29. Intercounty Transfers

29.1 County of Responsibility [40-125.8]

The county with legal custody of a child either by court order, relinquishment, or by voluntary placement agreement is responsible for the Foster Care payment regardless of where the child is physically placed, unless the child is on aid in another county or comes under the jurisdiction of another county.

The manner in which a county begins its payment responsibility depends upon the child’s circumstances at the time of placement in foster care or when a change in programs is necessary.

Note:
A court order making a child a dependent does not affect the determination of county of payment responsibility for a child receiving CalWORKs who resides in the state.

29.1.1 Physical Presence [40-125.3]

The county of payment responsibility for a child receiving CalWORKs who resides with a parent or caretaker relative without a dependency order (including a related legal guardian) is the county in which the child is physically residing.

A needy caretaker relative of a child who is receiving Foster Care from a county other than the county in which the caretaker relative lives shall normally receive CalWORKs from the county in which they actually reside. Counties may, however, by mutual agreement, consider for purposes of the CalWORKs payment, that the county which has jurisdiction of the foster child will also be responsible for the CalWORKs payment.

29.1.2 Voluntary Placement [40-125.82]

The county of responsibility for a child accepted for voluntary placement by a county welfare department or a licensed public or private adoption agency is the county in which the agency which accepted the voluntary placement is located.
29.1.3 Court Ordered Placements

The county which has court jurisdiction is responsible for providing both services and the Foster Care payment. Jurisdiction is based upon the residence of the custodial parent.

[Refer to “County of Responsibility [40-105.8]”, page 10-1, “Note”.]

When the juvenile court transfers jurisdiction of a dependent child to another county, the receiving county accepts responsibility as of the date they receive and file the order to accept transfer. The eligibility case is transferred as per the procedures [Refer to “County of Payment Responsibility”, page 10-3 and [Refer to “Initiating an ICT, Sending County’s Procedures [EAS 40-188.135]”, page 10-9.]

If the Santa Clara County court orders placement of a state child with relatives in another county, and the child is not on aid in Santa Clara County, the application for CalWORKs shall be made in the other county.

Note:

If Santa Clara County takes a courtesy application, it is to be forwarded to the other county for processing.

29.1.4 Legal Guardianship Placements

The county of responsibility in legal guardianship cases is the county of residence of the legal guardian, if the child is not a dependent of the court. If a child moves with their guardian to another county, an intercounty transfer shall be initiated.

Reminder:

If the non-related legal guardian moves to another state, eligibility for Foster Care ceases.

29.1.5 Foster Care Rates

Foster Care rates of county licensed foster family homes are established by the county in which the foster home is located.

If the foster parents move out of the county, the foster family must be licensed in the new location.

[Refer to “Foster Care Charts,” page 3-1]
## 29.2 County of Payment Responsibility

### 29.2.1 County of Payment Responsibility

A child placed in Foster Care may be eligible to receive cash assistance through CalWORKs or Foster Care. The county with payment responsibility will depend upon the child’s circumstances at the time of the placement in foster care or when a change in programs is necessary.

**Reminder:**

When a child’s aid was discontinued in the month PRIOR to the month of petition, intercounty transfer rules DO NOT APPLY.

### 29.2.2 Foster Care Child Placed Out-of-County With Relatives

<table>
<thead>
<tr>
<th>IF a child...</th>
<th>AND the child is...</th>
<th>THEN...</th>
</tr>
</thead>
</table>
| Is NOT federally eligible for Foster Care, is a dependent of Santa Clara County (SC Co.) placed out-of-county with relatives, | Not receiving CalWORKs in SC Co. when placed | Payment is made by the county in which the child lives with the relative. Application for CalWORKs shall be made in that county.  
**NOTE:** If SC Co. takes a courtesy application, it is to be forwarded to the other county for processing. |
| Is NOT federally eligible for Foster Care, is a dependent of Santa Clara County (SC Co.) placed out-of-county with relatives, | Receiving Foster Care in SC Co. when placed with the relative in the other county, | SC Co. must set up an intraprogram status change to CalWORKs and initiate an ICT. |
| Federally eligible for Foster Care, is a dependent of SC Co., placed out-of-county with relatives, | Receiving Foster Care in SC Co., | The child continues to received Foster Care. DO NOT initiate an ICT. |
### 29.2.3 State Child Receiving CalWORKs, Placed Out-of-County With Relatives

<table>
<thead>
<tr>
<th>IF a child is...</th>
<th>AND the child is...</th>
<th>THEN...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not federally eligible for Foster Care, is a dependent of SC Co. placed out-of-county with relatives</td>
<td>Receiving CalWORKs in SC Co. at the time of placement with the relative in the other county,</td>
<td>Payment is made by SC Co., who initiates an ICT to the other county.</td>
</tr>
<tr>
<td>Not federally eligible for Foster Care, is a dependent of Santa Clara County (SC Co.) placed out-of-county with relatives</td>
<td>Receiving a CalWORKs payment made by the other county and SC Co. terminates the relative placement and places the child in a state Foster Care eligible group/foster home in that same county,</td>
<td>SC Co. will NOT require the other county to do an intraprogram status change to Foster Care and to initiate an ICT if the other county agrees to provide the essential documentation to support eligibility. For SC Co.’s policy and require forms [Refer to “Child Receiving CalWORKs in Another County, Made a Dependent of Santa Clara County”, page 10-8.] IMPORTANT: If the other county chooses to do an intraprogram status change and an ICT, SC Co. must assists in making the Foster Care determination by providing all pertinent documents such as the SOC 158A, FC 2, court orders, and any other documentation to support case eligibility or ineligibility. If the child remains eligible, aid is changed from CalWORKs, to Foster Care.</td>
</tr>
</tbody>
</table>
29.2.4 Child Not Receiving Aid Prior to Out-of-County Placement With Relative

<table>
<thead>
<tr>
<th>IF a child...‘</th>
<th>AND...</th>
<th>THEN...</th>
</tr>
</thead>
</table>
| Was physically residing in SC Co., is made a dependent of SC Co. and is placed with a relative in another county, | The child was not receiving any assistance prior to dependency or placement, | SC Co. must determine federal or state eligibility.  
Federal: If the child is federally eligible and the relative chooses the Foster Care option, SC Co. makes the Foster Care payment.  
State: If the child is State eligible, the EW must do the following so that the original application date can be used when the other county determines eligibility for CalWORKs:  
• Send an SC 1413 (coverletter) and the original SAWS 1 to the other county’s ICT clerk.  
• Send a copy of the SC 1413, a copy of the SAWS 1 and a Foster Care denial NOA to the relative.  
• Retain a copy of the SC 1413, SAWS 1 and Foster Care denial NOA in the case. |
29.2.5 Child Living in/Receiving Aid from One County and Made a Dependent of Santa Clara County

<table>
<thead>
<tr>
<th>IF a child...</th>
<th>AND...</th>
<th>THEN...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who was living in another county is taken into protective custody in SC Co., made a dependent of SC Co., and placed in SC Co.,</td>
<td>The child is receiving CalWORKs with this parent in the other county and now appears to be eligible for Foster Care,</td>
<td>SC Co. will NOT require the other county to do an intraprogram status change to Foster Care and to initiate an ICT if the other county agrees to provide the essential documentation to support eligibility. For SC Co.’s policy and required forms [Refer to “Child Receiving CalWORKs in Another County, Made a Dependent of Santa Clara County”, page 10-8.] IMPORTANT: If the other county chooses to do an intraprogram status change and an ICT, SC Co. must assist in making the Foster Care determination by providing all pertinent documents such as the SOC 158A, FC 2, court orders, and any other documentation to support case eligibility or ineligibility. If the child remains eligible, aid is changed from CalWORKs to Foster Care.</td>
</tr>
</tbody>
</table>

29.2.6 Jurisdiction Transfers to Another County, When to Initiate an ICT

<table>
<thead>
<tr>
<th>IF...</th>
<th>AND...</th>
<th>THEN...</th>
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<tbody>
<tr>
<td>A child is a dependent of the court and receives Foster Care from SC Co.,</td>
<td>An order to transfer jurisdiction to another county is filed,</td>
<td>The other county accepts responsibility for the child when it receives and files the order to transfer jurisdiction to the court in their county.</td>
</tr>
<tr>
<td>IF...</td>
<td>AND...</td>
<td>THEN...</td>
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<td>-------------------------------</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>The other county refuses to</td>
<td>The other county refers the matter back to</td>
<td>If the ICT period has expired and the other county has assumed the</td>
</tr>
<tr>
<td>accept jurisdiction at a</td>
<td>SC Co.,</td>
<td>Foster Care payment responsibility, that county shall initiate an ICT to</td>
</tr>
<tr>
<td>subsequent hearing,</td>
<td></td>
<td>SC Co.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OR,</td>
</tr>
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<td></td>
<td></td>
<td>If the ICT transfer period has NOT expired, the other county shall</td>
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<tr>
<td></td>
<td></td>
<td>notify SC Co. that it is refusing the transfer, by completing the FC</td>
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<tr>
<td></td>
<td></td>
<td>18. SC Co. shall continue the Foster Care payment, as jurisdiction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the child remains with SC Co.</td>
</tr>
</tbody>
</table>

### 29.2.7 Child Receiving CalWORKs in Another County, Made a Dependent of Santa Clara County

State regulations require that when a child who is receiving CalWORKs in another county is made a dependent of Santa Clara County, the other county must do an intraprogram status change from CalWORKs to Foster Care, and then initiate an intercounty transfer to Santa Clara County. This provision exists because the child is entitled to “continuity of aid”. This requirement can result in a delay in the Foster Care Payment. However, state regulations also allow counties, by mutual agreement, to transfer payment responsibility earlier, as long as continuity of aid is preserved.

In these situations, if the child appears to be eligible for Foster Care AND the other county agrees to provide essential documentation to support eligibility, Santa Clara County will NOT require the other county to do an intraprogram status change to Foster Care and then initiate an ICT.

- The PAC EW will contact the other county and explain that SC Co. will accept responsibility for Foster Care IF the other county agrees to provide essential documentation for the eligibility determination, including:

  - SAWS 1
  - Birth Certificate
  - SSN
  - SAWS 2
Intercounty Transfers

- Any other appropriate supporting documentation that can be used for the determination of federal eligibility, i.e. CA 2.1Q.
- The application will be assigned to SC Co. Foster Care Intake.
- If the other county agrees, they will discontinue the child(ren)’s CalWORKs.

This is an internal policy and does NOT apply to other counties, unless the other county offers us this option.

29.3 Intercounty Transfer Period [EAS 40-187]

The ICT 30-day transfer period begins with the postmarked date of the “Notification of Foster Care Transfer” (FC 18). The transfer period ends at the end of the month following the ICT notification, or the end of the month in which aid is discontinued for cause, whichever is earlier.

- When the first business day falls on a Saturday, Sunday, or a legal holiday, the first business day following the weekend or holiday is considered to be the last day of the 30-day transfer period.
- The transfer of responsibility may occur at an earlier date by mutual agreement of the counties involved.

29.4 Initiating an ICT, Sending County’s Procedures [EAS 40-188.135]

When the county of responsibility for a child receiving Foster Care changes, the EW initiating the ICT must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Notify the receiving county of the initiation of an Foster Care transfer by carefully completing the “Notification of Foster Care Transfer” (FC 18) in CalWIN. [See example of Form # FC 18, “Notification of AFDC - Foster Care Transfer” in Forms Reference Book.]</td>
</tr>
</tbody>
</table>
Intercounty Transfers

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 2.   | Send copies of the following forms/documentation to the receiving county:  
MANDATORY for all Foster Care ICTs:  
• SAWS 1  
• FC 2/SAWS 2  
• SOC 158A, or equivalent  
• Birth Certificate  
• Social Security Number  
• FC 3/FC 3A  
REQUIRED documentation, if applicable:  
• Voluntary Placement Agreement or Court Order which establishes the authority for placement (if available)  
• EA authorization documents (EA 1, ACE screen print or other documents)  
• Alien Status  
• Independent Living Plan (if available)  
• Evidence supporting federal eligibility (linkage & deprivation)  
• Property of minor/trust information  
• Minor’s non-exempt income  
• 18 year old and over, eligibility documentation (mutual placement agreement and school verification)  
• Information regarding pending applications (e.g. SSI)  
• “Health Insurance Questionnaire” (DHS 6155)  
• FC 4  
• Any other information necessary to determine eligibility  
• Any documents supporting the eligibility determination made by Santa Clara County when requested by the receiving county. |
| 3.   | Send the “ICT Redetermination Reminder” (SC 1044) to inform the child’s non-related legal guardian of his/her responsibility to apply for a redetermination of eligibility in the new county. |
| 4.   | Determine and maintain eligibility during the transfer period, and report any changes which effect eligibility or payment to the new county. |
| 5.   | Obtain written notification (FC 18, Section B) from the new county of the receipt and disposition of the transfer. |
| 6.   | Discontinue Foster Care and send the appropriate NOA at the end of the ICT transfer period. |
29.5 Processing an Incoming ICT Packet

[EAS 40-188.2]

The PAC office will assign the case to a Foster Care Intake EW once acceptance of jurisdiction has been confirmed.

The receiving county shall:

1. Redetermine the child’s eligibility and payment based on current circumstances, including but not limited to the following:
   
   - The SW must provide an FC 2, SOC 158A, and court papers or the Date of Acceptance. (We cannot pay the month prior to the month of acceptance, e.g. if accepted 6/15/97, we pay as of 7/1/97.)
   
   - The EW shall complete the FC 3 (document the FC 3 “Per FC 3 from [sending county name]”, complete CA 30 and a new CA 2.1 for each parent, and make a child/medical support referral, etc.

2. Provide the sending county with any information which might affect eligibility or payment during the transfer period.

3. Make an effort to get the cooperation of the foster child’s non-related legal guardian, when applicable.

4. Request, from the sending county, any necessary forms or documentation not previously sent.

5. Notify the sending county of the receipt and disposition of the transfer documentation by completing the FC 18, Section B.

If there is no record of the transfer of court jurisdiction, the EW shall deny the ICT, complete Section B of the FC 18 and send a copy of the FC 18 and the denial NOA to the EW in the other county. Also send a copy of the denial to the foster home.