



Who We Work With

Out of Home Care

- Children and youth
- Foster parents
- Guardians



Special Challenges For Our Kids

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




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Benefits Advocacy




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The Basics

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

Types of Funding



Funding for Kids in Foster Care

Federal Foster Care	<ul style="list-style-type: none"> • Allows for maximum funding • Specialized rates for children with special needs • Rate structure is identical to State Foster Care
State Foster Care	<ul style="list-style-type: none"> • Available to non-relatives who don't qualify for Federal Foster Care. • At least \$670-830/month per child • Specialized rates for children with special needs
Welfare (CalWORKS)	<ul style="list-style-type: none"> • Available to relatives who don't qualify for Federal Foster Care. • Less than \$350/month per child • Benefits decrease for each additional child • No specialized rates for children with special needs • No maximum income requirement
Approved Relative Caregiver (ARC)	<ul style="list-style-type: none"> • Available to relatives who don't qualify for Federal Foster Care as of 6/1/15 • \$670-830/month per child • No specialized rates for children with special needs

Foster Care Funding > ARC > CalWORKS

- **Foster Care Funding:**
 - Fixed amount per child
 - At least \$650-800/month per child
 - Additional funding available to care for children with special medical, behavioral and/or developmental needs
- **ARC (Approved Relative Caregiver):**
 - Fixed amount per child
 - Funding equivalent to "basic" rate of Foster Care funding regardless of a child's special needs
 - NO additional funding available to care for children with special medical, behavioral and/or developmental needs
- **CalWORKS:**
 - Amount *decreases* for each additional child
 - Less than \$350/month per child
 - NO additional funding available to care for children with special medical, behavioral and/or developmental needs

Approved Relative Caregiver (ARC) Program

- County “opt-in” program
- Effective in LA County as of June 2015
- Spearheaded by the Alliance and partners through the “Step Up for Kin” initiative
- Improves funding equity for relative caregivers caring for non-federally eligible children
 - Does not allow for increases in funding to account for special needs
- Retroactive funding *may* be available to January 2015

Funding for Youth up to Age 21

Extended Foster Care (AB12)



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

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

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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A case study

Juanita, Angel and Jasmine



Juanita, Angel and Jasmine

Which sources of funding might be available to Juanita when she takes in Angel and Jasmine on a foster care basis?

- Federal Foster Care, CalWORKS, ARC

If Juanita becomes the children's legal guardian, what funding might be available?

- Kin-GAP

If Juanita adopts Angel and Jasmine, what funding might be available?

- AAP

Overcoming Denials of Foster Care Funding



Determining Relative Status

Is Caregiver related to child by birth or adoption, within the fifth degree of kinship (up to first cousin, once removed)? **If no → not a relative**

Have parental rights been terminated? **If yes → relatives should qualify for higher funding once parental rights are terminated. Termination severs relative status**



A case study

- Yes, the relative/non-relative distinction *really* matters!

Foster Care	ARC	CalWORKs (welfare)
\$ 3,209	\$671 – 838 (depending on age)	\$369
Low-functioning autism, extreme behavioral issues, receives a wide range of developmental therapies through the Regional Center.		

- Depending on placement and factors that may be outside of a child's/caregiver's control, the same child with the same needs can receive drastically different levels of support.

Proving Eligibility for Federal Foster Care

Elements

1. Open dependency case
2. Approved foster home
3. Properly removed
4. Deprived of care when removed
5. Bio parents do not exceed maximum income



What if a child does *not* qualify for Federal Foster Care Benefits?

If placed with a non-relative:	If placed with a relative:	
<p>If placed in an approved home, the child will be eligible for State Foster Care Benefits.</p> <p>These benefits are at the same rate (including any increases for special needs), just funded by California rather than the federal government.</p>	<p>If placed in an approved home, the child may be eligible for ARC (Approved Relative Caregiver) funding.</p> <p>These benefits are equivalent to the "basic" rate of Foster Care Benefits, with no possible increases for special needs.</p>	<p>If placed in a home that has not been approved, the child will only be eligible for CalWORKs (welfare) funding.</p> <p>These benefits are significantly less than both Foster Care and ARC funds, with no possible increases for special needs.</p>

- **If ineligible for Foster Care funds, caregivers should apply for ARC as soon as possible. Applications can be obtained from CSW or online.**

Challenging a Denial of Benefits

- DCFS is required to issue a written Notice of Action ("NOA") to the caregiver when DCFS takes *any* action that impact's the child's funding.
- Caregivers have a legal right to challenge any such NOA within **90 days** of receiving it, by filing for an administrative fair hearing with the state. Caregivers should *not* allow anyone from DCFS to dissuade them from their hearing rights!
- Caregivers now have the right to a fair hearing to challenge home approval denials or delays, in addition to funding denials.
- Caregivers can file for a fair hearing to challenge home approval or funding decisions, even when DCFS has not sent out an NOA to that effect.
- To file for a fair hearing, call: **1-800-952-5253**.
Or, fax: **916-651-5210**.



Appealing Denial of Home Approval

Adoption and Safe Families Act

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

Caregivers have a right to “Harris” hearings to challenge the denial of their home by DCFS.



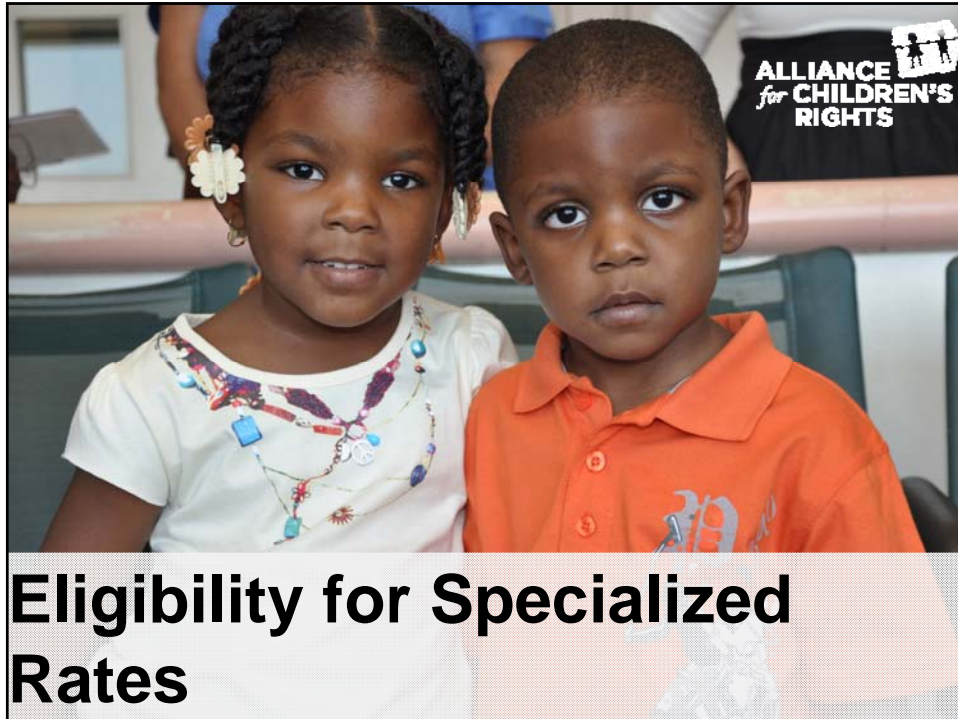
Juanita, Angel and Jasmine

How would termination of Angel and Jasmine’s parents’ rights affect the level of funding Juanita receives to care for them?

- **Juanita would become eligible for State Foster Care funding as a non-relative.**

Juanita has been denied Federal Foster Care funding. What are some possible reasons for the denial?

- **Denial of home approval**
- **Not properly removed**
- **No showing of deprivation**
- **Bio parents exceeded maximum Income**



Eligibility for Specialized Rates

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.



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



Proving Eligibility for the F-Rate

Criteria

1. Medical, physical or developmental issues, *i.e.*, asthma, eczema, bedwetting, speech/language delays
2. Specific diagnosis
3. Caregiver class attendance or equivalent

Rates

- F-1 to F-4 (highest), based on degree of need
- Can be “bumped up” one level for behavioral therapy or multiple medical problems
- Nature and frequency of medication is often a factor.



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



Juanita, Angel and Jasmine

What are specialized care rates that Angel and Jasmine might be eligible for in LA County?

- **D Rate, F Rate and the Dual Agency Rate**

If you were advocating for Juanita, what information would you want to know to determine whether Angel and Jasmine qualify for a specialized care rate?

- **Qualifying diagnoses, medications (types and frequency), caregiver training, regional center services, behavioral problems, developmental delays, impairment of life activities, assessments by DMH**

If Juanita moves to San Bernardino, how might that affect Angel and Jasmine’s eligibility for specialized care rates?

- **No longer eligible for D or F rate. Could be eligible for Dual Agency rate or any rates specific to San Bernardino County**

Alliance or LAFLA – Whom to Call?

- Call LAFLA for help with:
 - “No deprivation” eligibility issues
 - Biological parents’ income eligibility issues
 - Overpayments
- Call the Alliance for help with:
 - Specialized care rate denials
 - Home denials/delays
 - Problems obtaining extended foster care (i.e. from ages 18-21)
 - Ineligibility due to lack of proper removal procedures
 - Overpayments

When in doubt, call us!



What can a CASA do to support a family?

- Refer a case to the Alliance or LAFLA!
- If a child is ineligible for Foster Care funds, assist a caregiver with an ARC application.
- If a child has an open Benefits case with the Alliance, assist Alliance staff with gathering necessary documentation and working with family to obtain vital information



For more information on ARC, including application forms, visit:

stepupforkin.org



Questions?

- The Alliance for Children's Rights – General Intake
(213) 368-6010
- Laura Streimer, Legal Director
(213) 368-6010 ext. 152, l.streimer@kids-alliance.org
- Adam Cherensky, Benefits Program Director
(213) 368-6010 ext. 102, a.cherensky@kids-alliance.org
- Evan Shaver, Benefits Legal Assistant
(213) 368-6010 ext. 168, e.shaver@kids-alliance.org
- General Information on Resources:
211 (Los Angeles County)

