
California's Fostering Connections to Success Act: Overview for Providers



BACKGROUND



What is the California Fostering Connections to Success Act?

- Signed into law October 2010
- Designed to align with the Federal Fostering Connections to Success Act
- Extends foster care funding for youth until age 20
- Also makes changes to California's Kin-GAP Program



Co-Sponsors of AB 12

- Sponsored by a government and non-profit child welfare organizations:
 - ❑ Judicial Council of California
 - ❑ California Alliance of Child and Family Services
 - ❑ California Youth Connection
 - ❑ Children's Law Center of California
 - ❑ The Alliance for Children's Rights
 - ❑ The John Burton Foundation
 - ❑ Youth Law Center
 - ❑ County Welfare Director's Association
 - ❑ Service Employees International Union



Why is AB 12/212 Important?

- Recognizes need for better outcomes for youth entering adulthood from the foster care system.
- AB 12 realizes youth over the age of 18:
 - Are legal adults
 - Must have room to explore options and make mistakes
 - Need for increased levels of responsibility and independence while still afforded support
- This represents a shift in core values for how we approach transition age youth: young adults should be treated differently than minors in order to improve outcomes and prepare them to be independent.



Where are we with implementation?

- CDSS is lead agency –5 Focus Area Teams developing All County Letters, Fiscal Letters and other policies
- All County Letters are to be released by October 1, 2011 (although, some are behind schedule).
- Awaiting final approval of AB 212 Urgency statute:
 - Once signed, DSS and the AOC can update Rules and ACL's immediately for Jan 2012 implementation
 - “Cleans up” certain provisions of AB 12
 - Addresses areas that AB 12 did not cover
- Still many unanswered questions
- Upcoming statewide AB 12/212 trainings will be offered beginning in the Fall that will provide concrete details
 - Nov. 2nd at CA Endowment in Oakland, CA
 - Nov. 9th at CA Endowment in Los Angeles, CA



AB 12 BASICS



Eligibility Basics

- Extended benefits available to youth (non-minor dependents or “NMDs”) who, at the time they turn 18:
 - ❑ Open court case at age 18
 - ❑ Satisfy at least 1 of 5 participation requirements,
 - ❑ Mutual agreement/Voluntary Reentry Agreement
 - ❑ Meet with Social Worker and update TILCP
 - ❑ Court review every 6 months
 - ❑ Live in a licensed/approved supervised setting
- Extended benefits also available to:
 - ❑ Youth who are in guardianships with non-relatives if guardianship created in juvenile court
 - ❑ Youth who entered Kin-GAP or AAP at age 16 or older



Implementation Timeline

- Beginning in 2012, benefits will extend to youth up to 19 years old.
- Beginning in 2013, benefits will extend to youth up to 20 years old.
- Beginning in 2014, benefits may be extended to youth up to 21 years old subject to budget appropriation by the state Legislature.



Youth turning 18: Who is eligible?

- Youth under age 19 as of January 1, 2012 who have an open case. This includes:
 - All youth who turn 18 on or after January 1, 2012
 - Youth who turn 18 during 2011 AND meet the current eligibility requirements (such as the high school completion rule.
 - Youth who turn 18 during 2011 who do not meet the high school completion rule provided the court retains jurisdiction



Hypo

- Sam turned 18 on October 30, 2011. Is he eligible for AB 12 benefits beginning January 1, 2012 if:
 - He satisfied the completion rule because he is expected to graduate from HS in May 2012, before he turns 19.
 - He does not satisfy the completion rule BUT the dependency court keeps his foster care case open and he has an open dependency case on January 1, 2012.
 - He does not satisfy the completion rule AND the dependency court terminates jurisdiction when Sam turns 18 on October 30th.



Categories of Youth Who Are Eligible/Ineligible

■ ARE ELIGIBLE

- ❑ All foster youth which includes both federally eligible and non-federally eligible CWS and probation foster youth
- ❑ Having a child does not make a NMD ineligible for extended foster care services

■ ARE NOT ELIGIBLE

- ❑ Youth placed in out of home placements for educational reasons under the authority of an IEP and who are not in foster care (often referred to as 3632 kids)
- ❑ Married
- ❑ Military



What Must a Youth Do to Receive Extended Benefits?

- Participation Conditions: Must satisfy 1 of 5 as documented in the youth's TILP
 - Be enrolled in high school
 - Be enrolled in college/vocational school
 - Work at least 80 hours/month
 - Participate in a program/activity that helps you find a job or removes barriers to employment (like substance abuse treatment)
 - Be unable to do one of the above because of a medical or mental health condition



Mutual Agreement

- Not a condition of payment
- Youth need to sign a Mutual Agreement, which is an agreement between the NMD and the agency specifying the youth's willingness to:
 - Remain in a “supervised placement,”
 - Report changes relevant to eligibility and placement, and
 - Work with the Agency on the implementation of the TILP participation activities



Meetings with Social Worker/ Probation Officer

- Monthly face-to-face meetings with Social Worker/PO
- Youth and SW/PO work together to develop case plan reflecting goals to live independently, including:
 - Services in TILP to ensure meaningful participation in eligibility requirements, including a back-up plan
 - The NMD's supervised placement setting-where the youth is going to live
 - Permanent plan for transitioning to living independently which includes maintaining or obtaining permanent connections with caring, committed adults
- TILP is updated every 6 months



Supervised Placement Settings

- Traditional placement options still available to youth including:
 - Approved home of relative or NREFM
 - FFA or Foster Family Home (includes ITFC)
 - Group Home (with limitations)
 - Home of a Nonrelated Legal Guardian
 - Small Family Home/Dual Agency Regional Center Homes
 - THPP (with limitations)
- 2 NEW Placement Options:
 - THP-Plus Foster Care
 - Supervised Independent Living (SILP)



What about youth who want to opt-out?

- Hearing (WIC 391) must be held prior to terminating jurisdiction and court must inform youth of:
 - Right to remain in care
 - Benefits of remaining in care
 - Right to reenter care if under the age limits
- General jurisdiction for reentry taken if the court terminates dependency/delinquency jurisdiction



Re-entry

- AB 212 makes substantive changes to AB 12.
- Youth must be informed of right to reentry at termination hearing
- Youth can re-enter unlimited times prior to turning 20/ 21 yrs old.
- Re-entry process is intended to be as accessible and easy as possible



Procedure for Re-Entry

- Re-entry is achieved by either:
 - Signing a Voluntary Re-Entry Agreement documenting:
 - Willingness to re-enter foster care
 - Be placed in a supervised placement setting
 - Participate in eligibility requirements
 - Have a transitional independent living case plan
 - Participate in the filing of the 388 (e) (must be done by social worker within 15 judicial days or sooner by the youth/youth representative)
- Filing a 388 (e) petition in the county of residence
 - Without the VRA, benefits/services cannot resume until court order placing youth back into care.



Provider Role for Re-Entry

- Help inform youth how to contact county
- Consider role of provider in 24/7 re-entry assessment homes such as FFA certified homes recruited for reentry youth
- Beginning date of aid is date NMD signs re-entry agreement



Eligibility for Pregnant and Parenting Youth

- Pregnant and Parenting Youth are eligible
 - Benefit Payment
 - In a SILP, the parenting NMD can receive the foster care payment directly, which includes the Infant Supplement.
 - For parenting NMD's in licensed/approved facilities, the Infant Supplement is paid to the provider.
 - Whole Family Foster Homes, as FFA's or THP+FC host family homes, are also eligible for the \$200 Shared Responsibility Plan payment.
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Placement Options



Group Homes for NMDs

- Decision on group home placement is to be a youth-driven, team-based case planning process
- Can remain in group home if under age 19 AND continuing in group home is in NMDs best interest in order to complete high school or equivalent
- Once NMD completes high school or turns 19, whichever is first, continuing in a group home is prohibited UNLESS
 - NMD has a medical or mental health condition (participation condition #5) and continuing in group home functions as a short-term placement
 - Treatment services to alleviate the medical condition cannot be sole basis for disqualification from group home (Ex: youth with bipolar allowed to attend school if it is part of their treatment plan)
 - Treatment strategies should prepare NMD for discharge to a less restrictive and more family-like setting



Transitional Housing Placement Program

- Youth can continue to participate in THPP after age 18 and up to age 19 if:
 - In order to complete high school or equivalency prior to age 19; OR
 - In order to complete the high school year prior to age 19



THP-Plus Foster Care

- Modeled after existing THP-Plus programs and will offer affordable housing and supportive services.
 - Not designed to replace Transitional Housing Placement Program
 - THP Plus will continue to exist to serve emancipated youth between ages of 21 and 24, and for emancipated youth under age 21 who do not want to participate in extended care or are ineligible
- THP-Plus FC is a IV-E eligible placement
- THP-Plus FC ACL on County Plan Requirements is final
- Future ACLs to cover program and placement approval standards and rates.



County Plan & Letter of Intent

- County Plan must address:
 - THPP, THP + and THP+FC
 - Process of reallocating between THP+ and THP+FC
 - Process for admissions into programs, target populations of programs, provider certification process, program model and continuum of care
- Letter of Intent must address:
 - Implementation date for each program
 - Estimated number of THPP, THP+, THP+FC placements
 - Estimated # of youth who will be eligible for THP+FC
- Does not require a rate info for THP+ and THP+FC as new rate structure is under development



The 70/30 Split

- Counties to describe process for moving towards the new 70/30 split and time necessary to achieve split
- Contingency plans for reallocating placements between the programs
- Goal is to leave no vacant placements
- As a THP-Plus youth exits a placement, the county should evaluate if it is appropriate for this placement to be filled by a THP Plus FC youth
- ***Flexibility is key!*** Counties will be offered flexibility in meeting this requirement over time
- Realignment poses new questions



Supervised Independent Living Placement

- Subject to readiness assessment/placement approval
- No service provider/ no caregiver
- Settings may include but not limited to:
 - Apartment living
 - Room and board arrangements (including w/ a relative or family friend)
 - Shared roommate settings,
 - Dorms
- NMD may receive the foster care benefit directly – limited to basic rate (currently \$776.00/month)
- Parenting NMDs receive the Infant Supplement.



Approval of SILP

- Settings where there are already health and safety standards (i.e. dorms or college housing) are deemed to have met the standard.
- The privacy of the youth is a key aspect to the SILP placement option.
 - Roommates and landlords do not need to be assessed
 - Important for discussions between the NMD and the supervising agency and/or case managers to help the youth reach a responsible decision
- Process by which a youth is determined ready to live independently (readiness assessment) and whether the home meets IV-E standards is still being developed.



Fingerprinting

- Youth remaining in care in the same placement attaining age 18 – no fingerprints.
- Youth who exit and re-enter – they may be fingerprinted only for the purpose of assessing the safety and appropriateness of placement in a facility that has minor dependents



**Decision Making:
Preparing for Independence
Promoting Permanency**



What is Permanency for Young Adults?

- Provider role in family engagement/grief and loss issues
- Youth voice and choice when youth is an adult
- Youth consents to health care, including meds
- Youth driven decision-making means allowing risks/learning from mistakes
- Focus on education and employment goals and skill building



Shared Living Agreements

- Shared Living Agreements to be negotiated between the NMD and provider/caregiver/roommate
 - Examples of what to include in SLAs
 - Curfews (up to caregiver and NMD).
 - Overnight guests (you could restrict it or allow it).
 - Using kitchen and utensils.
(You can't restrict it as off limits but a caregiver could have "no cooking past midnight" rules.)
 - Allowances or passing along money for personal spending – it is not required but should be addressed in the Shared Living Agreement.
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Role of Young Adult (NMD)

- Youth-driven decisions that allow risks/learning from mistakes
- Work with social worker/probation officer to ensure ongoing eligibility
- Incremental responsibility
- Rights and responsibilities of all other adults
- Voice in placement decision (Shared Living Agreement)
- Youth consents to health care, including medications



Role of Social Worker/Probation Officer

- Affirmative obligation to ensure that NMDs who want to participate maintain eligibility
- All case planning should be collaborative with young adult
- Goals are increasing levels of responsibility



Role of Court/Attorney

- Parents no longer noticed or parties to hearing
- Attorney works on behalf of the NMD (no longer “in the best interest of”)
- Court hearings must be conducted in a manner that respects status of NMD as a legal adult and focused on goals/services in the TILP; no warrants for “AWOL,” no orders for psych meds.
- Oversight/arbiter of disputes re: placement or participation



Role of Provider

- Discussing Extended Foster Care options with youth at least one year prior to age 18
- Sign and actively support youth in TILP activities
- Implications of AB 12 on efforts to achieve permanency prior to emancipation at 18 and to prepare youth for transition to adulthood prior to 18
- “House rules”/Shared Living Agreements
- Evolving “parental” role of foster care providers serving Non-Minor Dependents : “Assisting” rather than “Doing” and implications for CCL
- How provider programs can help youth meet continuous eligibility for AB 12 (participation requirements)



Issues that are unresolved

- Adult adoptions
- THP-Plus approval standards and county oversight and monitoring role
- Needs and Services Plan – is a separate plan needed apart from the TILP or does the TILP suffice?.



Youth in Delinquency



Youth in Delinquency & Eligibility for Extended Foster Care

- New jurisdictional status – transition jurisdiction
 - Treats as dependents, does not require 300 allegations
 - Based on same findings for removal in a delinquency

- Eligibility for new status
 - Delinquent minors who are in the AB 12 groups (under order for foster care placement or prior 300's) who are between the ages of 17 and 5 months but less than 18, who cannot return home safely after termination;

OR

- Delinquent youth 18 or older who are under an order for foster care placement or prior 300s and who meet AB 12 eligibility requirements.



Transition Jurisdiction

■ Why create this new jurisdiction?

- ❑ Important for eligible youth to be able to take advantage of extended benefits without remaining in “Delinquency”
- ❑ Encourage former delinquent youth to participate in services, rather than punish them!
- ❑ Youth are only eligible for transition jurisdiction if they are no longer on probation.

■ When can transition jurisdiction be taken?

- ❑ For eligible youth, the court can modify youth’s status when it is prepared to terminate delinquency jurisdiction
- ❑ As a re-entry status for youth who exited foster care as nonminor delinquents, and wish to re-enter foster care



What about youth not eligible for Transition Jurisdiction?

- If youth does not qualify for transition jurisdiction at time court is terminating delinquency jurisdiction but the youth cannot return home because it is not safe, the delinquency judge decides if jurisdiction should be modified to dependency jurisdiction.
- Procedural mechanism for modification would depend on whether child was a prior dependent
 - If yes, court would re-open that petition (241.1 process)
 - If no, court can order (defender or probation) to apply for 300 petition pursuant to WIC 329 process.



Outcomes and Evaluation

- Process measures to track youth by age, gender, ethnicity, placement type, time in care, participation activity, exits and re-entries from CWS-CMS data
 - SOC 405E Exit Outcomes of education completion, employment, SSI, parenting, housing, permanent connections, etc.
 - NYTD survey of NMD's in care and those exited at age 19 and 21.
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QUESTIONS?



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