

April 29, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER (ACL) NO. 21-51

The purpose of this All County Letter is to provide county child welfare agencies, Title IV-E Agreement Tribes, and probation departments with guidance regarding the Extended Foster Care program related to the federal Supporting Foster Youth Through the Pandemic Act.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

April 29, 2021

ALL COUNTY LETTER (ACL) NO. 21-51

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL COUNTY TRANSITIONAL HOUSING COORDINATORS
ALL FOSTER CARE MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL FOSTER CARE ELIGIBILITY SUPERVISORS
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES
ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES
ALL LICENSED CHILDREN'S RESIDENTIAL PROVIDERS
HOMES CERTIFIED OR APPROVED BY A LICENSED FOSTER
FAMILY AGENCY

SUBJECT: TEMPORARY REQUIREMENTS FOR TITLE IV-E AGENCIES TO
PROVIDE YOUNG ADULTS IN EXTENDED FOSTER CARE
CONTINUED ASSISTANCE AND THE SUSPENSION OF THE
AGE, EDUCATION, AND EMPLOYMENT REQUIREMENTS FOR
THE EXTENDED FOSTER CARE PROGRAM AS A RESULT OF
THE SUPPORTING FOSTER YOUTH AND FAMILIES THROUGH
THE PANDEMIC ACT

REFERENCE: [SUPPORTING FOSTER YOUTH AND FAMILIES THROUGH THE
PANDEMIC ACT, DIVISION X OF THE CONSOLIDATED
APPROPRIATIONS ACT, 2021 PUBLIC LAW \(P.L.\) 116-260, AB
89 \(CHAPTER 7, STATUTES OF 2020\); SENATE BILL \(SB\) 115
\(CHAPTER 40, STATUTES OF 2020\) ENACTED DECEMBER 27,
2020, ALL COUNTY LETTER \(ACL\) 20-117, ACL 20-117E](#)

The purpose of this letter is to provide guidance to county child welfare agencies, Title IV-E Agreement Tribes, and probation departments (collectively Title IV-E Agencies) regarding temporary requirements for young adults over 21 years of age to remain in or

re-enter the Extended Foster Care (EFC) Program. This letter also provides guidance regarding the suspension of education and employment requirements for foster care maintenance payments for nonminor dependents (NMDs) and young adults over 21 years of age eligible to remain in EFC as a result of the federal [Supporting Foster Youth and Families Through the Pandemic Act](#) ("Federal Pandemic Act" or PL 116-260). Based on federal law effective December 27, 2020, young adults may not be discharged or exited from EFC based on age or failure to meet participation criteria. Young adults who were discharged or exited for such reasons on or after January 27, 2020 now have the right to reenter EFC, and they should receive notice of their eligibility to do so.

OVERVIEW

The Federal Pandemic Act includes several provisions aimed at supporting Transition Aged Youth during the pandemic, including prohibiting states from terminating support to young adults in foster care due to age; requiring 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 re-enter; waives the participation conditions; and authorizes federal funding for these young adults remaining in care or returning to care. The Federal Pandemic Act does not include an upper age limit for eligibility to receive funding and services through September 30, 2021, therefore young adults 22 years of age can continue in EFC.

The federal requirements are being coordinated with the existing rules in the California State Budget of 2020, that includes Assembly Bill 89 and Senate Bill 115, which authorized 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 June 30, 2021 as described in [ACL 20-117E](#). Pursuant to the Federal Pandemic Act, these young adults remain eligible for re-entry to EFC through September 30, 2021.

In summary, as a result of the passage of the Federal Pandemic Act, there are now two cohorts of young adults that are eligible for support after the age of 21 in California:

- January Cohort: The federal program for young adults who were in EFC upon turning 21 between January 27, 2020 and April 16, 2020 (program requirements detailed below).
- April Cohort: The 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](#) continue to be available through June 30, 2021. As of July 1, 2021, the April cohort will continue to be eligible to receive support and services pursuant to the re-entry requirements in this letter.

PROGRAM REQUIREMENTS FOR THE FEDERAL PROGRAM/JANUARY COHORT

RE-ENTRY

If a Title IV-E Agency discontinued assistance payments for a young adult in EFC as a result of the young adult turning 21 years of age between January 27, 2020 and April 16, 2020, or because the young adult was no longer meeting a participation criteria, the Title IV-E Agency must make diligent efforts to contact the young adult immediately, and in no case later than 10 days from the release of this letter. When contact is made, even if such contact is ultimately made more than 10 days from this letter, the Title IV-E Agency must ensure the young adult is aware of their ability to voluntarily return to a Title IV-E Agency-supervised program and provide assistance to young adult through the re-entry process. The Title IV-E Agency shall make assistance payments effective the date the young adult signs (including option of electronic signature) the agreement to re-enter the EFC Program. There is no retroactive funding for the January cohort.

Through June 30, 2021, the state program's April cohort retains the right to continued assistance and to receive retroactive funding using the process outlined in ACL 20-117E. After June 30, 2021, the April cohort retains the right to continued assistance pursuant to the requirements in this ACL, although there should be no gap in financial support.

OUTREACH, NOTIFICATION, AND PUBLIC AWARENESS

In order to address the agency outreach required by federal law, Title IV-E Agencies must make diligent efforts to locate eligible young adults, including providing notification to the young adult through their most recently available contact information and engaging in a public awareness campaign.

The California Department of Social Services (CDSS) will provide Title IV-E Agencies a secure list of the young adults who appear to be eligible for re-entry as part of the January cohort, including their last known contact information. If the last known contact information is no longer in service or incorrect, diligent efforts shall be made by the Title IV-E Agencies to locate the young adult; this should include individual notification by mail as well as through telephone and email if that information is available. Title IV-E Agencies will need to ensure all young adults who wish to re-enter are assessed for eligibility.

Title IV-E agencies must also conduct a public awareness campaign about the option to re-enter care for young adults who aged out of foster care on or after January 27, 2020. Some of the suggested partners that Title IV-E Agencies may work with to initiate a public awareness campaign include community-based agencies, youth engagement

entities, housing programs, post-secondary institutions, and other advocacy organizations. Examples of community-based agencies include Youth Empowerment Strategies for Success (YESS) Independent Living Program, the Foundation for Community Colleges, Job Corps, California Youth Connection (CYC) and Youth Engagement Project (YEP) chapters. These partners can aid in communication by reaching young adults in spaces they frequent within the community. Title IV-E Agencies should also work with and provide information to area shelters serving these young adults who are experiencing homelessness, to the local Continuum of Care Program for homeless services, and the Coordinated Entry System for these young adults experiencing homelessness.

PLACEMENT, CARE, AND FEDERAL FINANCIAL PARTICIPATION REQUIREMENTS

Young adults in the January cohort must be under the placement and care of the Title IV-E Agency, as established by the re-entry agreement, and must agree to live in a licensed or approved setting. In addition, the Title IV-E Agency must assess the young adult's income for Title IV-E eligibility if they re-enter (however, if a young adult has income or resources that make them ineligible for federal financial participation, they are still eligible to re-enter and receive support and assistance).

REQUIRED VOLUNTARY AGREEMENTS AND THE ABSENCE OF COURT INVOLVEMENT

Although young adults in the January cohort are entitled to voluntarily re-enter EFC as described above, there is no court involvement for these young adults. In lieu of court involvement, these young adults must have a voluntary agreement in place. Title IV-E Agencies must use the voluntary agreement attached to this ACL in order to satisfy the requirements set forth to be part of the Federal program.

Through June 30, 2021, the state program's April cohort retains the right to use the process outlined in ACL 20-117E but should also be offered voluntary re-entry to EFC prior to June 30, 2021 through the process described in this letter. After June 30, 2021 re-entry for **both** cohorts will be through the process described in this letter.

HOUSING

For young adults in the January cohort to receive assistance, they must agree to a placement in a licensed or approved setting. Housing options include all forms of supervised placement available to NMDs in foster care, at the applicable rate, including family foster care and kinship care, Transitional Housing Placement for Nonminor Dependents (THP-NMD), and Supervised Independent Living Placements. If the young adult is not currently living in an approved setting, Title IV-E Agencies must begin the

approval process immediately. Title IV-E Agencies may continue to use the virtual review of the housing flexibility to approve the young adult's living situation. Title IV-E Agencies must provide a placement for any eligible young adult requiring one, which includes temporary and emergency placements as needed. See [ACL 19-105](#) regarding the requirements for placement of nonminors.

DOCUMENTATION AND FUNDING / CLAIMING

Title IV-E Agencies are to continue using the claiming instructions laid out in [CFL No. 20/21-61](#), dated January 5, 2021 for young adults who turned 21 years or older on or after July 1, 2020 and onwards. Updated claiming instructions for how to incorporate the assistance payments for the new cohort of young adults who turned 21 between January 27, 2020 and April 16, 2020, and those young adults who turn 21 after June 30, 2021 through September 30, 2021, will be released in a forthcoming claiming CFL.

CASEWORKER MONTHLY CONTACT AND CASE MANAGEMENT SUPPORT

Title IV-E Agencies are required to have monthly contact, which can be done through video conferencing, with the young adults who elect to re-enter EFC. Case managers must work with these young adults to help them develop a transition plan, which should include identifying natural supports along with community-based systems that the young adult may access once there is no child welfare involvement. All case management contact, support provided, or attempts made shall be documented in CWS/CMS.

Title IV-E Agencies are encouraged to work with both the January and April cohorts to help them identify key services and supports needed and help meet unmet mental, physical or educational needs. This includes offering referral to relevant supportive services such as the California Work Opportunity and Responsibility to Kids (CalWORKs), CalFresh, Supplemental Security Income (SSI), employment support, transitional housing and permanent supportive housing, expectant and parenting young adult resources, childcare, postsecondary education support resources including financial aid, traditional and pandemic unemployment insurance, and free tax preparation services.

RIGHT TO NOTICE AND STATE FAIR HEARING

Any Title IV-E Agency decision to grant, deny, change, or terminate payments to a young adult authorized pursuant to this letter must be communicated by providing adequate written notice to the provider and/or young adult. The notice shall meet the requirements of Chapter 22 of the CDSS Manual of Policies and Procedures and inform the individual of the right to a state fair hearing if they disagree with the county's action.

All County Letter No. 21-51
Page Six

There is no right to a state hearing when the law requires automatic grant adjustments for classes of recipients.

If you have any questions or need additional guidance regarding the information in this letter, contact the Transition Aged Youth Policy Unit within the Children and Family Services Division of CDSS at (916) 651-7465 or TAYPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ, Deputy Director
Children and Family Services Division

Attachment

ATTACHMENT A

CONTINUED ASSISTANCE FOR ELIGIBLE YOUNG ADULTS

This form is to document eligibility for continued assistance for young adults turning 21 years of age on or after January 27, 2020, while in extended foster care. The signature of the young adult is required to acknowledge that the young adult agrees to voluntarily re-enter foster care, the signature can be via electronic means.

_____ **was a nonminor dependent in extended foster care until turning 21 on or after January 27, 2020 and agrees to the following:**

- ☐ Receive or continue to receive support and engage in monthly visits with the county social services or probation case manager until September 30, 2021.
- ☐ Receive or continue to receive assistance payments until September 30, 2021.
- ☐ Reside in housing approved by their case worker until September 30, 2021.

YOUNG ADULT'S UNDERSTANDINGS:

- Monthly contact with my county case worker is helpful and contact may include face-to-face visits, telephone calls, videoconference, or email.
- It is important for my county case worker to have accurate contact information for me, such as a phone number, address, or email, to provide the assistance payment and any case management support I request.
- I may request assistance from my case worker to help find solutions to safe housing problems.

CASE WORKER RESPONSIBILITIES:

- Assist the young adult by working with the young adult on the TILP and responding to problems reported and help find and refer to services and supports for education, employment, health insurance, aid and housing needs.
- Document approval of the young adults housing.
- Maintain monthly contact whenever possible, including but not limited to: face-to-face visits, telephone calls, videoconferencing, or email. Attempt a visit in the young adult's home at least once every six months.
- Assist and help manage difficulties young adults may be experiencing in obtaining stable housing, which may include, but not be limited to, referring the young adult to Housing Navigators or other housing specialist.

PRINT YOUNG ADULT'S NAME	CASEWORKER'S NAME	SUPERVISOR'S NAME
YOUNG ADULT'S SIGNATURE	CASEWORKER'S SIGNATURE	SUPERVISOR'S PHONE NUMBER
YOUNG ADULT'S PHONE NUMBER	CASEWORKER'S PHONE NUMBER	TRIBAL AUTHORITY NAME
DATE	DATE	TRIBAL AUTHORITY PHONE NUMBER