This All County Letter (ACL) provides guidance and clarification regarding the counties’ responsibilities to offer safe and appropriate placements that meet the needs of a nonminor dependent (NMD) in Extended Foster Care (EFC).
October 29, 2019

ALL COUNTY LETTER (ACL) NO. 19-105

TO: ALL COUNTY WELFARE DIRECTORS
    ALL CHIEF PROBATION OFFICERS
    ALL INDEPENDENT LIVING PROGRAM MANAGERS
    ALL INDEPENDENT LIVING PROGRAM COORDINATORS
    ALL FOSTER CARE MANAGERS
    ALL TITLE IV-E AGREEMENT TRIBES
    ALL TRANSITIONAL HOUSING COORDINATORS
    ALL ADMINISTRATIVE LAW JUDGES

SUBJECT: PLACEMENT RESPONSIBILITY FOR NON-MINOR
    DEPENDENTS (NMDs) IN EXTENDED FOSTER CARE (EFC)

REFERENCES: ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010),
    WELFARE AND INSTITUTION CODE (WIC), SECTION 303,
    SECTION 388, SUBDIVISION (e), SECTION 388.1, SECTION
    11400, SECTION 11402, SECTION 11403, AND SECTION
    16501.1; ALL COUNTY LETTERS (ACLs) ACL11-61, ACL11-69,
    ACL 11-77 ACL 12-12, ACL 16-84 AND ACL 18-23

The purpose of this ACL is to provide guidance and clarification to all responsible
placement agencies, including child welfare agencies, probation departments, and IV-E
tribes, regarding EFC and placement responsibilities for NMDs.

EXTENDED FOSTER CARE

In California, EFC must be offered by all IV-E placing agencies in the state to all eligible
youth. The program is intended to provide young adults in the foster care system with
the opportunity to continue receiving supportive services as they make the transition to
adulthood. A placing agency cannot deny the youth’s decision to participate in EFC, if
the youth meets the eligibility criteria.
Youth have the option to decline to participate in EFC and may voluntarily exit foster care after age 18. A young adult who declines to participate in EFC any time on or after their 18th birthday, may be eligible for re-entry and may enter and exit the program as needed between the ages of 18 and 21, as long they agree to meet one of the participation criteria. When reentering EFC, a young adult must be willing to be placed in a setting supervised by the placing agency. To remain eligible, the young adult must work cooperatively with the placing agency to ensure all participation criteria are met.

For further details regarding participation criteria for NMDs in EFC, please refer to ACLs Extended Foster Care (EFC) No.11-61, Extension of Foster Care Beyond Age 18: Part One No. 11-69, and Extension of Foster Care Beyond Age 18: Part Two (Placement) No. 11-77.

**PLACEMENT AND RESPONSIBILITY**

A placing agency has an obligation to offer the least-restrictive safe and appropriate available placement for an NMD, the same as is required for a minor in foster care. NMDs may be placed in any of the eligible placements within the existing range of options enumerated in WIC 11402. In addition, “the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults...." WIC section 16501.1, subd. (d)(3). The NMDs retain their rights as adults but remain under the jurisdiction of the court, and the care and responsibility of the placing agency. As young adults, NMDs must be included in any placement decisions. Despite challenges that may arise when working with an NMD to meet their individual needs, the placing agency must offer the NMD a safe and suitable placement that is immediately available to the NMD. The placing agency remains responsible for ensuring that NMDs have access to a safe and suitable placement at all times.

**RE-ENTRY**

Eligible youth who have left EFC may opt to re-enter foster care at any point prior to their 21st birthday. Counties are required to have a documented process for young adults seeking to re-enter EFC. When a youth wishes to re-enter care and the Voluntary Re-entry Agreement For Extended Foster Care (SOC 163) SOC 163, is signed by the young adult and the responsible entity, the NMD’s case management, housing, and placement becomes the responsibility of the placing agency. There should be no delay in the agency signing the agreement once it determines that the youth meets the statutory requirements to reenter extended foster care, as follows:

- The youth attained 18 years of age while subject to an order for foster care placement and has not attained 21 years of age or is otherwise eligible to petition to reenter foster care pursuant to Welfare and Institutions Code Section 388.1.
• The youth intends to satisfy at least one of the extended foster care participation conditions (paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403).
• The youth wants assistance either in maintaining or securing appropriate supervised placement or is in need of immediate placement and agrees to supervised placement pursuant to the voluntary reentry agreement.

If, at the time the agreement is signed, a youth does not have safe, appropriate housing and presents with a need for placement, the placing agency is responsible for immediately offering a placement to the NMD prior to a re-entry hearing. The placing agency is also responsible for filing the re-entry petition on behalf of the nonminor within 15 judicial days, unless filed sooner by the youth. The placing agency may provide a list of available housing options to the NMD; however, the agency continues to be responsible for immediately offering an available placement. Please refer to Re-Entry into Extended Foster Care (EFC) All County Letter (ACL) 12-12 for further information regarding re-entry.

LOSS OF PLACEMENT

If a NMD is at risk of losing or leaving their placement, the case worker should make a concerted effort to engage the NMD. Engagement efforts should include a conversation about expectations regarding placement, as well as exploring any challenges the NMD may perceive. Unrealistic expectations can create challenges in maintaining placements; the use of a Child and Family Team (CFT) may be helpful in supporting the youth with maintaining stable housing. See the Requirements and Guidelines for Creating and Providing a Child and Family Team All County Letter (ACL) No. 16-84 and The Child and Family Team (CFT) Process Frequently Asked Questions and Answers All County Letter (ACL) No. 18-23 for additional information regarding requirements and procedures for CFTs. Whenever possible, the placing agency should work towards preserving and strengthening the placement of the NMD. If efforts to preserve the placement fail and the youth loses or leaves placement, the county placement agency remains responsible for offering a safe and appropriate placement for the NMD while the youth remains under juvenile court jurisdiction or is party to a reentry agreement.

The California Department of Social Services is currently developing an All County Information Notice (ACIN) regarding best practices for NMDs in EFC, which addresses placement.

If you have any questions regarding this ACL, please contact the Transition Age Youth (TAY) Policy unit at TAYpolicy@dss.ca.gov or (916) 651-7465.
Sincerely,

**Original Document Signed By:**

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division