

**County of Orange Social Services Agency
Family Self-Sufficiency & Adult Services Division**

Program/Area: **Foster Care**
Title: **Emergency Assistance (EA) Program and Emergency Caregiver (EC) Funding**
Number: **#709** **Status:** Revised
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Approved: **Signature on file**

PURPOSE This policy provides guidelines for completing the eligibility determination for the Emergency Assistance (EA) Program and Emergency Caregiver (EC) Funding for Foster Care cases.

BACKGROUND The EA program (also known as Traditional EA) offers short-term aid to children who are determined to be at risk of abuse, neglect, abandonment, or exploitation. The EA program was established under Title IV-A of the Social Security Act and federally funded under the Temporary Assistance for Needy Families (TANF) Block Grant.

Under the EA program, EC funding allows for emergency caregivers with whom a foster child or non-minor dependent (NMD) is placed on an emergency basis, or for a compelling reason, to receive payment prior to being approved as a resource family or tribally approved home.

DEFINITIONS **Applicant**
An applicant is a “needy child” for whom EA has been requested. Each applicant must have their own EA application this includes a child who is part of a sibling group.

Date of Application

The date the EA application is signed by the parent, relative, Senior Social Worker (SSW) or Deputy Probation Officer (DPO).

EA Episode

A period of time during which a child/youth is experiencing an emergency, and assistance and/or services have been authorized. The episode cannot exceed six months (180 days) for TANF-EA (5K) (AKA Traditional EA) or 120 days to 12 months (365 days) with good cause for EC (5K/5L) from the date the EA application is signed.

Emergency

In the context of this policy, an emergency is defined as circumstances that place a child at risk of abuse, neglect, abandonment, or exploitation.

Head of Household

The parent or specified relative with whom the “needy child” is living (or, was living with) within six months prior to the month in which assistance was requested.

Needy Child

A child/youth under age 21 who is in a state of “emergency,” who is at risk of abuse, neglect, abandonment, or exploitation is otherwise eligible for EA, and for whom EA is necessary to resolve the emergency. For the purposes of this policy, any reference to a child will also include a non-minor dependent (NMD).

Nonrelative Extended Family Member (NREFM)

A NREFM is an adult caregiver who has an established familial relationship with the child/youth or has a mentoring relationship with the child/youth.

Not To Exceed (NTE) Date

The NTE date is established as a time limit or an end to an EA episode. It could be 180 days for TANF-EA (AKA Traditional EA) or 365 days (EC) depending on the funding time limit eligibility criteria which is driven by the resource family approval process.

Positive Date

The “Positive” date, (also known as POS) is the date the EA application is signed by the parent, relative, SSW or DPO.

Presumptive Eligibility (PE)

Eligibility for EA is only authorized presumptively when information needed to clear eligibility is pending or unavailable, such as the child’s social security number.

Relative

A person related to the child/youth by birth within the fifth degree of kinship or through adoption by virtue of one of the following:

Birth/adoptive father, mother, brother, sister, half-brother, half-sister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand-, great-, or great-great; or stepfather, stepmother, stepbrother, stepsister; or the spouse of any person named above, even after the marriage has been terminated by death or dissolution.

Note: For Aid to Families with Dependent Children-Foster Care (AFDC-FC) purposes, when parental rights are terminated, the parent and their relatives are no longer considered to be the child's relatives.

Tribally Approved Home (TAH)

A TAH is a home that has gone through a tribal approval process as defined by the Tribe or Tribal Agency approving the home.

EA ELIGIBILITY CRITERIA	To be eligible to TANF-EA (AKA Traditional EA), the following general eligibility criteria must be met:
	<ul style="list-style-type: none">• An Emergency Assistance Application – F063-25-367 must be taken no later than 30 calendar days from the date the child is removed from the home or the date the child is determined to be at risk<ul style="list-style-type: none">○ The EA application must be signed by a parent and must be kept on file○ If the parent is unable or unwilling to sign the EA application, it may be completed and signed by a relative, SSW or DPO

Refer to WT 66 – EA 1 Application – Review and Completion Tool.

Immigration Status

A needy child must be a United States citizen or a qualified noncitizen to receive EA. However, a qualified noncitizen (qualified alien) who entered the United States after August 22, 1996, is prohibited from receiving TANF-EA for a period of five years from their date of entry.

Scenario: The child entered the U.S. in September 2024 and was removed from the home and placed in an out of home placement six months after entry. In this scenario, the EA application will be denied because the child does not meet the five-year date of entry requirement.

Note: A nonqualified alien or undocumented alien is not eligible to receive TANF-EA (AKA Traditional EA).

Refer to Policy 711 – Citizenship, Non-Citizen, and Permanently Residing Under the Color of Law (PRUCOL).

Age

EA funding provides benefits and services for children up to the age of 21.

Social Security Number (SSN)

Each child receiving EA funding must have an SSN. For children who are in the process of obtaining a SSN, EA is only authorized presumptively when information needed to clear eligibility is pending or unavailable, such as an SSN. A pseudo SSN will be used to provide them with Presumptive Eligibility (PE) to EA. The SSN must be received and records updated within 12 months.

Note: A pseudo SSN is only created once the Foster Care Application (FCAPP) is received.

EA Determination

- A Foster Care Eligibility Technician (FCET) is required to authorize EA within 30 calendar days of the EA application date regardless if AFDC-FC case determination is made or not
 - If EA is not authorized within calendar 30 days, there is no eligibility to EA and the EA application is therefore denied

EA FUNDING DURATION

TANF-EA (AKA Traditional EA) funding is limited to (180 days) from the positive/approval date.

For example:

- MM/DD/YR – The date the EA application is signed by the parent, relative SSW or DPO
- MM/DD/YR – Not To Exceed (NTE) date

The family must not have received EA during the previous six months, or if the family had received EA during the previous six months, the next eligibility period begins six months after the beginning date of the previous period, or the previous case must be abated. (See Abatement Section).

Note: If applicant is receiving SSI during the month of the EA application there is no eligibility to EA. Refer to EC section for additional information.

EA PAYMENTS

All placement types such as Foster Family Agency (FFA), Foster Home (FH), Short-Term Residential Treatment Placement (STRTP) are eligible to TANF-EA (AKA Traditional EA) payments **except** relative/NREFM placements pending RFA or TAH.

TANF-EA (AKA Traditional EA) is limited to a six-month (180 days) period under aid code **5K – Emergency Assistance (EA)**.

- TANF-EA (AKA Traditional EA) may be used to pay for placement prior to detention
- TANF-EA (AKA Traditional EA) shall not be used to pay the placement when:
 - A Foster Care determination has been made **AND**
 - The FFA, FH, STRTP placement has been approved

TANF-EA (AKA Traditional EA) funding only allows for the FC basic LOC rate to pay for the placement. Anything above the FC basic LOC rates such as Special Care Increments (SCI), Infant Supplement (IS), Educational Travel Reimbursement (ETR), Expectant Parent Payment (EPP) or any other type of supplemental payment will need to be paid with county funds.

For any placement changes that occur within the EA episode, TANF-EA (AKA Traditional EA) payments can continue to be paid until the NTE date provided the new placement meets all the TANF-EA (AKA Traditional EA) eligibility criteria.

EC FUNDING

There are two types of EC funding available to a relative/NREFM who is *pending* RFA or TAH.

EC funding consist of the following aid codes and sharing ratios:

5K – FC-EA	5L – FC EC-EA Ineligible
Federal (EA-TANF) – 70%	Federal (EA-TANF) - 0%
State – 0%	State - 70%
County - 30%	County - 30%

EC ELIGIBILITY CRITERIA

The following eligibility criteria must be met in order to use EC funding:

- Placement occurred:
 - On or after July 1, 2018 (RFA)
 - On or after July 1, 2019 (TAH)
- Submission of an RFA application (RFA 01A) or notification via a letter or email that the TAH process is pending
- EA application was submitted on behalf of the child or NMD
- The child must reside in California

The following documents are required for evaluating EC funding:

- EA application F063-25-367
- Emergency Placement Approval for Relative/NREFM F063-04-815B

Note: Probation wards are eligible to EC funding if all EC criteria are met.

EC PAYMENTS	EC payments will begin the date of placement. EC payments may be issued for 120 days or up to 365 days with “Good Cause” or until Resource Family or Tribal Home is approved, denied as RF or a TAH, or if the child is no longer placed in the home, whichever occurs first.
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- When Resource Family or Tribal Home is approved, switch to appropriate Foster Care (FC) or Approved Relative Caregiver (ARC) funding source
- If the Resource Family or Tribal Home is not approved on or after the 365 days, county funds may be an option

For cases where EA is denied for any of the following reasons listed below, use EC aid code **5L – FC EC-EA Ineligible** when issuing payment:

- SSI
- PRUCOL
- A qualified noncitizen (qualified alien) who entered the United States after August 22, 1996, and has not met the five-year entry requirement
- Safely Surrendered
- 30-day timeframe expired
 - Parent, relative, SSW or DPO did not sign EA application within 30 days of the date the child is determined to be at risk
 - FCET did not process the EA application within 30 days of parent, relative, SSW or DPO sign date

For all other cases that are eligible to EA, use EC aid code **5K – FC-EA** when issuing payment.

Refer to WT 45B – Emergency Caregiver Funding Desk Guide.

EC funding only provides for the FC basic LOC rate to pay for the placement. Any supplemental payment such as Special Care Increments (SCI), Infant Supplement (IS), Educational Travel Reimbursement (ETR), Expectant Parent Payment (EPP) or any other type will need to be paid with county funds.

ABATEMENT	Abatement negates claiming of a current EA episode due to a new episode where costs and services are estimated to be greater. Once it is determined that the previous EA episode has been underutilized, the new EA episode may be initiated.
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Abatement example:

- A child is determined to be at risk, removed and placed for approximately 3 weeks and then returned to the parents and the case is closed
- Four months later the child is again removed, the parent is arrested, and it is anticipated that the child will be in foster care for at least 12 months
- The first EA episode can be abated

- A new EA application must be processed, and the EA assistance must be authorized for the new emergency where costs and services are estimated to be greater
- The new emergency is considered as a new episode and therefore, a new period of eligibility exists; six months (180 days) for TANF-EA (AKA Traditional EA) (5K) **or** 120 days up to 365 days with good cause for EC (5K/5L).

Note: For a new EA episode, a new EA application is needed.

Refer to Emergency Assistance (EA) Abatement Request Processing Guide.

ASSISTANCE TO CHILDREN IN EMERGENCY (ACE) SYSTEM

ACE is a statewide database tracking system and contains records for individuals for whom EA has been authorized, denied, or abated. ACE is available through the Medi-Cal Eligibility Data System (MEDS) and is used to process and/or verify if a child or youth has previously received EA.

Refer to the Assistance for Child in an Emergency (ACE) Processing Guide.

NOTICE OF ACTION (NOA) FOR EC

- Notice of Action – Issuance Emergency Caregiver Funding - RFA 105
- Notice of Action – Discontinue Emergency Caregiver Funding - RFA 105A

FORMS

- Emergency Assistance Application - F063-25-367
- Emergency Placement Approval For Relative/NREFM - F063-04-815B
- Resource Family Application - RFA 01A

REFERENCES

- ACL: 21-88, 19-84, 19-24, 18-75, 18-33, 18-128, 95-06, 94-89, 94-35, 93-64E, 93-64, 93-06, 05-38
- ACIN: I-04-95, I-41-93
- CFL: 18/19-03, 17/18-59, 99/00-52

ATTACHMENTS

- Assistance for Child in an Emergency (ACE) Processing Guide
- Emergency Assistance (EA) Abatement Request Processing Guide
- Policy H-0105 - CFS EA
- Policy 711 – Citizenship, Non-Citizen, and Permanently Residing Under the Color of Law (PRUCOL)
- WT 03 – Rates for Foster Care
- WT 45B – Emergency Caregiver Funding Desk Guide
- WT 66 – EA 1 Application – Review and Completion Tool