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DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services



GAVIN NEWSOM
GOVERNOR

DATE: January 26, 2023

TO: ALL COUNTY WELFARE DIRECTORS Letter No: 23-02
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS
ALL PROBATION DIRECTORS
ALL FOSTER CARE ELIGIBILITY WORKERS
ALL FORMER FOSTER YOUTH ELIGIBILITY WORKERS
ALL FEDERALLY RECOGNIZED TRIBES IN CALIFORNIA

SUBJECT: GUIDANCE FOR COUNTIES ON TRIBAL FOSTER CHILDREN
(Reference: All County Welfare Directors Letters (ACWDLs 17-03 and 18-16 and SPA 13-41.)

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide counties with information and guidance on enrolling and transferring Tribal foster children to ensure continuity of care in Medi-Cal.

Background

Children who are removed from their home and placed in foster care in California are entitled to full scope Medi-Cal. Tribal children may be placed in foster care through California counties or by Tribal courts.

As part of the Affordable Care Act, states were given an option to cover children who qualify for Medi-Cal under a “reasonable classification of children” eligibility group that covers “individuals placed in foster care homes by public agencies” under age 21, with no income test. California received federal approval to add this optional eligibility group to California’s State Medi-Cal Plan as part of State Plan Amendment (SPA) 13-041. Tribal foster children are included as an optional eligibility group under SPA 13-041.

Once SPA 13-041 was federally approved, the Department of Health Care Services (DHCS) provided guidance to the counties to enroll Tribal foster children in Medi-Cal pursuant to ACWDLs [17-03](#) and [18-16](#). The table in ACWDL 17-03 provides aid codes

for the various groups, such as foster children, that qualify as “Optional Groups Other Than The Medically Needy.”

Foster children placed under the jurisdiction of a Tribal court qualify for Medi-Cal under the “reasonable classification of children” eligibility group. These children must be enrolled in Medi-Cal and require county agencies to assist the tribe in the enrollment process as tribes do not have direct access to process Medi-Cal enrollment. Additionally, in some instances, children may be first placed under the jurisdiction of a county agency and then that placement and care is transferred to the jurisdiction of a Tribal court. In these instances, county agencies must ensure that Tribal foster care beneficiaries maintain their Medi-Cal coverage through this transfer process. Counties should be processing both initial enrollment and continuing coverage based on guidance provided by DHCS in ACWDLs [17-03](#) and [18-16](#).

Medi-Cal Must Not Be Discontinued For Tribal Foster Children

We strongly urge the counties to work closely with tribes to ensure initial enrollment and continuous Medi-Cal coverage for Tribal foster children. DHCS has received notifications from tribes that Tribal foster children are having difficulty enrolling in Medi-Cal as well as continuing Medi-Cal coverage under the following circumstances:

- When a Tribal foster child changes custody from the county to the tribe, Tribal foster children are to be maintained in Medi-Cal on the same aid code when they move from state to Tribal jurisdiction.
- When a Tribal foster child is taken directly into Tribal jurisdiction, county agencies must work with the tribe to enroll the child in Medi-Cal. The tribe acts as the public agency as the Foster Care funding comes through the Administration for Children and Families to states and tribes. Tribes are authorized to enroll Tribal foster children directly into Medi-Cal but require the assistance of county agencies to complete this enrollment.
- When a Tribal foster child changes residences and moves between counties, the county is to follow the guidance in ACWDL [18-02E](#) and complete an intercounty transfer (ICT) for the Tribal foster child.

If you have any questions, or if you need a Tribal county liaison contact, please contact the Access Unit in the Eligibility & Access Branch by email at DHCSFosterCareProgram@dhcs.ca.gov.

All County Welfare Directors Letter No.: 23-02
Page 3
January 26, 2023

Original Signed By

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