



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

September 20, 2012

ALL COUNTY LETTER NO. 12-48

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS
ALL TITLE IV-E TRIBES
ALL FOSTER CARE MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL ADMINISTRATIVE LAW JUDGES
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: EXTENDED BENEFITS FOR NON-MINORS LIVING WITH CURRENT
OR FORMER NON-RELATED LEGAL GUARDIANS (NRLG)

REFERENCE: ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010);
AB 212 (CHAPTER 459, STATUTES OF 2011);
SENATE BILL (SB) 1013 (CHAPTER 35, STATUTES OF 2012);
ALL COUNTY LETTER (ACL) NO.11-61; ACL NO.11-69

This ACL discusses eligibility for extended benefits for non-minors living with former non-related legal guardians (NRLG). In order to determine whether a non-minor living with a former NRLG is eligible for extended benefits, it must be determined whether the guardianship was established in juvenile or probate court. Guardianships established in probate court are NOT eligible for extended benefits. Non-minors whose guardianship was established in juvenile court are eligible for extended benefits as discussed below.

PROBATE GUARDIANSHIPS

Youth approaching age 18 who are living with a NRLG established in Probate Court and receiving non-federal Aid to Families with Dependent Children-Foster Care (AFDC-FC), continue to be eligible under the secondary education completion requirements pursuant to Welfare and Institutions Code (W&IC) section 11405(f). To summarize, these youth may continue to receive aid up to their 19th birthday if they remain in the

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

guardian's home provided they are attending high school, vocational or technical training on a full time basis or pursuing a high school equivalency certificate and are reasonably expected to graduate/complete the program prior to their 19th birthday. They must sign the SOC 155, Mutual Agreement for 18 year-olds in the month the ward attains age 18 to remain eligible for aid. (See ACL 89-42 for further information.) They are not eligible for Extended Foster Care (EFC). Please see Eligibility and Assistance Standards (EAS) Manual, section 45-201.1 for more information on verifying eligibility for this population.

JUVENILE COURT NON-RELATED GUARDIANSHIPS

Former dependent or delinquent foster youth who are wards of a juvenile court appointed non-related legal guardianship are eligible for extended benefits (henceforth referred to as NRLG benefits). Pursuant to W&IC section 11405(e), beginning January 1, 2012, in order to be eligible for extended NRLG benefits, a non-minor who formerly lived with a **juvenile court appointed** NRLG must meet the eligibility criteria specified below:

1. Age
2. Education and employment participation conditions
3. NRLG Case Plan including the Transitional Independent Living Plan (TILP)*
4. Authority for placement(completing the Mutual Agreement, SOC 162)
5. Eligible facility

* For those youth who were not previously eligible for ILP services, the county has 60 days to complete a new TILP.

Age

In order to be eligible for extended NRLG benefits, a youth who was formerly the ward of a **juvenile court** NRLG must have been receiving the non-federal AFDC-FC benefit payment on his/her 18th birthday. In addition, the non-minor must be under the age limits specified in W&IC sections 11403 and 10103.5. With the passage of SB 1013, a youth who was receiving AFDC-FC on his/her 18th birthday is eligible to receive extended NRLG benefits until age 21. The table below explains the age requirements of non-minors re-entering care:

Effective January 1, 2102	Non-minors under 19 may re-enter care and remain in care until their 21 st birthday
Effective January 1, 2013	Non-minors under 20 may re-enter care and remain in care until their 21 st birthday
Effective January 1, 2014	Non-minors under 21 may re-enter care and remain in care until their 21 st birthday

Education and Employment Participation Conditions

Refer to ACL 11-61 for these requirements.

TILP For A NRLG Non-minor

The every six-month NRLG assessment and case plan update requirements of W&IC section 11405 continue for the non-minor. The schedule of case manager and non-minor visits in the case plan continue at the once every six-month frequency. In addition, the NRLG non-minor must complete the TILP with the social worker every six months documenting the activities to support the non-minor's educational and employment participation goals. Upon completion of the updated TILP, the case manager completes and sends the SOC 161, Certification of Participation, to the Foster Care eligibility worker.

Authority for Placement (Mutual Agreement)

The non-minor who wishes to remain eligible for extended NRLG benefits must complete and sign the applicable sections of the Mutual Agreement for Extended Foster Care, SOC 162, prior to or within the month of attaining age 18. The Mutual Agreement provides the county with authority for placement and specifies the services that the county agency agrees to provide to the non-minor.

If the non-minor stops participating or leaves the care and support of the guardian or is otherwise ineligible for benefits and subsequently wishes to return to the guardian's care and support, the non-minor must sign the applicable sections of the Voluntary Re-Entry Agreement for Extended Foster Care, SOC 163, with the county. The SOC 163 is the document that the non-minor signs specifying his or her intention to return to the guardian's care and support and comply with extended NRLG program requirements and eligibility conditions. The agreement provides the county with authority for placement and specifies the services that the county agency agrees to provide to the non-minor.

The signing of the agreement (SOC 163) is an eligibility condition for a non-minor returning to the extended NRLG benefits program and documents the earliest possible beginning date of aid (BDOA). The BDOA is the day the non-minor and county sign a SOC 163 or the day the non-minor returns to the care and support of the guardian, whichever occurs later, provided all other eligibility criteria are met. No subsequent court petition is necessary or possible for this population.

Eligible Facility

Non-minors in juvenile court NRLGs are not eligible for EFC placement options, including a Supervised Independent Living Plan, and generally must, therefore, live

with their NRLG to receive a payment. However, these non-minors may live in a college dorm or other setting as required to access education/employment opportunities, as long as the former guardians maintain support of the non-minors. Generally the NRLG will receive the non-minor's EFC payment unless the non-minor can satisfy the conditions in the Eligibility and Assistance Standards Manual section 45-301.214 and be their own payee.

NOTE: If the NRLG remains the payee, then he/she should sign a SAWS 2A Rights, Responsibilities and Other Important Information so that he/she knows his/her reporting responsibilities.

COUNTY RESPONSIBILITY

Unlike EFC, the county of payment and case management for the remaining and returning non-minor in receipt of extended NRLG benefits is the current county of residence of the guardian pursuant to W&IC section 11403(f) (1). Please see the County Welfare Directors Association's Intercounty Transfer Protocol for information on transfers of NRLG payment cases and the required documentation that must be transferred to the new county of residence.

ELIGIBILITY DETERMINATIONS

Young adults who were formerly the ward of a juvenile court NRLG can voluntarily re-enter extended NRLG benefits program after turning 18. These youth, however, are only eligible for State/County funded extended NRLG benefits. They are not eligible to re-enter Extended Foster Care as non-minor dependents and have their court dependency jurisdiction resumed. A new eligibility determination is required to ensure that the non-minor is in an eligible placement, that the SOC 163 has been signed and initially documents his/her participation in a qualifying activity, and that the youth was, in fact, in receipt of NRLG AFDC-FC on their 18th birthday. When determining eligibility, only the non-minor's income, property and circumstances are to be considered without regard to the parents/legal guardians or others in the assistance unit in the home. Authority for placement is met through the signing of a SOC 163 by both the non-minor and the county.

Once completed, the SAWS 1, FC 2 NM, and a copy of the SOC 162 or 163 should be forwarded to eligibility along with a completed SOC 158A in order for eligibility to be determined. These forms should be maintained in the Eligibility Worker file.

The non-minor is responsible for completing the FC 2 NM as part of the annual redetermination of eligibility.

NOTE: The \$10,000 property and TILP income exemptions apply to EFC.

INDEPENDENT LIVING PLAN (ILP) SERVICES

Not all wards of a juvenile court NRLG are eligible for ILP services. Only those whose juvenile court guardianship was ordered on or after their eighth birthday are eligible for ILP Services pursuant to W&IC section 10609.45. Thus some non-minors who are approaching age 18 and elect to sign the Mutual Agreement, SOC 162, to remain eligible for ENRLG benefits will not have a current TILP as their guardianship was ordered prior to attaining age eight. For these youth, the case manager will need to initiate a TILP with the non-minor at age 18. Such a youth is not eligible for ILP services, but is eligible for extended NRLG benefits which require an updated TILP every six months.

It is important to remember that the “on or after age eight” criteria only applies to eligibility to ILP services and does not affect eligibility to extended NRLG benefits. The non-minor whose guardianship is created in Juvenile Court is eligible for extended NRLG benefits at age 18 REGARDLESS of his or her age at the time juvenile court orders the guardianship.

Please refer to County Fiscal Letter No. 11/12-53 for County Expense Claim instructions for administrative costs associated with these cases. If you have any questions about extended NRLG benefits, please contact your Funding and Eligibility Consultant at (916) 651-2752.

If you have questions about case management activities or responsibilities related to AB 12, please submit your question to ab12@dss.ca.gov. We ask that these questions be submitted by email to help document the information for future ACLs.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division