

April 18, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-45

This All County Letter (ACL) is intended to provide county child welfare agencies, Title IV-E Agreement Tribes, and probation departments with guidance on the operation of the Extended Foster Care program during the Novel Coronavirus (COVID-19) emergency.



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



GAVIN NEWSOM
GOVERNOR

April 18, 2020

ALL COUNTY LETTER NO. 20-45

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL FOSTER CARE MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL FOSTER CARE ELIGIBILITY SUPERVISORS
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES
ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES
ALL LICENSED CHILDREN'S RESIDENTIAL PROVIDERS

SUBJECT: GUIDANCE REGARDING EXTENDED FOSTER CARE
PROGRAM FLEXIBILITIES DUE TO COVID-19 IMPACTS

REFERENCE: PROVIDING CHILD WELFARE AND PROBATION SERVICES
DURING COVID-19 [ACL 20-25](#); PLACEMENT PRESERVATION
GUIDANCE [ACL 20-33](#); [GOVERNOR'S PROCLAMATION OF A
STATE OF EMERGENCY, MARCH 4, 2020](#); [EXECUTIVE ORDER
N-53-20](#)

The purpose of this letter is to provide county child welfare agencies, Title IV-E Agreement tribes,¹ and probation departments with guidance regarding the Extended Foster Care (EFC) program for nonminor dependents (NMDs) during the current state of emergency related to COVID-19.

Pursuant to the authority in the Governor's April 17, 2020 Executive Order N-53-20 (EO N-53-20), the Department is announcing the following statewide waivers and associated guidance for EFC age, placement, and eligibility requirements. Use of these waivers is subject to the Waiver Terms and Conditions set forth in this ACL.

¹ For the purpose of this notice, a Title IV-E Agreement tribe means those with an agreement pursuant to WIC section 10553.1

EXTENDED FOSTER CARE PROGRAM

Temporary Extension of EFC Beyond 21st Birthday

The EFC program for all NMDs ends the day before their 21st birthday. Due to the impacts of COVID-19, this program will temporarily be extended for all NMDs currently in EFC who turn 21 on or after the date of this letter's release through June 30, 2020. Before an NMD reaches their 21st birthday, the county placing agencies and Title IV-E tribes, as applicable, should discuss this temporary EFC extension with the NMD and ensure their desired participation through June 30, 2020. Except as described below, all other EFC requirements continue to apply for NMDs under this temporary extension, including the need for monthly caseworker visits (which may occur remotely, consistent with guidance provided in [ACL No 20-25](#)).

For NMDs who are 21 years of age and remaining in EFC under this temporary expansion, the case manager will need to document this within the Child Welfare Services/Case Management System (CWS/CMS) and send the documentation to the county eligibility staff. When an NMD's eligibility and monthly payment are set to expire the day prior to their 21st birthday, the case should instead remain open and continue to be funded.

The Statewide Automated Welfare Systems (SAWS) payment systems will continue to issue payments using the existing non-federal Aid Code 43 for non-federal cases. NMD cases currently being reported in the federal Aid Code 49 should be switched to Aid Code 43 once they are no longer eligible to draw down federal payments, so that counties may continue payments under this provision through June 30, 2020. Manual overrides for non-system payments may be made. County Eligibility Workers should begin to immediately identify and track these cases so that payments to these NMDs may continue uninterrupted. A County Fiscal Letter (CFL) will be forthcoming with additional instructions.

Program Eligibility Criteria for all NMD's

Counties should demonstrate flexibility when working with an NMD who have experienced disruptions in meeting the EFC program eligibility criteria, which are met under ordinary circumstances when the NMD is:

1. Completing secondary education or a program leading to an equivalent credential;
2. Enrolled in an institution which provides post-secondary or vocational education;
3. Participating in a program or activity designed to promote, or remove barriers to, employment;

4. Employed for at least 80 hours per month; or
5. Incapable of doing any [of the above] due to a medical condition.

All NMDs who have met the eligibility requirements for EFC and have lost their employment, or have experienced a disruption in their education program, may continue to remain eligible for EFC. If the NMD continues to be enrolled in their school or is participating in their school's distance learning opportunities, they will continue to remain eligible through the same educational criteria. Counties are reminded that NMDs who cannot meet the EFC participation criteria through employment or education due to COVID continue to be eligible for the EFC program when they are participating in programs or activities designed to promote, or reduce barriers to, employment or when a medical condition renders them incapable of participating in any eligible activity.

Counties are reminded that medical conditions include [both short-term and long-term medical conditions](#), as verified by a health care practitioner, and prior guidance contained in [ACL 11-69](#) clarifies that if the young adult is temporarily unable to meet participation requirements due to illness or injury, which include things like a broken leg, participation criteria number five can be used to cover the period of time that the nonminor is unable to participate in the primary participation condition. Any written verification of a medical condition by a health care practitioner for criteria number five may be obtained after physical distancing orders are lifted.

[Existing guidance](#) provides information regarding the many methods through which the eligibility criteria number three category can be met, and may include programs and classes, activities with the social worker or caregiver, or NMD-directed activities or studies. Verification is equally flexible and may include, for example, documentation in a case manager's notes when the NMD shows the case manager a revised resume or discusses the outcome of job searches and/or interviews. For more information about programs or activities designed to promote, or reduce barriers to, employment, including a list of sample activities, or any participation criteria, please reference [ACL 11-69](#).

If eligibility for the NMD cannot be maintained using the broad flexibility for existing program eligibility requirements, as outlined above, counties must document the reasons in the case plan, but placement payments for the NMD must still be maintained through June 30, 2020. NMDs in state-only foster care (Aid Code 43) may continue maintaining eligibility and claiming through Aid Code 43. NMDs who are not able to meet one of the five program eligibility criteria, and are currently reported to Aid Code 49, but are maintaining eligibility pursuant to EO N-53-20 and the temporary EFC flexibilities outlined in this letter, must be transitioned to non-federal Aid Code 43 until they meet one of the five program eligibility criteria, but no later than June 30, 2020. Once one of the five program eligibility criteria is met, or at the end of Fiscal Year 2019-20, whichever is first, the cases that were previously switched from Aid Code 49 to Aid

Code 43, should be reverted back to Aid Code 49. A CFL will be forthcoming with additional instructions.

Case managers should inform NMDs who were laid off or whose working hours have been reduced about potential unemployment benefits through the application form linked [here](#). In addition, NMDs may be eligible for the Coronavirus Aid, Relief, and Economic Stimulus (CARES) payments if they filed taxes in 2018 or 2019, and should be provided support to file taxes and establish checking accounts to get automatic payments, if needed. For additional information, please visit the Internal Revenue Service site linked [here](#). The [Income Benefits For Transition-Age Youth document](#) from the John Burton Advocates for Youth is provided for caseworker convenience and for general informational purposes. Information is rapidly changing and may not be fully accurate, but can provide a starting point for assisting NMDs.

Entry and Re-Entry Agreements

Nonminors ages 18 to 21 requesting entry or re-entry into EFC must continue to be served, and each nonminor's unique needs and interests, including their willingness to satisfy at least one of the participation requirements, should be assessed by the county placing agency or Title IV-E tribe. A nonminor's inability to immediately satisfy the participation criteria for the program due to the COVID-19 pandemic is not grounds to deny entry or re-entry into EFC, because only the nonminor's intent to satisfy at least one of the participation criteria is required ([WIC 388, subd. \(e\).](#)). The assessment regarding the youth's eligibility may be initially conducted through video conferencing, telephone, or other technology.

The Mutual Agreement for Extended Foster Care ([SOC 162](#)) and the Voluntary Re-Entry Agreement for Extended Foster Care ([SOC 163](#)) must still be completed with the nonminor; however, these may temporarily be completed without a face-to-face meeting. The placing agency should save the email, text, or other form of documentation of the nonminor's request to enter or re-enter EFC, and attach it to the contact notes in CWS/CMS. The Department reminds county placing agencies and Title IV-E tribes that placement and care responsibility starts when the agreement with the NMD is signed (or agreed upon) and counties may not postpone housing and services in order to file or hear an entry or re-entry petition in the juvenile court.

PLACEMENT AND HOUSING

A placing agency still has the obligation to offer the least-restrictive safe and appropriate available housing for a nonminor upon their entry or re-entry into care. All NMDs who experience housing disruptions, including those who were previously living in a college dormitory as their SILP, must be provided with assistance in identifying a safe and

appropriate alternative housing option, consistent with guidance outlined in [ACL 19-105](#). Additionally, as previously discussed in [ACL 20-25](#), if an NMD is displaced from their dorm, counties should continue the SILP payment until such time that the NMD informs the county of the new or temporary residence.

During the effective period of EO N-53-20, the SILP Approval and Placement Agreement ([SOC 157A](#)) to initiate or maintain SILP payments to NMDs, and the SILP Inspection: Checklist of Facility Health and Safety Standards ([SOC 157B](#)), may both be completed through alternative methods of contact, including videoconferencing, telephone calls, or through courtesy supervision by a tribal representative, a county placing agency, or licensed Foster Family Agency, as necessary. To approve the SILP housing without waiving safety concerns, case workers may:

- Ask the NMD to take photos of their placement and email the pictures to the case worker,
- Conduct a virtual tour of the placement using video conferencing,
- Request a copy of the lease agreement, which can be received via email,
- Utilize any other method deemed suitable by the county placing agency that reasonably assesses the NMD's safety in the supervised independent living arrangement.

TRANSITIONAL INDEPENDENT LIVING PLANS (TILPS)

Counties and providers are encouraged to work with NMDs on their [TILP](#). During this crisis new TILPs are not required; however, caseworkers should continue to assist NMDs by review of a previous TILP and assisting them with establishing goals that fit their needs during this time, and plans following the COVID-19 emergency. If a new TILP is developed remotely, signatures are not required. NMDs may agree with TILP conditions verbally, or through text messages, emails, or other technology. Caseworkers need to document all agreements in CWS/CMS.

EFFECTIVE DATE OF GUIDANCE

The Extended Foster Care program waivers and guidance contained in this ACL shall expire on June 30, 2020, or sooner if determined by the Department, unless this guidance is extended in writing. All prior statutory, regulatory, and written guidance requirements modified herein shall be reinstated upon the expiration of this guidance letter.

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If you have any questions or need additional guidance regarding the information in this letter, contact the TAY Policy Unit at (916) 651-7465 or e-mail TAYPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division