



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY

DEPARTMENT OF SOCIAL SERVICES

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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

February 16, 2018

ALL COUNTY LETTER NO. 18-15

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

SUBJECT: **LAST DATE OF PAYMENT FOR EXTENDED FOSTER CARE**

REFERENCE: ALL COUNTY LETTER [\(ACL\) NO.11-61](#)

This ACL is being issued to correct information contained in ACL 11-61. ACL 11-61 page ten stated, "When a payment will terminate due to the nonminor dependent (NMD) aging out ... the aid payment shall cease at the end of the month in which the youth ages out or the court orders termination." However, the [Federal Administration for Children on Youth and Families-Children's Bureau - Program Instruction-10-11](#) provides, "A Title IV-E agency may exercise the option in Section 475(8)(B) of the Act to adopt a definition of "child" for the Title IV-E program that will allow it to provide foster care... for eligible youth up to 21 years of age." Accordingly, effective the date of this letter, an extended foster care payment for a nonminor who turns 21 shall cease no later than the day before the nonminor's 21st birthday. Retroactive discontinuance or overpayments shall not be applied.

If a court terminates a nonminor dependent's case prior to the nonminor's 21st birthday, then the case would be terminated effective the date of the court hearing. However, it is important to note that courts may hold the termination hearing prior to the youth's 21st birthday, but make it effective the date of the nonminor's birthday. In that case, the case would be terminated the day before the nonminor's birthday.

Counties shall continue to ensure that all minors and NMDs receive ongoing transition services to prepare for their exit from foster care, including development of the 90-Day Transition Plan with the youth within 90 days of the minor or NMD turning 21 or planning to exit foster care. Older minors and NMDs should be working toward employment and/or education goals from the time their initial Transitional Independent Living Plan (TILP) was developed with the aim of having sustainable, living wage employment upon their exit from foster care.

Transition services also include assisting the NMD in locating and securing appropriate after-care housing. Options include housing through the Transitional Housing Program-Plus (THP-Plus); housing funded through a Family Unification Program (FUP) voucher; living with a relative, friend or other permanent connection; or other housing that is within the NMD's budget. The security deposit and first month's rent for the housing can come from the youth's emancipation trust fund; the Emancipated Youth Stipend or other Independent Living Program (ILP) funds; or other available county funds. Plans for after-care housing should take into account that foster care payments to or for the NMD will cease on the day before the NMD's 21st birthday.

For those NMDs who will be unable to live independently due to developmental, physical or mental health disabilities, case workers should be working with other systems of care, such as regional centers and mental/behavioral health departments, to ensure a smooth transition to the other system of care.

If you have any questions about this letter, please contact your Foster Care eligibility consultant at (916) 651-7230.

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