county demonstrates to the California Department of Social Services that there is "good cause" for the delay in approving the family as a resource family. In addition, even if the county cannot demonstrate good cause, the county can continue to provide funding to a caregiver beyond 180 days and until approval.

Q: What happens if a caregiver has not completed the RFA process after 365 days?

A: The county can continue to provide funding to a caregiver beyond 365 days and until approval using county-only funds, including Foster Parent Recruitment and Retention Support (FPRRS) dollars.

Q: What happens if there is an emergency placement, but the Resource Family Approval (RFA-01) application is not submitted until several weeks after the placement is made?

A: For placements made into the home of a caregiver who is not yet approved as a resource family on or after July 1, 2018, emergency caregiver funding is paid back to the date of placement. This is true even if the RFA-01 application is submitted several weeks after the placement is made. While the law requires the RFA-01 application to be submitted within five (5) days of an emergency placement, the ability to receive emergency caregiver funding back to the date of placement is not affected if the RFA-01 application is received later. However, emergency caregiver funding cannot be initiated until the RFA-01 application is received so it is important to submit the RFA-01 application quickly to ensure that emergency caregiver funding, which will accrue back to the date of placement, is not delayed.

Q: How is the emergency caregiver funding different under AB 1811 and AB 110?

A: AB 110 was an interim solution to provide funding to families who took placement prior to approval and had a pending RFA application during the period of March 30, 2018 through June 30, 2018. AB 1811 continues the funding past June 30, 2018. The major difference between the two types of funding is that **emergency caregiver funding through AB 1811 is retroactive to the date of placement if placement was on or after July 1, 2018.** Caregivers who receive funding under AB 110 only receive funding back to March 30, 2018 OR the date the RFA application was submitted, whichever is later.

Q: When will caregivers receive the emergency caregiver funding?

A: Each county has its own process to release funding to caregivers. The county process for distributing funds determines when an individual family receives their initial payment. Caregivers are still entitled to receive emergency caregiver funding through AB 110 even after it expired on June 30, 2018 if they have not yet received it so long as they met the required criteria.

Q: How much is the emergency caregiver funding?

A: The emergency caregiver funding is equivalent to the resource family basic level rate. The basic level rate was \$923 per month per child before July 1, 2018. Starting July 1, 2018, the resource family basic level rate is \$960 per month per child.

Q: When will I receive payment?

A: Emergency caregiver funding is paid for the previous month of care, not for the upcoming month of care. For example, if the child was first placed with you on April 1, you will likely receive your first emergency caregiver payment sometime in May, as reimbursement for your care of the child in the month of April.

Q: Can caregivers who receive emergency caregiver funding receive supplemental payments such as a specialized care increment?

A: No. Emergency caregiver funding is limited to the resource family basic level rate of \$960 per month per child. The caregiver may receive supplemental payments (like school of origin funding, clothing allowance, dual agency rate, infant supplement, and/or specialized care increments), if the child is eligible, once the caregiver is approved as a resource family.

Q: What if the caregiver is a relative and the child in their care is not eligible for emergency assistance (EA)?

A: All caregivers, relatives or non-relatives, who are caring for a child placed on an emergency basis or based on a compelling reason prior to being approved as a resource family will receive emergency caregiver funding even if the child is ineligible for the Emergency Assistance program.

Q: Are non-relative caregivers eligible to receive funding as an emergency caregiver?

A: Yes. Emergency caregiver funding is available to both relatives and non-relatives who accept placement of a child in their home prior to being approved as a resource family.

Q: Will relative and non-related caregivers receive the same amount of emergency caregiver funding?

A: Yes. Both relatives and non-related caregivers receive emergency caregiver funding equal to the resource family basic rate of \$960 per month per child.

Q: Is emergency caregiver funding available in all counties?

A: Yes. Emergency caregiver funding is NOT a county-optional program. Families who meet the criteria for emergency caregiver funding are entitled to receive it.

Q: Can families receive emergency caregiver funding even if a Foster Family Agency (FFA) is overseeing a family's RFA process?

A: Yes. Families who are referred to an FFA to complete their resource family approval application can receive emergency caregiver funding if they meet the criteria described above, including that the child was placed with them on an emergency basis or based on a compelling reason prior to the family completing the RFA process.

Q: Do families qualify for emergency caregiver funding if the court ordered the placement with the emergency caregiver at the detention hearing or over the objection of the county?

A: Yes. In some cases, the county will be unable to make the emergency placement of a child with a relative or nonrelative extended family member prior to the detention hearing but will desire to do so at or after the detention hearing. In these cases, emergency caregiver funding is available to support the placement, assuming all eligibility conditions are met.

Additionally, courts have the authority to order an emergency placement even if the county objects to the placement. In these situations, the child will be eligible for emergency caregiver funding as long as the child is in the placement and care responsibility of the county child welfare or probation agency, the family has completed the WIC 361.4 assessment, an RFA 01A has been submitted, and all other eligibility conditions are met as described in ACL 18-75.

Families who meet the requirements outlined in ACL 18-75 are eligible for emergency caregiver funding. If the family is approved as a resource family, they will continue to receive funding in the form of regular foster care benefits. If RFA is denied, funding will stop immediately. If the family is denied but the child remains placed and the caregiver is a relative of the child, the caregiver should apply for CalWORKs.

Q: I am receiving CalWORKs for myself, based on my own needs, while completing Resource Family Approval for a relative child in my care. Will my needy CalWORKs payment be terminated when I receive the emergency caregiver funding?

A: No. An individual can receive CalWORKs based on his or her own needs while also receiving another form of assistance, such as emergency caregiver funding, to support a child in their care. A relative caregiver is eligible to receive CalWORKs to cover his or her own needs when the child that the caregiver is providing for is receiving another form of assistance including emergency caregiver funding, foster care benefits, SSI benefits, or Kin-GAP. The child's receipt of these other types of benefits does not impact the caregiver or other family members' eligibility to receive CalWORKs. And, the foster care benefits, SSI, emergency caregiver or Kin-GAP funding is not counted as income to the caregiver or other household members when determining their eligibility for CalWORKs.

However, if you were receiving non-needy CalWORKs on behalf of a relative child, the non-needy CalWORKs for that child will be terminated once you begin to receive emergency caregiver funding or some other type of benefit on behalf of that same child. This is because the non-needy CalWORKs payment is the payment to cover the child's needs. The child cannot receive CalWORKs and other supports of assistance (such as emergency caregiver funding) at the same time.

It is important to note that emergency caregiver funding is a higher amount of funding than non-needy CalWORKs. It is more advantageous to receive emergency caregiver funding if a child qualifies than it is to receive non-needy CalWORKs.

Q: What happens if I was receiving non-needly CalWORKs before receiving emergency caregiver funding?

A: A caregiver receiving non-needly CalWORKs before March 30, 2018 is eligible for emergency caregiver funding. However, the non-needly CalWORKs payment will be terminated once the child is determined eligible to receive the emergency caregiver funding. It is possible that the child will receive both non-needly CalWORKs and emergency caregiver funding for the same period of time, since the CalWORKs funding is paid prospectively. However, there will be no offset to the emergency caregiver funding for the first month of payment. In addition, there will be no CalWORKs overpayment for the short-term overlap of non-needly CalWORKs and emergency caregiver funds. In other words, if the caregiver is currently receiving a non-needly CalWORKs payment at the time that the child is determined eligible for emergency caregiver funding, the caregiver will receive emergency caregiver funding without any reduction in the amount of the support due to the receipt of non-needly CalWORKs and they will not be required to pay back any of the CalWORKs received.

NOTE: This situation only applies to those caregivers who had placement of a relative child on an emergency basis prior to March 30, 2018. This does not apply to caregivers who take placement of a relative child on an emergency on or after July 1, 2018 because emergency caregiver funding is provided back to the date of placement. Because the child placed on or after July 1, 2018, the child is eligible to receive funding at the basic level foster care rate as of the date of placement. No CalWORKs application should be submitted on behalf of child. Emergency caregiver funding will count as income to the child, rendering the child ineligible for CalWORKs.

Questions? Contact Shanti Ezrine (s.ezrine@kids-alliance.org or 213-368-6010) or California Department of Social Services (CDSS) (ecfunding@dss.ca.gov).