



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

June 6, 2016

ALL COUNTY INFORMATION NOTICE NO. I-76-15E

REASON FOR THIS TRANSMITTAL

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

ERRATA

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY CHIEF PROBATION OFFICERS
 ALL FOSTER CARE MANAGERS
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL TITLE IV-E AGREEMENT TRIBES
 ALL ADMINISTRATIVE LAW JUDGES
 ALL COUNTY ELIGIBILITY SUPERVISORS
 ALL CONSORTIA PROJECT MANAGERS
 ALL CHILD WELFARE SERVICES NEW SYSTEM

SUBJECT: EXTENDED FOSTER CARE (EFC) UPDATE

REFERENCE: [ASSEMBLY BILL \(AB\) 2454 \(CHAPTER 769, STATUTES OF 2014\)](#),
[AB 787 \(CHAPTER 487, STATUTES OF 2013\)](#), [AB 1712 \(CHAPTER 846, STATUTES OF 2012\)](#), [AB 212 \(CHAPTER 459, STATUTES OF 2010\)](#), [AB 12 \(CHAPTER 559, STATUTES OF 2010\)](#);
[PUBLIC LAW 110-351](#); [WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTIONS 388, 388.1, 11386, AND 16120](#); [ALL COUNTY LETTERS \(ACL\) 11-61, 11-69, 11-77, 11-85, 12-05, 12-12, 12-48](#); AND
 ALL COUNTY INFORMATION NOTICE [ACIN 1-76-15](#)

The purpose of this errata to ACIN I-76-15 is to provide further clarification on the population eligible to return to foster care, including those who would have been eligible for extended Adoption Assistance Payments (AAP) and Kin-GAP benefits, but for the parent or guardian’s death or failure to support the youth.

While AB 2454 expanded the population eligible for re-entry into extended foster care, it did not change or have any effect on the existing eligibility requirements for extended

benefits under AAP and Kin-GAP, or for continued benefits up to age 19 for youth receiving Kin-GAP payments under the existing high school completion rule.

To be eligible for extended AAP and Kin-GAP benefits beyond the age of 18 youth must, in part, meet one of the following requirements:

- For federal Kin-GAP or state Kin-GAP, the youth must have attained 16 years of age before the Kin-GAP negotiated agreement payments commenced; or
- For AAP benefits, the youth must have attained 16 years of age before the AAP payments commenced; or
- For both AAP and Kin-GAP benefits, youth who had a documented mental or physical disability that warrants the continuation of assistance are eligible regardless of the age when the initial Adoption Assistance Agreement was signed or the kin guardianship was ordered.

For detailed information regarding eligibility for AAP and Kin-GAP benefits beyond age 18, please refer to ACL 11-86.

Further, AB 2454 had no effect on a youth's eligibility for the continued receipt of Non-Related Legal Guardianship (NRLG) benefits, up to age 21. For detailed information regarding these eligibility criteria for extended NRLG benefits, please refer to ACL 12-48.

Effective January 1, 2014, the non-minor seeking re-entry under W&IC section 388.1 must be either:

- A non-minor former dependent, as defined in W&IC section 11400(aa), whose legal guardian(s) received aid after the youth attained 18 years of age under the state or federal Kin-GAP Program or as a Non-Related Legal Guardian (NRLG) whose guardianship was established in **dependency or delinquency** court, and whose guardian(s) have died after the non-minor attained 18 years of age, but prior to attaining 21 years of age **and would have been otherwise eligible to continue to receive extended Kin-GAP or NRLG benefits up to age 21, but for the guardian's death;** or
- A non-minor whose adoptive parent(s) received AAP after the youth attained 18 years of age and his or her adoptive parent(s) died after the non-minor attained 18 years of age, but prior to attaining 21 years of age **and the non-minor would have otherwise been eligible to continue to receive extended AAP benefits per the adoptive parents request and agreement to remain legally and financially responsible for the support of the AAP eligible non-minor beyond age 18 to age 21.**

Beginning January 1, 2015, in addition to the conditions set forth above, a non-minor may seek re-entry under W&IC section 388.1 if either condition applies:

- A non-minor former dependent, as defined in W&IC section 11400(aa), whose legal guardian(s) received aid after the youth attained 18-years-of-age under the state or federal Kin-GAP Program, or as a NRLG whose guardianship was established in **dependency or delinquency** court and whose former guardian or guardians no longer provide ongoing support to, and no longer receive aid on behalf of, the non-minor after the non-minor attained 18 years of age, but prior to attaining 21 years of age, **and would have been otherwise eligible to continue to receive extended Kin-GAP or NRLG benefits up to age 21, but for the guardian(s) failure to support the youth;** or
- A non-minor whose adoptive parents received AAP after attaining 18 years of age and his or her adoptive parent or parents no longer provide ongoing support to and no longer receive aid on behalf of, the non-minor after the non-minor has attained 18 years of age but prior to attaining 21 years of age, **and the non-minor would have otherwise been eligible to continue to receive extended AAP benefits per the adoptive parents request and agreement to remain legally and financially responsible for the support of the AAP eligible non-minor beyond age 18 to age 21.**

If you have any questions regarding this notice, please contact the Transition Age Youth Policy (TAY) unit at TAYPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By:

LORI FULLER, Acting Branch Chief
Child and Youth Permanency Branch
Children and Family Services Division

c: County Welfare Directors Association
Chief Probation Officers of California
Judicial Council of California