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### Who We Work With

**Out of Home Care**

- Children and youth
- Foster parents
- Guardians



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### Special Challenges For Our Kids

- Prenatal care and nutrition
- Fetal alcohol syndrome
- Disability
- Trauma
- Moving around
- Changing schools
- Aging out



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## How We Help

- Adoption
- Guardianship
- Benefits
- Supplemental Security Income
- System-wide reform
- Education
- Healthcare
- Transition-Age Youth



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## How We Work With Volunteers

- Careful Screening
- Staff attorneys with substantive knowledge
- Manuals, samples and templates



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## Benefits Advocacy



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## The Basics

<b>Who qualifies for funding?</b>	<ul style="list-style-type: none"> <li>• Most kids in out of home care</li> <li>• All kids in foster care</li> </ul>
<b>Types of Funding</b>	<ol style="list-style-type: none"> <li>1. Federal foster care funding</li> <li>2. State foster care funding</li> <li>3. Approved Relative Caregiver funding (ARC)</li> <li>4. Welfare (CalWORKS)</li> <li>5. Kinship Guardianship Assistance (Kin-GAP)</li> <li>6. Adoption Assistance (AAP)</li> </ol>
<b>Purpose of Funding</b>	<ul style="list-style-type: none"> <li>• <b>Providing a safe and stable placement</b></li> </ul>
<b>Advocating for Funding</b>	<ul style="list-style-type: none"> <li>• Negotiating with DCFS/Preparing a Demand Letter</li> <li>• Briefing and oral advocacy at administrative hearing</li> <li>• Ensuring compliance with the judge's decision</li> </ul>

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## Types of Funding



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## Funding for Kids in Foster Care

<b>Federal Foster Care</b>	<ul style="list-style-type: none"> <li>• Allows for maximum funding</li> <li>• Specialized rates for children with special needs</li> <li>• Rate structure is identical to State Foster Care</li> </ul>
<b>State Foster Care</b>	<ul style="list-style-type: none"> <li>• Available to non-relatives who don't qualify for Federal Foster Care.</li> <li>• At least <b>\$1000/month</b> per child</li> <li>• Specialized rates for children with special needs</li> </ul>
<b>Welfare (CalWORKS)</b>	<ul style="list-style-type: none"> <li>• Available to relatives who don't qualify for Federal Foster Care.</li> <li>• Less than <b>\$400/month</b> per child</li> <li>• Benefits decrease for each additional child</li> <li>• No specialized rates for children with special needs</li> <li>• No maximum income requirement</li> </ul>
<b>Approved Relative Caregiver (ARC)</b>	<ul style="list-style-type: none"> <li>• Available to relatives who don't qualify for Federal Foster Care <b>as of 01/01/2015</b></li> <li>• <b>\$1000/month</b> per child</li> <li>• Specialized rates for children with special needs now available <b>as of 01/01/2017 or 07/01/17</b></li> </ul>

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## Funding for Youth up to Age 21

### Extended Foster Care (AB12)



- Youth in foster care on their 18<sup>th</sup> birthday
- Youth with special medical, behavioral or development needs.
- Youth whose adoption or guardianship finalized at age 16 or later



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## Funding for Former Foster Kids in Legal Guardianships

### Kinship Guardianship Assistance Payment Program (Kin-GAP)



- Former foster children with familial or informally related legal guardians appointed by dependency court are eligible for Kin-GAP, at rates identical to foster care funding.
- Former foster children with non-relative legal guardians appointed by probate court are eligible for state foster care funding.
- Former foster children with relative legal guardians appointed by probate court are only eligible for calWORKS

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## Funding for Kids Adopted out of Foster Care

### Adoption Assistance Program (AAP)

Children adopted out of foster care are eligible for AAP

- Available to relatives and non-relatives
- Rate "negotiated" via Adoptive Placement Agreement
- Specialized rates available for children with special needs



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## Eligibility for Specialized Rates

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### Specialized Rates Overview

**Children with special medical, developmental or emotional needs may be eligible for a higher rate of funding**

- D-Rate
- F-Rate
- Dual Agency Rate

**If foster child moves to another county/state, new jurisdiction's rates and criteria apply.**

- D-Rate and F-Rate are specific to LA County
- Dual agency and basic rates are state-wide.

ALLIANCE for CHILDREN'S RIGHTS

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### Proving Eligibility for the D-Rate

1. Severe and persistent emotional and/or behavioral issues
2. At least 37 months old
3. Caregiver class attendance or equivalent
4. Assessment by Department of Mental Health
5. Qualifying diagnosis, *i.e.*, PTSD, Bipolar (with therapy)
6. Suicidal/violent ideation or substantial impairment in at least two life areas:
  - Home
  - Self-care
  - School
  - Community

ALLIANCE for CHILDREN'S RIGHTS

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## Proving Eligibility for the F-Rate

- | Criteria   | Rates   |
|--|---|
| 1. Medical, physical or developmental issues, <i>i.e.</i> , asthma, eczema, bedwetting, speech/language delays | <ul style="list-style-type: none"> <li>• F-1 to F-4 (highest), based on degree of need</li> <li>• Can be "bumped up" one level for behavioral therapy or multiple medical problems</li> </ul> |
| 2. Specific diagnosis  |   |
| 3. Caregiver class attendance or equivalent  | <ul style="list-style-type: none"> <li>• Nature and frequency of medication is often a factor.</li> </ul>   |



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## Proving Eligibility for Dual Agency Rates

Available to Regional Center clients with developmental delays



### Funding Rates

- **Early Intervention Rate:** For most qualifying children under 3
- **"Full" Dual Agency Rate:** For lifetime regional center clients with a qualifying diagnosis, *e.g.*, autism. Possible additional supplement of \$250 to \$1000 per month based on child's needs



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## RESOURCE FAMILY APPROVAL

Overview of Current Law and Policy

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## Home Approval Before RFA

### Adoption and Safe Families Act → RFA

Proving home meets physical safety standards	<ul style="list-style-type: none"> <li>• E.g., sufficient bedrooms, childproofing</li> </ul>
Proving home meets criminal safety standards	<ul style="list-style-type: none"> <li>• Clearance for Caregiver</li> <li>• Clearance for other adults in home or with significant contacts</li> </ul>
Proving home meets child welfare standards	<ul style="list-style-type: none"> <li>• Former abuse complaints</li> <li>• Mental health issues</li> <li>• Barriers to providing adequate care</li> </ul>



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## CORE ELEMENTS OF RFA

- **One standard** – relatives and recruited families treated the same
- **One process** – approved for any child in foster care, approved in any county, and approved for guardianships & adoptions
- **Comprehensive assessment** required, includes:
  - Home Environment Assessment
  - Permanency Assessment
- Pre- and post-approval **training** required for all families
- Procedures for **expedited placements**



WIC § 16519.6

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## Overview of RFA Process

- All resource family applicants will:
  1. Receive a RFA orientation
  2. Undergo criminal clearances and background checks
  3. Undergo home environment assessment
  4. Participate in 12 hours pre-approval training + 8 additional hours within the first year (some counties/FFAs may require additional training hours)
  5. Provide health screening for applicants and TB screening for all adults in home
  6. Participate in a psychosocial assessment
  7. Receive a written report of the resource family

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### Jurisdiction Over Foster Care Issues

Jurisdiction over Placement	Dependency or probate court
Jurisdiction over Benefits and Home Approval	State Administrative Hearing Office




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### Jurisdiction for Administrative Hearing

Change in benefits triggers written "Notice of Action" from DCFS.

➔ Notice of Action starts 90 day window to file a fair hearing.

➔ If fair hearing not timely filed, retroactive benefits waived, unless:

- Notice of Action is inadequate, e.g., doesn't include required language or in non-native language.
- Caregiver was talked out of filing for fair hearing.



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## Administrative Hearing - RFA

Denials or rescissions of RFA and criminal record exemptions trigger written "Notice of Action" from DCFS.

➡ Notice of Action starts 90 day window (was only 30 days in 2017) to file a fair hearing.

➡ If fair hearing not timely filed, appeal rights waived, unless:

- Notice of Action is inadequate, e.g., doesn't include required language or in non-native language.
- Good cause exists for late filing.



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## Home Approval Hearings

- Appealing denial of home approval rather than funding
- Telephonic pre-hearing conference
- Hearings **used to** happen sooner than funding hearings
- Substantial negotiation with State attorneys who represent the County in these proceedings.



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## Work with us



The Alliance is a free legal services organization representing children in poverty and foster care. We work to ensure **permanency, education and justice** for vulnerable children.

Our campaigns include:

- Clearing hurdles to adoption for children languishing in foster care.
- Securing educational equity for students in foster care.
- Building pathways to jobs and higher education (OYC).
- Self-empowerment for young adults 18-21 aging out of foster care (B4UGo).
- Advocacy for parenting teens and their babies (Healthy Teen Families).
- Protecting equity and access to necessary supports for all caregivers (Step Up Coalition).

Contact us to learn more and schedule a training:

[advocacy@kids-alliance.org](mailto:advocacy@kids-alliance.org)

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## Questions?

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  - 213-368-6010 ext. 102; 702-900-3659
  - [A.Cherensky@kids-alliance.org](mailto:A.Cherensky@kids-alliance.org)
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  - [N.Klasky@kids-alliance.org](mailto:N.Klasky@kids-alliance.org)

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