

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
DIRECTIVE

No.	845
Issued:	10/16/01
Post Until:	11/16/01

**SUBJECT: RELATIVE FOSTER CARE CASES
"YOUAKIM"**

This Directive provides information on relative/YOUAKIM Probation cases.

When a minor is under a suitable placement court order and is released/ placed in the home of a relative or legal Guardian, this is to be considered "**Out of Home Placement**". For the purposes of foster care placement and AB 575 compliance, this type case is to be handled like any other placement case. Transfer of these cases to the Regional Placement units should be initiated immediately to ensure timely processing of the "YOUAKIM" START referral.

This is a placement and is not to be considered a release "home".

In an Illinois lawsuit, **Miller vs. Youakim**, the United States Supreme Court ruled that federally eligible children who were placed by court order cannot be denied AFDC-Foster Care simply because the relative is related to the minor. A relative, (not the minor's parents), of a child who meets general AFDC and federal eligibility requirements is offered a choice of receiving public assistance or AFDC-Foster Care only when the child meets all of the following criteria:

The minor must,

1. have been removed from the home of the parent or relative by either a detention or suitable placement order;
2. be placed in foster care with a relative different from the one from whom removed;
3. have been eligible to receive federal assistance in the home of the parent or relative from whom removed;
4. meets all other general and federal AFDC-Foster Care

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For Foster Care purposes, a RELATIVE is one of the following persons related to the child by birth or adoption:

- **Grandmother/Grandfather**
- **Sister/Brother**
- **Half-sister/Half-brother**
- **Aunt/Uncle**
- **Niece/Nephew**
- **First Cousin**
- **Or any of the above preceded by grand, great, or great-great-great**
- **Step-Mother/Step-Father or Step-Sister/Step-Brother**
- **Or the spouse of any of the above, even if the marriage has been terminated.**

To qualify for Youakim payment, there must be a **SUITABLE PLACEMENT ORDER.**

Relatives will **not** qualify for Youakim payment if the minor is released to a relative on a **Home on Probation order.**

When in the home of a relative/legal guardian, the placement officer shall not change the order to **Home on Probation**, unless the relative caretaker specifically indicates that they are in agreement and do not want to receive YOUAKIM payment. This shall be documented in the Record of Supervision. If a minor is released to the home of his/her parents and casework circumstances support a change of plan, the placement officer can consider a change of order to Home on Probation. This recommendation is to be cleared and approved by the Placement Supervising Deputy Probation Officer (SDPO) .

Relatives are eligible to and shall have the opportunity of being referred for foster care payment(Youakim) as is similar for all foster parents.

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THE DUTIES OF THE SUITABLE PLACEMENT PROBATION OFFICER:

- The Placement Officer shall complete the **START PACKET** (within four (4) days of placement or four (4) days from date of case assignment) for all minors placed with relatives.
- The Placement Officer shall inform the relative caretaker that the Probation Department will submit a referral for YOUAKIM payment. It is the responsibility of the Placement Officer to advise the relative caretaker to go to their local Department of Public Social Services to apply for AFDC. This is in case the minor is determined to be ineligible for YOUAKIM payment. The relative caretaker should take a copy of the suitable placement minute order to the DPSS office when making application.
- The suitable placement profile sheet is to be marked “**YOUAKIM**” on the top line. After faxing the START packet to the Placement Processing Unit (PPU), the referral will be completed and forwarded to the Department of Family and Children Services for eligibility determination.
- Once eligibility is determined and YOUAKIM is approved, the DCFS eligibility worker will coordinate with the DPSS eligibility worker and action will be taken to issue the payment difference to the relative caretaker.
- If the case is denied YOUAKIM status, the DCFS eligibility worker will notify DPSS.

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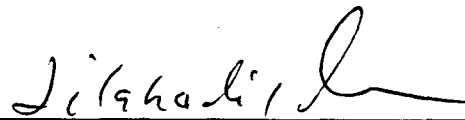
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Since not all relatives are determined to be eligible for YOUAKIM status, it is important that the relative caretaker applies for AFDC payment immediately after minor is placed. This will generate the MEDICAL card and AFDC payment.

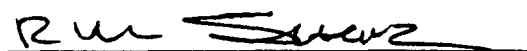
For any questions regarding this Directive, please contact Central Placement at (323) 226-8600.



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