

# Rate Change Request for Dual Agency Rates

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## Overview

This policy provides guidance to regional Technical Assistants (TAs) on how to process requests for Regional Center and Dual Agency rates for families receiving AFDC-FC, Approved Relative Caregiver (ARC) funds, Kinship Guardianship Assistance Payment (KinGap) Program benefits, or Adoption Assistance Program (AAP) benefits.

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## Version Summary

This policy guide was developed to provide guidance specifically to the TAs who perform regional office operations for the purpose of assisting in the processing of dual agency rates. The majority of the language was taken from an existing eligibility policy “Rate Change Request for Regional Center Arm (Alternative Residential Model) Rates and Dual Agency Rates (E060-0570)”, which provides guidance to eligibility workers (EW) in the Revenue Enhancement Division (RED).

## POLICY

### Dual Agency Rates

Children who are California Regional Center clients, receiving AFDC-FC, ARC funds, Kin-GAP Program benefits, or [AAP](#) benefits, and residing in one of the [eligible](#)

[placements](#) (below), are eligible to obtain a Dual Agency Rate, per [WIC Sections 11464 and 16121](#).

If the child has co-occurring special health care needs or mental health needs that may warrant additional caregiver training, the Dual Agency Rate and the Supplement shall be paid independently and without delay pending the caregiver's fulfillment of any additional training recommendations.

Eligible placements are, as follows:

- Prospective and Post-adoptive homes
- Approved Resource Family Home (Those homes approved through the RFA process.)
- Tribal Approved Homes (TAH)
- Relative and nonrelative extended family member (NREFM)
- KinGAP caregivers caring for DCFS Regional Center children (effective July 1, 2009)
- Legal Guardians: Dependency - related and non-related) and Probate - non-related
- Licensed foster family home not vendored by Regional Center
- Approved Relative Caregivers (ARC)
  - ARC funding is for families (relatives only) that are not eligible for federal funds (RFA denials).

Dual agency rates are **not** applicable to Foster Family Agencies (FFAs), Supervised Independent Living Programs, group homes/Short-Term Residential Therapeutic Programs, or community care facilities vendored by a Regional Center. However, there are [four \(4\)\\* FFAs](#) that are dually Licensed (DCFS and Regional Center). Those FFAs are to be reimbursed at the RC rate via DCFS 4213 approval process.

- \*There is a fifth (5<sup>th</sup>) FFA ("Free To Be") that is only contracted with the Regional Center. The DCFS 4213 is required for that placement.

The dual agency rates are:

- [Monthly dual agency flat rate](#) (P1) - For children **under the age of three (3)** with a developmental delay receiving Regional Center Early Start Intervention Services.
- [Monthly dual agency flat rate](#) (P2) - For children of **any age** with a lifetime developmental disability (e.g., Autism, Cerebral Palsy, Epilepsy, an Intellectual Disability (i.e., IQ of 70 or below) or a Fifth (5<sup>th</sup>) category (e.g., conditions similar to intellectual disability, such as Down Syndrome, Fetal Alcohol Syndrome, etc.), who are eligible to receive Regional Center services under the Lanterman Act. (This includes provisional eligibility for three to four (3 to 4) year olds.)

Note: It is DCFS' Policy to pay a higher rate, when applicable. Children under age three (3), receiving Regional Center services through Early Start shall also be referred to the Level of Care (LOC) Unit for further rate determination. If the LOC Unit determines that the child qualifies for a higher rate (i.e., the LOC rate is determined to be higher than the P1 rate), then the LOC appropriate rate will replace the P1 rate. If the child does not qualify for a higher LOC rate, then the P1 rate will remain in place. Note, however, that DCFS' current Specialized Care Increment (SCI) policy provides for a higher rate than the P1, as children who are eligible for Early Start automatically qualify for SCI Tier 2.

Rate application upon RC eligibility status change:

- When the child receiving Early Start RC services no longer qualifies after age three:
  - Receiving **P1** rate while in Early Start: P1 rate stops on child's third birthday; P1 rate is replaced with Basic rate and the case may be referred to LOC for further rate determination;
  - Receiving **LOC** rate while in Early Start: a new LOC assessment is needed to determine an appropriate LOC rate;
- When the child receiving Early Start services is found eligible under Lanterman Act after age three (with either provisional or permanent status):
  - Regardless of the rate received while in Early Start, the rate changes to P2.

Children who were found provisionally eligible for RC services under Lanterman Act, will be reassessed by the Regional Center at the age of **4 years and 9 months**, to determine if the child has a developmental disability and, therefore, will continue permanent RC eligibility under Lanterman Act after age five. If, upon the assessment, it is determined that the child does not have a developmental disability and does not meet full criteria under Lanterman Act, the child will be discharged from RC services and the P2 rate should stop on fifth birthday. If the eligibility continues past the child's fifth birthday, then the P2 rate continues.

Neither the Individual Program Plan (IPP) nor current receipt of Regional Center services is required for [dual agency rate eligibility](#). Whether the child/youth has an "active" or "inactive" case with a Regional Center is irrelevant for dual agency rate eligibility.

An eligibility letter or other documentation of eligibility for Regional Center services issued by a Regional Center is sufficient to establish eligibility for a dual agency rate.

- Only an **Initial Individualized Family Service Plan (IFSP)** can be accepted in lieu of the RC eligibility letter for the children receiving Early Start services. For

children receiving services under Lanterman Act, the RC eligibility letter must be submitted; IPPs are not accepted as a proof for eligibility.

The effective date of the Dual Agency rate is the RC eligibility date, the placement start date, or the RFA approval date (whichever is latest).

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## Supplemental Rate

A caregiver may receive a Supplemental Rate in addition to a P2 rate for children ages three (3) and older. The actual rate (i.e., \$250, \$500, \$750, or \$1000/month) is dependent on the child's level of functioning. The Supplemental Rate assessment is not optional; each child who is a Regional Center client over age three (3) must be assessed.

In order to initiate the Supplemental Rate, the assigned CSW must complete the following forms:

- [SOC 836](#), Supplement to the Rate Eligibility form
- [SOC 837](#), Supplement to the Rate Questionnaire
  - The SOC 837 is to be reviewed and signed by the Regional Center service coordinator.
  - The Harbor and Lanterman Regional Centers do not sign the SOC 837.

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## Nonminor Dependents (NMDs)

A Nonminor Dependent (NMD) who is eligible for Regional Center services, is in a qualified placement, and meets all the dual agency rate criteria, is eligible for the dual agency rate and supplement. However, the dual agency rate and supplement cannot be paid if the youth is in a [Supervised Independent Living Plan \(SILP\)](#).

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# PROCEDURE

## Processing Dual Agency Rate Requests

### TA Responsibilities

1. Upon receipt of the Auto 280 and the following, review for completion and accuracy:
  - Either an eligibility letter\* from a Regional Center (required) **or**

- \*Lanterman Act eligibility letters are valid for a lifetime. (Once a client qualifies under the Lanterman Act, even if they change Regional Centers, the letter is still valid.)
  - An Initial (only) IFSP (for P1 and LOC rate requests) (accepted)
    - This is for the very first eligibility determination only.
  - **And**, SOC 836 and 837 [for Supplemental Rate requests for children over the age of three (3)] (required)
    - a. If the documents are accurate, proceed to step 2.
    - b. If corrective measures are needed, notify the requestor and proceed to step 2 once corrective actions have been completed.
2. Email the Auto 280 and additional documents as noted in step 1 to the Payment Resolution Unit (PRU).
    - The PRU will confirm receipt of the emailed documents.
  3. Upon confirmation from the PRU, take the following steps:
    - a. Document actions performed in the CWS/CMS Case Notes (green button), including the dates of submission to the PRU and confirmation of receipt from the PRU, and
    - b. “Save to Database”.
    - c. In FCSS, document “complete/update” and “comment” in order to successfully close the Auto 280.

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## Processing Placement/Replacements

### TA Responsibilities

1. Upon receipt of the Auto 280 and the following, review for completion and accuracy:
  - Either an eligibility letter\* from a Regional Center (required) **or**
    - \*Lanterman Act eligibility letters are valid for a lifetime. (Once a client qualifies under the Lanterman Act, even if they change Regional Centers, the letter is still valid.)
  - An Initial (only) IFSP (for P1 and LOC rate requests) (accepted)
    - This is for the very first eligibility determination only.
  - **And**, SOC 836 and 837 [for Supplemental Rate requests for children over the age of three (3)] (required)
    - a. If the documents are accurate, proceed to step 2.
    - b. If corrective measures are needed, notify the requestor and proceed to step 2 once corrective actions have been completed.
2. In CWS/CMS, document the following:

- a. [Enter the placement](#) in the child's CWS/CMS case.
  - b. In the Placement Management section (red button):
    - i. Update "ongoing requests"
    - ii. Enter the new budget and click "+", then complete the "start date" and "LA APPS Rates"
  - c. In the Placement Management section (red button), take the following steps:
    - i. Click "Action" to access a dropdown menu
    - ii. Under "Approval", click "pending approval", then
  - d. Document actions performed in the CWS/CMS Client Management Services Notebook under Case Notes (green button).
    - i. "Save to Database"
3. Notify the TA Supervisor upon completion of step 2.
  4. If the TA Supervisor rejects the approval request, review their Case Notes, make appropriate correction(s) and send back to the TA Supervisor for approval.
  5. Upon approval from your TA Supervisor, send the documents identified in step 1 to the Revenue Enhancement Division (RED), as follows:
    - To the assigned Case-Carrying EW for placements/replacements, as indicated in CWS/CMS Client Management Notebook (green button)

### **TA Supervisor Responsibilities**

1. In CWS/CMS, review and either approve or return to the TA for corrective measures.
  - a. As applicable, document the reason(s) why the request was not approved in the Case Notes.
2. Upon approval, in CWS/CMS Client Management Notebook, close the case on the "assignment" page (green button).

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## **APPROVALS**

### **TA Supervisor Approval**

- Placement/Replacements

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## **HELPFUL LINKS**

## **Forms**

LA Kids

[Foster Care Search System \(FCSS\)](#), FCSS Login Page

[SOC 836](#), Supplement to the Rate Eligibility form

[SOC 837](#), Supplement to the Rate Questionnaire

## **Referenced Policy Guides**

### **Foster Care Eligibility Handbook**

[E060-0570](#), Rate Change Request for Regional Center Arm (Alternative Residential Model) Rates and Dual Agency Rates

[E090-0590](#), Foster Care Placement

### **DCFS Child Welfare Policy Manual**

[0070-516.10](#), Assessing a Child's Development & Referring to a Regional Center

[0100-510.35](#), Special Placements

[0100-520.35](#), Kinship Guardianship Assistance Payment (Kin-GAP) Program

[0100-560.40](#), Supervised Independent Living Placement (SILP)

[0900-511.10](#), Rates for Placement and Related Services

[0900-511.12](#), Dual Agency Rates

[0900-522.00](#), Level of Care (LOC) and Specialized Care Increment (SCI) Rate Determinations / Re-determinations

## **Statutes**

[All County Letter \(ACL\) 14-89](#) - This ACL provides counties with information and instructions regarding the Approved Relative Caregiver (ARC) Funding Option Program.

[ACL 16-54](#) – Clarifies instructions regarding eligibility for the Dual Agency Rate.

[ACL 17-67](#) – States in part that the failure of the Regional Center to sign the SOCI 837 or to provide information for the assessment of the child's needs shall not relieve the County from timely completion of the assessment for the Dual Agency Rate.

[ACL 17-112](#) – States that ARC recipients are eligible for the Dual Agency Rate.

[ACL 21-97](#) – Provides information on how to apply the California Necessities Index (CNI) to families receiving payments under the AAP.

[ACL 21-76](#) – Provides information regarding Aid to Families with Dependent Children-Foster Care (AFDC-FC) and Home-Based Family Care (HBFC) CNI increases and other rate increases.

[ACL 22-64](#) – Provides the California Necessities Index (CNI) increase to be applied to AAP rates, and includes Dual Agency Rates.

[ACL 16-54](#) – Clarifies instructions regarding dual agency rate eligibility.

[WIC Section 4512\(a\)\(1\)](#) – Provides information regarding provisional eligibility for children three (3) or four (4) years of age.

[WIC Section 11464\(a\)](#) – States in part that children who are consumers of Regional Center Services who also receive AFDC-FC or AAP benefits have special needs that may require care and supervision beyond what is typically provided in foster care. To address these needs, it is necessary to provide a rate for care and supervision that is higher than the average rate they would otherwise receive.

[WIC Section 11464\(c-f\)](#) – Sets forth the criteria, requirements, and appropriate dual agency and supplement to the rates.

[WIC Section 11464 \(c\)\(2\)\(A\)](#) – Authorizes the supplement to the dual agency rate.

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