

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

**LEGAL NOTICE****TITLE IV-E CHILD WELFARE WAIVER DEMONSTRATION
CAPPED ALLOCATION PROJECT**

I, JOHN A. WAGNER, Director of the California Department of Social Services, after being duly informed that:

On March 31, 2006, the United States Department of Health and Human Services approved California's request for a Title IV-E Child Welfare Waiver Demonstration Capped Allocation Project, which will be implemented with a complimentary State Waiver Demonstration Project. The Demonstration Project permits the use of equivalent Federal and State foster care funds to expand and strengthen the child welfare practice, programs, and system improvements in the participating counties.

ORDER that in accordance with the powers vested in the Director pursuant to Section 18204 of the Welfare and Institutions Code (W&IC) the following statutes and applicable regulations promulgated thereunder as specified below shall be WAIVED for Alameda and Los Angeles counties, subject to the approval of their submitted requests to utilize alternative methods and procedures that meet the intent of the waived statutes and regulations, and only to the extent necessary to implement those requests.

Welfare and Institutions Code

- W&IC Section 11400 – This section provides general definitions and must be waived to the extent necessary to allow a county flexibility to provide innovative services to children and their families in both the Federal and State Demonstration Projects.
- W&IC Section 11401 – Requires that in order for a child to be eligible to receive foster care funds, he or she would have to be removed from their home, relinquished for adoption or adjudged a dependent child of the court and must be waived to the extent necessary to allow Federal and State foster care funds to be used to pay for services for a child to remain in his or her own home, without a court order, in both the Federal and State Demonstration Projects.
- W&IC Section 11402 – Requires that each child be placed in a delineated eligible facility and must be waived to the extent necessary to allow a child to remain in his or her own home and receive services in both Federal and State Demonstration Projects.

- W&IC Section 11404 – Requires that placement and care of a child be with an appropriate foster care or adoption agency and must be waived to the extent necessary to allow a child to remain in his or her own home and receive services without a court order in both the Federal and State Demonstration Projects.
- W&IC Section 11404.1 – Requires that each child has periodic status reviews and permanency planning hearings and must be waived to the extent necessary to allow a child to remain in his or her own home and receive services without a court order in both the Federal and State Demonstration Projects.
- W&IC Section 11450 (d) – Requires specified payments to be made to foster children and must be waived to the extent necessary to allow for foster care board and care payments to instead be made for services in both the Federal and State Demonstration Projects.
- W&IC Section 11460 (b) – Requires that foster care payments must only be used to pay for “care and supervision” as defined in this section and must be waived to the extent necessary to allow foster care funds to be used to pay for services for a child at home or in out-of-home care in both the Federal and State Demonstration Projects.
- W&IC Section 11461 – Requires that a rate setting system for a licensed or approved family home is maintained and must be waived to the extent necessary to allow a licensed or approved family home rate flexibility to provide innovative services in the Federal and State Demonstration Projects.
- W&IC Section 11462 – Establishes the requirements for the setting of a rate for a group home and public child care institutions and must be waived to the extent necessary to allow a group home rate flexibility to provide innovative services in the Federal and State Demonstration Projects.
- W&IC Section 11463 – Establishes the requirements for the setting of a rate for a foster family agency is maintained and must be waived to the extent necessary to allow a foster family agency rate flexibility to provide innovative services in the Federal and State Demonstration Projects.
- W&IC Section 11466.2 – Requires that the State shall perform or have performed group home program and fiscal audits as needed and must be waived to the extent necessary to provide the counties flexibility to implement their approved plan in the Federal and State Demonstration Projects (sections pertaining to fiscal audits remain in effect).

- W&IC Section 15204.9 – Requires that the State shall pay 70 percent of the nonfederal costs of administering the Aid to Families with Dependent Children Foster Care program and must be waived to the extent necessary to allow for a blended sharing ratio based on historical expenditures in both the Federal and State Demonstration Projects.
- W&IC Section 18358.30 – Requires that the rates for an intensive treatment foster care foster family agency program shall be set according to the levels specified in this section and must be waived to the extent necessary to allow a foster family agency rate flexibility to provide innovative services in the Federal and State Demonstration Projects.

A list of specific regulations that are included in this waiver shall be provided to the participating counties. This Waiver shall have force and effect only with respect to the counties participating in the Demonstration Project and to the extent that specified waivers are necessary to implement, their approved requests to use alternative methods and procedures.

The forgoing is the ORDER of the Director, California Department of Social Services.



JOHN A. WAGNER
Director

6/26/07

Date