

AUGUST 16, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-95

The purpose of this All County Letter (ACL) is to inform counties of the expansion of Supervised Independent Living (SIL) settings, which now include “transitional living settings.” Additionally, this ACL issues guidance on how county placement agencies shall conduct an evaluation of the county’s placement resources and programs in relation to the needs of youth and nonminor dependents placed in out-of-home care on a regular basis, and best practices for payment to a transitional housing provider during temporary absences.



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DEPARTMENT OF SOCIAL SERVICES
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GOVERNOR

August 16, 2021

ALL COUNTY LETTER NO. 21-95

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CHILD WELFARE PROGRAM MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL ADMINISTRATIVE LAW JUDGES
ALL COUNTY ELIGIBILITY PROGRAM MANAGERS

SUBJECT: UPDATES TO SUPERVISED INDEPENDENT LIVING (SIL)
SETTINGS, PLACEMENT OPTION EVALUATIONS, AND
TRANSITIONAL HOUSING PROVIDER PAYMENTS

REFERENCE: [ASSEMBLY BILL 1979](#) (CHAPTER 141, STATUTES 2020);
[ASSEMBLY BILL 12](#) (CHAPTER 559, STATUTES OF 2010); HEALTH
AND SAFETY CODE (HSC) SECTION 1505, WELFARE AND
INSTITUTIONS CODE (WIC) SECTIONS 11400, 11402.2, AND
16522.1; ALL COUNTY LETTERS (ACL) [11-69](#), [11-77](#), AND [12-12](#);
[ALL COUNTY INFORMATION NOTICE \(ACIN\) I-42-17](#)

The purpose of this All-County Letter (ACL) is to inform counties of new requirements specific to housing options for nonminor dependents (NMDs) in the extended foster care program as a result of the adoption of Assembly Bill (AB) 1979. Specifically, this ACL (1) provides information on the expansion of what constitutes a Supervised Independent Living (SIL) setting, (2) informs counties of the new flexibilities for approval of a Supervised Independent Living Placement (SILP), (3) provides guidance on how county placement agencies shall conduct an evaluation of the county's placement resources and programs in relation to the needs of youth and NMDs placed in out-of-home care on a regular basis and (4) provides additional guidance on best practices about payment for temporary absences while in a transitional housing placement (THP) program. The updates in this ACL expand on the defined SIL placement options issued in [ACL 11-77](#).

SUPERVISED INDEPENDENT LIVING (SIL) SETTINGS

In 2011, the SIL setting was created as a flexible placement type for NMD participating in Extended Foster Care (EFC). The passing of AB 1979 now allows for a "transitional living setting" under the definition of SIL pursuant [section 472\(c\)](#) of the federal Social Security Act

([42 U.S.C. Sec. 672\(c\)](#)). Federal guidance allows for maximum flexibility for SIL settings, while ensuring the placement is safe for NMDs.

Accordingly, there are now three types of SIL settings defined in California law, consistent with, including the following:

- A SILP, as specified in a nonminor dependent's transitional independent living case plan, as described in WIC Section 11400, subdivision (w);
- A residential housing unit certified by the transitional housing placement (THP) provider operating a THP program for nonminor dependents, as described in [WIC Section 16522.1, subdivision \(a\)\(2\)](#);
- A transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements, as described in [WIC 11400, subdivision \(x\)\(3\)](#).

A SIL setting is not to include: detention facilities, forestry camps, or any other facility operated primarily for the detention of children who are determined to be delinquent.

TRANSITIONAL LIVING SETTING

A "SIL" now includes a "transitional living setting" which may include such independent living settings as hotels, motels, designated rooms or other alternative housing options that provide short-term housing during NMD entry or re-entry or transitioning between placements. Transitional living settings are not subject to the individual approval requirements like those of a SILP, they are intended to be short-term transitional settings. Furthermore, a transitional living setting approved by the county is not subject to licensing requirements that other housing providers such as transitional housing placement programs are, pursuant to [HSC section 1505, subdivision \(l\)\(4\)](#). Counties have significant discretion in determining what constitutes a transitional living setting to meet the needs of the NMD. However, as defined in WIC section 11400, subdivision (x)(3), the short-term transitional living settings cannot include a youth homelessness prevention center or an adult homeless shelter and those type of shelter placements are not eligible for Aid to Families with Dependent Children – Foster Care (AFDC-FC) funding pursuant to WIC [section 11402, subdivision \(e\)](#).

ANNUAL SILP INSPECTION UPDATE

Approving a SILP is a two-part process consisting of assessing the NMD's readiness for a SILP and approving the physical unit. The initial approval of a SILP utilizes three forms – the SILP Approval and Placement Agreement Form [SOC 157A](#), the SILP Inspection Checklist [SOC 157B](#), and the Standardized SILP Readiness Assessment Tool [SOC 157C](#) (optional). Per ACL 11-77, previous policy indicated a reassessment of a SILP unit must be conducted annually to ensure no significant damage has occurred to the residence that

compromises the safety of the unit. This mandate has been updated per AB 1979. A SILP no longer needs to be assessed annually if the NMD remains continuously in the unit while still demonstrating the ability to live independently as assessed via the SOC 157A agreement form and, if the caseworker is not aware of any updated safety concerns. The role of the caseworker is to identify any issues in the home which pose immediate safety threats and/or could potentially lead to impacts on the safety and well-being of the NMD, if the issue is not addressed.

Additionally, a county may elect to certify that a SILP continues to meet health and safety standards once every 12 months pursuant [WIC section 11402.2, subdivision \(c\)](#), if the caseworker has no information to suggest the presence of any updated safety concerns. This enables counties to utilize a SILP unit that has been approved within the prior 12 months, and that is being vacated by the current tenant or, to permit the addition of a roommate, as a placement for another NMD without further approval of that SILP unit.

As described in WIC section 11402.2, subdivision (b), the SILP unit inspection can be made through methods other than an in-person visit, including, but not limited to, videoconferencing and telephone calls that include pictures of the living space. The allowance for a SILP to be temporarily approved pending the submission of required forms by the NMD, based on the NMD's agreement that the forms will be submitted, expired as of June 30, 2021. Required SILP forms may still be completed by the NMD with electronic signatures.

The three SILP forms utilized in the reassessment process (SOC 157A, SOC 157B, and SOC 157C – optional) were updated in [ACIN I-42-17](#) and remain applicable to the NMD population. None of these forms are required annually for NMDs who remain in the same placement (same location, address, and unit) for over 12 months. This includes those who reside in college dorms, room rentals, an apartment setting, single residency occupancy, on or near a tribal reservation. However, the abovementioned forms are still required to be completed when an NMD moves to a **new** SILP location regardless of the length of time the NMD resided in the previous placement. For further information on what can be considered a SILP that has not been defined in this or prior letters, please visit [Extended Foster Care Frequently Asked Questions](#).

COUNTY PLACEMENT AGENCY EVALUATION OF PLACEMENT NEEDS

County placement agencies shall, on a regular basis, conduct an evaluation of the county's placement resources and programs in relation to the needs of youth and NMDs placed in out-of-home care. County placement agencies shall examine the adequacy of existing placement resources and programs and identify the type of additional placement resources and programs needed. The county placement agency shall specifically examine both of the following:

- Placements that are out-of-county and shall determine the reason the placement was necessary and identify the additional placement resources and programs which need to be developed and available to allow a child to remain within the county and as close as possible to their home
- The county's ability to meet the emergency housing needs of NMDs in order to ensure that all NMDs have access to immediate housing upon reentering foster care or for periods of transition between placements

The reason for each out-of-county and out-of-state placement must be included in the Child Welfare Services Case Management System (CWS/CMS). The CDSS will utilize that data to evaluate out-of-county and out-of-state placements and to assist in the identification of resource and placement needs. Additionally, the CDSS shall support and provide technical assistance with the development and operation of a consortia of county placement agencies on a regional basis for the purpose of developing specialized programs serving a multicounty area.

CONTINUED PAYMENT FOR TEMPORARY ABSENCES IN A TRANSITIONAL HOUSING PLACEMENT (THP)

This guidance encourages counties to continue to approve payment during temporary absences from a THP program as a best practice, consistent with federal law, to prevent NMD housing instability. As described in WIC section 16522.1, subdivision (d), a county may continue to approve payment to a THP provider for a period of up to 14 days in a calendar month in which the NMD is absent from the placement, if the NMD provides notice to the THP provider that they intend to return to that placement within 14 days, or if the THP provider has reason to believe the NMD will be returning within 14 days. If the county continues to pay the board and care costs for up to 14 days during the nonminor dependent's absence, the THP provider shall not provide a removal notice or fill an NMD's place in the program. Counties are encouraged to discuss the NMD's placement responsibilities, ensure that the NMD understands the policy, and will cooperate by clearly communicating their plans with their caseworker.

If you have questions or concerns regarding this ACL, you may contact the Transition Age Youth Policy Unit, at TAYPolicy@dss.ca.gov or (916) 651-7465.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ, Deputy Director
Children and Family Services Division