



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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EDMUND G. BROWN JR.  
GOVERNOR

January 19, 2011

ALL COUNTY LETTER NO. 11-09

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL INDEPENDENT LIVING PROGRAM MANAGERS  
ALL INDEPENDENT LIVING PROGRAM COORDINATORS  
ALL FOSTER CARE MANAGERS

SUBJECT: SENATE BILL (SB) 654 INDEPENDENT LIVING PROGRAM (ILP) FOR  
NON-RELATED GUARDIANSHIPS

REFERENCE: PUBLIC LAW (PL) 106-169, PL 99-272, PL 107-13; WELFARE AND  
INSTITUTIONS CODE (WI&C) SECTION 11403; MANUAL OF POLICIES  
AND PROCEDURES (MPP) SECTION 31-525; COUNTY FISCAL LETTER  
(CFL) 10/11-33.

PURPOSE AND SCOPE

This All County Letter (ACL) is to notify counties of the passage of state legislation, SB 654 (Chapter 555, Statutes of 2010), which adds section 10609.45 to the W&IC and to explain and clarify the new ILP eligibility requirements for former dependents that have been placed with non-related legal guardians, who meet the new eligibility criteria. The law is effective January 1, 2011. This is also explained in CFL 10/11-33.

THE SB 654 LEGISLATIVE CHANGES

The recent passage of SB 654 has changed the state ILP eligibility requirements for youth in non-related legal guardianships. The SB 654 allows former dependent children that entered into a non-related legal guardianship on or after the age of eight, who are receiving permanent placement services, to be eligible for ILP services. The law also includes youth in counties operating under the Title IV-E Waiver Capped Allocation Demonstration Project who are placed with a non-related legal guardian, even if they are not receiving permanent placement services. This creates eligibility for a new category of youth who were previously not eligible for federal or state funded ILP services.

REASON FOR THIS TRANSMITTAL

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

It is noted, that the change in state eligibility requirements for ILP does not apply to eligibility for the Education and Training Voucher (ETV) Program. The ILP and the ETV programs have separate eligibility requirements.

### PROGRAM INFORMATION

The ILP offers training services and programs to assist current and former foster youth to achieve self-sufficiency prior to and after leaving the foster care system. Support services are provided through county welfare departments. These programs assist foster youth in such areas as daily living skills, vocational training, housing and educational and job assistance.

The Federal John H. Chafee Foster Care Independence Act of 1999 identified one of the purposes of the federal ILP program which is to prepare youth “likely to remain in foster care until age 18,” for the transition from foster care to independent living. In addition, this program expanded the provision of federal services to “former foster youth” up to age 21. The Administration for Children and Families (ACF) allows states flexibility in defining both, (1) youth “likely to remain in foster care up to age 18” who are eligible to start receiving federally funded ILP services at age 16 and (2) “former foster youth” who are eligible to receive federally funded ILP services between the ages of 18 and 21<sup>1</sup>. Eligibility for federally funded ILP must fall into one of these categories.

California’s ILP program is funded with a combination of state and federal funds. Federal ILP funds may be used to provide ILP services to youth who meet federal eligibility criteria, as set forth in the state’s federally-approved IV-B plan. California has identified youth who are in foster care placement on or after their 16<sup>th</sup> birthday, as those “likely to remain in foster care until age 18,” thus making these youth eligible for federal ILP funding starting at age 16. Based on this, youth placed with non-related legal guardians are currently eligible for federally funded ILP services, if their dependency was dismissed on or after the youth’s 16<sup>th</sup> birthday. The SB 654 does not change this eligibility.

### STATE VERSUS FEDERAL FUNDING FOR ILP SERVICES

The SB 654 allows youth who entered into a non-related legal guardianship ordered between the ages of 8-15, who are receiving permanent placement services, to also receive ILP services. The California Department of Social Services (CDSS) has confirmed with ACF that services to these youth must be provided with state only funding at age 16 and 17, as they do not meet the federal eligibility as youth “likely to remain in foster care up to age 18.” However, these youth are eligible for federally funded ILP services at ages 18-21 as “former foster youth.”

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<sup>1</sup> PL 106-169, section 677, (a)(1), (a)(2), (a)(3), a(4), (a)(5), (b)(2)(E).

Therefore, beginning January 1, 2011, youth residing with a non-related legal guardian, whose guardianship was established between the ages of 8 and 15 and are receiving permanent placement services, must be served with state only ILP funding at age 16 and 17 and served with federal funding between age 18 and 21, as follows:

Youth for whom legal guardianship was established between the ages of 8 to 15:

1. The ILP services provided at ages 16-17 must be claimed with state only funds;
2. The ILP services can be provided with federal funds after the child reaches 18 up to age 21 because the child is eligible as a "former foster child" under the federal statute;
3. The ETV cannot be provided for these children because the federal statute restricts ETV to just those children who left foster care at or after age 16.<sup>2</sup> and
4. The SB 654 does not appropriate State General Funds (SGF) to cover the additional youth that would participate in ILP services from ages 16 up to 21.

The federal and state allocations for ILP will not increase despite this new legislation. The SB 654 does not appropriate SGF to cover the additional youth eligible for ILP services from ages 16 up to 21.

As these youth are not federally eligible for ILP services at ages 16 and 17, CDSS' Fiscal Policy Bureau has established new claiming codes for counties to utilize to claim state only funds for this population and for youth that entered into the Kinship Guardianship Assistance Program prior to age 16, as the same federal eligibility standards apply. The claiming instructions will be available in a forthcoming CFL.

Regulation changes regarding ILP eligibility will be forthcoming. However, it is imperative that counties implement the necessary changes to the ILP programs to include this new category of youth.

If you have any questions regarding this ACL, you may email [ILPPolicy@dss.ca.gov](mailto:ILPPolicy@dss.ca.gov), or call the Independent Living Program Policy Unit in the Foster Care Support Services Bureau at (916) 651-7465. Questions can also be emailed to,

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Division

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<sup>2</sup> Public Law 107-13; 42 U.S.C. 677(i)