



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

REASON FOR THIS TRANSMITTAL

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

September 5, 2017

ALL COUNTY LETTER NO. 17-83

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

SUBJECT: SUPERVISED INDEPENDENT LIVING PLACEMENT (SILP) - RESIDING WITH A PARENT

REFERENCE: [PUBLIC LAW \(PL\) 110-351](#); [ASSEMBLY BILL \(AB\) 12 \(CHAPTER 559, STATUTES OF 2010\)](#); [CHILD WELFARE POLICY MANUAL \(CWPM\) 8.3A.8d](#); [MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTION 45-302.2](#); ALL COUNTY LETTER [\(ACL\) 11-77](#)

The purpose of this ACL is to inform counties that Non-Minor Dependents (NMDs) assessed as being ready for a SILP may now reside in a SILP in the same home as a parent or guardian, including the parent or guardian from whom the youth was initially removed, and receive foster care payments.

Background

During the implementation of Extended Foster Care (EFC), the California Department of Social Services (CDSS) issued [ACL 11-77](#) which stated that NMDs cannot live in a SILP with a biological parent and receive a foster care payment. This type of SILP was not an allowable placement as designated in the [California Title IV-E State Plan](#).

In 2013, the Administration for Children and Families (ACF) published guidance in the CWPM clarifying that Title IV-E funds can be used for a youth age 18 or older living in a Supervised Independent Living Setting (SILS) who is residing in the same home as his/her parent or guardian as long as the Title IV-E agency is providing supervision ([CWPM 8.3A.8d, Question 1](#)). A SILP is one of the two types of federally approved SILS that California created under AB 12 (Chapter 559, Statutes of 2010), pursuant to the “Fostering Connections to Success and Increasing Adoptions Act of 2008” (PL 110-351). Following the release of ACF’s guidance,

CDSS solicited feedback from stakeholders to help inform whether a change in policy would be appropriate. The CDSS determined that allowing the option for NMDs to live in a SILP in the same home as a parent would benefit the NMD population. Ultimately, it is the responsibility of child welfare agencies and probation departments to consider the circumstances of the NMD and the supervised independent living arrangement to decide whether it would be an appropriate independent living setting.

The CDSS has revised the California Title IV-E State Plan to include this policy change and submitted the plan to ACF for approval.

Policy Changes

When referring to an NMD living in a SILP with a parent, the term “parent” refers to both a parent from whom the youth was removed or any non-custodial parent. This can include, but is not limited to, a biological parent, guardian or adoptive parent. It is important to note that the NMD is not being placed with the parent, being returned home to the parent or in any way under the care or supervision of the parent. The NMD remains a dependent or ward of the juvenile court under the placement and care supervision of the county placing agency and must continue to meet all eligibility criteria for EFC and must continue to work with the child welfare agency or probation department towards achieving independence, including maintaining monthly contact with their social worker/probation officer. This policy change only applies to NMDs, determined to be ready for a SILP through a SILP readiness assessment, where a parent(s) will also be residing.

Approving a SILP for a NMD in a home where the parent is also residing must follow the same approval process that is utilized for any other SILP. As stated in [ACL 11-77](#), a SILP readiness assessment should be completed with the NMD to evaluate the NMD’s readiness for a SILP. The SILP assessment should be based upon the type of SILP being considered. After the readiness assessment is completed, the social worker or probation officer shall complete the SILP Approval and Placement Agreement ([SOC 157A](#)) and, if appropriate, complete the SILP Inspection: Checklist of Facility Health and Safety Standards ([SOC 157B](#)).

The social worker or probation officer must make a determination of whether it is safe for the NMD to reside in the same home as the parent(s) in the same way it would be made with regards to anyone else a NMD chooses to live with in a SILP. The SILP readiness assessment tool should be utilized to determine if the NMD is making appropriate decisions with regards to the person(s) with whom they plan to reside. For example, if a parent is known to have an active substance addiction, is an untreated perpetrator of sexual abuse or domestic violence is occurring in the home, that would indicate that the SILP request is not appropriate and should not be approved. Any concerns should be documented in the SILP readiness assessment and, if the concerns rise to the level of indicating that the NMD is not ready for the proposed SILP, the NMD should be directed to explore other placement options, including other SILP arrangements, if appropriate.

It is important to distinguish between safety issues and concerns regarding the relationship between the NMD and their parent. As an adult, the NMD has the right to make decisions about their placement choice as long as their safety is not jeopardized. Social workers/probation officers are directed to utilize SILP readiness assessment tools to help determine safety concerns and the appropriateness of the placement. When a SILP has been approved for a NMD who will be living with a parent, it may be helpful to assist the NMD and parent in developing a shared living agreement.

In any case where it has been established that a NMD is not ready to receive their payment directly and therefore a payee is required, the parent shall not be allowed to act as the payee for the foster care payment.

When the placing agency denies a NMD's request to live in a SILP in the same home as a parent, the NMD shall be informed of their right to appeal this decision and shall be provided a copy of the county's appeal procedures.

Eligibility/Funding

The federal government allows Title IV-E funding for an NMD youth living in a SILS where the parent also resides. Therefore, federal financial participation is available for any federally eligible NMD. For non-federally eligible NMDs, funding would come from the same sources as for any other type of non-federal SILP.

[Section 45-302.2](#) of the MPP prohibits aid to be paid on behalf of a child who is living in the same home as his/her birth or adoptive parent or the home of the parent(s), relative or legal guardian from whom the child was removed. However, in light of the federal guidance and change to the state plan, and for the purpose of this specific regulation, the CDSS clarifies that this provision applies only to minors and does not apply to NMDs. The CDSS is currently in the process of updating MPP Division 45 regulations and this clarification will be reflected in the revised regulations.

If you have any questions or concerns regarding this letter, please contact the Foster Care Support Services Bureau at (916) 651-7465.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

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