

December 14, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY INFORMATION NOTICE NO. I-73-23

The purpose of this All County Information Notice (ACIN) is to provide answers to frequently asked questions regarding the Level of Care Rate Determination Protocol (LOCP).



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DIRECTOR

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GAVIN NEWSOM
GOVERNOR

December 14, 2023

ALL COUNTY INFORMATION NOTICE NO. I-73-23

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOSTER CARE ELIGIBILITY SUPERVISORS
ALL SHORT-TERM RESIDENTIAL THERAPEUTIC PROGRAMS
ALL CHIEF PROBATION OFFICERS
ALL LOCAL MENTAL HEALTH DIRECTORS
ALL COUNTY ADOPTION AGENCIES
ALL ADOPTION REGIONAL AND FIELD OFFICES
ALL FOSTER FAMILY AGENCIES
ALL TITLE IV-E AGREEMENT TRIBES
CONSORTIUM PROJECT MANAGERS
BEHAVIORAL HEALTH PLAN DIRECTORS

SUBJECT: LEVEL OF CARE RATE DETERMINATION PROTOCOL FREQUENTLY
ASKED QUESTIONS

REFERENCE: [ASSEMBLY BILL \(AB\) 403](#), CHAPTER 773, STATUTES OF 2015; [AB 1997](#),
CHAPTER 612, STATUTES OF 2016; CHAPTER 612, STATUTES OF 2016;
WELFARE AND INSTITUTIONS CODE (WIC) SECTION 11460; WIC
18360.10; WIC 18360.25; ALL COUNTY LETTERS [\(ACL\) 17-11](#); [ACL 18-25](#);
[ACL 21-17](#); [ACL 21-17E](#); [ACL 21-54](#); [ACL 23-65](#); [ACL 22-89](#)

The purpose of this All County Information Notice (ACIN) is to provide answers to frequently asked questions regarding the Level of Care Rate Determination Protocol (LOCP). The questions are attached to this ACIN.

If you have any questions or need additional guidance regarding the information in this letter, contact the dedicated LOCP mailbox at loc@dss.ca.gov.

Sincerely,

Original Document Signed By

SARA ROGERS, Branch Chief
System of Care Branch
Children and Family Services Division

Attachment

Level of Care Rate Determination Protocol (LOCP) Frequently Asked Questions

LOCP Process

1. Question: **How are monthly foster care rates determined on behalf of children/nonminor dependents (NMDs) living in home based foster care?**

Answer: Foster care rates for home based foster care are determined by the LOCP (All County Letter ([ACL 21-17E](#), [ACL 21-17](#)).

2. Question: **What is the LOCP?**

Answer: The LOCP is a strength-based rate methodology containing multiple questions in five core domains scored on a weighted point system designed to identify the services and supports a Resource Parent (RP)/Tribally Approved Home (TAH) provides to a child/Non-Minor Dependent (NMD). The LOCP score corresponds to the level of care rate amount the RP receives on behalf of a child/NMD per month in return for providing care and supervision while in their care. Welfare and Institution Code [WIC § 11460 (a)] If the child/NMD is placed in a resource family (RF) home that is affiliated with a Foster Family Agency (FFA), the rate includes an additional amount paid to the FFA to fund supports and services. The LOCP Matrix can be found in the State form [SOC 501](#).

The LOCP is used to determine the monthly rates for children/NMDs living with legal guardians where the guardianship was established in Juvenile Court and children/NMD's receiving Kinship Guardian Assistance Payment Program (Kin-GAP). The LOCP is also used to determine Adoption Assistance Program (AAP) monthly payments ([ACL 21-17E](#) [guardianship]; [ACL 21-54](#) [adoption].)

Information gathered to fill out the LOCP questions focus on the needs of the child/NMD and may come from a variety of perspectives and sources including the RPs, Education Records, Medical Records, Mental Health Records, the Child and Adolescent Needs and Strengths (CANS) assessment, Regional Center Reports, Child and Family Team (CFT) meetings, the Case Plan, Court Orders, and/or other assessment tools.

3. Question: What are the five (5) core domains that are evaluated in the LOCP?

Answer: The child's care and supervision needs will be identified based on the following five (5) core domains:

Domain 1: PHYSICAL

- Daily Living Needs

Domain 2: BEHAVIORAL/EMOTIONAL

- Resilience
- Emotional Well-Being
- Pro-Social Behavior
- Healthy Relationships

Domain 3: EDUCATIONAL

- Student achievement
- Educational excellence
- Equal access to services
- Distance and virtual learning

Domain 4: HEALTH

- Healthcare
- Access for special needs

Domain 5: PERMANENCY/FAMILY SERVICES

- Visitation
- Communication
- Development and maintenance of supportive connections with members of their families
- Belonging, identity, and connection to culture

4. Question: Can a county modify the [SOC 501](#) Matrix?

Answer: No modifications of the SOC 501 Matrix are permitted.

5. Question: Who administers the LOCP?

Answer: The LOCP is administered by the County Social Worker (SW) or County Probation Officer (PO). For Tribal Children, the LOCP should be completed in collaboration with Tribal social services/providers.

6. Question: Who fills out the Scoring Sheet ([SOC 500](#))?

Answer: The scoring sheet is completed by the County SW or PO ([ACL 17-11](#), page 5).

7. Question: When should an LOCP be conducted?

Answer: The LOCP should be conducted whenever the child/NMD experiences a triggering event:

- New entries into foster care (including re-entry)
- Requests from a provider or RF/TAH
- Placement changes
- Lowering of the Intensive Services Foster Care (ISFC) Rate

The requests for a new LOCP should only come from an RF/TAH or FFA.

8. Question: What is the timeline for the county to complete an LOCP? What is the timeline for completing the LOCP for children/NMDs who qualify for a Static Rate by having met one of the Static Criteria indicators?

Answer: In both instances, the LOCP should be completed within 60 days of one of the events triggering an LOCP determination listed above in Question #7. An additional 60 days may be authorized by the county placing agency for children/NMDs who qualify for a Static Rate when more time is needed to get an assessment completed, when the child/NMD is still displaying some of the behaviors in the Static Criteria Indicators, or there are other developing factors that require the resource parent to provide intensive supervision and supports. In these cases, the LOCP shall be completed no later than 120 days from placement ([ACL 21-17](#), page 4). For Tribal Children, there should be timely coordination with child's Tribe.

9. Question: Can you talk about the LOCP results and rates in the CFT meeting?

Answer: 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 ([ACL 21-17](#), page 3).

10. Question: What is the rate before the initial LOCP is completed?

Answer: The Basic Level Rate is paid until the initial LOCP is completed (unless a Static Rate is applied as discussed below).

11. Question: What are the rates paid on behalf of a child/NMD in home-based foster care (HBFC)?

Answer: There are five LOCP rates that change each Fiscal Year and are disseminated in our annual rates All County Letter. The rates as of July 1, 2023, are:

- Basic Level Rate: \$1,206
- Level of Care 2 Rate: \$1,341
- Level of Care 3 Rate: \$1,479
- Level of Care 4 Rate: \$1,613
- Intensive Services Foster Care and Static Rate: \$3,148
[\[ACL 23-65](#) (Fiscal Year 2023/2024)]

12. Question: What is the LOCP Scoring Sheet and what are the point differences between the different rate levels?

Answer: The LOCP Scoring Sheet is Form [SOC 500](#) which calculates the score in each LOCP domain and then adds all of the scores together to reach a total. The total score is then used to determine the LOC rate for the child/NMD. "Basic Level Rate" is the lowest rate and as the scores increase, the rates increase accordingly from LOC 2-4 to ISFC ([ACL 21-17E](#), page 3). All current LOCP forms and LOCP related resources are located at the [University of California Davis Resource Barn](#).

The highest number of points in all five domains that can be scored is 29:

- a. 5-16 points = Basic Level Rate
- b. 17-18 points = LOC 2 Rate
- c. 19-21 points = LOC 3 Rate
- d. 22-27 points = LOC 4 Rate
- e. 28-29 points = ISFC Rate (or a score of 7 in the Behavioral/Emotional or Health Domains)

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

Answer: No, the LOC rates 2-4 cannot be reduced while a child/NMD is in the same placement ([ACL 21-17](#), page 9, and [ACL 21-17E, page 4](#)).

14. Question: How is the County Probation Department informed of the LOCP?

Answer: POs are informed of the LOCP process in the same way SWs are, via ACLs and All County Information Notices (ACINs).

LOCP Eligibility

15. Question: Who is eligible for a LOCP rate, the Static Rate or the Intensive Services Foster Care rate?

Answer: Children/NMDs in foster care in a HBFC setting are eligible for the LOCP, Static or ISFC eligibility determination. This includes children/NMDs living in/with:

- 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

16. Question: In what circumstance are Legal Guardians established through dependency eligible for the ISFC Rate?

Answer: Generally, non-related legal guardians and KinGAP families are not eligible to become ISFC resource parents. However, if the ISFC eligible child's/NMD's dependency case is still open and the guardian maintains their ISFC resource family approval license/certification, the guardian is eligible to the ISFC rate ([ACL 18-25](#)).

17. Question: Who is not eligible for the LOCP, the Static or ISFC Rate?

Answer: Children/NMDs living in/with the following placements are not eligible for the LOCP per [ACL 21-17E](#):

- Emergency Caregivers (until they are approved as RFs or Tribally Approved Homes)
- NMDs in a Transitional Housing Placement (THP-NMD) or a Supervised Independent Living Placement (SILP)
- Short Term Residential Therapeutic Placements (STRTPs)
- Shelters, unlicensed or unapproved homes
- Non-Related Legal Guardianships established in probate court

The LOCP, the ISFC program and Static Rate

18. Question: What is a “Static Criteria/Chronic Indicator” and how is it applied in the LOCP process?

Answer: Static Criteria is used when the circumstances indicate the need to secure a placement for children/NMDs who have higher supervision needs by providing a temporarily higher rate for a higher level of supervision. To receive the Static Rate, a child/NMD must have any one of the following chronic indicators:

- a. Adjudicated violent offenders, significant property damage, and or sex offenders/perpetrators
- b. Aggressive and assaultive
- c. Animal cruelty
- d. Commercial Sexual Exploitation of Children (CSEC)
- e. Contraction of pandemic viruses, such as COVID-19
- f. Eating disorder
- g. Fire setting
- h. Gang activity
- i. Habitual runaway
- j. Habitual truancy
- k. Medically fragile (Requires medical documentation from a doctor or public health department)
- l. Special Health Care Needs (SHCN – defined as a person who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care or has a developmental disability and is receiving services and case management from a regional center)
- m. Psychiatric hospitalization(s)

- n. Severe mental health issues including suicidal ideation and/or self-harm
- o. Substance use/abuse
- p. Qualified Individual (QI) Recommendation
 - In the case of Indian children, a Qualified Expert Witness or QI designated by the child's Tribal Representative.

A county may apply the "Static Rate" to secure a placement for 60 days in order for a county placing agency to complete the LOCP where it has been confirmed that a qualifying condition or behavior was present within the past 12 months. The Static Rate may be approved for an additional 60 days where necessary ([ACL 21-17E](#), page 21 and [SOC 501](#)).

19. Question: Does the LOCP assess the child/NMD for ISFC? What makes a child/NMD eligible for ISFC?

Answer: Yes, the LOCP assesses for ISFC eligibility representing the highest rate available for a child/NMD living in a HBFC placement with intensive medical, emotional or behavioral needs.

There are four ways to assess a child/NMD with intensive medical, emotional or behavioral needs for ISFC eligibility ([ACL 21-17E](#), pages 2 and 21-22, [ACL 21-17](#) page 5, 28-29, and [SOC 501 MATRIX](#) on the final two pages).

1. The LOCP score based on a weighted point system of 28 points or higher results in an automatic ISFC rate.
2. The LOCP score of "7" in the Health Domain results in an automatic ISFC rate.
3. The LOCP score of "7" in the Behavioral/Emotional Domain results in an automatic ISFC rate.
4. An Interagency Placement Committee (IPC) assessment determining the child is ISFC eligible. ([ACL 21-17E](#), pages 2 and 21, and [SOC 501](#)).

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

Answer: 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 RF or TAH 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 or the IPC decision.

21. Question: How long can an ISFC rate be in effect if the child's caregiver is a County-Approved RP but is not approved as an ISFC home?

Answer: After the LOCP determination results in the child being eligible for an ISFC placement, the ISFC rate can be paid for 120 days if the RP has met or is engaging in the training requirements (WIC § 18360.25.).

In a two-parent household, one of the parents must complete the 40 hours of required preplacement training (includes the 12 hours of resource family pre-approval training and 28 hours of ISFC training) within 120 days after the placement, or identification, of an eligible child/youth. Additionally, the other resource parent must complete the initial 20 hours of the ISFC pre-placement training (includes the 12 hours of resource family pre-approval training and 8 hours of ISFC training) within 180 days from the placement, or identification, of an eligible child/youth and complete the remaining 20 hours of the ISFC preplacement training within 12 months of the placement. The other parent shall not be required to complete the 24 hours of ongoing training (ACL 18-25).

Additionally, if the RP is not approved as an ISFC home, the County can pay the ISFC rate to the RP as a "Family-Only Rate" on behalf of a child/NMD on an ongoing basis if:

1. the RP meets a level of specified training and competencies matched to the child's intensive needs, and
2. the rate is based on the LOC Protocol, even if the County does not have an ISFC program ([ACL 17-11](#), page 8, #4).

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

Answer: Yes, the ISFC rate can be reduced while a child/NMD is in the same placement. The ISFC rate may be lowered if the RF's training requirements are not met at the end of the 120 days. The ISFC rate may also be lowered when the SW/PO or FFA receives information indicating the intensive supervision needs of the child/NMD have

decreased and a new LOCP is completed, or a new IPC decision is made to reflect a lower level of support is needed from the RF ([ACL 21-17](#) and [ACL 21-17E](#)).

23. Question: Should the County SW or PO show the Static Criteria list to the RF/TAH?

Answer: Yes, the Static Criteria list is part of the LOCP Matrix which should be shown to the RF/TAH as part of the LOCP process.

24. Question: Can children/NMDs receiving an LOCP/ISFC rate be placed in a new home and keep that same rate while waiting for a new LOCP to be completed?

Answer: When a child/NMD changes placements, the LOCP should be completed within 60 days of the new placement date. The previous rate will be paid until a new rate is determined. That new rate, if determined to be higher than the previous LOCP determination, then becomes retroactive to the date of placement. However, if an IPC indicates a child should remain at an ISFC rate, then the IPC's decision should be used in lieu of the LOCP results ([ACL 21-17](#), page 8).

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 or the IPC decision.

25. Question: Can a child/NMD receive an LOCP rate and still receive a Specialized Care Increment (SCI) so they receive a combined LOCP and SCI rate?

Answer: Yes, counties with a SCI Program may pay a LOCP rate plus a SCI rate in accordance with their SCI plans and county practices ([ACL 21-17E](#), page 3). However, this practice is entirely at county discretion.

26. Question: Does the LOCP apply to children/NMDs in foster care who are also eligible for Regional Center services or Early Head Start and are "dual agency" children?

Answer: Yes, the LOCP can apply to "dual agency" children/NMDs in foster care. "Dual agency" children/NMDs are eligible to receive the ISFC rate using the LOCP plus a SCI (if available) if that total amount is higher than the "dual agency rate." Those rates, as of July 1, 2023, ([ACL 23-65](#)) are:

- \$1,414 for dual agency children birth to 3 years old
- \$3,157 for 3 years and older

27. Question: Can Wraparound Services (WRAP) and ISFC be provided for the same child/NMD concurrently?

Answer: Yes, the child/NMD may be eligible to receive both WRAP services and ISFC services at the same time. Due to conflicting funding for these services, the county may need to re-negotiate their contract with the WRAP provider and/or secure other funding services to pay for both programs. For WRAP inquiries please contact: wraparoundquestions@dss.ca.gov.

28. Question: If you are a county approved home and your child/NMD has been assessed as ISFC eligible, does the RF have to go to an FFA to participate in ISFC or can the county allow the child/NMD to receive the ISFC Family Only rate?

Answer: After the LOCP determination results in ISFC eligibility, the ISFC rate can be paid for 120 days (or 180 days in a two-parent home) if the RF is engaging in the ISFC approval training requirements. If the resource family becomes an approved ISFC family by a Foster Family Agency or approved by a county with a state approved ISFC program, the ISFC rate can be ongoing for as long as the child/NMD is eligible for ISFC.

The “Family Only ISFC Rate” can be paid on an urgent, time-limited basis (up to 60 days) to any RF with children/NMDs with urgent placement needs, or to any RF on an on-going basis, based on the intensive needs of the child if the RF meets a level of specified training and competencies matched to the child/NMD’s needs at this level and the rate is based on the LOCP or an IPC decision.

29. Question: What if the County does not have a State approved ISFC public delivery model – can the county pay the ISFC on behalf of a child/NMD to a RP who has accepted placement?

Answer: A county that does not have a state approved Public Delivery ISFC Model is still allowed to give the “Family Only ISFC Rate” on behalf of a child/NMD ([ACL 17-11](#), page 8):

1. on an urgent, **time-limited** basis (up to 60 days) to any RF with children/NMDs with urgent placement needs, or

2. to any RF on an **on-going** basis, based on the intensive needs of the child/NMD if the RF meets the level of specified training and competencies matched to the child/NMD's needs and the rate is based on the LOCP or IPC decision.

30. Question: What training topics are covered for an ISFC resource parent?

Answer: The training should cover topics such as trauma, behavior de-escalation skills, and any specific topics related to the population of children the family intends to serve or the special needs of a child to be placed in the RP's home, e.g., if they have substance abuse disorders, eating disorders, are Commercially Sexually Exploited, have a medical condition, etc. (WIC § 18360.10(b).)

Due Process

31. Question: Should the County SW or PO give a copy of the SOC 501 and explain the LOCP process to the RP/TAH 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 RP/TAH?

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

Conversations with and engagement of RPs or TAHs **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 RP/TAH after it is completed ([ACL 21-17E](#), page 4).

32. Question: Can the County SW or PO complete the LOCP without informing the resource parent or tribally approved home that they are conducting an LOCP, i.e., can it be informal conversations and obtaining information from other sources?

Answer: No, the County SW or PO cannot complete the LOCP without informing the RPs/TAHs. The County SW or PO must have conversations with and engage the RPs/TAHs to gather information prior to completion of the LOCP ([ACL 21-17E](#), page 2.)

33. Question: How does a RP/TAH learn how to request a redetermination based on the changing needs of the child/NMD?

Answer: The county or FFA is required to explain to RPs/TAHs how to request a LOCP redetermination based on the changing needs of the child/NMD and/or extra care the RP/TAH is providing ([ACL 21-17](#), page 7).

34. Question: What is the Notice of Action (NOA) for the LOCP?

Answer: A [NA 403](#) provides an explanation to RFs/TAHs of how and why rates are set, changed, or why a request for an increase was denied.

35. Question: When does a RP receive a NOA for the LOCP results?

Answer: A [NA 403](#) is required to be sent to the RF/TAH after an LOCP is completed (even if the initial Basic Rate or any other rate remains the same) and whenever a rate is granted, increased, denied, decreased, suspended, cancelled, discontinued or terminated ([ACL 21-17E](#), page 4).

36. Question: Does a RP/TAH receive a copy of the completed LOCP Matrix results and a copy of the LOCP Scoring Sheet ([SOC 500](#) and [SOC 501](#)) along with the NOA? ([ACL 21-17E](#), page 4)

Answer: It is required that the County SW or PO notify the RP/TAH when the LOCP is completed and share a completed copy of the LOCP Matrix and the LOCP Scoring Sheet results, but this will be separate from receipt of a NOA.

The completed copies of SOC 500 and SOC 501 should be provided to the RP/TAH, even if the copies are not requested by the RP/TAH.

37. Question: Can a county substitute the State [NA 403](#) form?

Answer: No, counties cannot use substitutions of the official State [NA 403](#) form ([ACL 21-17E](#), page 4).

38. Question: How does a caregiver request a state hearing if the caregiver disagrees with a county/agency action?

Answer: The caregiver must ask for a hearing within 90 days of receiving the NOA. The instructions for filing a hearing are included with the [NA 403](#) ([ACL 17-11](#)). If the caregiver doesn't receive a NOA, a

hearing request can be made by calling State Hearings at 1-800-743-8525.

39. Question: What are the requirements for county record keeping?

Answer: The completed LOCP documents are to be maintained in both the eligibility and child welfare case files ([ACL 21-17](#), page 9).

The LOCP and the Infant Supplement, Kin-GAP and SCI

40. Question: Is the Infant Supplement applied to youth in foster care who are in a home-based setting with a LOCP or ISFC rate?

Answer: Yes, the infant supplement is in addition to the LOCP/ISFC rates (WIC § 11465). Currently, the Infant Supplement for a child/NMD who also has a child where both the infant and parent are living together in a HBFC Placement is:

- \$900 per child [[ACL 23-65](#) (Fiscal Year 2023/2024)].

41. Question: Are legal guardians receiving Kin-GAP or Guardianship benefits eligible for an LOCP if the needs of their children/NMDs increase and the legal guardians request a reassessment using the LOCP?

Answer: Yes ([ACL 21-17E](#)).

42. Question: Does Kin-GAP use a different LOCP and scoring sheet?

Answer: No.

43. Question: Can emergency caregivers get an SCI if they are still going through the RFA process, i.e., they are not approved RPs yet?

Answer: No, a caregiver needs to be an approved RF/TAH home to receive a SCI ([ACL 22-89](#)).