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REASON FOR THIS TRANSMITTAL

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

October 13, 2011

ALL COUNTY LETTER NO. 11-69

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

SUBJECT: EXTENSION OF FOSTER CARE BEYOND AGE 18: PART ONE

REFERENCE: ASSEMBLY BILL (AB) 12; PUBLIC LAW (PL) 110-351; WELFARE AND INSTITUTIONS CODE (W&IC); MANUAL OF POLICIES AND PROCEDURES (MPP); ALL COUNTY LETTER (ACL) 11-15, 08-31, AND 08-24; ALL COUNTY INFORMATION NOTICE (ACIN) I-40-11.

The purpose of this ACL is to provide counties with instructions regarding the policies and procedures for the Extended Foster Care (EFC) Program created by AB 12. Please refer to ACIN I-40-11 for more detail on the provisions of AB 12. This program allows foster youth, over age 18, to continue to remain in foster care, receive foster care benefits (Aid to Families with Dependent Children-Foster Care [AFDC-FC] payments) and services. The young adults who remain under the jurisdiction of the court, in EFC after age 18 are referred to as Non-Minor Dependents (NMDs). The extension of benefits for Adoption Assistance Payments (AAP) and Kinship Guardianship Assistance Payment (Kin-GAP) is available. See ACL 11- 15 for information on Kin-GAP. An additional ACL regarding extended Kin-GAP and AAP is forthcoming.

Due to the complex nature of the bill and ongoing implementation discussion, instructions will be divided into multiple ACLs. A table of contents is included to assist in finding specific information within this ACL.

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Other county letters will provide clarification and instructions for:

- Eligibility
- Placement and the Supervised Independent Living Placement (SILP)
- Transitional Housing Program-Plus-Foster Care (THP-Plus-FC)
- Licensing and relative approval standards
- Probation youth remaining in EFC
- Re-entry to EFC
- Data entry in the Child Welfare System/Case Management Services (CWS/CMS)
- Revisions to the SOC 405E Exit Outcomes Report
- Extension of benefits for AAP and Kin-GAP
- Extension of benefits for California Work Opportunities and Responsibility to Kids (CalWORKs) for dependents in approved relative placements
- Fiscal processes (claiming, aid codes, time study codes, etc.)

### **EFC PROGRAM OVERVIEW**

The EFC Program allows foster youth to remain in foster care and continue to receive foster care payment benefits (AFDC-FC payments) and services beyond age 18, as long as the foster youth is meeting participation requirements, living in an approved or licensed facility, and meeting other eligibility requirements as set forth in this ACL.

This ACL is intended to provide a general description of the EFC Program and provide an overview of processes. Subsequent ACLs will address processes, such as placement and re-entry process more detail.

The state and federal AFDC-FC program are identical, except where otherwise noted.

All references in this ACL to NMDs include those who are supervised by child welfare, in juvenile court ordered Non-Related Legal Guardianships (NRLGs), under a Tribal Title IV-E agreement, or supervised by probation and were in foster care or subject to an order of foster care placement on their 18<sup>th</sup> birthday. An additional ACL will be forthcoming that will focus on eligible probation youth. All references to case managers include both social workers and probation officers.

### **Program Effective Dates**

Foster youth who reach age 18 and meet the participation criteria, as outlined below, may remain in extended foster care and continue to receive benefits and services, as follows:

- Beginning January 1, 2012, up to age 19
- Beginning January 1, 2013, up to age 20 and
- Beginning January 1, 2014, up to age 21, contingent upon appropriation by the legislature.

**Eligible** non-minors include those who:

- Turn 18 in 2011 and are in foster care dependency under the jurisdiction of the juvenile court on January 1, 2012
- Turn 18 in 2012 and thereafter
- Are on probation and under an order for foster care placement at age 18 during the time frames specified above;
- Are eligible for either federal or state AFDC-FC
- Meet any of the above circumstances and are
  - In foster care and pregnant and/or parenting
  - In foster care and residing out-of- county or
  - In foster care and residing out -of-state.
- Are in a NRLG established through juvenile court and sign a mutual agreement to remain in foster care.

**Ineligible** youth include those who:

- Turn age 18 in 2011 and have juvenile court dependency/delinquency terminated
- Turn age 19 in 2011
- Are married
- Are in the military
- Are incarcerated
- Are otherwise not eligible for AFDC-FC
- Are in a NRLG through the probate court.

Note: AB 212 will clarify that youth in an NRLG through probate court who are eligible for state-only AFDC-FC benefits may continue to receive the state-only benefits only up to age 19 if they continue to meet the high school completion rule.

Program Participation Criteria

Definitions of the criteria are attached (see Attachment A). Another ACL will be released in October 2011 that contains more information on eligibility. To remain in

EFC after attaining age 18, at least one of the following participation criteria must be met:

1. Completing high school or an equivalency program (under AB 12, NMDs do not have to complete high school by age 19 to be eligible)
2. Enrolled in post-secondary education or vocational school
3. Participating in a program or activity that promotes or removes barriers to employment
4. Employed at least 80 hours per month; or
5. Is incapable of participating in any activity as described in 1- 4 due to a documented medical condition.

Effective January 1, 2012, foster youth who are age 18 and under juvenile court jurisdiction are eligible for EFC up to age 19 regardless of funding source. For example, those NMDs eligible for federal AFDC-FC, state AFDC-FC or CalWORKs prior to age 18 remain eligible for those same programs after age 18 as long as all other eligibility conditions are met. Subsequent ACLs will be released regarding eligibility and CalWORKs.

For foster youth who were previously federal/state eligible, but became ineligible at age 18 and remained under the juvenile court jurisdiction, these foster youth may be able to “re-establish” eligibility for federal/state AFDC-FC, provided they meet the new criteria under AB 12, without requiring a new IV-E eligibility determination.

### Special Populations of NMDs

- ❖ Former foster youth in non-dependent NRLGs established in juvenile court are eligible for extended state-only AFDC-FC payment benefits if they meet eligibility requirements and at least one of the EFC participation criteria (listed above.) Non-minor NRLGs have an additional eligibility requirement of signing a mutual agreement for EFC, the State of California (SOC) 162 form. The SOC 162 is a condition for receipt of payment for this population (because there is no current court order for placement and care authority in these cases). Therefore, the mutual agreement serves as the authority for placement thus allowing AFDC-FC payments to be issued.

Although these non-minor former dependents are in a permanent home, case management responsibilities remain, as described in W&IC section 11405. A Transitional Independent Living Case Plan (see definition on page 10) and a Transitional Independent Living Plan (TILP) are still required. Case plan updates and visitation requirements for these young adults remain the same as when they were minors in a non-dependent NRLG home.

- ❖ For those NMDs whose dependency cases are governed by the Indian Child

Welfare Act (ICWA) who also meet the definition of Indian Child, per W&IC section 224.1(b), can decide whether or not they wish for the provisions of ICWA to continue to apply to them after turning age 18. This would include provisions such as tribal involvement in case planning or tribal notification of court hearings. If the NMD no longer wishes to have the provisions of ICWA applicable, he/she can elect to no longer be considered an Indian Child. This decision will be documented on a Juvenile (JV) court form after the hearing in which the termination of jurisdiction is being considered. The JV forms are being revised and will be available in January 2012.

- ❖ For eligible parenting NMDs who remain in EFC, the infant supplement for the nondependent child residing with the NMD is still available in all placements, including the SILP and THP+FC placements. Additionally, these NMDs still have the option to remain in, or be placed in, a whole family foster home which can include the THP+FC host family site. For more information refer to ACL 06-04, dated June 26, 2006 and ACL 08-24, dated June 9, 2008, regarding minor dependents and whole family foster homes. The information for minor parents in foster care applies to NMD parents in EFC, unless further instructions are released.
- ❖ Those NMDs receiving Supplemental Security Income (SSI) are eligible to participate in EFC even if they receive the SSI payment benefit instead of AFDC-FC or a combination of both. If the federally eligible NMD is receiving the AFDC-FC in lieu of the SSI payment (payment placed in suspense) because the AFDC-FC payment is higher, the child welfare or probation agency shall ensure that the NMD receive state only funded AFDC-FC at least one month in any 12 month period to ensure the NMD maintains SSI eligibility at the time the youth does exit care. The county shall inform the Social Security Administration that the NMD is not receiving any FFP during that month in order to permit the NMD to receive an SSI benefit during a single month of every 12 month period. The county shall reclaim the federal AFDC-FC the following month (W&IC section 13757 and ACL 08-12, dated March 19, 2008, Implementation of AB1331).

#### Remaining In Foster Care Beyond Age 18

In preparation for the six-month review hearing prior to attaining age 18, youth should be informed of the option to remain in EFC and the benefits of extended care. Case managers should also work with youth to identify the participation activities in the TILP so youth remain eligible if they choose to stay in care. Youth should also be informed of the right to re-enter and how to re-enter EFC per W&IC section 366.3(n). If foster youth express interest in participating in EFC, the Mutual Agreement for Extended Foster Care (Mutual Agreement) should be signed once the foster youth reach 18, and no longer than six months after turning age 18. The mutual agreement is required to document the youth's informed agreement to participate in EFC and that the youth

understands their reporting responsibilities and the assistance they can expect to receive. More information on the mutual agreement is explained below. The maximum age for NMDs to remain in EFC is up to age 19 in 2012, and up to age 20 in 2013. Extended foster care and payment benefits up to age 21, contingent upon appropriation by the legislature may be available on January 1, 2014.

## **POLICIES AND PROCEDURES FOR NMDs IN EFC**

### **Court Process for EFC**

For NMDs who choose to remain in EFC, court hearings or administrative reviews will remain on the same six-month review cycle. The court reports and case plans as described for NMDs in W&IC section 366.3(l)-(m) must be completed for the six-month court hearings or administrative reviews. To help ensure that NMDs can be involved in the court process, telephonic court appearances are available per W&IC section 388(e)(3). Rules of Court and JV forms are still under development by the Administrative Office of the Courts (AOC) to update processes to be inclusive of NMDs for all court hearings.

### **Mutual Agreement**

The NMDs who choose to participate in EFC must sign the Mutual Agreement (SOC 162) at or after attaining age 18, and no longer than six months of turning 18. The SOC 162 is a required condition for participation in EFC, but not a condition of payment. The NMDs must sign the mutual agreement to acknowledge that they are voluntarily agreeing to remain in foster care in supervised placements as court dependents. The purpose of the mutual agreement is to ensure that the NMD's status as a legal adult is recognized and to provide clear expectations to both the NMD and case manager as to what the responsibilities are for each party. The mutual agreement further specifies what services and assistance the NMDs receive from the agency. A copy of the SOC 162 must be sent to the Eligibility Worker (EW) and should also be provided to NMDs.

In situations where NMDs are ineligible for federal foster care but are receiving extended CalWORKs benefits, the case manager must provide a copy of the signed mutual agreement to the CalWORKs EW.

Although dependency is continued, NMDs still maintain their status as legal adults. By signing the SOC 162, the NMDs agree to be responsible for reporting changes to the case manager, be supervised by the agency while residing in approved or licensed eligible facilities and comply with program requirements and eligibility conditions.

The mutual agreement is valid throughout a continuous stay in EFC; however, NMDs can elect to exit EFC at any time, by requesting through their case manager or lawyer to have dependency terminated through the W&IC 391 court hearing process.

Note: The mutual agreement is an eligibility and benefit criterion for the non-minor residing with a non-dependent NRLG and must be signed by the youth prior to or in the month the youth attains age 18 in order for benefits to continue beyond age 18. The mutual agreement serves as the placement authority for these non-minors as there is no continuing court involvement in these cases. Refer to MPP 45-502(c) for information. All other eligibility forms currently required for NRLGs must continue to be completed along with the SOC 162.

A subsequent ACL will be released in October 2011 with additional information on eligibility and the mutual agreement.

***Practice Tip:*** *Some NMDs may be reluctant to remain under county supervision or in a particular placement, even though EFC may be in their best interest. The benefits of EFC should be explained to the NMDs and case managers may need to negotiate with NMDs to develop a plan that alleviates any concerns NMDs may have about remaining under court jurisdiction as an adult. If NMDs need help understanding the mutual agreement they can be referred to their attorneys.*

### Continuation of Placement Authority

In order for a non-minor to be eligible for extended foster care benefits, the non-minor must remain under the jurisdiction of the juvenile court as a dependent or ward and/or be under the placement and care responsibility of the county child welfare or probation department or sign the mutual agreement as a nondependent NRLG. Placement authority is evidenced by the court order of placement that is reviewed at each six month review hearing for the NMD. When a foster youth reaches 18 years old, the EW shall expect the court order to remain intact until a court order terminating jurisdiction is received.

For NRLGs the placement authority is the mutual agreement and benefits will terminate when the non-minor is no longer being supported by the guardian or no longer participating in his or her TILP. More information about termination of benefits will be in a subsequent ACL.



### Six-Month Certification of Extended Foster Care Participation

After completing the TILP with the NMD and reviewing the documentation of participation, as described in Attachment A, the case managers will complete the Six Month Certification of Extended Foster Care Participation form, the SOC 161 and forward it to the EW. The NMD's case plan describes the way in which the NMD meets at least one participation condition for EFC as outlined in W&IC section 11403(b). The SOC 161, signed by the case manager verifies the NMD's participation for continued eligibility. The SOC 161 is the form that provides the EW with the necessary information for continuation of payment. The certification form will be provided to the EW to continue eligibility for extended CalWORKs or AFDC-FC benefits. This form must be provided by the end of the first month of the next six-month certification period to avoid a discontinuance of benefits. In most cases the certification should be updated at the same time the TILP and case plan are updated for the case review hearing. Copies of the SOC 161 and all applicable documentation must be kept in the NMD's case files. The SOC 161 is now available at <http://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC161.pdf>. It is anticipated to be available on CWS/CMS in January 2012.

For NMDs placed with approved relative caregivers, who are ineligible for federal foster care but are receiving extended CalWORKs benefits, the case managers must also provide a copy of the SOC 161 to the CalWORKs EW.

The certification covers a prospective six month period and is updated at the same time the TILP and case plan are updated. The SOC 161 needs to be provided to the EW and attached to the court report for each six month case plan review hearing (W&IC section 11403(c)). Documentation of participation should be noted in the CWS/CMS Case Contact Notebook and the court report. Counties can determine whether or not they will require the verification information for participation conditions to also be maintained in the EW files. Verification information may include documents such as a copy of a school schedule or pay stubs. Other forms of documentation may be in case notes in CWS/CMS, which may not be appropriate to make a copy for the EW files. See Attachment A for examples of participation verification. The California Department of Social Services (CDSS) recommends that a copy of the participation documentation, when available, be kept in the EWs' files for audit purposes.

### Temporary breaks in participation

It is likely there will be times when NMDs will be in transition between participation activities during the six month certification period. For example, a NMD may lose a job or have a medical crisis and have to quit school. These circumstances alone do not make NMDs ineligible. As long as the NMDs are still working toward their goals, as

outlined in their Mutual Agreement and TILPs, a setback does not automatically disqualify them from the program.

It is for these types of situations that the each TILP should include a back-up plan that is documented on SOC 161. Utilizing that option will allow NMDs to maintain continuous eligibility. For example, participation criteria number three, removing barriers to employment, is intended to bridge gaps in eligibility. Case managers are encouraged to select more than one criterion when working with the NMD to allow for such flexibility. In addition, if the young adult is temporarily unable to meet participation requirements due to illness or injury (i.e. broken leg,) participation criteria number five can be used to cover the period of time that the youth is unable to participate in the primary participation condition.

Note: Scheduled school breaks do not affect the eligibility status of NMDs. The NMDs on summer break are still considered participating as long as they are enrolling for the following semester.

#### Placement Agreement Forms

A new placement agreement is not needed for NMDs who remain in the same placement after turning 18. When moving NMDs to a new placement in a licensed or approved home a new placement agreement (SOC 154, 154A or 156) must be completed with the provider. These forms are being revised to be more suitable for NMDs, but may not be revised by January 1, 2012. The current version of these forms are sufficient to use with NMDs until new placement agreement forms specific to NMDs are released.

Note: It is understood that some provisions in the current placement agreements are not applicable to NMDs, such as not being allowed to be left alone for longer than five hours or revealing medical information to the provider, because they are now legal adults.

A placement agreement for THP-Plus-FC is being developed. A SILP approval and placement agreement form is being finalized for SILPs. These forms along with additional information about THP-Plus-FC and SILPs will be available in a future ACL.

#### Definition of Transitional Independent Living Case Plan

The Transitional Independent Living Case Plan is the NMD's case plan that is updated every six months. It is a continuation of the same case plan that existed before the NMD turned age 18, but there is no longer a focus on reunification, termination of

parental rights for adoption or the establishment of guardianship of a minor. The case plan describes goals and objectives of:

- Identifying and developing a permanent connections
- Making the transition to independent living; and
- Assuming incremental responsibility for adult decision making.

Additionally, the case plan describes the collaborative efforts between the non-minor and the case manager and the supportive services the NMD needs as described in the Transitional Independent Living Plan (TILP) to ensure active and meaningful participation in one or more of the participation conditions. The TILP is a separate document, but is part of the case plan and is attached to the case plan for court reports. In a case in which the NMD is also an Indian Child as defined in W&IC section 224.1(b); the NMD's tribe should be consulted in development of the case plan and TILP.

#### Exiting and Re-Entry to EFC

As NMDs are legal adults, they may choose to exit foster care at any time after reaching age 18; in some instances this may include an unplanned exit. A Termination of Jurisdiction court hearing under W&IC section 391 is required. At this hearing NMDs are informed of their options to remain in care or re-enter while still under the age limits and receive personal documents and assistance in transition services.

If NMDs exit foster care after 18 and prior to reaching maximum age limit, they have the option to re-enter foster care at a later date. These NMDs must agree to meet one of the participation criteria and be under the maximum age for foster care. The re-entry process is currently being revised by the legislature through AB 212 and will be explained in detail in a subsequent ACL.

### **CASE MANAGEMENT FOR EFC**

#### Case Planning for Youth Approaching Age 17 Years, 5 Months

Development of the case plan must be done in collaboration with foster youth and in consultation with the tribe for foster youth who meet the definition of Indian child as defined in W&IC section 224.1. Case planning with foster youth who are likely to remain in foster care until 18 and those in NRLGs should also include information about the option to remain in foster care and the potential benefits of EFC. Before foster youth turn 18, case managers must work with the youth to develop case plans and TILPs that include goals and services that will enable the foster youth to meet one of the participation conditions for EFC. In preparation for the January 1, 2012, implementation

date, counties should consider amending the court reports submitted to court in the Fall of 2011 to contain the requirements of W&IC section 366.3(n).

In developing the case plan and the TILP with all foster youth and those in NRLGs, in addition to the existing case plan requirements, the following must be addressed:

- Efforts to achieve permanence, including developing permanent connections with committed and caring adults (W&IC section 366 (f))
- Opportunities to have incremental responsibility to prepare to transition to independent living (W&IC section 16501.1(c)(1)) and
- Services that will assist the foster youth in meeting one of the participation criteria for eligibility (W&IC section 16501.1(f)(16)(A)).

During case planning foster youth should also be informed that if they leave foster care at age 18 in 2012 (and thereafter), they may re-enter foster care at any time before they reach the maximum age. Young adults will not be required to meet one of the eligibility criteria at the time the young adult requests to re-enter, but will need to sign a voluntary re-entry agreement, agreeing to meet one of the eligibility criteria with the help of the case manager within a reasonable time of re-entry. The re-entry process will be described in more detail in a subsequent ACL.

***Practice Tip:*** *The conversation about EFC and its benefits should begin with all foster youth when developing the initial TILP and at all TILP updates. The more foster youth hear about EFC the more they will understand the requirements, how they can participate and the benefits of remaining in extended care.*

#### TILP for foster youth approaching age 17 years 5 months

For foster youth, including those who meet the definition of Indian Child, and those in NRLGs who do not express interest in remaining in foster care past age 18, the TILP should still reflect services that will help foster youth to meet one of the participation criteria in case they decide at a later date to remain in EFC. Additionally, the TILP needs to continue to reflect the Independent Living Program (ILP) services that the youth is receiving and/or will receive in aftercare. For further information on TILP requirements refer to ACL 08-31, dated July 18, 2008.

#### 90-day Transition Plan for minors exiting care at age 18

For foster youth who have reached age 18 and decline to participate in EFC, the 90-day plan must be completed within 90 days of the exit from foster care. During the completion of the 90-day Transition Plan with foster youth, case managers should use

that opportunity to re-explain the potential benefits of remaining in foster care and informing foster youth of their right to re-enter foster care as an NMD if they exit care at age 18 during, or after, calendar year 2012. If foster youth decide to remain in EFC, the 90-day plan will be completed, at a later date, prior to exiting EFC. For more information on the 90-day Transition Plan refer to ACL 10-45, dated October 14, 2010.

### Case Planning For NMDs

Case planning and court/administrative review hearing processes remain on the same schedules and time frames for NMDs as when they were minor foster youth. These are not altered by AB 12. However, once the foster youth turns 18 and remains in EFC as an NMD, notifications of court hearings are no longer required for the biological parent(s) (W&IC section 297). However, NMDs may invite parents and other adults to the hearings. For NMDs who also meet the definition of an Indian Child within the meaning of W&IC section 224.1(b), their tribes must continue to receive notification of hearings unless the NMD has elected not to have the provisions of ICWA continue to apply to their case after turning age 18

Case planning for youth approaching age 17 years, five months as described on page eleven also applies to NMD and NRLG case plans. The AB12 refers to the NMDs case plans as the Transitional Independent Living Case Plan or case plan (see definition on page ten). This is a continuation of the same case plan updates that were developed prior to age 18. Both the six month case plan updates and the TILP are continued with NMDs. It is important to acknowledge and respect the adult status of NMDs when working together with them to develop case plans, TILPs and placement arrangements.

The case plan for NMDs will focus on permanent connections and independence. After age 18, there is no longer a focus on family re-unification, termination of parental rights, or the establishment of legal guardianship. There is no need to continue hearings for the termination of parental rights (W&IC section 366.21). However, there continues to be a focus on permanency through identifying and developing permanent connections with caring committed adults, which could include maintaining or developing a relationship with a biological parent, when appropriate, or other family members and could even include adult adoption.

It is imperative that the case plan and TILP goals be developed and updated in collaboration with the young adults and input also be provided by mentors, tribes, or other significant people with which the NMDs desire to be involved in the planning. Only the signature of the NMD is required for the case plan or TILP. The signature of a parent is no longer required as the NMD is an adult. This signature of the caregiver is not required, but encouraged, especially if an agreement has been made to specific support and assistance the caregiver will provide to the NMD.

### Placement considerations

In planning for NMDs' placements, all placement options in any licensed or approved facility are available, including the new placement options THP-Plus-FC and SILP. The court may order the NMD to remain in a planned permanent living arrangement per W&IC 366.21. The decision regarding placement shall be based on a safe setting that is least restrictive and best suited to the needs of the young adults. There are limited restrictions on group home placements, discussed below. The placement should provide the youth adults opportunities to have incremental responsibilities that prepare them to transition to independent living. Foster youth have voiced that they often did not feel comfortable in their placements. They feel strongly that as young adults, their comfort level with a living situation should be considered in placement choice, especially when moving into a SILP.

***Practice tip:*** Case managers should work with the NMD's current caregiver, especially relatives and NREFM, as appropriate, to determine their willingness to have the NMD remain in the current placement under the new licensing and approval standards for NMDs.

Group home placement for NMDs may be considered only if the continuation of the placement allows the NMD to finish high school within that academic year or is a short transition period to a more family-like or less restrictive setting. Once NMDs graduate high school or reach age 19, whichever is earlier, group home placements are prohibited unless the NMDs meet participation criteria number five, medical condition, and group home placement is a short-term transition to the appropriate system of care (WI&C section 16501.1(c)(1)). Whenever possible and appropriate, efforts to transition youth from group home placement prior to turning age 18 should occur.

The new SILP setting is a federally IV-E eligible placement in which NMDs can live in a variety of independent settings such as an apartment (alone or with roommates), a college dorm or a room rented from a landlord, friend or former caregiver. As these placements are not necessarily in the home of a caregiver, placements in a SILP should be based on an assessment of the NMD's readiness to live independently in this least restricted environment. Part of readiness for a SILP includes the ability of the NMD to be able to budget for (and afford) rent and other living expenses. Counties are already required to use an assessment to evaluate the independent living skills of foster youth when developing the TILP (MPP 31-236). The same assessment may also be used to evaluate readiness for a SILP. It is also required that counties approve the SILP site or tribes approve if the site is on or near a reservation. A SILP cannot be with the NMD's biological parent(s) as the IV-E payment cannot be made to the home of removal.

Living situations with other appropriate family members are acceptable and encouraged. Further information about SILPs and site approval will be in a future ACL.

As NMDs are legal adults, consideration should be given to their placement preference if appropriate and available. However, although NMDs may remain in EFC as long as they meet the eligibility criteria; they are not entitled to a specific placement. The goal for placement should be situations that are developmentally appropriate and allow for increasing amounts of responsibility and independence. Negotiating with NMDs over placement may be required especially when re-entering EFC after a break. If the first choice for placement is inappropriate or unavailable, an interim plan should be developed that is agreeable to the NMDs. This type of dispute may be brought before the court by the NMD. In addition, counties may want to consider developing a method to deal with this type of dispute outside of court such as by using a team decision making model, grievance process or other type of informal mediation. If mediation is tried, but unsuccessful the NMD can bring the issue up before the court.

Note: Non-minors in NRLGs are not eligible for the above placement options, including a SILP, as they are not dependents in foster care. However, these non-minors may live in a college dorm as long as the former guardians maintain support of the non-minors. Even though this is considered a SILP for dependents, it is not considered a SILP for non-dependents and these young adults cannot directly receive the AFDC-FC payment, it must go directly to the guardian as the payee.

***Practice Tip:*** Case management will have to be approached differently with NMDs; placement may be an area in which conflict arises. It will be important to help NMDs understand what an appropriate and safe placement is and why they may not be ready for their placement of choice. Additionally, it will be important to let NMDs try more independent placements, even if they do not appear to be fully ready. It is better for them to try it while they have supportive services in place rather than after they exit foster care. If significant issues prevent placement of choice, it may be appropriate to develop a plan that the NMD can follow to work towards meeting the placement goal.

### Shared Living Agreement

For NMDs who are remaining in their current placement at age 18, as well as those NMDs who are moving into a new foster family home or into a placement with a relative caregiver or Non Related Extended Family Member (NREFM), it is best practice for the NMD to enter into a Shared Living Agreement (SLA) with the caregiver or other roommates. The SLA process is optional for counties to use to assist in developing agreements that are similar to “house rules” between NMDs and providers or caregivers to assist both NMDs and providers/caregivers in transitioning to their new adult roles

and relationships and resolving conflicts about use of common space. The attached document provides guidelines that counties may use in developing a SLA. An SLA may also be appropriate for some SILP situations in which the NMD rents a room from a friend or stranger. See Attachment B.

### THP-Plus-Foster Care

A new foster care placement option called THP-Plus-FC is created via W&IC section 11403.2(a)(3). This housing program is specifically for NMDs who remain in EFC as dependants of the court. This is a Title IV-E eligible placement. It will offer similar housing models and supportive services that are available in the current THP-Plus program. This placement option is not licensed by Community Care Licensing, but is required to be approved by the county. The CDSS is in the process of developing approval standards and operational procedures with input from the AB12 sponsors and stakeholders. All current and potential providers must be approved using these statewide approval standards. Due to these current efforts, the implementation of the THP-Plus-FC program will be delayed. The CDSS anticipates the standards will be available by February 2012 and implementation will begin mid 2012. However, counties are encouraged to continue developing their programs, including contracting with providers, to the extent possible, collaborating with surrounding counties and outreaching to youth. Counties are not required to revise the county plans or Letters of Intent for the Transitional Housing Programs. A separate ACL will be released regarding THP-Plus-FC, including provider information and approval standards.

### Out-of-county placements

For NMDs who reside in a different county than their jurisdiction, the county of jurisdiction retains case management, and financial responsibility for NMDs. The county of residence, or tribal social worker, may agree to provide courtesy supervision of the case and accept secondary assignment for data entry into CWS/CMS or for providing the county of jurisdiction with all of the necessary information for data reporting.

### Out-of-state placements

Placements out-of-state are allowable for NMDs who are attending college, residing in an appropriate placement or for appropriate employment. All monthly visit and service requirements applicable to NMDs placed in-state must be met for NMDs placed out-of-state. Counties may request supervision from the other state through the Interstate Compact on the Placement of Children (ICPC), but such services are at the discretion of the other state as not all states will accept an ICPC request or provide services/supervision for children in foster care beyond age 18. In the event the other



state is not willing to accept an ICPC request for an NMD or provide such services, arrangements must be made for supervision, which could include contracting with a private agency in the other state. According to federal requirements and recent guidance, monthly visits must be face to face; therefore, video conferencing or the use of other technology, such as “skyping,” is not considered an acceptable method for conducting monthly visits.

For NMDs who reside out-of-state, if the other state agrees to provide supervision via ICPC, the county should request documentation of those visits from the other state. Similarly if the county contracts for those services with a private agency in the other state or provides those services directly, the county should maintain documentation of those visits from the other state or contracted agency. The county with case management jurisdiction will then be responsible for data entry into CWS/CMS. The county of jurisdiction retains case management and financial responsibility for NMDs placed pursuant to ICPC. The ACL 10-56, dated December 21, 2010, refers to implementation of ICPC regulations regarding the supervision of ICPC placements. A subsequent ACL regarding the adoption of additional ICPC regulations will be forthcoming.

### TILP

Requirements for TILP remain the same, including the six month updates and requirement for living skills assessment as described in MPP section 31-236(a)(6). The assessment can also help in determining appropriate placement for the NMD.

The NMD is required to participate in the development of the TILP and to update the case manager on any changes in regards to meeting the conditions for participation. The TILP is to describe the services that the NMD is receiving to support their active engagement in one of the five participation criteria. The TILP describes the services that the NMDs receive to support their overall case plan goals; therefore, at least one goal on the TILP must be directly related to maintaining participation criteria eligibility. It is recommended to also include a back-up plan on the TILP or case plan to help the young adult maintain eligibility. The case manager and the NMD need to work together to help maintain eligibility.

***Practice Tip:*** A goal on the TILP related to maintaining participation criteria eligibility could be similar to “enroll in adult education to complete GED.” It is also recommended to include a back-up plan on the TILP in case NMDs become unable to participate in their primary participation activity through circumstances such as experiencing a medical crisis. A back-up plan could be “enroll in a resume writing class.” This would meet eligibility criteria number three.

For AFDC-FC eligibility determination purposes, earned income for NMDs shall be disregarded provided that it is documented in the TILP that the purpose of employment is to enable the NMD to gain knowledge of needed work skills and the responsibilities of maintaining employment (W&IC section 11008.15). As with the standard for foster care minors, NMDs may retain resources with a combined value not to exceed \$10,000. Although withdrawal of savings for a foster child requires written approval, that requirement does not pertain to NMDs as they are adults (WI&C section 11155.5).

### 90-day Transition Plan for NMDs

For NMDs, the 90-day Transition Plan is to be completed within the 90-day period prior to exiting EFC. This would be either within the 90-day period prior to the NMD achieving the maximum age of foster care or, if the NMD has an earlier planned exit, within the 90-day period prior to a planned exit. If the NMD makes an unplanned exit from EFC, the 90-day Transition plan is still required as it must be indicated in the report for the W&IC section 391 court hearing that the document has been provided to the NMD as stated in W&IC section 391(e)(2)(J).

Note: The 90-day Transition Plan is only required for dependents. It is not necessary to complete the 90-day plan for NRLGs who receive extended payment benefits.

***Practice Tip:*** *NMDs have the right to exit foster care at any time, which means they are at risk of not having a 90-day transition plan. It will be important at each case plan update to engage NMDs in a conversation about when they anticipate leaving foster care so a 90-day Transition Plan can be developed. It will be important to explain why a transition plan is a valuable tool when leaving care.*

### Case Supervision For NMDs

The approach to case management for NMDs will involve a paradigm shift in the way NMDs are engaged during casework and supervision. Their adult status must be acknowledged and respected. Since NMDs can leave foster care at any time, it is important for the case manager to engage them in a way that supports their developmental needs and provides a safety net for trial and error experiences by the NMDs, so that the NMDs can learn from mistakes made. The EFC provides NMDs with the opportunity to develop incremental responsibilities and other problem solving skills that will help them succeed. These young adults can be provided with the experience of living independently while still in a supportive environment.

### Goals/permanent connection

Case plan and TILP goals for NMDs should be centered around employment, education, and the development of skills that will help them to be successful as independent adults. Additionally, the goal of establishing and maintaining permanent connections should be prominent. The permanent connection should be with an adult who is caring and supportive and willing and able to commit to be a lifelong connection. This could be any appropriate biological family member or NREFM, tribal member, former or current caregiver, teacher or mentor, etc.

***Practice Tip:*** *As the NMDs are voluntarily remaining in EFC, the role of the case manager is to assist them in preparing for independent living and to support them in learning how to take on additional responsibilities such as managing a household and budgeting money.*

### Visitation requirements

The same monthly visitation requirements for minors in foster care apply to NMDs in foster care. Case managers are required to visit NMDs monthly; the federal requirement is that the majority (51 percent) of visits must be conducted in the place of residence. Since placement options for NMDs may involve roommates, case managers should be flexible in when and where they will visit the NMDs, to the extent possible, to help respect the NMDs privacy, while still meeting the federal requirement of visitation in the place of residence.

### Noncompliance with case plans

The EFC is an opportunity for these young adults to engage in preparation for independent living. The case manager will have to work differently with NMDs than with minor children in foster care to help them progress in their case plan goals. It is likely that disagreements will occur between the case manager and the NMD, but as long as NMDs are maintaining their eligibility through one of the participation criteria, they cannot be deemed ineligible. It is the responsibility of the case manager to engage the NMDs and assist them in maintaining eligibility. If efforts to resolve the eligibility issue by working with the NMD are unsuccessful, and the NMD remains unwilling to reside in an approved placement and either comply with the existing case plan, or modify the case plan to reflect new circumstances and goals, then the case manager shall request the court to set a W&IC 391 court hearing to begin the process to terminate court jurisdiction.

### Data entry

Data entry into CWS/CMS will remain the same for NMDs. There is work underway to add in new data elements into CWS/CMS to capture data related to NMDs, such as placement in a SILP. There is a workgroup currently working on requirements for the 6.6 release projected for April 2012. Workarounds, including the use of special project codes, are being developed to ensure that essential data including such as participation activities can be entered into CWS/CMS beginning January 1, 2012. There will be two ACLs released that contain data entry instructions for CWS/CMS. The first ACL is projected to be released in December 2011 and will focus on the special project codes and workarounds. The second ACL is projected to be released in March 2012, and will address the new data fields and data entry processes for the 6.6 release projected for April 2012.

Additionally, SOC 405E, is being revised to capture the exit outcomes data by age.

### Camera Ready Copies and Translations

For a camera-ready copy in English, contact the Forms Management Unit at [fmudss@dss.ca.gov](mailto:fmudss@dss.ca.gov). If your office has internet access, you may obtain these forms from CDSS' webpage at [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_271.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm). When all translations are completed per MPP section 21-115.2, including Spanish forms, they are posted on an on-going basis on our web site. Copies of the translated forms can be obtained at [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_274.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm).

Until translations are available, clients who have elected to receive Spanish, Russian, Vietnamese, and written Chinese materials should be sent the GEN1365 interpretation informing notice with a local contact number.

For questions on translated materials, please contact Language Services at (916) 651-8876.

### Training

Training around EFC will be available to social workers and probation officers. A focus group has been formed to address youth engagement and training needs for various aspects of EFC. Posters and other resource materials regarding AB 12 have been developed. These materials are located at [www.cafosteringconnections.org](http://www.cafosteringconnections.org) for downloading, printing, and sharing. Training topics and curriculum are being developed. More information on training will be available in a future All County Information Notice (ACIN).

Additional Information

As stated, there will be forthcoming ACLs providing additional information, instruction and clarification regarding EFC. It is the intent of CDSS to release information, as it is available, to help the counties in preparation for implementation on January 1, 2012. Regulations will be developed at a later date. This and future ACLs provide counties with the authority to implement EFC until the regulations are published. The CDSS understands the counties concern over the complexities of beginning a new program. It is understood that there will be situations with cases that do not fall into the norm of everyday case management. The CDSS cannot develop instructions or policy that covers every young adult's situation. A Question and Answer ACL will be developed after implementation is underway.

Please click on the following any one of the following links for more information:

[www.cafosteringconnections.org](http://www.cafosteringconnections.org),

[www.nrcyd.ou.edu](http://www.nrcyd.ou.edu),

[www.fosteringconnections.org](http://www.fosteringconnections.org),

[www.cwla.org/advocacy/adoptionhr6893resources.htm](http://www.cwla.org/advocacy/adoptionhr6893resources.htm),

[www.casey.org/resources/publications/FosteringConnectionsSummary.htm](http://www.casey.org/resources/publications/FosteringConnectionsSummary.htm),

[www.nrcpfc.org/fostering\\_connections](http://www.nrcpfc.org/fostering_connections).

For questions related to the information provided in this ACL, please submit your question(s) to [ab12@dss.ca.gov](mailto:ab12@dss.ca.gov). We ask that you please submit all questions by email and identify the page number you are referring to in order to assist us in tracking questions and identifying areas that may need to be addressed in future ACLs.

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Attachments

## **Attachment A**

### **DEFINITIONS OF THE 5 PARTICIPATION CONDITIONS:**

A nonminor dependent shall meet the eligibility standard for Extended Foster Care (EFC) or a nonminor former dependent for extended payment benefits for Adoption Assistance Program (AAP) or Kinship Guardianship Assistance Payment Program (Kin-GAP) by participating in at least one of the following five conditions. The nonminor dependent's plan of participation shall be described in his or her Transitional Independent Living Case Plan shall include a written description of the services that will help the nonminor dependent which provides the basis for the six month certification of eligibility made by the placing agency's case manager to the eligibility worker and the court. During the six month certification period, the nonminor dependent shall report to his or her worker any changes in the participation plan and they shall work together collaboratively to ensure ongoing eligibility as the nonminor dependent assumes increasing levels of responsibility and independence.

“Transitional Independent Living Case Plan” is the nonminor dependent's case plan, updated every six months, that describes the goals and objectives of how the nonminor will make progress in the transition to living independently and assume incremental responsibility for adult decision making, the collaborative efforts between the nonminor and the social worker, probation officer, or Indian tribe and the supportive services as described in the Transitional Independent Living Plan (TILP), which is part of the case plan, to ensure active and meaningful participation in one or more of the participation conditions.

To the extent possible, verification for all 5 conditions should be obtained in the manner that respects the nonminor dependent's privacy and the confidentiality of their foster care status by enabling the nonminor dependent to utilize whatever verification the employer or internship commonly provides and without asking the nonminor to obtain any special documentation that may impinge on his/her privacy.

#### **(1) Completing secondary education or a program leading to an equivalent credential.**

In order to satisfy the criteria of completing secondary education, the nonminor dependent must be enrolled in a secondary school or a program leading to an equivalent credential. Enrollment can be in a public high school, charter high school, an alternative high school, a nonpublic school, adult education classes, or any other course of study leading towards completion of a high school diploma, General Equivalency Degree, High School Proficiency Certificate, or High School Completion Certification. Enrollment is deemed continuous during any summer or other scheduled break in the school program.

A nonminor dependent who is participating in special education activities as described in his/her Individualized Education Plan (IEP) is deemed to be in compliance with this participation condition.

Verification of enrollment can be satisfied by requesting that the participant provide proof of enrollment that indicates the courses that the student is enrolled in. Acceptable documentation could include, but is not limited to, an unofficial transcript, an electronic copy of the nonminor dependent's current course schedule, or a letter from the institution or other similar documentation.

*Examples of How a Nonminor Dependent Meets Requirement for Completing High School or Secondary Education*

In order to be considered participating in a program that is leading towards completion of a high school or secondary education, the youth can be doing one of the following (including but not limited to):

1. Independent study
2. Nonpublic School
3. Public High School
4. Home Schooling
5. Private High School
6. Alternative High School/Continuation School
7. Special Education Classes
8. Adult School (to complete GED)

**(2) Enrolled in an institution which provides postsecondary or vocational education.**

In order to satisfy the criteria of enrollment in an institution which provides post-secondary or vocational education a nonminor dependent must be enrolled at least half-time. In most institutions, including the California public college and university systems, this will consist of enrollment in at least six semester course units or quarter course equivalent. In some cases a different standard of tracking enrollment may be utilized by an institution, such as some vocational courses which define enrollment in "clock hours" rather than credits, and the half-time standard should be applied accordingly.

Further, satisfaction of the enrollment requirement does not require formal admission to an institution and includes situations where a student is enrolled in individual courses without being enrolled in the institution, such as University extension courses. Courses taken at any institution which is licensed to operate in the State of California, or taken at a comparable institution located or licensed to operate in another state, shall count towards the participation requirement. Nonminor dependents can take coursework at multiple institutions to equal the half-time standard.

If a nonminor must take remedial courses as a pre-requisite to enroll in standard general education coursework, these courses are also eligible even if they do not meet the standard amount of units as other coursework (three units per class). In these cases, the part-time equivalent of two courses would apply and qualify the nonminor as meeting the postsecondary education requirements.

This provision also applies to participants on a summer or other scheduled school breaks or who are awaiting admissions determinations or pending enrollment in courses. Official school breaks do not disqualify youth from meeting the eligibility criteria.

Participants who are enrolled in post-secondary education or vocational training at less than half time, but in at least one course, do not qualify under this participation condition, but can qualify for EFC benefits under participation condition #3 (an activity designed to promote, or remove barriers to employment).

Additionally, if a student drops courses mid-term (whether considered voluntary or involuntary) this shall not result in automatic disqualification from EFC benefits. The nonminor dependent should be given a reasonable amount of time to start participation in a different participation condition. Participation in condition #3 is the best option to transition a nonminor dependent into another participation condition or to bridge the gap if he/she wants to enroll in classes again the next semester.

Verification of enrollment at a post secondary or vocational institution can be made by requesting that the participant provide proof of enrollment that indicates the credit and non-credit courses that the student is enrolled in. Acceptable documentation could include, but is not limited to, an unofficial transcript, an electronic copy of the student's current course schedule, or a letter from the institution or other similar documentation. Official transcripts are not required.

*Examples of How a Nonminor Dependent Meets the Postsecondary Education/ Training Requirements:*

### Eligible Institutions

Eligible Institutions include, but are not limited to:

- All public postsecondary systems in California (Community College, California State University and University of California);
- All public postsecondary systems outside of California (Community Colleges and Universities);
- Schools approved by the Bureau for Private Postsecondary Education;
- Schools accredited through the Western Association of Schools and Colleges;



- Schools approved or accredited through a similar body in another state;
- Courses taken through correspondence or on-line studies that are affiliated with a licensed institution count towards the participation requirement.

### Unavailable Coursework

If a nonminor dependent is unable to enroll in any coursework due to required classes being full, participation condition # 3 should be used for supporting the nonminor dependent until the nonminor dependent can enroll in the next available semester. Additionally, if a nonminor dependent is only able to enroll in one course and does not meet the part-time requirement, the nonminor dependent is eligible under participation condition #3 and this should be documented on the Transitional Independent Living Case Plan if it is not already listed as a back-up plan.

### Impact of Dropping Courses

Additionally, if a student drops courses mid-term (whether considered voluntary or involuntary), this shall not result in automatic disqualification from AB12 benefits. If this happens, it is best to use the back-up plan of participation condition #3. If the nonminor dependent does not wish to do this then the court must review the circumstances surrounding the student's decision to determine if the nonminor dependent can maintain eligibility until there is opportunity to re-enroll in the following term. There are many factors that may result in failing to complete courses in which they enrolled. Circumstances that would be considered as extenuating factors could include, but are not limited to:

- a. The student has learning disabilities or mental health issues (diagnosed or undiagnosed) that prevented the student from successfully completing the coursework.
- b. A personal or family emergency, such as the loss of housing, family illness, medical emergency, or intervention by the young person's family of origin interfered with the student's ability to complete coursework.
- c. A lack of affordable childcare interfered with the student's ability to attend classes or complete coursework.
- d. The courses in which the student enrolled were inappropriate for his/her skill level and the student must first take remedial classes or access tutoring services in order to successfully complete college level coursework.
- e. A delay in financial assistance or other financial hardship presented a barrier to completing coursework.

### **(3) Participating in a program or activity designed to promote, or remove barriers to employment.**

A program or activity designed to promote, or remove barriers to employment is an individualized program based on a youth centered assessment of skills and needs. These activities could be self-directed, completed in conjunction with a nonminor dependent's caregiver or social worker, or part of an organized program. Unpaid employment, internships, volunteer activities, vocational rehabilitation or participation in a substance abuse program also meet this participation condition.

A nonminor dependent shall be deemed participating in a program or activity designed to promote, or remove barriers to employment as long as the youth is working toward meeting goal(s) in his/her Transitional Independent Living Case Plan by participating in an Independent Living Program activity or a program that moves the youth forward in reaching a goal on his/her TILP. See Attachment C for sample activities.

A nonminor dependent who is meeting eligibility requirements solely through this participation condition should be working toward developing skills that will help him/her to transition to the education or employment participation condition to ensure that he/she is adequately prepared to transition to independence at the end of his/her time in EFC. This participation condition is intended to help bridge gaps in a nonminor dependent's readiness for achieving more responsibility in college, vocational school or employment. For nonminor dependent's meeting eligibility solely through this requirement, at the six month certification period it should be considered if the nonminor dependent can successfully move to another eligibility condition.

This participation condition should always be used as a back-up plan for the nonminor dependent's TILP in case the nonminor dependent intentionally or unintentionally experiences a break in participation in an educational or employment activity part way through the six month eligibility certification period. For example, the nonminor dependent quits his/her job but does not have other employment lined up.

For a nonminor who is re-entering foster care after a break, the initial meeting with the social worker to select the participation activity satisfies the requirement of removing barriers to employment. However, the nonminor must begin participating in the activity within a reasonable amount of time after re-entry.

Verification for this condition will vary depending on the activity that nonminor dependents are participating in. A certificate of completion for a class or training is sufficient for more formal or structured programs. However, as this category is very broad, verification can also be as flexible as documentation in a case manager's notes when the NMD shows the case manager a revised resume or discusses the outcome of job searches and/or interviews.

## *Examples of Programs and Activities Designed to Promote or Remove Barriers to Employment*

The program or activities designed to remove barriers to employment that the youth participates in may include, but not be limited, to:

- job skill classes/training;
- distance learning;
- on-line tutorials;
- job shadowing;
- mentoring;
- volunteering;
- internship and apprenticeship;
- resume/interview skills classes/training;
- career exploration classes/training/programs;
- dress/hygiene/health care management classes/training/;
- counseling/therapy;
- social skills classes/training/programs;
- anger management classes/training/programs;
- substance abuse treatment;
- mental health treatment,
- domestic violence/date violence programs,
- teen parent classes or programs,
- navigating public transportation,
- registering and participating with the OneStop,
- budget and money management classes/training/programs,
- driver's education,
- enrolled in ILP or participating in ILP,
- Workforce Investment Act case management,
- Enrollment in at least one course at college or a vocational program for credit or non-credit,

Non-credit courses which count towards the participation requirement include, but are not limited to, the following classifications of courses:

- Basic Skills
- Developmental or Remedial Education
- English as a Second Language (ESL) courses
- College and Career Planning or College Success Skills Courses
- Workforce Preparation Courses
- Education Programs for Persons with Substantial Disabilities
- Home Economics Careers and Technology
- Not-for-credit Vocational Programs

- Courses taken through University of California Extension or Cal State Open University
- Other such activities designed to promote or remove barriers to employment.

**(4) Employed for at least 80 hours per month.**

In order to satisfy the criteria of employed for at least 80 hours a month a nonminor dependent must be engaged in full or part time employment activities which includes, but is not limited to paid internships, apprenticeships, Ticket to Work (for individuals receiving Supplemental Security Income), or work study programs. The nonminor dependent can be engaged in a combination of paid employment activities at one or more places of employment in order to meet the 80 hours a month requirement. As long as the nonminor dependent is scheduled to work at least 80 hours a month, he/she shall be deemed to meet this participation condition even if the nonminor dependent does not actually work that number of hours due to holidays, illness, approved vacation (by employer) or other circumstances beyond the nonminor's control.

Any earned income shall be disregarded for purposes of eligibility determination as specified in the nonminor dependent's TILP.

Verification of employment for at least 80 hours per month may include, but not be limited to, providing a copy the nonminor dependent's work schedule, pay stubs, a statement of hiring from the employer, or a statement of acceptance from the apprenticeship or internship program.

*Examples of Resources and Work Programs*

1. Job Corps
2. VISTA
3. Workforce Investment Boards
4. One Stops
5. Ticket to Work

**(5) Incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor dependent.**

In order to satisfy the eligibility criteria set forth in W&IC section 11403 (b)(5), two determinations must be made. First, a nonminor dependent must have a “medical condition.” Second, the medical condition must render the minor incapable of doing any of the activities described in subparagraphs (1) to (4).

A “medical condition” is a physical or mental state that limits a nonminor dependent’s ability to participate in any of the activities described in subparagraphs (1) through (4), as verified by a healthcare practitioner. A healthcare practitioner is defined as any individual provider who is licensed or otherwise authorized by the state, county or city in which the provider is located to provide services related to physical or mental health. If a nonminor dependent does not undertake remedial measures to treat a verified medical condition, he or she will still be deemed to have a qualifying medical condition under this subparagraph.

A nonminor dependent is deemed “incapable of doing any of the activities described in subparagraphs (1) to (4)” if he or she cannot consistently meet the criteria of subparagraphs (1) to (4) due to the documented medical condition.

Verification that a nonminor dependent cannot consistently meet the full requirements of subparagraphs (1) to (4) can be satisfied by written documentation by a healthcare practitioner which explains that one of the reasons that the nonminor is unable to meet the criteria of subparagraphs (1) to (4) is because he or she has a “medical condition” as defined in this subsection. A nonminor dependent who is eligible for a disability program including, but not limited to, Supplemental Security Income, Social Security Disabled Adult Child benefits, State Disability Insurance, or Regional Center Services may have a medical condition that fits under this participation condition if the medical condition renders him/her incapable of participating in an education plan to complete high school (or equivalent), attend college or vocational school at minimum part-time or maintain part-time employment.

The nonminor dependent is deemed eligible for extended benefits under this section upon a verification of eligibility for such a condition. Verification of disability benefits status may include an award letter, notice of action or copy of the check or benefit identification card.

The nonminor dependent, unless incapable, is responsible for obtaining and providing the social worker or probation officer with one of the following: (1) the written verification from a healthcare practitioner stating that the nonminor dependent has a medical condition and that he or she cannot consistently meet the full requirements of subparagraphs (1) to (4) or (2) the verification of the nonminor dependent’s disability benefits status. If the

nonminor dependent is incapable of obtaining verification the caregiver or social worker will need to assist the nonminor or obtain the verification.

Note: These definitions were developed collaboratively with CDSS, CWDA, sponsors of AB 12, county representatives and stakeholders.

*Revised September 7, 2011*

## Attachment B

### GUIDELINES FOR SHARED LIVING AGREEMENT (SLA) BETWEEN CAREGIVER AND NON-MINOR DEPENDENT (NMD)

The guidelines in this document outline a Shared Living Agreement as a basis for a written understanding between the caregiver and non-minor dependent on an array of expectations for placement in a household. It is broad in scope, covering many aspects of shared daily living; however each agreement will be individualized, reflecting the specific values, concerns and personalities of the caregiver and non-minor dependent who is now an adult. The agreement should aid in the creation and maintenance of a successful placement, which supports the non-minor dependent's continued transition to independent adulthood. Since individuals and circumstances change, the agreement will be renegotiated and updated, as needed and appropriate.

#### **GUIDELINE TOPICS:**

These topics have been developed to assist in the completion of a meaningful Shared Living Agreement. Although the caregiver and non-minor dependent should discuss and agree upon the expectations, rights and/or responsibilities for each of the categories listed (i.e. Household Rules and Customs), the sublist under each category is intended to be a prompt only for discussion purposes. There is no need to reach agreement as to each item (for example, not every SLA will include an item about shared meals or holiday celebrations, or a curfew for the non-minor dependent). In addition, young adults and providers should also address any additional issues not included in the checklist that are important to their situation.

NOTE: If the placement or household is a currently licensed or approved facility where minor dependents are residing, all licensing rules remain in effect and must be followed. Nothing in this agreement can supersede or impinge on the licensing or approval standards that apply to the minor dependents living in the home.

NOTE: If you are a parenting non-minor dependent you should complete the Shared Responsibility Plan.

#### **Mentoring/Skills/Interests**

May include:

- Interests of non-minor dependent
- Areas the non-minor dependent wants to gain skills or resources
- Strengths of the non-minor dependent and the provider
- Areas of shared interests

#### **Household Agreements and Customs**

May include:

- ♦ Check in/curfew/communication on schedules and vacations
- ♦ Noise (i.e. loud music)
- ♦ Language (i.e. swearing, name calling)
- ♦ Cigarette smoking

- ♦ Guests in the house/appropriate visiting times (including overnight)/parties
- ♦ Shared items, including use of car
- ♦ Shared space
- ♦ Expectations regarding meals together, holidays, and other joint activities
- ♦ Television/computer/video games
- ♦ Furnishing/decorating
- ♦ Privacy for both caregiver and NMD
- ♦ House meetings/periodic check-ins

**Health and Safety Concerns:**

May include:

- ♦ Sharing information on medications in case of emergency
- ♦ Sharing information on allergies (to foods or medications)

**Household Chores and Responsibilities**

May include:

- ♦ Individual and/or Shared Chores: (i.e. cleaning, cooking, dishes, laundry, shopping, yard work, routine maintenance, care of pets, repair or replacement of broken/damaged items)

**Attendance and Performance at School and or Work**

May include:

- ♦ Periodic check-in regarding school/work including schedules and progress made
- ♦ Tutoring and any other assistance needed in meeting school/work goals

**Financial**

May include:

- ♦ Shared allocation of foster care benefit, specifying caregivers and NDM's allotment
- ♦ Financial responsibility for particular items/bills/expenses
- ♦ Monthly allowance or stipend/monitored or unmonitored by caregiver

**Drugs and Alcohol**

May include:

- ♦ Clarity on response/consequences for drug and alcohol use both in and out of home (for ex., non-minor dependent expected to attend counseling for repeated use)

**Conflict Resolution**

May include:

- ♦ Non-minor dependent and caregiver meeting individually and/or together with CSW
- ♦ Non-minor dependent and caregiver meeting individually and/or together with a Case Manager
- ♦ Non-minor dependent and caregiver meeting individually and/or together with an outside counselor
- ♦ Written plan for resolving conflict/consequences for violations of agreement