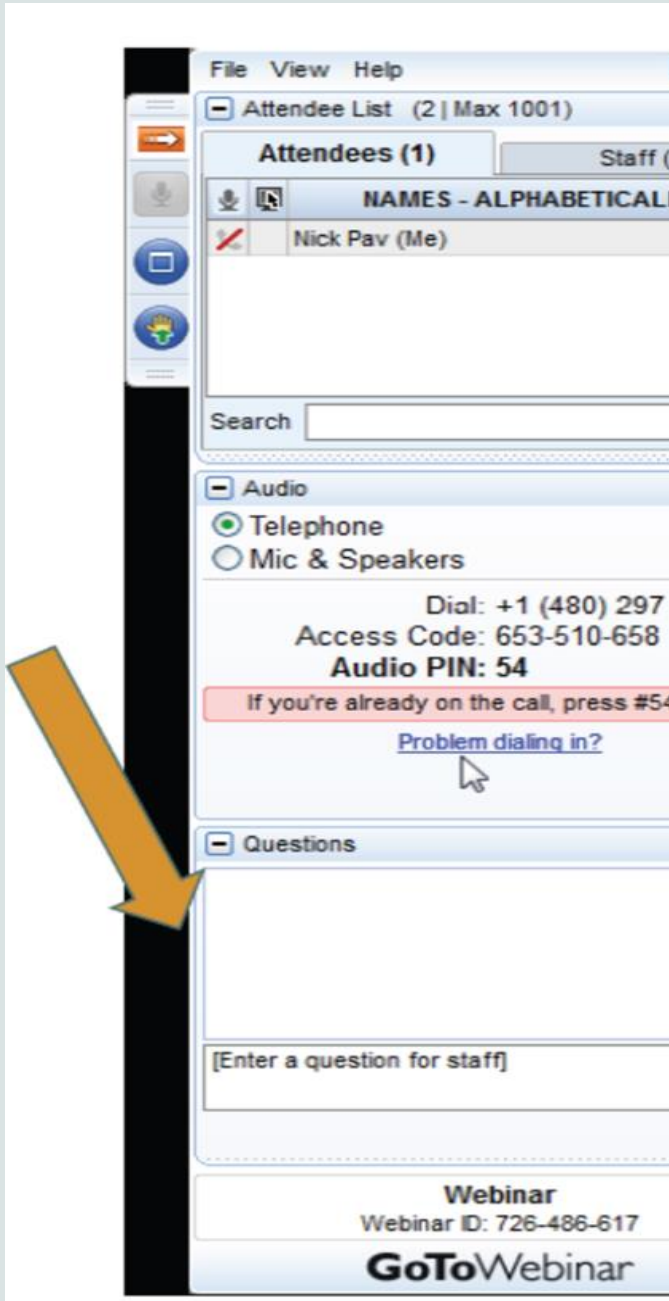


WEBINAR | JANUARY 2024

Now and New: Current Level of Care Rates and Proposed Changes; FAQs and Caregiver Engagement

ALLIANCE
for **CHILDREN'S**
RIGHTS





Logistics

- Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>
- All attendees are muted during webinar.
- Please submit questions using the "Questions" function on your GoToWebinar dashboard.

Presenters

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- Natalie Klasky Mac, Benefits Program Director, Alliance for Children's Rights
 - Jackie Rutheiser, Policy Director, California Alliance of Caregivers
 - Kristin Power, Vice President, Policy & Advocacy, Alliance for Children's Rights

Agenda

Level of Care Protocol

LOC FAQs

Caregiver Engagement

Proposed Permanent

Rates Structure





Home-Based Family Care *Level of Care Protocol*

The Level of Care Protocol (LOCP) is a strengths-based approach for determining the Home-Based Family Care (HBFC) rate that appropriately supports a child in foster care's foster placement in a family setting.

The protocol matches the individual care and supervision needs of foster children with a resource parents' level of support.

Eligible for LOC Assessment



- Approved RFs in both FFAs and County-approved homes
 - Licensed Foster Family Homes (FFHs)
 - Approved Relative or Non-Relative Extended Family Member homes
 - Approved Relative Caregivers (ARC)
 - Tribally Approved Homes (TAH)
- Legal Guardians where the guardianship was established in Juvenile Court
 - Kin-GAP Guardians
 - NMDs residing in a HBFC setting



Not Eligible for LOC Assessment



- Emergency Caregivers (until they are approved as RFs or Tribally Approved Homes)
- NMDs in THP-NMDs or SILPs
- STRTPs
- Shelters, unlicensed or unapproved homes (except denied relative caregivers eligible for SB 354 ARC funding)
- Non-Related Legal Guardianships established in Probate Court

FY 2023-2024 Rates

Level	Rate
Basic/Level 1	\$1,206
Level 2	\$1,341
Level 3	\$1,479
Level 4	\$1,613
Intensive Services Foster Care	\$3,148

Intensive Services Foster Care (ISFC)



Meets the higher
needs of some children
in foster care



Specialized Care Increment (SCI)



Provides a supplemental payment to the resource family based on the special behavioral, developmental, and/or medical needs of the child



LOC Timeline

01

Within 60 days of the child's initial entry into foster care, re-entry or change of placement.

02

Every new placement receives a new LOC determination.

03

Redeterminations can be requested through the child's social worker.

04

No annual redetermination occurs unless requested.

LOC Core Domains



Physical

- Daily Living Needs



Behavioral/Emotional

- Resilience
- Emotional Wellbeing
- Pro-Social Behavior
- Healthy Relationships



Health

- Healthcare
- Special Needs



Educational

- Student Achievement
- Educational Excellence
- Equal Access to Services



Permanency/Family Services

- Visitation
- Belonging, Identity, Connection to Culture

Determining the LOC Rate

SOCIAL WORKER:

- Reviews case records, court reports, mental health assessments, medical and school records and CFT meeting notes
- Reaches out to Resource Parent to complete the Resource Parent Reporting Tool
- Using the five core domains, identifies child's care and supervision needs by scoring each domain and using a weighted point system

LOC Notice of Action – NA 403

NOTICE OF ACTION (NOA)

The County has approved your Foster Care aid. As of _____, the county is Approving your Foster Care aid of \$ _____ per month.

This aid is for: _____.

LOC Redetermination Requests and Hearing Rights

REDETERMINATION REQUEST

- **The county or FFA is required to explain to a Resource Family how to request a redetermination based on the changing needs of the child/NMD and/or extra care the RF is providing.**
- Counties should document all requests, whether the request is verbal or in writing. (ACL 21-17E)
- If the request is based on the changing needs of the child, the start date should be the date of the request. Otherwise, the start date is the date the LOC assessment is completed. (ACL 21-17E)

HEARING RIGHTS

- **You have the right to ask for a hearing if you disagree with any county action.**
- You have only 90 days to ask for a hearing. The 90 days started the day after the county gave or mailed you this notice. If you have good cause as to why you were not able to file for a hearing within the 90 days, you may still file for a hearing. If you provide good cause, a hearing may still be scheduled.

Redetermination Requests & Hearing Tips

- **Keep copies of all documents**
- **Make notes of your areas of disagreement**
- Reach out to the assigned County Hearing Specialist/county representative (varies by county)
- Explore a conditional withdrawal
- For any redetermination or hearing:
 - **Explain why a higher rate is warranted**
 - **Show documentation of why child/youth needs a higher rate**

LOC FAQs

Frequently Asked Questions
Revealed



Q: Can you talk about the LOCP results and rates in the CFT meeting?

A: No, **the LOCP should never be completed during a CFT meeting.** The county SW or PO should consider information gathered at any CFT meetings held prior to completion of the LOCP but counties should not delay in using the LOCP while waiting for a CFT to be convened.

Q: What is the rate before the initial LOCP is completed?

A: The Basic Level Rate is paid until the initial LOCP is completed (unless a Static Rate is applied).

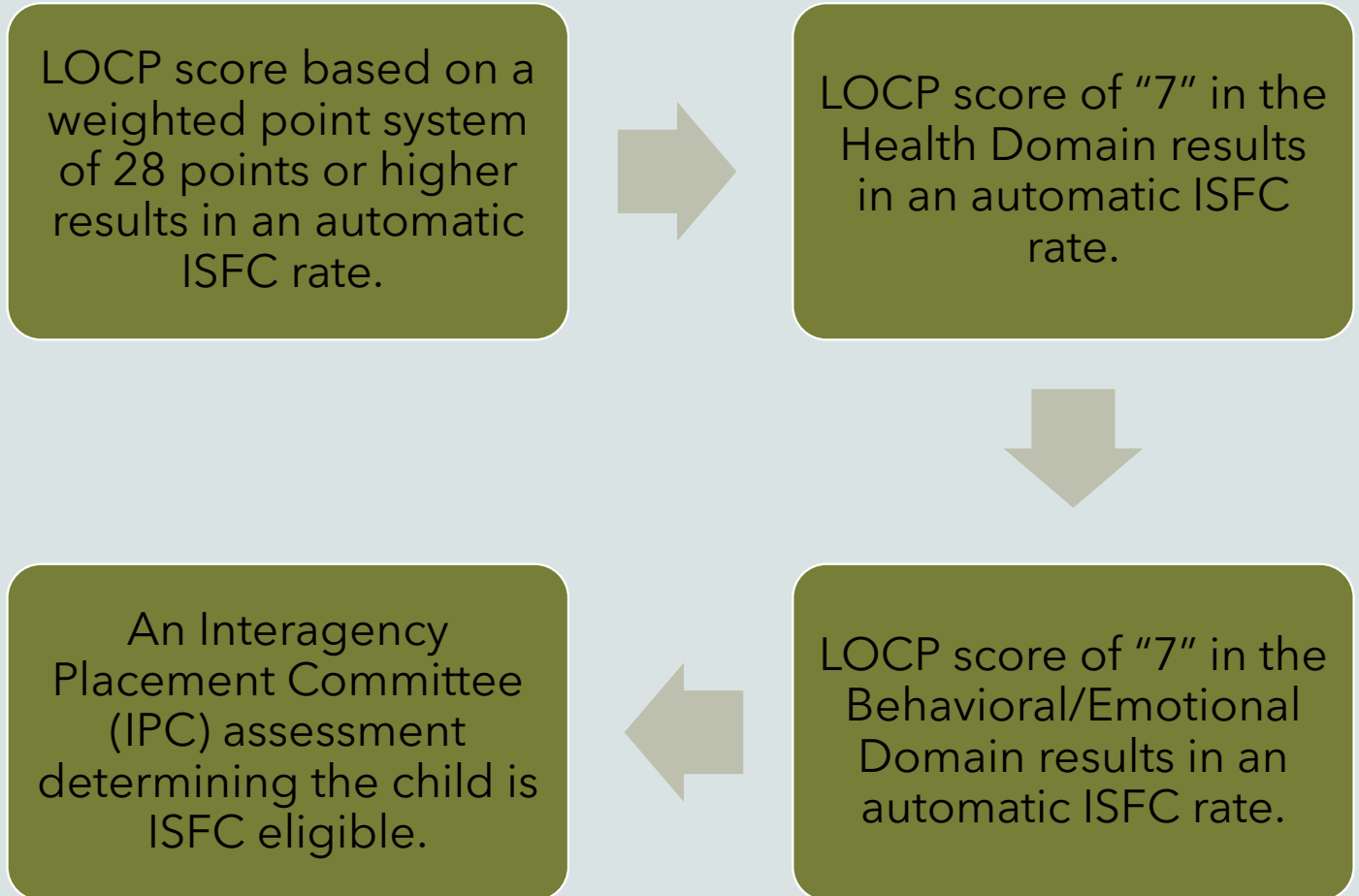
Q: Can an LOC 2-4 rate ever be reduced while a child/NMD is in the same placement?

A: No, the LOC rates 2-4 cannot be reduced while a child/NMD is in the same placement.

Q: What is a static rate and who is eligible?

A: Static criteria is used when the circumstances indicate the need to secure a placement for the children/NMDs who have higher supervision needs by providing a temporarily higher rate for a higher level of supervision. The Static rate can be paid for 60 days in order for a county placing agency to complete the LOCP. The Static rate may be approved for an additional 60 days where necessary when more time is needed to complete the LOCP.

Q: Does the LOCP assess the child/NMD for ISFC? What makes a child eligible for ISFC?





How long can an ISFC rate be in effect if the child's caregiver is a County-Approved Resource Parent but is not approved as an ISFC home or if the county does not have a State approved ISFC public delivery model?

After the LOCP determination or IPC results in the child being eligible for an ISFC placement, the ISFC rate can be paid for 120 days (or 180 days in a two-parent home) if the Resource Parent is engaging in the ISFC training requirements.

If the RP is not approved as an ISFC home, the County can pay the ISFC rate to the Resource Parent as a "Family Only ISFC Rate" (currently \$3,148) on behalf of the child/NMD on an *ongoing basis if*:

1. The RP meets a level of specified training and competencies matched to this individual child's intensive needs; and
2. The rate is based on the LOC Protocol or IPC, even if the County does not have a State approved ISFC public delivery model.

Q: When does the LOCP rate take effect after it is completed? Is the Static or ISFC rate retroactive to date of placement?



The Basic Level Rate is paid until the LOCP is completed (unless the Static Rate is applied). The LOCP, Static and ISFC rates will be effective retroactive to the date of placement. However, if the LOCP was completed because the caregiver requested a redetermination due to a change in the needs of the child/NMD, the new rate is retroactive to the date of that request.



In the event the ISFC/Static Rate is lowered due to an LOCP determination or an IPC decision, the effective date of the rate decrease will be on the first day of the month following completion of the LOCP decision.

Q: Can an ISFC rate ever be reduced while a child/NMD is in the same placement?



A: Yes, the ISFC rate can be reduced while a child/NMD is in the same placement. The ISFC rate may be lowered if the resource family's training requirements are not met at the end of the 120 days.

The ISFC rate may also be lowered when the Social Worker/Probation Officer receives information indicating the intensive supervision needs of the child/NMD have decreased and a new LOCP is completed.

Q: Should the County SW or PO give a copy of the SOC 501 and explain the LOCP process to the resource parent before a LOCP assessment takes place? At what point in the process is the county required to share the LOCP Matrix and Scoring Sheet SOC 500 with the resource parent?

Yes, it is best practice that the County SW or PO should give a copy of the LOCP SOC 501 to the resource parent and explain the LOCP process to the resource parent before conducting the LOCP determination.

Conversations with and engagement of resource parents must occur to inform completion of the LOCP per ACL 21-17E. The LOCP Matrix SOC 501 and Scoring Sheet SOC 500 must be shared with the caregiver after it is completed.



Understanding
Caregiver
Perspectives:
*Survey on HBFC
Monthly Rates*

Barriers

Lack of
Knowledge &
Communication

Not receiving an introduction or explanation of LOCP

Unaware of appeal process

Limited knowledge on what expenses are covered or not covered

Barriers

Inconsistent
Assessments

Lack of clarity in decision-making processes

Rates inconsistently applies

Barriers

Critical Needs

Respite Care

Training

Childcare/Activities/Therapies

Covering Time Off Work/Reduced Hours

Educational Services, Tutoring, Therapies

Extracurricular Activities



Summary

- **Clear and comprehensive communication**
- **Information sharing**
- **Flexibility in rate adjustments to meet needs**
- **Transparency**

Proposed Permanent Rates Structure

Governor's Proposed Budget



Assessing Needs to Inform Rates

- CANS implemented statewide beginning 2018
- CANS is a validated functional assessment tool
- CANS data can be aggregated
- Proposed rate structure based on child's identified needs and strengths
- Rate is not tied to placement
- Proposed rate structure specifically includes funding to support strength building and to address immediate needs using a three-tier rate structure

Proposed Permanent Rates Structure Framework

Tier 1 (74% of children and youth)

(Latent Classes 1 and 2 for the 0–5-year-olds and Latent Classes 1, 2, and 3 for the 6+ year olds)

Care and Supervision

- Paid to the caregiver

Strength Building and Maintenance

- Child and family work with a Financial Management Coordinator

FFA Admin (for youth placed in an FFA)

Recruitment, retention, approval, training, etc.

Tier 2 (19% of children and youth)

(Latent Class 3 for the 0 – 5-year-olds and Latent Classes 4 and 5 for the 6+ year olds)

Care and Supervision

- Paid to the caregiver

Strength Building and Maintenance

- Child and family work with a Financial Management Coordinator

Immediate Needs

- County or contracted provider coordinate services

FFA Admin (for youth placed in an FFA)

Recruitment, retention, approval, training, etc.

Tier 3 (ages 0-5) (4.5% of children and youth)

(Latent Class 4 for 0 – 5-year-olds)

Care and Supervision

- Paid to the caregiver

Strength Building and Maintenance

- Child and family work with a Financial Management Coordinator

Immediate Needs

- County or contracted provider coordinate services

FFA Admin (for youth placed in an FFA)

Recruitment, retention, approval, training, etc.

Tier 3+ (ages 6+) (2.5% of children and youth)

(Latent Class 6a and 6b for 6+ year olds)

Care and Supervision

- Paid to the caregiver

Strength Building and Maintenance

- Child and family work with a Financial Management Coordinator

Immediate Needs

- County or contracted provider coordinate services

FFA/STRTP Admin (for youth placed in an FFA or an STRTP)

Recruitment, retention, approval, training, etc.

Questions to Consider

- Are the proposed rates adequate to cover expenses?
- Are transparency and due process protections adequately addressed?
- Is the CANS uniformly administered and reported to ensure information accurately reflects needs?
- How is the CANS assessment communicated to child/youth, caregiver and CFT? (initial and any subsequent assessments, results, connection to rate tier)
- Does the process established for the Strength Building and Maintenance add value? Does the value reflect the additional administrative costs? Does it create another administrative barrier for child/youth and/or caregiver?
- Does the Immediate Needs funding cover respite, additional childcare and transportation expenses, activities and therapies?
- How does the proposal account for the current ISFC placement parameters (i.e., home capacity, training, etc.)?
- Does the proposal result in a decrease in STRTP availability/capacity?
- What is the transition plan from LOCP to this new structure? How will children/youth/caregivers be supported in the transition (i.e., between rates)?
- Is a recurrent Latent Class Analysis planned to review and update the tiers and rates?

Next Steps

CDSS will engage with counties, stakeholders, community partners and Tribes regarding the rate reform proposal, including through recurring subgroups to occur between 2/24 - 4/24.



Resources

- [**ACIN I-73-23**](#) - **LOC Rate Determination FAQs**
- LOCP Determination Protocol - [ACL 21-17](#)
- LOCP Determination Protocol Errata - [ACL 21-17E](#)
- LA County DCFS LOC and SCI Rate Determination / Redeterminations [Policy](#)
- [SOC 501](#) - LOC Rate Determination Matrix
- [SOC 500](#) - LOCP Digital Scoring Form
- [NA 403](#) - Notice of Action Form
- [ACL 23-65](#) - AFDC-FC CNI Increases (2023-24 Rates)
- CDSS - [County SCI Programs](#)
- Alliance for Children's Rights - [Understanding Caregiver Perspectives: Survey on HBFC Monthly Rates](#)

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