



[CA-296320] CRPC 2449 - AAP Proration and Effective Dating NOA

Created: 12/08/2025 10:20 AM - Updated: 05/19/2026 03:51 PM

Status:	Received
Project:	CalSAWS
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	CRPC	Priority:	3-Normal/Low
Reporter:	Nancy DeCasas	Assignee:	Unassigned
Resolution:	Unresolved		
Labels:	None		

Field Tab

Requester Phone #:	(213) 712-1598
Subject:	CRPC 2449 - AAP Proration and Effective Dating NOA
Reference:	CRPC 2409
Due Date (CRPC):	05/22/2026
Sent Date:	05/08/2026
State Response Received Date:	05/19/2026
What is the Consortium question, issue or problem?:	Per additional guidance received from CDSS on 11/19/2024 for CRPC 2409, " If the AAP agreement ends mid-month for a reason other than age 18 or age 21, the payment for that month should be paid to the stated end date". Given that the current NA 791 does not accommodate proration based on effective dates for mid-month discontinuances, will CDSS issue a revised version of the NA 791 to address changes to effective dates and prorated benefit amounts when the AAP agreement ends mid-month?
Proposed resolution (optional):	If CDSS does not intend to release a revised NA 791 Notice of Action (NOA), could the State authorize standardized proration language for CalSAWS to implement on the NOA automation. Example: Effective <EndDate>, the county is Discontinuing your Adoption Assistance Program (AAP) benefits of \$<amount> per month. Here's why: <Person> become ineligible to AAP on <AAPEndDate>. The county will stop paying for AAP from the day the child became ineligible. You will be paid \$<ProRateAmt> for the following period(s): From To Amount <BeginDate> <EndDate> \$<ProRateAmt> 01/14/2025 CalSAWS Additional Questions: CalSAWS requests clarification on how to process mid-month AAP discontinuances when the county receives advance notice of a future change in legal responsibility. Example: On January 13, 2026, the adoptive parent informs the responsible public agency that the adoptive child will take the Military Oath of Enlistment on February 14, 2026. The adoptive parent will no longer be legally responsible for the child effective that date. Because the county receives timely notice before the February payment is issued, the county can terminate AAP effective February 14, 2026 without issuing a full month payment, and therefore no overpayment is created. In this scenario, CalSAWS would need to: • Prorate the February payment through February 13 • Process AAP mid-month discontinuance. • Generate an effective dated NA 791 reflecting: - Termination date - Termination reason - Prorated amount - Explanation of mid-month termination

To ensure system design aligns with CDSS policy, CalSAWS requests confirmation on the following:

1. Does CDSS agree that proration is required and appropriate in cases where the county receives advance notice of a future change in legal responsibility before the monthly AAP payment is issued?

2. If proration is appropriate, will CDSS:

- o Revise the NA 791 to support proration, or
- o Provide standardized proration language that CalSAWS may implement on the NOA automation.

We appreciate your guidance and look forward to your direction.

05/08/2026: Calsaws Additional County Questions

CalSAWS is requesting clarification regarding AAP Notice of Action (NA 791) requirements related to mid-month placement changes, overpayment establishment, responsible party assignment, and proration. These questions were raised during a recent Foster Care Committee meeting with all counties.

To ensure alignment with State policy and to support accurate system automation, we are requesting clarification in the context of CDSS's responses provided in CRPC 2449: AAP Proration and Effective Dating NOA, dated January 15, 2026.

Below are the key areas (A-D) where counties seek further guidance:

A. Issue: Some counties reported concerns about issuing a single NOA for multiple actions (example: change of benefits, termination, overpayment), stating that separate NOAs are required whenever separate actions occur, due to hearings requirements.

Policy: EAS 22 001(a)(1) requires counties to provide "adequate notice" that clearly informs the claimant of the action the county intends to take. EAS 22 071 requires a Notice of Action to include the action, reasons, and regulatory authority.

Gap: The NA 791 is the only State approved AAP NOA and contains checkboxes for multiple concurrent actions. However, neither EAS nor NA 791 instructions specify whether counties must issue:

- One NA 791 per action, or
- One NA 791 covering all actions resulting from a single case event.

CDSS response on CRPC 2449 explains how to complete NA 791 but does not address how many notices should be issued. CDSS states only that "the current NA 791 form is sufficient" for mid month termination and overpayment.

Counties are requesting CDSS clarification to ensure consistent statewide practice and correct CalSAWS automation.

B. Issue: Counties shared differing current practices for overpayment establishment when mid-month termination is due to an administrative error.

Policy: EAS 45 808 defines AAP overpayments and county responsibility to identify and correct them. EAS 45 808.221 requires counties to issue a repayment notice when overpayments are collected.

CDSS response on CRPC 2449 states that:

"There will be an overpayment if the AAP case is terminated mid-month... because the entire AAP amount [is] paid at the beginning of the month."

Gap: Policy does not state whether counties must:

1. Establish an overpayment (collectable or non collectable) when county error caused the mid month change, or
2. Notice only the change without establishing an overpayment.

Counties require CDSS clarification so CalSAWS can automate the correct overpayment and NOA behaviors.

C. Issue: Who should be listed as the responsible party for the overpayment for AAP out-of-home placement situations involving multiple payees (example: adoptive parent receives a small portion while the facility receives the majority of the rate)?

Some counties referenced previous verbal guidance indicating that the adoptive parent who signed the AD 4320 is always responsible, while others assign responsibility based on the payee receiving the payment.

Policy: EAS 45 808 and AAP overpayment policy describe how overpayments occur and require counties to identify the responsible party, but do not specify how responsibility is assigned when:

- The facility receives the majority of the AAP rate, and
- The adoptive parent (AD 4320 signer) receives a smaller portion.

The AD 4320 identifies the adoptive parent as the AAP agreement holder, and AAP 4 governs facility payments. However, none of these sources establish whether:

- The AD 4320 signer,
- The facility, or
- Both (prorated or otherwise)

are responsible for repaying AAP overpayments in OOH situations.

Gap: There is no CDSS policy that identifies the responsible party for AAP overpayments when multiple payees exist.

CalSAWS needs clear direction for consistent recovery account creation, debt assignment, and CalSAWS system logic.

D. Issue: Counties asked whether the "Fraud" reason, located under the "Overpayment" section on page 3 of the NA 791, is required to be used in all applicable fraud cases, or whether additional documentation or a separate fraud-specific notice is expected.

Policy: EAS 45 810 addresses intentional program violations and fraud, and the NA 791 includes a specific checkbox under "Overpayment - Fraud."

However:

- EAS does not specify AAP-specific notice procedures for fraud.
- The NA 791 instructions do not describe when the "Fraud" box must be used or whether additional notices are required.

Gap: CDSS policy does not clarify the proper noticing sequence for AAP fraud overpayments.

This leaves counties unsure whether:

- The NA 791 alone satisfies fraud noticing, or
- A separate fraud notice is required.

Counties request explicit guidance on NOA expectations for fraud.

State response:

12/22/25, CDSS AAP response:

The CDSS does not intend to revise the NA 791 form. The current NA 791 form is to be used and is sufficient to generate the termination NOA, including the overpayment if the AAP case is terminated mid-month.

When the AAP case is terminated for a reason other than the child attaining the age of 18 or 21 (if eligible for the extension), the responsible public agency will complete the AAP 2 form and will complete the following steps for termination and overpayment: check box for "Overpayment requiring collection"; check box for "Change in amount..."; check box for "Case Terminated"; and explain in the text box for "Reason for the denial..." what the reason is for the termination, the effective date the AAP case is to be terminated, and that there is an overpayment due to the entire AAP amount being paid at the beginning of the month but the AAP case being terminated mid-month. The responsible public agency will complete the other required sections on the AAP 2 form, such as the top portion of page one and the bottom portion of page two. Once the responsible public agency completes the AAP 2 form, they will send the completed AAP 2 form to the financially responsible county (eligibility unit) to process.

The financially responsible county will complete the NA 791 form based on what is stated on the completed AAP 2 form they received. To complete the NA 791 form, the financially responsible county will write the effective date the AAP case is to be terminated; check box for "Your child's AAP...will be terminated:"; check box for the reason the AAP case was terminated other than the child will be age 18 or 21; check box for "An overpayment of..." and complete the empty text boxes for the overpayment; and explain in the text box for "Comments" that there is an overpayment due to the entire AAP amount being paid at the beginning of the month but the AAP case being terminated mid-month. Based on the effective date stated on the completed AAP 2 form, the financially responsible county will determine what the overpayment amount is and complete the NA 791 form based on what they calculated the overpayment amount to be.

Please keep in mind the AAP payments are paid at the beginning of the month. There will be an overpayment if the AAP case is terminated mid-month due to a reason other than the child attaining the age of 18 or 21 (if eligible for the extension). It is a cleaner process to complete a single AAP 2 form for termination of the AAP case and the overpayment (if applicable). There may be situations when one AAP 2 form is completed for termination and a second AAP 2 form is completed for overpayment (if applicable), but the steps that are stated above can still be applied but a bit differently since there are two AAP 2 forms.

01/15/26, CDSS AAP RESPONSE TO 01/16/26 CalSAWS ADDITIONAL QUESTIONS:

Yes, proration is required and appropriate in cases where the county receives advance notice of a future change in legal responsibility before the monthly AAP rate is issued.

The current NA 791 form is sufficient for proration and termination mid-month. For cases where the county receives advance notice of a future change in legal responsibility before the monthly AAP payment is issued, the financially responsible county will: write the effective date of the termination: check the box "Your child's AAP benefits, including Medi-Cal coverage will be terminated:"; "check the box "You are no longer legally responsible for your child"; and write in the "Comments" section that, "Due to the AAP case being terminated mid-month [insert date], the monthly AAP payment is prorated to [insert prorated amount] up to the date of termination." It is the financially responsible county's responsibility to determine the prorated rate.

CDSS Response (05/19/26) for the additional questions posted on 05/08/26

A. Issue: Some counties reported concerns about issuing a single NOA for multiple actions (example: change of benefits, termination, overpayment), stating that separate NOAs are required whenever separate actions occur, due to hearings requirements.

A. Response: The regulations require adequate notice of the actions taken, not separate forms for each action. The NA 791 itself is structured to accommodate multiple related actions within a single notice. Accordingly, a single NA 791 satisfies regulatory and due process requirements where it clearly defines each action, states the factual and legal basis for each determination, includes the effective dates and advises the recipient of hearing rights. It will be the county's discretion to issue a NA 791 for each action.

B. Issue: Counties shared differing current practices for overpayment establishment when mid-month termination is due to an administrative error.

B. Response: There will be an overpayment if the AAP case is terminated mid-month due to a reason other than the child attaining the age of 18 or 21 (if eligible for the extension).

C. Issue: Who should be listed as the responsible party for the overpayment for AAP out-of-home placement situations involving multiple payees (example: adoptive parent receives a small portion while the facility receives the majority of the rate)?

C. Response: Per ACL 16-29 the signed AAP agreement between the prospective or adoptive parent(s) and the responsible public agency is considered to be a contract and is effective until terminated in accordance with its terms or an amended agreement is signed. Therefore, all communication related to any AAP benefit changes, terminations, or overpayments are between the responsible public agency or county, and the prospective or adoptive parent(s). All NOAs are to be sent to the prospective or adoptive parent(s), and all overpayments requiring collection are to be directed to the prospective or adoptive parent(s). All overpayment collections are directed to the adoptive parents including NOAs, and it will be their responsibility to collect the overpayment from the provider and return the payment to the county. ACL 24-66 Q&A states, "Adoptive parents may provide the copy of the Notice of Action (NOA) they received from the county related to the overpayment issue and collection process to the provider. The provider is not a party to the AAP case; therefore, it is not appropriate for the provider to request the NOA for the overpayment and collection to be sent directly to them".

Clarification, the AAP 4 does not govern facility payments.

D. Issue: Counties asked whether the "Fraud" reason, located under the "Overpayment" section on page 3 of the NA 791, is required to be used in all applicable fraud cases, or whether additional documentation or a separate fraud-specific notice is expected.

D. Response: Pursuant to ACL 16-29 the NA 791 form is to be used for all AAP cases to communicate with prospective or adoptive parents regarding their child's AAP case. Per ACL 16-29 if fraud has been alleged then the specific checkbox under "Fraud" should be selected. Per the instructions for the NA 791 the notice should indicate: the description of the alleged fraud and include the adoptive parent(s)' knowledge and intent to receive benefits to which they knew they were not entitled to receive, the relevant time period, the amount of the alleged overpayment, how the overpayment was calculated, the specific regulation/statute supporting the action, the action being taken, and hearing rights and timelines.

Policy/Design

Nancy DeCasas

Consortium Contact:**Attachments**

CRPC 2409 - AAP Prorating of Benefits - Due 10.16.2024_CDSS updated response 11.19.2024.docx (35 kB)

CRPC 2409 - AAP Proration and Effective Dating NOA.docx (35 kB)

CRPC 2449 - AAP Proration and Effective Dating NOA - 01.14.2026 CalSAWS Additional Questions_CDSS AAP Unit response 01.15.2026.docx (39 kB)

CRPC 2449 - AAP Proration and Effective Dating NOA - 01.14.2026 CalSAWS Additional Questions_Due 01.24.2026.docx (39 kB)

CRPC 2449 - AAP Proration and Effective Dating NOA - CalSAWS-Counties Additional Questions_05.08.2026_Due Date_05.22.26.docx (43 kB)

CRPC 2449 - AAP Proration and Effective Dating NOA - Due 12.23.2025 - Response from AAP Unit_12.22.2025.docx (38 kB)

CRPC 2449 - AAP Proration and Effective Dating NOA - Due 12.23.2025.docx (35 kB)

CRPC XXXX - AAP Proration and Effective Dating NOA_due 12.23.2025.docx (35 kB)

CRPC24~1.DOC (45 kB)

Links**Relates**

relates to	[CA-244678]	AAP Prorating of Benefits	In Production
relates to	[CA-281530]	CRPC 2409 - AAP Prorating of Benefits	Completed

Comments

Lien Phan added a comment - 12/08/2025 08:22 PM

12/08/24, sent CRPC to CDSS with due date of 12/23/25

Lien Phan added a comment - 12/30/2025 05:44 PM

12/22/25, received response from Marta Platt, CDSS AAP Unit

Lien Phan added a comment - 01/15/2026 07:45 AM

1/15/26, received response from Marta Platt, CDSS AAP Unit to 01/14/26 CalSAWS additional questions.

Sunitha Sampathkumar added a comment - 05/08/2026 12:48 PM

Nancy has posted additional questions. The CDSS team has been notified, and the due date is 05/22/26.

Sunitha Sampathkumar added a comment - 05/19/2026 03:44 PM

05/19/26: Response received from Marta(CDSS) for additional questions posted on 05/08/26