

AB 12 AND WORKING WITH TRANSITION AGE YOUTH

California's Fostering Connections to Success Act

Extended Foster Care (AB 12)

- First enacted statewide in 2010
- Extended foster care eligibility from age 18 to age 21
- Youth who participate in extended foster care are eligible for:
 - Monthly benefits
 - Housing
 - Transitional support
- Youth still meet regularly with their social worker and attend court hearings

Goals for Extended Foster Care

- Help youth establish lifelong connections to caring adults before transitioning to full independence
- Promotes self-sufficiency for foster youth
- Work proactively with youth in developing and reaching their independent living goals
- Allow youth to gain real life experience with independence and allow them to learn from their mistakes
- Provide a safety net for the most vulnerable youth so they can be successful as independent adults

Eligibility Requirements for EFC (AB 12)

- Extended benefits available to foster/probation youth who
 - Have an open court case at age 18 (i.e. order for FC placement)
 - OR – be eligible under AB2454 – disrupted adoption/guardianship after age 18
 - Satisfy one participation requirement
 - Sign a mutual agreement
 - Agree to meet with Social Worker/Probation Officer
 - Agree to work on transitional independent living skills
 - Live in a licensed or approved setting
 - Have court review hearings every 6 months

Placement at age 18

- A youth's placement when s/he turns 18 is critical to eligibility for extended foster care
- Eligible placements include: foster family home, group home, transitional housing program, or any other placement that is the result of a suitable placement order (including family members)
- Ineligible placements include: home of biological parent, juvenile detention (assuming there is no suitable placement order in effect), or closed case

Am I eligible for extended foster care?

- If I was in a group home on my 18th birthday?
- If I was living with my grandmother under suitable placement order from the court on my 18th birthday?
- If I was living with my mom on my 18th birthday?

Participation Requirements: What must a NMD do to receive financial benefits?

One of the following:

1. Be enrolled in high school or equivalent program
2. Be enrolled in college/vocational school
3. Work at least 80 hours/month
4. Participate in a program/activity that helps you find a job or removes barriers to employment
5. Be unable to do one of the above because of a medical or mental health condition

Important Term - NMD

- NMD = Non Minor Dependent
- Youth who meets eligibility requirements for extended foster care (AB 12)
- “Dependent” because they still have open dependency or probation cases
- Over 18 – so they are not minors

Non-Minor Dependent Court

- April 2016: Specialized court created in LA County for all non-minor dependents (youth in extended foster care)
- One law firm (with attorneys and case managers) represent all youth
- One judge hears all cases
- Next Step Program regularly receives referrals from NMD Court

Youth Involved in the Delinquency System

Youth involved in the delinquency system can participate in extended foster care under 3 circumstances:

1. Probation youth (wards) over 18 who are under the jurisdiction of the delinquency court with an order for foster care placement on his/her 18th birthday – OR
2. Probation youth (wards) over 17 years, 5 months who transferred to “transition jurisdiction” and is under transition jurisdiction on his/her 18th birthday – OR
3. Probation youth who was transferred to dependency system prior to age 18 and has order for foster care placement on his/her 18th birthday

Placement options under Extended Foster Care

- **Traditional placement options still available to NMDs:**
 - Foster Home (Resource Family):
 - Approved home of relative or NREFM
 - Home of a Nonrelated Legal Guardian
 - Non-relative Resource Parent
 - Certified home of an FFA (includes ITFC)
 - Group Home (with limitations)
 - Small Family Home/Dual Agency Regional Center Homes (only for Regional Center consumers)
- **2 Placement Options just for NMDs:**
 - THP+ Foster Care (THP+NMD) (THPP-NMD)
 - Supervised Independent Living Placement (SILP)

2 Specific Placements for NMD's ONLY

● **THP+ FC**

- More supportive – transitional housing model
- Payment by county directly to the provider, but NMD will get a stipend
- 9 providers currently, programs are new and growing.

● **Supervised Independent Living Placement (SILP):**

- Youth must pass a readiness assessment
- Location must be inspected (unless it is a dorm)
- Youth receives \$1000 per month
- Youth can choose to live in an apartment, rent a room in a house, live in a dorm, with or without a roommate

Addressing Housing Rights & Stability Concerns

- Support youth in trying to resolve the issue with THP/landlord/roommate.
- Request a Child and Family Team meeting (for NMDs).
- Inform youth of resources:
 - Family Urgent Response System: 1-833-939-3877 or info@cal-furs.org
 - Housing Rights Center: 1-800-477-5977
 - CDSS Foster Care Ombudsperson: 1-877-846-1602 or fosteryouthhelp@dss.ca.gov
 - Youth's dependency attorney (for NMDs)
 - Alliance for Children's Rights: 213-368-6010
 - Public Counsel: 213-385-2977 ext. 500

Addressing Housing Rights & Stability Concerns

Assist youth in seeking legal help immediately upon receiving any type of notice (verbal or written) of discharge or eviction.

LA County Resources:

- Stay Housed LA at <https://www.stayhousedla.org/referral/> or call 888-694- 0040 for legal help
- **Alliance for Children's Rights:** 213-368-6010
- Public Counsel: 213-385-2977 ext. 500
- Youth who experience unlawful housing discrimination may submit a complaint with the California Department of Fair Employment and Housing by calling 800-884-1684 or online at <https://www.dfeh.ca.gov/ComplaintProcess/>

OTHER TYPES OF PERMANENCY OPTIONS FOR NON-MINORS

How did EFC affect permanency paths and benefits?

- Non-Related Legal Guardian can continue to receive AFDC-FC benefits until the youth is 21 -- it does not matter when guardianship was established
- Relative Legal Guardian receiving KinGAP benefits can continue to receive until youth is 21 if:
 - Kin-GAP payments commenced when youth was age 16 or older
OR
 - Youth has verified disability
- Adoptive parents can continue to receive AAP benefits until the youth is 21 if:
 - AAP payments commenced when youth was age 16 or older **OR**
 - Youth has verified disability

AB 2454

- Beginning on January 1, 2015, AB 2454 went into effect. **Welfare and Institutions Code Section 388.1 was amended to provide that youth are eligible to re-enter foster care if:**
 - He or she is a nonminor former dependent, as defined in subdivision (aa) of Section 11400, who **received aid after attaining 18 years of age** under Kin-GAP *pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, or pursuant to subdivision (e) of Section 11405, and*
 - **whose former guardian or guardians no longer provide ongoing support to, and no longer receive aid** on behalf of, the nonminor after the nonminor attained 18 years of age, but before age 21...
 - (4) He or she is a nonminor who **received adoption assistance payments after attaining 18 years of age** *pursuant to Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9* and his or her **adoptive parent or parents no longer provide ongoing support to, and no longer receive benefits** on behalf of, the nonminor after the nonminor attained 18 years of age, but before he or she attains 21 years of age. (emphasis added)

Am I eligible for extended funding?

- If I was placed in a legal guardianship with my aunt after I turned 17 and the case is now closed?
- If I was placed in a legal guardianship with my neighbor when I was 8 and the case is now closed?
- If I was adopted after I turned 16 and my adoptive parent has passed away?
- If I was placed in a legal guardianship after I turned 16 and my legal guardian kicked me out?

NMD Adoption

Legally possible for a youth to be adopted at age 18 and older (AB 1712)

- Young adults ages 18-20 that remain in Extended Foster Care and under the jurisdiction of the juvenile court can be adopted and retain their AB12 benefits (incl. ILP benefits), as well as receive AAP benefits and MediCal coverage.
- RFA approval is not required for NMD adoption (CDSS Statewide RFA Technical Assistance Call 11/7/18).
- NMD adoption does involve an assessment of the prospective adoptive parent(s) appropriateness for the NMD's adoption, as specified in WIC 366.31(f)(5) and All-County Letter 13-100.
- Statutory framework for NMD adoption is under WIC 366.31(f).

PANDEMIC RELIEF

For Transition Age Youth

FY 20-21 State Extension of Benefits (AB 89 & SB 115)

- \$28,629,000 to support transition age youth in Extended Foster Care during the pandemic
- Funding to support provisions, to:
 - Allow a NMD (18-21) to remain in Extended Foster Care even if they are not meeting participation criteria, and
 - Extend foster care benefits beyond 21 for any NMD who turned 21 between 4/17/20 – 6/30/21.

Federal Law Passed After Creation of the Initial 21+ Program

Federal Pandemic Act

- Prohibits states from terminating support to young adults in foster care due to age through September 30, 2021;
- Requires states to outreach to all young adults who exited care on or after January 27, 2020 as a result of age and allow them to reenter;
- Waives the participation conditions; and
- Authorizes federal funding for these young adults remaining in care or returning to care.

Two Extended Foster Care Cohorts

APRIL COHORT

- State program for young adults who were in EFC upon turning 21 on or after April 17, 2020.
- For the April Cohort of young adults, the requirements and benefits outlined in ACL 20-117E.
- No court involvement.

JANUARY COHORT

- Federal program for young adults who were in EFC upon turning 21 after January 27, 2020.
- Requirements outlined in ACL 21-51.
- No court involvement.

FY 2021-22

State Extension of Benefits

California State Budget of 2021 (AB 128)

- Authorizes young adults who **were in EFC when they turned 21 years of age on or after April 17, 2020, to continue to receive assistance payments and case management support through December 31, 2021. They must sign a VRA and be in a supervised setting.**
- Authorizes young adults who **were in extended foster care on or after January 27, 2020 to receive assistance payments through December 31, 2021 upon signing a VRA and supervised placement approval.**
- **Continues waiver of participation requirements** for NMDs ages 18-21 through December 31, 2021, unless Stafford Act flexibilities for employment and education requirements are rescinded prior to December 31, 2021.

AB 128 (Chapter 21, Statutes of 2021)

Chafee Program Funds

California received \$47.2 million in additional Chafee funding through the Federal Supporting Foster Youth and Families Through the Pandemic Act.

- \$9.3 million dedicated to the Education and Training Voucher (ETV) program to exhaust the current waitlist and bring recipients to the maximum \$5,000 funding level.
- \$4 million dedicated to the Foster Youth to Independence (FYI) program, which allows PHAs to request housing choice vouchers to serve former foster youth under age 25.
- Remaining funds will be used for one-time direct relief payments issued to current and former foster youth who are 18 – 26 years old and eligible for EFC as of the date of eligibility verification.

Chafee Direct Relief Payments

- Prepaid cards are **available in physical or virtual form**.
- Assistance is **not contingent on the youth opting into EFC**.
- Payment is **not considered income** for the purposes of CalWORKS, CalFresh, CAPI, and Emergency Child Care Bridge programs.
- Fastest way to apply for youth ages 18-20 is by contacting their social worker, ILP coordinator, or probation officer.
- Youth ages 21 – 26 should use the Chafee portal to apply - <https://chafeecard.dss.ca.gov/>
- **Deadline for eligibility verification is September 3, 2021.**

ALLIANCE FOR CHILDREN'S RIGHTS – TAY PROGRAM

We support youth by providing free consultation and legal services including:

- Resolving Identity Theft
- Re-entering Foster Care (for Youth 18-21)
- Clearing Juvenile Tickets
- Sealing Juvenile Records
- Requesting Name Changes from the Court
- Obtaining Your Birth Certificate
- Foster youth support services on college campuses
- Financial aid and scholarship programs
- High school diploma completion programs
- Accessing SSI Benefits

SUPPLEMENTAL SECURITY INCOME (SSI)

Supplemental Security Income (SSI/SSP) (Title XVI Benefits)

- Needs-Based Federal Assistance program administered by the Social Security Administration for those who are disabled, blind, or aged 65
 - Must be low-income and have low-assets (under \$2,000) to qualify
- The disability definition for a child (under age 18) is: “a physical or mental health condition(s) that very seriously limit his or her activities and the condition(s) must have lasted, or be expected to last, at least 1 year or result in death.”

SSI - AB 1331 AND AB 1633 REQUIREMENTS

- AB 1331 requires that counties screen foster youth (including probation-supervised foster youth) between the ages of 16.5 and 17.5 for potential eligibility for SSI, and for those likely to be eligible for SSI, to apply on the youth's behalf.
- If the child is eligible for federal AFDC-FC (federal foster care payments), the county also has an obligation to shift the youth's foster care payment to nonfederal AFDC-FC during the month of application for SSI, and for one month/year after SSI is granted to maintain eligibility for SSI.
- Counties are also obligated to provide information and assistance regarding:
 - The federal requirement that the youth establish continuing disability as an adult, if necessary, in order for SSI benefits to continue beyond his or her 18th birthday.
 - The process for becoming his or her own payee, or designating an appropriate representative payee if benefits continue beyond his or her 18th birthday, and regarding any SSI benefits that have accumulated on his or her behalf.
- Finally, if the county is the payee for either a youth's SSI benefits or RSDI benefits, the county must establish a no-cost, interest-bearing maintenance account for each child (individual accounts), keep an itemized current account of all income and expense items, and establish procedures for disbursing money from the accounts, **including disbursing the net balance to the beneficiary upon release from care.**

QUESTIONS?

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