



JOHN BURTON
Advocates
for Youth

QUESTION OF THE WEEK ARCHIVE

2012 – 2020



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for Youth

2020

OCT 05 2020

DID THE GOVERNOR'S VETO OF SENATE BILL 912 IMPACT THE COVID-19 EXTENSION OF FOSTER CARE FOR YOUTH WHO TURNED 21 ON OR AFTER APRIL 17TH?

Q: Did the Governor's veto of Senate Bill 912 impact the COVID-19 extension of foster care for youth who turned 21 on or after April 17th?

A: No, it did not. The 2020-21 state budget included \$32 million to protect non-minor dependents by allowing youth who turn 21 between April 17, 2020 and June 30, 2021 to remain in care until June 30, 2021. Senate Bill 912 (Beall) would have made additional changes to this extension, including changing the date range of eligibility and making the extension automatic for any future states of emergency. The veto of Senate Bill 912 did not impact the existing extension to June 30, 2021. A full description of how the extension was included in the state budget follows.

The budget trailer bill, Assembly Bill 89 states that \$29,021,000 million is available to:

- 1) Fund the assistance costs associated with continuing an extended foster care benefit assistance payment for any nonminor dependent who met eligibility requirements for the Extended Foster Care program, has lost their employment or has experienced a disruption in their education program resulting from COVID-19, and cannot otherwise meet any of the participation requirements; and
- 2) Extend foster care eligibility for nonminor dependents who turn 21 years of age while in extended foster care on or after April 17, 2020, through June 30, 2021.

Another budget trailer bill, Senate Bill 115 states that \$2,979,000 is available to fund the administrative costs associated with the above provisions. An All County Letter with more in-depth guidance about this extension is forthcoming from the California Department of Social Services. In the meantime, questions can be directed to TAYPolicy@dss.ca.gov.

SEP 21 2020

CAN FOSTER YOUTH STUDENTS WHO DON'T MAINTAIN SATISFACTORY ACADEMIC PROGRESS (SAP) RECEIVE FINANCIAL AID?

Q: If a foster youth student is not meeting a college's Satisfactory Academic Progress (SAP) requirements, are they still eligible to receive financial aid? For the answer, please follow this link.

Students may not meet SAP for various reasons, including having a low grade point average (GPA), not completing enough courses, or taking too long to reach the number of courses needed to graduate. Each academic institution has their own SAP policy, but, generally speaking, most forms of federal financial aid only allow students to not meet SAP for two consecutive semesters or three consecutive quarters before becoming ineligible for funding and needing to file an appeal with their financial aid office to potentially have it reinstated.

As a result of SB 150, however, which went into effect on January 1, 2020, foster youth students in California receiving the Chafee Education and Training Voucher can fail to meet SAP for four consecutive semesters or five consecutive quarters before losing their Chafee funding. After the second consecutive semester (or third quarter), students must meet with an on-campus advisor to develop a Student Success Plan that addresses both academic and non-academic barriers they are facing in maintaining the required GPA and working towards graduation. If a student continues to not meet SAP for four consecutive semesters (or five quarters), they can file an appeal with the financial aid office to have their funding reinstated based on .

SB 150 also applies to students who may have disenrolled from an institution after not meeting SAP. Under the provisions, students who do not meet SAP and subsequently disenroll should have their Chafee funding reinstated upon re-enrollment. If the student who seeks to re-enroll did not meet SAP for two or more consecutive terms, the academic institution has the discretion to immediately reinstate their Chafee funding or require the student to complete a Student Success Plan or file an appeal (if SAP was unmet for four consecutive semesters or five consecutive quarters).

To learn more about the SB 150 provisions and review sample templates that academic institutions can utilize. Foster youth should also submit an appeal to have other financial aid reinstated. Students should visit their campus website to determine the process for submitting an appeal and can also visit SwiftStudent for guidance.

SEP 03 2020

DO UNEMPLOYMENT INSURANCE PAYMENTS IMPACT FOSTER CARE BENEFITS?

Q: Some youth in foster care in our county are receiving unemployment insurance after losing their jobs or having their hours reduced as a result of the COVID-19 crisis. Do these payments impact their foster care payment or their eligibility for placement or services at all?

A: No, the Unemployment Insurance being provided under the CARES Act does not have a bearing on foster care benefits. Unemployment Insurance is unearned income, which does count toward certain means-tested benefits, however the federal Children's Bureau has advised the California Department of Social Services that CARES Act unemployment payments are not be considered income or resources when determining Title IV-E eligibility.

Citation: California Department of Social Services, All County Letter 20-81 (July 9, 2020).

<https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2020/20-81.pdf>

JUL 10 2020

CAN YOUTH RECEIVE UNEMPLOYMENT IN CALIFORNIA?

Q: I understand that Congress is considering extending the current unemployment benefits. Can youth receive unemployment in California?

A: Yes, youth can receive unemployment insurance in California where there are no minimum age requirements, as long as they meet other eligibility requirements:

- They lost job through no fault of their own
- They earned enough money during a four-quarter base period:
 - \$1,300 in the highest quarter of their base period* [or]
 - \$900 in their highest quarter and
 - Total base period earnings of 1.25x their high quarter earnings
- They must be able, available, and actively seeking work

**A base period is a specific 12-month term used to determine eligibility*

It is also important to note that several youth may be eligible for unemployment insurance that previously were not. The categories of eligibility have been expanded to include the following types of workers impacted by the Coronavirus:

- Self-employed workers (earned income from own work rather than as an employee)
- Freelancers, e.g. baby-sitter, tutor, blogger, photographer, etc.
- Independent contractors e.g. Lyft/Uber driver, barber/hair stylist, gardener, personal trainer, etc.
- Part-time workers who had a reduction in hours

Weekly benefit amounts range from \$40 to \$450, and right now, those receiving unemployment get an additional \$600 per week until the end of July. Congress is currently considering extending this additional benefit amount beyond July 31, 2020. Apply for unemployment insurance [HERE](#).

Read a fact sheet developed by the L.A. Opportunity Youth Collaborative for step-by-step instructions to apply, and for other helpful information about applying for unemployment insurance.

MAY 11 2020

WILL UNEMPLOYMENT BENEFITS AND STIMULUS PAYMENTS IMPACT FINANCIAL AID?

Q: If a student receives unemployment benefits during COVID-19, do they need to report them as income on the FAFSA? What about other benefits like stimulus payments or emergency aid a student receives from their campus?

A: Unemployment benefits, including those received in connection with the Coronavirus pandemic, must be reported as income on the FAFSA. Since the FAFSA is on a prior-prior year basis, this income, which will be reported on their 2020 federal income tax return, and would be reported on the 2022-2023 FAFSA but would not impact their current financial aid award.

In contrast, Economic Impact Payments, or stimulus checks, are not considered taxable income and do not affect their financial aid eligibility, either now or in the future. These checks do not need to be reported on the FAFSA.

In addition, emergency financial aid grants to students and other financial aid received from the government in connection with the Coronavirus pandemic do not need to be reported as income on the FAFSA and do not affect students' financial aid. Emergency aid from other than a governmental source, however, including emergency aid made available by a college campus not paid for by CARES Act funding, may be considered "Estimated Financial Assistance" and may reduce a student's financial aid award. In this scenario, students should request that the financial aid office exercise professional judgment to increase the student's cost of attendance to make room for the aid.

For further information on student emergency aid and taxation, refer to the U.S. Department of Education's guidance.

MAY 04 2020

CALIFORNIA LEGISLATURE RESUMES

Q: Now that the California Legislature has resumed, what are key hearings, deadlines, and guidance for participation during the continued Covid-19 state of emergency? How will I know if a bill I care about is moving forward or held?

A: After a legislative pause due to the coronavirus pandemic, the California State Assembly reconvened Monday, May 4, 2020 and the Senate will resume May 11, 2020. Due to the risk of spread of Covid-19, hearings are held virtually with telephonic access for public comment and in-person attendance is discouraged. Guidance to the public requests that people do not enter the Capitol if they have a cough or fever, or are monitoring Covid-19 symptoms. People are encouraged to watch and participate from home. Opportunities are provided to submit written testimony and to make public comment by phone. For anyone needing to attend in person there is a request to maintain a minimum six-foot distance from one another. Capitol restrooms are equipped with soap and people are asked to wash hands often and use hand sanitizer.

The Assembly and Senate Daily Files are updated to include the new hearing dates, agendas and information for how to view the hearings. There will be one hearing per committee in the month of May. Based on the ongoing financial impact of Covid-19 on the economy, legislators were asked to restrict their legislative items only to those issues related to addressing Covid-19, homelessness, and wildfire response. Many bills previously set to be heard will now be held and will not move forward this year. To learn the status of legislation, search by bill number here and click on the status tab.

Hearings important to transition age youth and foster youth are the following:

- **Assembly Budget Subcommittee #1, May 4, 2020 at 10:00 a.m.**
- **Assembly Human Services, May 7, 2020 at 10:00 a.m.**
- **Assembly Higher Education Committee, May 13, 2020 at 11:30 a.m.**
- **Assembly Housing and Community Development, at May 20, 2020 11:30 a.m.**
- **For the Senate hearings schedule, [click here](#).**

APR 27 2020

MANY MORE YOUTH ARE ENTITLED TO STIMULUS CHECKS

Q: Some of the college youth in my foster youth program have already received their COVID-19 stimulus payments from the government, but others have not. What accounts for this difference and what should I tell youth who have not yet received payment?

A: Many people are entitled to a stimulus payment but are unaware how to receive it. Youth who have a social security number, are not claimed as a dependent on anyone else's tax form, and earn less than \$75,000 gross annually (or within these parameters if they are married, head of household or parenting) qualify for funding. As of April 13, 2020, many people automatically received direct deposits in their bank accounts if they filed 2018 or 2019 tax returns and have a bank account on file with the IRS. Everyone falling outside of this scenario must either wait a bit longer or take action to receive their check.

If the youth filed 2018 or 2019 taxes but did not provide bank account information, they should expect to receive a physical check in the beginning of May. They can also visit the IRS website to update their bank account information. However, even if they did not file a tax return, they can still receive payment by filling out this IRS form. A youth who receives Social Security Insurance (SSI) or Social Security Disability Insurance (SSDI) with no dependents, will also automatically receive a payment.

In general, qualified single filers will receive \$1,200, and potentially more, if they are married or parenting. Youth are encouraged to apply, even if they are unsure if they qualify. They can check the status of their check at any time here and refer to a Q&A by the Alliance for Children's Rights for further information on eligibility and common scenarios.

APR 20 2020

EXPANDED ELIGIBILITY AND TIMING FOR UNEMPLOYMENT INSURANCE

Q: Many of the youth who I work with are part-time workers or a part of the gig economy, and they have either lost their jobs or had their hours reduced, as a result of the coronavirus. Can they still file for unemployment?

A: Yes, and they should apply as soon as possible. California has expanded unemployment insurance eligibility to include self-employed workers, freelancers, independent contractors, and part-time workers for up to 39 weeks. Many youth who work as Lyft or Uber drivers, babysitters, dog walkers, or tutors, among other jobs, are now protected. In addition, youth who still have a job and had their hours reduced are also protected.

In general, to qualify for unemployment insurance in California, one must have lost their job or experienced reduced hours through no fault of their own; met certain earnings thresholds during a base period; and be actively seeking new employment. To check their eligibility, youth should register as soon as possible with the State of California Employment Development Department on their phone or computer or call 1-800-300-5616 for directions on how to apply by phone, mail, or fax.

If they qualify, youth can receive weekly benefits from \$40-450, depending on their previous earnings, and right now, if approved, they would get an additional \$600 week until the end of July. Funds will arrive approximately 2-4 weeks after approval, so youth are encouraged to apply as soon as possible and should be prepared to "recertify for benefits" every two weeks. For more information refer to this fact sheet created by the Alliance for Children's Rights.

FEB 14 2020

INFANT SUPPLEMENT PAYMENT ELIGIBILITY

Q: I work with parenting youth, how do I know if they are eligible for the infant supplement payment? Can both parents receive the infant supplement payment for their child?

A: The Department of Social Services has issued an All County Information Notice clarifying infant supplement eligibility, ACIN NO. I-10-20. The department clarifies that the following parenting youth populations who are living with their non-dependent child are eligible:

- Youth under delinquency jurisdiction who are residing in foster care.
- Nonminor dependents (NMDs) in Extended Foster Care.
- Youth in non-related legal guardianships receiving AFDC-FC payments.
- Youth receiving Kin-Guardianship Assistance Payment (Kin-GAP) payments.
- Youth receiving Approved Relative Caregiver (ARC) payments.

The department further clarified that either male or female parenting youth may be eligible for an infant supplement and that all eligible teens and nonminor dependents be screened for current or expectant parents. **Only one infant supplement may be paid per eligible child. If both parents are eligible, the infant supplement must be paid to the parent with primary physical custody of the child.**



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2019

DEC 16 2019

SATISFACTORY ACADEMIC PROGRESS

Q: Many of the students I work with lose their financial aid because of satisfactory academic progress (SAP) requirements. Are there any forms of financial aid that are not subject to SAP?

A: While all forms of state and federal financial aid have some form of academic progress standards, some have more flexibility than others. A new law (SB 150) that will take effect on January 1, 2020 will allow students to continue to receive a Chafee ETV grant for two years before they lose eligibility because of SAP. If a student does lose eligibility there are specific criteria that qualify the student for reinstatement that are broader than those used for other forms of aid. To read more about this new law, click [HERE](#).

In addition, the Promise Grant, which covers tuition costs at community colleges, is subject to different standards than sources such as the federal Pell grant and state CalGrant. While this varies by campus, typically the requirements are less stringent, and students can often maintain the fee waiver even when they no longer qualify for other forms of aid.

Finally, if a student does lose financial aid, they should be encouraged to appeal to have aid reinstated. This process can be cumbersome, and they may need support to navigate their college's SAP appeal process.

DEC 03 2019

2019 CALIFORNIA EARNED INCOME TAX

Q: I understand that the California Earned Income Tax Credit was expanded last year and that it is now available to transition-age youth, age 18 to 21, regardless of their parenting status. Is there a minimum amount that a youth has to earn to qualify for the CalEITC? What materials are available to share with youth in my county?

A: Yes, the California EITC (CalEITC) was expanded from \$400 million to \$1 billion annually in the 2019-20 budget. This expansion made the following changes:

- Expanded eligibility to families that earn up to \$30,000 annually;
- Increased the maximum credit to \$2,982 for CalEITC, plus a maximum credit of \$6,557 for federal EITC
- Added a Young Child Tax Credit, which is an additional credit of up to \$1,000 for tax filers who meet CalEITC requirements and have a child under six years old by the end of the year.

The California Franchise Tax Board has updated its materials for the 2019 tax year. To download the updated materials, follow this [LINK](#). John Burton Advocates for Youth will host a website on strategies to help transition-age youth access the CalEITC on January 30, 2020 from 10:00 a.m. to 11:30 a.m. To register, follow this [LINK](#).

NOV 15 2019

COLLEGE BENEFITS FOR HOMELESS STUDENTS

Q: I know that homeless students can qualify for independent status on the FAFSA as well as priority registration. If a student qualifies as independent for the purposes of the FAFSA, based on their status as a homeless student, do they automatically qualify for priority registration as well? Is the reverse true?

A: As of January 1, 2020, AB 806 will expand the definition of homelessness used for priority registration to include students who become homeless after entering college as well as those who were homeless prior to college application. As such, most students who qualify as independent on the FAFSA based on homeless status will meet the eligibility criteria for priority registration. The one exception to this is that if a student qualifies on the FAFSA based on being “self-supporting and at-risk of becoming homeless” they may not qualify for priority registration.

Other than the “at-risk” qualification, both benefits rely on the McKinney-Vento definition of homelessness, namely that the student “**lacks fixed, regular and adequate housing.**” Key differences between the two benefits are as follows:

- For FAFSA a student must be unaccompanied, whereas this is not the case for priority registration.
- For FAFSA a student must have been homeless on or after July 1 of the year in which they are applying but for priority registration, a youth can have been homeless at any time during the 24 months prior to the college receiving their application or be currently homeless.
- For FAFSA a student must reverify their status every year whereas for priority registration once a student is verified as homeless, they retain that status for a period of 6 years or until they reach age 25, whichever comes first.

Want to learn more about how to complete the FAFSA for a homeless student? Check out our recent webinar recording [HERE](#).

OCT 21 2019

Q OF THE W: CREDIT REPORTS FOR NON-MINOR DEPENDENTS

Q: I’m working with a Non-Minor Dependent (NMD) that is experiencing identity theft. I thought requirements were in place to prevent this type of thing from happening. Do NMDs receive assistance with checking their credit histories and addressing identity theft?

A: Yes, Non-Minor Dependents (NMDs) may receive assistance from their county social worker or probation officer with checking their credit histories and addressing identity theft, however because NMDs are adults who have the choice to request their credit reports just as any other adult can under federal law, the assistance they receive is at the discretion.

County agencies are required to inform NMDs of the advisability of requesting credit reports and provide annual assistance in doing so if the NMD desires. Specifically, the social worker or probation officer must ensure the NMD receives assistance in requesting and reviewing the reports. If a NMD needs help requesting their credit reports, counties can obtain written permission from the NMD to request their

credit reports on their behalf. County agencies must refer NMDs to appropriate resources to aid in clearing their credit reports of inaccuracies.

If a NMD does not request their credit reports on an annual basis, the social worker/probation officer is encouraged to continue to discuss, at monthly visits or other opportunities, the importance of checking one's credit reports and maintaining good credit as part of a healthy financial management strategy.

Citation: California Department of Social Services, All County Information Notice I-47-19 (2019); All County Letter 14-23 (2014)

OCT 04 2019

FUNDING FOR HOMES NOT YET APPROVED AS RESOURCE FAMILIES

Q: Can a home that is not yet approved as a Resource Family provide foster care placement on an emergency basis and still receive funding for the placement?

A: Yes. Effective July 1, 2019, when a county places a child or non-minor dependent on an emergency or temporary basis or for a compelling reason with a relative or nonrelative extended family member prior to Resource Family Approval (RFA), that emergency caregiver will receive a payment equivalent to the basic level rate, which is \$1,000 for Fiscal Year 2019-20. The emergency caregiver funding is first provided on the date of placement and is funded through either the Emergency Assistance (EA) Program or, for children who are determined to be ineligible for the EA Program, through a combination of state and county funding.

Extended family members of an Indian child pending approval as a Tribally Approved Home are also eligible if the child or youth is placed on an emergency or temporary basis, however not when placed for a compelling reason.

Citation: California Department of Social Services. All County Letter 19-84 (September 4, 2019). https://gallery.mailchimp.com/73901133dd7ea1a5581344daf/files/86bfa1e9-cfcb-40c3-9fc7-9e9899310730/19_84_ES.pdf

California Welfare & Institutions Code § 309, 361.45 & 16519.5

SEP 23 2019

COMMUNITY COLLEGE ASSESSMENT AND REMEDIATION

Q: Do students who are entering community college still need to take assessment tests in math and English to determine if they need to take remedial classes?

A: Under a new law, Assembly Bill 705 (Irwin), community colleges in California are required to use students' high school grades as the primary means of placement rather than assessment tests, which are notoriously unreliable predictors. The law also restricts colleges from denying students access to

transferable, college-level courses and gives students the right to begin in courses where they have the best chance of completing the English and math requirements for a bachelor's degree.

A recent report from the Campaign for College Opportunity, however, found mixed results in how this law has been implemented. They looked at 47 community colleges in the Central Valley, the Inland Empire, and greater Los Angeles. On the positive side, colleges have approximately doubled the proportion of transfer-level classes they offer. There has also been dramatic growth in the number of colleges offering corequisite remediation—that is, curricular models in which students receive additional support while enrolled in transferable, college-level classes. Most colleges are allowing all students to enroll directly in transferable, college-level courses, in compliance with the law, however, there are some exceptions.

At many colleges, however, remedial courses continue to constitute a large proportion of course offerings, especially in math, and students are not being fully informed both about the pros and cons of enrolling in remedial courses and their rights as defined in AB 705. Although expressly prohibited by new Title 5 regulations, some colleges still embed “readiness tests” deep within their guided placement tools.

It is crucial that, until the bill is fully implemented, professionals educate themselves and students about how to advocate to ensure that students are enrolling in courses that maximize their likelihood of success. To read the full report, [CLICK HERE](#). To read more about AB 705, follow this [LINK](#).

SEP 06 2019

ELIGIBILITY REQUIREMENTS FOR THE 3RD YEAR THP-PLUS EXTENSION FOR YOUTH IN SCHOOL

Q: I am working with a youth who is interested in remaining in her THP-Plus program for the third year as part of the THP-Plus extension for youth enrolled in school, established in 2014 by Senate Bill 1252 (Torres). Are there any minimum GPA requirements for youth participating in the extension?

A: No, there are no Grade Point Average requirements for a youth to access THP-Plus for an additional 12 months or up to the age of 25. The THP-Plus extension for youth in school was established by Senate Bill 1252 (Torres) in 2014 and took effect January 1, 2015. Following are the eligibility requirements for the third-year THP-Plus extension:

- Meet basic eligibility requirements for THP-Plus.
 - Have an order for out-of-home placement on 18th birthday; and
 - Enter into a Transitional Independent Living Plan (TILP) that shall be mutually agreed upon, and annually reviewed by the youth and county welfare or probation department or independent living coordinator.
- Be completing a secondary education or a program leading to an equivalent credential or enrolled in an institution that provides postsecondary education, including vocational education if from an accredited institution.

The THP-Plus extension for youth enrolled in school is optional for counties, however, once a county opts-in, the extension must be offered to all eligible youth, not applied on a case-by-case basis. Currently, 28 counties offer the extension. A list of these counties can be found here: <https://www.jbaforyouth.org/thp-plus-extension/>.

Citation:

- Senate Bill 1252 (Torres, 2014)
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1252
- *Welfare & Institutions Code 11403.2(a)(2)*
- California Department of Social Services. All County Information Notice I-40-15 (2015).
http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acin/2015/I-40_15.pdf

AUG 22 2019

BURTON BOOK FUND

Q: I am working with a former foster youth who needs financial resources to purchase his college textbooks and course materials this semester. How do I find out which campuses are participating in the Burton Book Fund this year and help him apply?

A: The list of participating campuses for the 2019-2020 Burton Book Fund can be found [HERE](#). If the student's campus is participating, have him/her reach out to the campus representative listed and meet with that person to submit an application to receive a \$200 Burton Book Fund. For more information about the Burton Book Fund, please visit this [PAGE](#).

AUG 09 2019

SB 89 PRE-APPROVAL CURRICULUM

Q: My county is currently bringing our Resource Family (RF) pre-approval training into compliance with the SB 89 provision that requires RF pre-approval training to include training on reproductive and sexual health rights of foster youth, duties and responsibilities of caregivers and caseworkers to uphold those rights, how to engage with youth about sexual and reproductive wellness, and current contraceptive methods and resources to share with youth. Is there a curriculum that has been already developed on these topics that my county could use?

A: Yes, there is a curriculum available that fulfills the training mandates for RF pre-approval training. It was developed by John Burton Advocates for Youth (JBAY) and Seneca Family of Agencies. and all curriculum materials can be found through this [LINK](#). Spanish version of the curriculum materials will be available in Septemeber 2019. Additional training curricula on supporting sexual and reproductive health for youth in foster care can be found [HERE](#).

JUL 29 2019

FOSTER YOUTH RESIDENCY STATUS ISSUE FIXED IN CCCAPPLY

Q: In the past, after completing the community college application on CCCApply, foster youth have sometimes been required to provide additional documentation to the admissions and

records office at their college to prove residency status, even when they have never lived outside of California. Has anything been done to remove this barrier?

A: Yes, this barrier has been addressed by adding foster care as an exemption, described further below.

In CCCApply, students under the age of 19 are asked to provide information about a Parent/Guardian, which is used to determine residency status. When a student selects “guardian” rather than “mother” or “father,” a flag is triggered that requires the student to provide additional verification to the admissions and records office.

On the “Account Information” page (for students under 19 only) there is a list of criteria which exempt a student from needing to provide parent/guardian information (such as being married, active military, no living parent, etc.). **Being “in foster care after your 13th birthday” is now included in this list of exemptions.** If the student selects this, they are not asked for the name of a parent or guardian and their residency status will be determined based on their residency information rather than that of a parent or guardian.

JUL 16 2019

HOW DOES ADULT ADOPTION OF A NON-MINOR DEPENDENT IMPACT EXTENDED FOSTER CARE ELIGIBILITY?

Q: I am working with a nonminor dependent in a Supervised Independent Living Placement who is residing with a supportive adult mentor. The youth’s mentor has offered to adopt him, but they would like to better understand how an adult adoption would impact the youth’s eligibility for extended foster care. Would he still be in extended foster care? Would any circumstances change?

A: No, if the youth is adopted, he would no longer be in extended foster care – his case would be closed. There are a number of factors to consider, along with the youth’s desire for permanency and the perceived stability of this permanency option. Below are the tangible circumstances that would change if he chose to proceed with the adult adoption:

- **Child welfare agency & court supervision:** He would no longer have a court-appointed attorney, monthly visits with a county social worker, or six-month court review hearings.
- **Access to placement options:** He would no longer have the option of a foster care placement such as a foster home, relative caregiver, Supervised Independent Living Placement (SILP) or Transitional Housing Placement Program for Nonminor Dependents (THPP-NMD); nor the supportive services associated with some placements (i.e. THPP-NMD).
- **Financial support:** The financial support he would be eligible for would be an Adoptions Assistance Program (AAP) payment, which would go to his adoptive parent(s). AAP, like foster care, was extended to age 21 by Assembly Bill 12. The monthly AAP rate is the basic rate, which is \$1,000 in FY 2019-20, and can be increased to \$1,112, \$1,225, or \$1,337, depending on the needs of the youth and as negotiated with the county.^[1] He would no longer receive a monthly foster care payment. In his current placement—a SILP—this payment amount is the basic rate (\$1,000 in FY 2019-20) and can go to him directly.
- **Support beyond age 21:** He would maintain his eligibility for the THP-Plus program for former foster youth, which provides affordable housing and supportive services. Youth who were in

foster care on or after their 18th birthdays are eligible for THP-Plus once they exit care for up to 24 months between the ages of 18 and 24 (up to 36 months and/or age 25 if in school, in counties that have opted into the THP-Plus extension).^[2]

- **Health care:** As a former foster youth who was in care on his 18th birthday, he would maintain his eligibility for Medi-Cal up to age 26.^[3]
- **Educational financial aid:**
 - He would maintain eligibility for independent student status because he was in foster care after turning 13. Independent students are not required to include any parental income on the Free Application for Federal Student Aid; aid is calculated based on the student's income only, therefore usually making them eligible for all need-based aid.
 - He would also maintain eligibility for the Chafee Education and Training Voucher, which provides up to \$5,000 per year to youth who were in foster care between age 16 and 18.^[4]
 - Lastly, he would be eligible for special exemptions and rules that apply to current and former foster youth for the Cal Grant^[5] and the California Community College Promise Grant.^[6]

Citation:

[1] California Department of Social Services. All County Letter 19-58 (June 28, 2019).
https://www.cdss.ca.gov/Portals/9/ACL/2019/19-58_ES.pdf

[2] Welfare & Institutions Code §11403.2(2)

[3] For information about health care coverage for former foster youth up to age 26, visit Children Now's website: <http://coveredtil26.childrennow.org/>

[4] California Student Aid Commission. <https://www.chafee.csac.ca.gov/>

[5] California Student Aid Commission. Special Alert: Cal Grant B Eligibility Expansion for Foster Youth-Update (July, 8, 2019).
https://www.csac.ca.gov/sites/default/files/file-attachments/gsa_2019-19.pdf

[6] John Burton Advocates for Youth. Financial Aid Guide for California Foster Youth.
<https://www.jbaforyouth.org/ca-fy-financial-aid-guide/> (see page 5 for financial aid eligibility – foster youth are not subject to Satisfactory Academic Progress requirements for the California Community College Promise Grant).

JUN 27 2019

UPDATED AB 12 RE-ENTRY CONTACT LIST

Q: I was previously in foster care, then exited last year when I was 18. I would like to re-enter extended foster care but I don't have my former social worker's contact information and I don't know who to contact at the county. Who do I contact?

A: You should use this AB 12 re-entry contact list, which was just updated in May 2019:
<https://www.jbaforyouth.org/wp-content/uploads/2019/06/CWDA-AB-12-Re-Entry-Contact-list-05-20-19.pdf>. Scroll down to find your county and there will be a phone number and email address to contact.

To re-enter extended foster care, you must be under age 21, and sign a voluntary re-entry agreement (SOC 163), which provides the county with the authority for placement for 180 days. Once this is signed, foster care benefits begin the date the agreement is signed or the date that you are placed in a qualified placement, whichever is later. You must agree to satisfy one of the five participation conditions of extended foster care – which is indicated by your signing the SOC 163 – then continue to satisfy that requirement pending completion of the Transitional Independent Living Plan (TILP) that documents your continuing participation.

For more information on extended foster care, visit the California Fostering Connections to Success Act section of the JBAY website: <http://www.jbaforyouth.org/ca-fostering-connections/>.

Citations: Welfare & Institutions Code section 388(e)

California Department of Social Services, All County Letter 12-12 (March 23, 2012)

JUN 03 2019

CALFRESH ELIGIBILITY FOR SSI RECIPIENTS

Q: I'm working with a former foster youth who receives Supplemental Security Income (SSI). She previously applied for CalFresh but was denied due to her ineligibility as an SSI recipient. Has this eligibility restriction changed?

A: Yes, it has changed. As of June 1, 2019, individuals receiving Supplemental Security Income or State Supplemental Program payments (SSI/SSP) are eligible for CalFresh, provided all other eligibility criteria are satisfied.

John Burton Advocates for Youth's [FAQ](#) on CalFresh for Non-Minor Dependents has been updated to reflect this change. For resources related to the CalFresh expansion to SSI/SSP recipients, visit <http://www.cdss.ca.gov/inforesources/CalFresh/Supplemental-Security-Income/Resources>.

Citation: Assembly Bill 1811 (2018).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1811

California Department of Social Services. All County Letter 18-90 (July 31, 2018).

<http://www.cdss.ca.gov/Portals/9/ACL/2018/18-90.pdf?ver=2018-07-31-142643-887>

California Department of Social Services. All County Letter 18-90E (April 10, 2019).

<http://www.cdss.ca.gov/Portals/9/ACL/2018/18-90E.pdf?ver=2019-04-16-090819-407>

MAY 21 2019

WHEN DOES TURNING 26 DISQUALIFY A STUDENT FROM A CHAFEE GRANT?

Q: I'm working with a college student, formerly in foster care who will be 26 in October. I understand the upper age limit for the Chafee Grant was extended to 26. Will this student be eligible to receive a Chafee for the 2019-20 academic year, or will turning 26 in the fall disqualify her?

A: She will still be eligible as long as she does not turn 26 by July 1, 2019, given she meets all other eligibility criteria. To qualify for the Chafee Education and Training Voucher, a student must meet the following criteria:

- Be a current or former foster youth who was a ward of the court, living in foster care, for at least one day between the ages of 16 and 18.*
- Have not reached their 26th birthday as of July 1st of the award year.
- Have not participated in the program for more than five years (whether or not consecutive)

* If the student is/was in Kin-GAP, a non-related legal guardianship, or were adopted, they are eligible only if they were a dependent or ward of the court, living in foster care, for at least day between the ages of 16 and 18.

If she has not already done so, the student should submit a Chafee application as soon as possible. Although there is no deadline, the earlier she applies, the higher she is prioritized for funds. (Note she must also submit a FAFSA if she has not already). If she already submitted a Chafee application for previous years, she does not need to resubmit it.

Citation: California Student Aid Commission. <https://www.chafee.csac.ca.gov/>

Assembly Bill 1811 (Committee on Budget, Human Services Omnibus, 2018)

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1811&search_keywords=chafee

MAY 07 2019

WHEN ADOPTIVE PARENT OR GUARDIAN STOPS SUPPORTING YOUTH BUT STILL RECEIVES PAYMENTS: WHAT MUST THE COUNTY DO?

Q: If a youth tries to re-enter foster care because their adoptive parent or guardian no longer provides them support, but the parent or guardian is still receiving Kin-GAP or AAP payments on the youth's behalf, is the county required to take any sort of action to address the lack of support?

A: Yes. In scenarios where a youth alleges that the adoptive parent or guardian is no longer providing support, but the adoptive parent or guardian is still receiving payments on the youth's behalf, the county must initiate certain activities, which vary slightly depending on whether the youth is in a guardianship or an adoption.

As you've alluded to, existing law requires that youth participating in the extended Kinship Guardianship Assistance Program (Kin-GAP) or Adoptions Assistance Program (AAP) can only re-enter extended foster care if their guardian or adoptive parent is no longer receiving aid payments on their behalf.

All County Letter 19-31 indicates that when a youth in guardianship alleges that the guardian is no longer providing support, but the guardian is still receiving payments, the social worker/probation officer must

conduct a timely assessment. For adopted youth, if no safety issues are identified, the worker is required to make an effort to assist the young adult and adoptive parent to remain an intact family unit. In both scenarios, the ACL characterizes these efforts as consisting of speaking with the guardian or adoptive parent regarding the allegations of lack of support, and an in-depth conversation with the youth and guardian or adoptive parent to better understand the dynamics of the home.

For adopted youth, the county is also required to contact the responsible public agency (County Post-Adoption Services or the California Department of Social Services Regional Office for the administration of the AAP-eligible youth's case), to report the youth's allegations of lack of support.

Ultimately, the county can take measures to suspend or terminate payments, and to initiate re-entry proceedings, if certain conditions are met. For more information about these processes, and for details about how counties should proceed for youth in guardianships versus adopted youth, [read the ACL](#).

Citation: California Department of Social Services. All County Letter 1931 (2019). http://www.cdss.ca.gov/Portals/9/ACL/2019/19-31_ES.pdf?ver=2019-04-18-104859-023

APR 01 2019

FORMER FOSTER YOUTH WITH NON-RELATED LEGAL GUARDIANS QUALIFY FOR MEDI-CAL TO AGE 26

Q: I'm working with a former foster youth who was in a Non-Related Legal Guardianship (NRLG). Is this youth eligible for extended Medi-Cal to age 26, given she was in a NRLG?

A: If this former foster youth moved into the Non-Related Legal Guardianship (NRLG) and remained under the care and placement of the state or tribe, he or she is eligible for extended Medi-Cal benefits.

Under the Patient Protection and Affordable Care [Act](#), California passed a [law](#) in 2013 allowing youth who were in foster care on their 18th birthday or later to [qualify](#) for free Medi-Cal until age 26. All County Welfare Directors Letter (ACWDL) [19-08](#) explains that a youth moved into a NRLG who remains under the care and placement of the state or tribe is eligible for extended Medi-Cal benefits under the Former Foster Youth Program.

Citation: California Department of Health Care Service. All County Welfare Directors Letter 19-08 (2019). <https://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/ACWDL/2019/19-08.pdf>

MAR 05 2019

COUNTY POLICIES ON OUT-OF-COUNTY YOUTH IN THP-PLUS

Q: I work with a non-minor dependent who is turning 21 soon and is interested in moving across the state. This young person has encountered some significant challenges over the last couple of years and is a new parent. She could really benefit from some extended support beyond 21. Would it be possible for her to access a THP-Plus program outside her county of jurisdiction?

A: Yes, nearly all 47 counties with THP-Plus programs accept out-of-county youth in their program, pending openings. John Burton Advocates for Youth maintains a webpage that lists which counties accept out-of-county youth in their THP-Plus program here: <https://www.jbaforyouth.org/out-of-county-youth-thp-plus/>. This webpage was just updated in March 2019 to reflect counties' current policies.

Because waiting lists can be quite long, it would be best to reach out to the program sooner than later so that if there is a waiting list, she can get on it. She should also make sure and tell the program that she is a custodial parent so that they are aware of her housing needs.

FEB 05 2019

INDEPENDENT STUDENT STATUS ON THE FAFSA – FOSTER OR HOMELESS YOUTH?

Q: I'm trying to help a 22-year-old young woman complete the FAFSA before the priority deadline of March 2. This young woman did spend time in foster care but is also currently homeless. In the dependency section, for the purposes of establishing independent student status, should she indicate her foster care history or her current homelessness status? I see you cannot indicate both.

A: If the young woman was in foster care at any time since turning 13, she should check this box and be granted independent student status by way of her foster care history, instead of her homelessness status.

Homelessness determinations only last that upcoming school year, then require annual verification that the student was "an unaccompanied youth who is homeless or is self-supporting and at risk of being homeless" any time on or after July 1 of the year prior to the award year. However, youth who were in foster care or were dependents or wards of the court any time since turning 13 are considered independent students in subsequent years by way of their foster care history without having to re-verify.

The homeless youth determination process is also more cumbersome than the foster care verification process, which is now automated.

For help with assisting foster youth with completing the FAFSA, refer to JBAY's [Financial Aid Guide for California Foster Youth](#), which includes a Visual Guide.

For help with assisting homeless youth with completing the FAFSA, refer to JBAY's [Visual Guide to Assist Homeless Youth with Completing the FAFSA](#).

Citation: 2018-19 Federal Student Aid Handbook, Application and Verification Guide (<https://ifap.ed.gov/fsahandbook/attachments/1819FSAHbkAVG.pdf>)

JAN 18 2019

IRS VERIFICATION OF NONFILING

Q: Last year, students who submitted a FAFSA but hadn't filed a tax return were required to submit a "verification of nonfiling letter" from the IRS. This was a very onerous requirement and

students struggled to obtain the documentation. Have there been any changes to this requirement to make it easier?

A: The Department of Education issued a notice recently outlining some changes to these requirements. According to the [notice](#), institutions now have greater flexibility when verifying a student's nonfiling status. The notice states that if the individual is unable to obtain verification from the IRS or other tax authorities and, based upon the institution's determination, it has no reason to question the student's good-faith effort to obtain the required documentation, the institution may accept a signed statement certifying that the individual attempted to obtain the verification and was unable to obtain the documentation along with W-2 forms from any source of employment income.

JAN 08 2019

LIST OF COUNTIES THAT HAVE OPTED INTO THE THP-PLUS EXTENSION

Q: I'm currently nearing the end of my 24 months in the THP-Plus program. I'm working on getting my AA degree, and would really like to stay in the program until I finish. I've heard that some counties allow youth to remain in THP-Plus for an additional 12 months if they are in school. How do I find out whether my county offers this?

A: You are correct. Senate Bill [1252](#) (Torres) established the option for counties to extend their THP-Plus programs for youth enrolled in school for an additional 12 months and up to the age of 25. This law went into effect January 1, 2015.

Currently, 27 counties have opted into the THP-Plus extension. These counties are listed, along with additional information about the THP-Plus extension on the JBAY website at the following URL: <https://www.jbaforyouth.org/thp-plus-extension/>

Citation:

- Senate Bill 1252 (Torres, 2014).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1252
- California Department of Social Services. All County Information Notice I-40-15 (2015).
http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acin/2015/I-40_15.pdf



JOHN BURTON
Advocates
for Youth

2018

DEC 16 2018

CALGRANT EXTENSION

Q: I heard that foster youth can now receive a CalGrant for eight years instead of four years under a bill passed this year by the legislature. If a foster youth is already receiving a CalGrant, can they still get the full eight years or is it only for students who get new awards moving forward?

A: All foster youth who otherwise qualify can receive the grant for the full eight years, regardless of whether they are already receiving a CalGrant or not. Representatives from the California Student Aid Commission shared this on a webinar last week. To view the entire webinar, [CLICK HERE](#).

DEC 10 2018

STATEWIDE LIST OF COMPREHENSIVE SEXUAL EDUCATION PROVIDERS

Q: I understand that Senate Bill 89 requires county child welfare agencies to ensure that foster youth receive comprehensive sexual education once in middle school and once in high school. I'm working with a youth who missed this class in her high school.

The child welfare agency has attempted to work with the school so that she can take it out of sequence, but it doesn't appear to be an option. Who can the county worker refer her to in order to receive the required education?

A: You are correct. The California Foster Youth Sexual Health Education Act ([Senate Bill 89](#)), which went into effect on July 1, 2017 requires the county child welfare caseworker to ensure that every youth age 10 and older, including non-minor dependents if still in high school, receive comprehensive sexual education (CSE) once in middle school and once in high school. For youth who do not receive CSE, child welfare workers must document in the case plan how that requirement will be met.

The California Healthy Youth Act ([CHYA](#)) requires that schools provide CSE to students, however some foster youth miss this course as a result of school changes or absences. For a youth who misses CSE, the child welfare worker should first try to coordinate with the student's school/district to provide the course out of sequence, over the summer, or if a multi-school district, at another school. If this is not possible, the child welfare worker must refer that student to a community-based provider to receive CSE.

To find a provider in your area, first check this [roster](#) to see if there is an organization funded to provide CSE through the Personal Responsibility Education Program (PREP) or the Information & Education (I&E) Program. If there is not a PREP or I&E provider in your area, refer to this statewide [roster](#) of Planned Parenthood affiliates, which notes whether they provide CHYA-compliant CSE for interested parties.

For more information about SB 89, visit a page on the JBAY website:
<http://www.jbaforyouth.org/california-foster-youth-sexual-health-education-act-sb89/>.

Citation:

- Senate Bill 89, The California Foster Youth Sexual Health Education Act (2017).
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB89
- Assembly Bill 329, The California Healthy Youth Act (Weber, 2015).
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB329
- Statewide PREP & I&E Roster maintained by JBAY:
<http://www.jbaforyouth.org/statewide-roster-cse-providers/>

Statewide Planned Parenthood Roster maintained by JBAY:
<http://www.jbaforyouth.org/plannedparenthoodlist/>

DEC 03 2018

NON-MINOR DEPENDENTS IN THE MILITARY

Q: I'm working with a youth who is interested in joining the military. Can he still participate in extended foster care if he enlists?

A: He can participate in extended foster care as long as he is *not* on active duty in the military. A person who is on active duty is a full-time member of the military, and this includes the period of basic training (also known as boot camp).

Persons in the military reserves or National Guard are considered part-time military personnel, and so they are not on active duty and *are* eligible for extended foster care benefits (if all other extended foster care eligibility requirements are met) until called upon to serve in active duty.

Youth who are enlisted in the military but not on active duty (including those participating in a ROTC program), are eligible for extended foster care except during extended training if the military program does not allow a social worker/probation officer to conduct monthly visitation and supervision during this time. The youth would be eligible to re-enter foster care as soon as caseworker visitation can resume.

Citation: California Department of Social Services. All County Letter No. 18-101, Eligibility for Extended Foster Care (EFC) For Married Youth and Youth Performing Non-Active Duty Military Service, (September 12, 2018). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-101.pdf>

NOV 27 2018

ARE THERE ANY CIRCUMSTANCES IN WHICH MINORS CAN RECEIVE THEIR FOSTER CARE PAYMENT DIRECTLY?

Q: I understand a new law went into effect this year that allows youth under age 18 to receive their foster care payment directly if they are enrolled in college and living in a dorm. Is that the case?

A: Yes. Assembly Bill 766 went into effect on January 1, 2018 which allows a minor dependent at least 16 years of age to receive his or her foster care payment directly if they meet each of the following criteria:

- The minor is enrolled in a post-secondary educational institution, and
- The minor is living independently in a dormitory or other designated housing of the post-secondary educational institution, and
- The placement is made pursuant to a supervised placement agreement and Transitional Independent Living Plan (TILP).

Earlier this month, the California Department of Social Services issued **All County Letter 18-135** which outlines the requirements of AB 766 and provides instructions to counties about its implementation. Additional information included in the ACL follows:

- Minors who are receiving court ordered family reunification services are not be eligible to live independently, if the court finds that such placement would impede reunification efforts.
- Dormitories, other designated university housing, and Job Corps housing are exempt from the health and safety checklist.
- A new supervised placement agreement form specific to 16-18 year old youth will be made available in the future.

Citation:

- Assembly Bill 766 (Friedman), Chapter 710 (Cal. Stat. 2017).
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB766
- California Department of Social Services. All County Letter 18-135 (2018).
<http://www.cdss.ca.gov/Portals/9/ACL/2018/18-135.pdf?ver=2018-11-20-144036-853>

NOV 19 2018

EDUCATIONAL OPPORTUNITY PROGRAM DEADLINES AT CAL STATE UNIVERSITIES

Q: I am planning to submit an application to a Cal State University this month. I want to apply for the Educational Opportunity Program (EOP) and I heard that I need to do that with my application, but I just realized that I need to provide two letters of recommendation to apply for EOP. Is there any way that I can submit the letters after the November 30 application deadline?

A: While you must indicate on your admissions application if you would like to be considered for the Educational Opportunity Program, the deadline for submitting the required materials, including autobiographical essays and letters of recommendation falls after November 30. The deadlines vary by school, and range between December 7 and January 31, depending on the institution. To see the deadline for each institution, follow this **LINK**.

The CSU's Educational Opportunity Program (EOP) provides admission, academic and financial support services to historically underserved students throughout California including low-income, first generation and foster youth students. Some foster youth support programs require

enrollment in EOP in order to participate. In addition to indicating on the admissions application that they would like to apply for EOP, students must apply for financial aid and must complete autobiographical essay questions and provide two letters of recommendation from individuals who can comment about the student's potential to succeed in college such as a counselor, teacher, community member, or employer.

Make sure that you apply for the program with your CSU application as students will not be admitted to the program after they enroll in school.

NOV 12 2018

WORK REQUIREMENTS FOR THP-PLUS

Q: I'm working with a homeless former foster youth who attempted to access housing through our local THP-Plus program, but he was told by a social worker that he did not meet the work requirements to enter the program. Is this part of the THP-Plus eligibility requirements?

A: No, work requirements are not part of THP-Plus eligibility. Youth eligible for the THP-Plus program:

- are at least 18 years of age and not more than 24 years of age*
- have exited from the foster care system on or after his or her 18th birthday
- have not previously received services through THP-Plus for more than a total of 24 months, whether or not consecutive*
- *a county may, at its option, extend THP-Plus to a former foster youth not more than 25 years of age, and for a total of 36 months if they are completing secondary education or a program leading to an equivalent credential, or enrolled in an institution that provides postsecondary education.

As a condition of participation in THP-Plus, the youth shall enter into a Transitional Independent Living Plan (TILP) that shall be mutually agreed upon, and annually reviewed by the youth and county welfare or probation department or independent living program coordinator.

While many youth may have employment or education listed as a goal in their TILP, there is no blanket work or school requirement as a condition of THP-Plus eligibility, and there is a high likelihood that youth entering the program are not yet meeting the goals in their TILP, but are working toward them.

Citation: Welfare & Institutions Code 11403.2(a)(2)

NOV 05 2018

THP-PLUS RATES ACROSS THE STATE

Q: I am a THP-Plus provider and we are negotiating our contract for next fiscal year (2019-20). I'd like to compare our THP-Plus rate with others. Is there any one place that you know of where they list the rates that various counties pay?

A: Yes. John Burton Advocates for Youth collects this information as part of its [THP+FC & THP-Plus Annual Report](#). You can find the list of provider rates by county at this [LINK](#). The providers names have been removed.

OCT 30 2018

HEALTH ASSESSMENT AND DENTAL CARE REQUIREMENT

Q: I am a THP+FC provider. Are Non-Minor Dependents required to get a health check-up every year and if so, who is responsible for ensuring this occurs? What about dental care?

A: Yes, all children, youth and young adults in foster care are required to receive at least one health assessment annually up to age 21. Additionally, children, youth and NMDs in foster care up to age 21 must also receive one dental referral every six-months. This went into effect on July 1, 2016.

The county social worker is responsible for ensuring that children, youth and NMDs in foster care are up-to-date on their annual medical appointments, including dental care. This includes medical appointments where a youth or NMD may receive sexual or reproductive health services.

Sources: Manual of Policies and Procedures section [31-405.24](#) | [All County Letter 17-22](#)

[A Guide for Case Managers: Assisting Foster Youth with Healthy Sexual Development and Pregnancy Prevention](#)

OCT 22 2018

IS THERE AN AMOUNT REQUIRED TO BE SPENT ON CLOTHING WITHIN A RESOURCE FAMILY'S FOSTER CARE RATE?

Q: Is any specific amount of a Resource Family's monthly foster care rate required to be spent on the child's clothing? And are the foster parents required to keep the receipts for their expenditures?

A: The clothing allowance payment is solely at the discretion of the counties, so there is no designated clothing amount within the basic foster care monthly rate that the Resource Family receives. Foster parents are not required to keep receipts for clothing purchased.

Citation: Guidance from California Department of Social Services, Foster Care Audits & Rates Branch

OCT 10 2018

CHAFEE APPLICATION NOW AVAILABLE TO YOUTH UP TO AGE 26

Q: I heard that the age eligibility for the Chafee grant has been increased so that older youth in college can receive a Chafee grant. When is this going to become available?

A: You are correct. Eligibility for the Chafee grant in California has been expanded so that youth can apply for Chafee if they have not reached their 26th birthday as of July 1st of the award year, and are otherwise Chafee-eligible.*

Funding for the eligibility expansion was included in the 2018-19 State Budget. While the changes to eligibility were included in a budget trailer bill (AB 1811), taking immediate effect on July 1, 2018, students meeting the expanded eligibility requirements were not able to apply for Chafee until October 2018. The updated application is now available at:
<https://www.chafee.csac.ca.gov/StudentApplication.aspx>.

*To qualify for a Chafee grant, you must meet the following criteria:

- Be a current or former foster youth who was a ward of the court, living in foster care, for at least one day between the ages of 16 and 18.
- If you are/were in Kin-GAP, a non-related legal guardianship, or were adopted, you are eligible only if you were a dependent or ward of the court, living in foster care, for at least one day between the ages of 16 and 18.
- Have not reached your 26th birthday as of July 1st of the award year.
- Have not participated in the program for more than 5 years (whether or not consecutive).

Pursuant to Assembly Bill 2506, starting with the 2017-18 award year, you can only receive your Chafee Grant if you attend a school that is either of the following:

- A qualifying institution that is eligible for participation in the Cal Grant Program.
- An institution that is not located in California with a three-year cohort default rate that is less than 15.5 percent and a graduation rate greater than 30 percent.

Citation:

- California Student Aid Commission. <https://www.chafee.csac.ca.gov/>
- Assembly Bill 1811 (Committee on Budget, Human Services Omnibus, 2018)
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1811&search_keywords=chafee

OCT 02 2018

CALFRESH STUDENT ELIGIBILITY: APPROVED PROGRAMS TO INCREASE EMPLOYABILITY

Q: I understand that participation in certain foster youth campus support programs can exempt youth from the CalFresh eligibility restrictions placed on college students. What if a former foster youth enrolled in college is participating in a campus support program that is not named in ACL 15-70, ACL 17-05 or the state's additional list of exempting programs to increase employability, but essentially provides the same services as Guardian Scholars-type programs?

A: A program not currently on the California Department of Social Services' (CDSS) list of eligible programs may submit a request to add their program by completing the form provided by CDSS, "Request for Approval of Local Educational Programs that Increase Employability." This form can be found by visiting: <http://www.cdss.ca.gov/inforesources/CalFresh-Resource-Center> / "Policy

Guidance” / “More Guidance.” For CDSS’ list of eligible programs, go to <http://www.cdss.ca.gov/inforesources/CalFresh-Resource-Center> and click on “CalFresh Student Eligibility: Approved Programs to Increase Employability.”

To be defined as a program to increase employability, the program must assist in gaining the skills, training, work, or experience that will increase the student’s ability to obtain regular employment, such as job retention, job search, job search training, work experience, workfare, vocational training, self-employment training, on-the-job training and education.

This question and answer are included in JBAY’s newly updated Frequently Asked Questions: Non-Minor Dependents & CalFresh document. Download the FAQ [HERE](#).

Citation: California Department of Social Services. All County Letter 15-70 (September 17, 2015). <http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2015/15-70.pdf>.

California Department of Social Services. All County Letter 17-05 (February 14, 2017). <http://www.cdss.ca.gov/Portals/9/ACL/2017/17-05.pdf?ver=2017-02-15-111331-970>.

SEP 24 2018

MARRIED YOUTH’S ELIGIBILITY FOR EXTENDED FOSTER CARE

Q: I am nonminor dependent (NMD) who recently got married. Am I eligible to still participate in extended foster care?

A. Yes, you are eligible to enter, re-enter, and remain in Extended Foster Care. This was recently addressed the All County Letter 18-101 disseminated by the California Department of Social Services, stated below:

“In a recent published decision, *In re H.C. (2017) 17 Cal.App.5th 1261*, the Fourth District

Court of Appeals found that marriage does not exclude a youth from EFC eligibility in either federal law or California statute. This ruling has mandatory authority over lower courts in California.

As a result...if otherwise eligible, NMDs may now enter, re-enter or remain in EFC if they are married or get married. Married youth in EFC shall be subject to the same Title IV-E supervision requirements as any other NMD and they are eligible for the same placement options, if available and appropriate.”

Citation: California Department of Social Services. All County Letter No. 18-101, Eligibility for Extended Foster Care (EFC) For Married Youth and Youth Performing Non-Active Duty Military Service, (September 12, 2018). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-101.pdf>

SEP 17 2018

CHAFEE GRANT APPLICATION DEADLINE

Q: I submitted my FAFSA a few months ago and my college has already packaged my financial aid. I didn't realize that I could qualify for a Chafee grant and so didn't apply. Is it too late for me to apply since college has already started?

A: It is not too late. There is no deadline for submitting a Chafee grant application and the application can be submitted any time during the school year. Chafee funds of up to \$5000 are available to students enrolled at least half time who were in foster care between the ages of 16 and 18. In order to qualify you must submit both a FAFSA (or California Dream Act Application) and a separate Chafee application. Although funds are distributed at the beginning of the school year, some students do not enroll and these funds are returned and continue to be distributed throughout the year as long as there are funds available.

Even if you do not get awarded funds this year, applying now will make it more likely that you will qualify next year, so the sooner you can submit your application the better. Note that currently you must not have reached your 22nd birthday as of July 1st of the award year, however this age limit is in the process of being increased to age 26.

SEP 10 2018

FOSTER YOUTH REPRODUCTIVE AND SEXUAL HEALTH RIGHTS-STORING BIRTH CONTROL PILLS

Q: I am with an Foster Family Agency. What guidance should I give Resource Families about a foster youth's right to obtain and use contraception, specifically any requirements about storing birth control pills.

A: First, you should inform Resource Families that youth and young adults in foster care have the right to consent to or decline medical care (without need for consent from a parent, caregiver, guardian, social worker, probation officer, court, or authorized representative) for:

1. The prevention or treatment of pregnancy, including contraception, at any age (except sterilization).
2. An abortion, at any age.
3. Diagnosis and treatment of sexual assault, at any age.
4. The prevention, diagnosis, and treatment of STIs, at age 12 or older.

This is one of ten reproductive and sexual health rights of foster youth outlined in All County Letter 16-81 CDSS provides the following guidance about storing prescriptive contraception medicine, such as birth control pills:

“Resource families are not required to centrally store prescription medications. For youth under the age of 18, the resource family shall use the Reasonable and Prudent Parent Standard (RPPS) to determine whether it is appropriate for the youth to have access to medications for self-administration (FFA ILS, § 88487.3(c)(2); RFA Written Directives (WD), § 11-03(c)(2)). For youth

who are 18 or older, the resource family shall permit the youth to access medications necessary for self-administration (FFA ILS, § 88487.3(d)(2); RFA WD, § 11-03(d)(2)).”

Source: All County Letter 16-81, CCL’s: “*Healthy Sexual Development Resource Guide for Children’s Residential Facilities and Resource Families*”

SEP 03 2018

DURATION OF THE EMERGENCY CHILD CARE BRIDGE PROGRAM

Q: I understand that under the Emergency Child Care Bridge Program, eligible families can receive six months of child care vouchers which can be extended up to 12 months. Do counties have the discretion to limit the duration to under six months?

A: No, counties do not have the discretion to limit the duration of the Bridge Program. This was addressed in the All County Letter 18-80E disseminated by the California Department of Social Services, stated below:

“Do counties have the discretion to limit the duration of the Bridge Program’s child care voucher or payment to under six months?”

Pursuant to WIC section 11461.6(f) counties do not have discretion to limit the duration of the Bridge Program’s child care voucher or payment to under six months. Every qualifying child receiving the voucher payment is eligible to continue receiving the voucher for up to six months as long as they qualify or until funds are no longer available. A Bridge Program voucher can be

less than six months if a long-term child care arrangement is made or the dependency is dismissed and the child exits from foster care.”

Citation: California Department of Social Services. All County Letter No. 18-80E, Errata to the Emergency Child Care Bridge Program for Foster Children, Question 7 (August 24, 2018). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-80.pd>

AUG 27 2018

MEDI-CAL FOR FORMER FOSTER YOUTH IN THE UNACCOMPANIED REFUGEE MINORS PROGRAM

Q: I understand that foster youth who are part of the Unaccompanied Refugee Minors (URM) program are eligible for full-scope Medi-Cal. What about once they exit their URM placement as non-minors? Are they eligible for Medi-Cal up to age 26 in the same way that former foster youth are in our county child welfare systems?

A: Yes, youth who meet Former Foster Youth (FFY) Program eligibility requirements are eligible to continue receiving full-scope Medi-Cal under the FFY Program. California’s FFY Program eligibility requirements are as follows:

- In foster care in any state on 18th birthday

- Currently reside in California
- Younger than 26

According to recently issued guidance from the California Department of Social Services, “When the County Welfare Department learns that a FFY eligible Unaccompanied Refugee Minors (URM) youth has exited their URM placement (at age 18 or older), the County Welfare Department shall seamlessly transition the youth into the Medi-Cal program for FFY and assign the 4M aid code even if the youth’s whereabouts are unknown.”

Citation: California Department of Social Services. All County Welfare Directors Letter 18-14. All County Information Notice I-38-18 (July 3, 2018).

http://www.cdss.ca.gov/Portals/9/ACIN/2018/I-38_18.pdf

For previous guidance issued by the state to counties regarding FFY eligibility for Medi-Cal, visit Children Now’s webpage: <http://coveredtil26.childrennow.org/resources>

AUG 20 2018

MOBILE-FRIENDLY FAFSA

Q: Is it possible for me to fill out the FAFSA on my smartphone or do I need to have access to a computer?

A: Yes, it is now possible for you to fill out the FAFSA easily on your phone. The U.S. Department of Education (DOE) launched a mobile-friendly version of the FAFSA last month at www.fafsa.ed.gov. The DOE plans to roll out a beta version of a student aid mobile app soon that would let financial aid recipients complete the FAFSA application as well as make loan payments and complete other financial aid tasks. A complete version of the mobile app is set to launch October 1, 2018 in time for the beginning of the 2019-20 federal student aid cycle. According to the DOE, the October release will include even more functions for the mobile app — it will be linked to the IRS data retrieval tool, it will allow for comparisons of aid packages for different schools and applicants will be able to transfer information to state aid applications.

AUG 13 2018

EMERGENCY CHILD CARE BRIDGE PROGRAM FOR NON-RFA APPROVED HOMES

Q: I am a grandmother who is caring for her two grandchildren. My Resource Family Approval (RFA) has not been approved yet. Can I still participate in the Emergency Child Care Bridge Program?

A: Yes, this was addressed in a recent Frequently Asked Questions document disseminated by the California Department of Social Services, stated below:

“Can Bridge funding be used on non-approved Resource Family Approval (RFA) homes?”

*Yes, families that have a child placed with them in an emergency or for a compelling reason, are eligible to receive a time-limited monthly payment or voucher for child care and a child care navigator subject to county eligibility requirements. See **ACL 17-109.***

Citation: California Department of Social Services. All County Letter No. 18-80, Emergency Child Care Bridge Program for Foster Children, Question 13 (June 14, 2018).

<http://www.cdss.ca.gov/Portals/9/ACL/2018/18-80.pdf>

JUL 23 2018

RESOURCES FOR STUDENTS WITH DISABILITIES

Q: I am helping a student with learning disabilities who will be attending community college in the fall. Are there any resources available for her as a student with a disability?

A: Yes, every community college campus has a Disabled Students Programs and Services (DSPS) office. She will need to provide evidence that she has a disability in order to qualify for their services. The DSPS program provides support services, specialized instruction, and educational accommodations to students with disabilities so that they can participate as fully and benefit as equitably from the college experience as their non-disabled peers. Examples of services available through DSPS that are over and above those regularly offered by the college would be test-taking facilitation, assessment for learning disabilities, specialized counseling, interpreter services for hearing-impaired or deaf students, mobility assistance, note taker services, reader services, transcription services, specialized tutoring, access to adaptive equipment, job development/placement, registration assistance, special parking and specialized instruction. You can find a list of DSPS for each campus [here](#).

JUL 16 2018

HOMELESS EMERGENCY AID PROGRAM

Q: I have heard that the recently passed state budget included \$500 million in funding for homelessness and that \$25 million is set aside for homeless youth. How can I find out how much is available to my community and how to apply for it?

A: Yes, on June 27, 2018, Governor Brown signed SB 850 which established the Homeless Emergency Aid Program. The program is administered by the **Homeless Coordinating and Financing Council (HCFC) within the California Business, Consumer Services, and Housing Agency. According to the HCFC website, a NOFA will be issued in late summer providing local jurisdictions with information about how to access the funding. To make sure that you stay informed about the issuance of the NOFA, sign up for their informational notices [HERE](#).**

SB 850 requires no less than five percent of the funding is required to be used to “establish or expand services meeting the needs of homeless youth or youth at risk of homelessness.” The total amount of funding available is \$500 million, which means an estimated \$25 million will be dedicated to homeless youth. John Burton Advocates for Youth will be providing **information**

about the five-percent requirement as it becomes available. Until then, we recommend you take the following steps:

- **Step 1:** Make contact with your local Continuum of Care: You may already know about this group and be involved in their work. If not, the first step is identifying what entity coordinates your Continuum of Care. Most Continuums of Care meet on a monthly basis. Find out when yours meets, go to the next meeting, and raise the topic of the Homeless Emergency Aid Program and the 5% homeless youth requirement. Find the contact [here](#).
- **Step 2:** Find out how many youth were homeless in your 2017 Point in Time Count, the growth over time, and how many were unsheltered. This will be important information to make the case that funding is needed. Find that figure [here](#).
- **Step 3:** Consider partnering with organizations that are active in your Continuum of Care, if you are not currently a grantee. For example, there may be a housing provider that receives HUD funding to operate a Rapid Rehousing model for adults. Consider applying for funding from the Homeless Emergency Aid Program to subcontract with them to provide **Rapid Rehousing** services to for homeless youth.
- **Step 4:** Find out how much money your administrative entity has for homeless youth. Again, the requirement is that the administrative entity use no less than 5% on homeless youth. Advocate for more if possible. Encourage your administrative entity to make a large request, which will increase the amount of the homeless youth set-aside. The exact amount of funding will be based on how many administrative entities apply, but you can find an estimate [here](#).
- **Step 5:** Watch for the NOFA to be issued by HCFC by the end of the summer. SB 850 requires applications to be submitted by December 31, 2018, but there is nothing preventing them from being required earlier. You can make sure not to miss the NOFA release by signing up for the **HCFC listserv**.
- **Step 6:** Check to see how much was issued and whether your jurisdiction can apply again. If allowable, be ready to submit another application.
- **Step 7:** Stay on top of this process and establish accountability mechanisms to ensure that 5% of the Homeless Emergency Aid Program is going to homeless youth. The law requires it, but the accountability mechanism in SB 850 is not strong. To ensure these funds serve homeless youth will require local advocates playing an active role.

JUL 09 2018

APPLYING TO PARTICIPATE IN THE EMERGENCY CHILD CARE BRIDGE PROGRAM

Q: I am from one of the 16 counties that did not participate in the Emergency Child Care Bridge Program for Foster Children for Fiscal Year 2017-18. I'd like my county to participate for FY 2018-19. What is the process and how much could my county receive if it does?

A: Counties that intend to participate in the Emergency Child Care Bridge Program (Bridge Program) starting July 1, 2018, through June 30, 2019 must complete and submit a plan to the Child Care Programs Bureau by July 20, 2018. The plan template is included as an attachment to recently issued **All County Letter 18-73**.

The minimum funding allocations for counties that opt into the program are also included as an attachment to **ACL 18-73**. The child care navigator and training allocations were calculated by determining each county's percentage of eligible caseload to the statewide total eligible caseload.

The voucher allocation was calculated utilizing the eligible caseload multiplied by the Regional Market Rate for the appropriate category to develop each county's percentage of the total statewide allocation.

After approval of submitted plans, the California Department of Social Services (CDSS) will distribute any unallocated Bridge Program funds among participating counties. According to CDSS, final allocations for FY 2018-19 will be included in forthcoming County Fiscal Letters along with claiming instructions.

What is the Bridge Program?

The goals of the Bridge Program are to increase the number of foster children successfully placed in home-based family care settings, increase placement stability, increase the capacity of child care programs to meet the needs of foster children, and maximize funding to support the child care needs of eligible families.

Families eligible for the Bridge Program are resource families and families that have a child placed with them in an emergency or for a compelling reason; licensed foster family homes or certified family homes; approved homes of relatives or non-relative extended family members; and parents under the jurisdiction of the juvenile court, including but not limited to non-minor dependent parents.

In counties that opt into the Bridge Program, it provides eligible families with a time-limited child care voucher or payment to help pay for child care costs for children birth through age 12, children with exceptional needs, and severely disabled children up to age 21. It also provides a child care navigator to assist with finding a child care provider, securing a subsidized child care placement if eligible, completing child care program applications, and developing a plan for long-term child care appropriate to the child's age and needs.

Citation: California Department of Social Services. All County Letter 18-73 (June 14, 2018).
<http://www.cdss.ca.gov/Portals/9/ACL/2018/18-73.pdf?ver=2018-06-20-143808-703>

California Department of Social Services. All County Letter 17-109 (October 27, 2017).
<http://www.cdss.ca.gov/Portals/9/ACL/2017/17-109.pdf?ver=2017-10-30-132310-620>

JUN 25 2018

SHARING BEDROOMS BY TRANSGENDER YOUTH

Q: What things should a caregiver in a licensed facility, licensed or certified home, or resource family consider when assessing the sharing of bedrooms by transgender youth and NMDs placed in their facility or home?

A: This was addressed in a recent Frequently Asked Questions document disseminated by the California Department of Social Services, stated below:

"The caregiver must consider the health, safety and compatibility of all children sharing a bedroom, as specified in applicable regulations, written directives, or interim licensing standards. When considering compatibility, a caregiver shall consult with children in their care, in an age and developmentally appropriate manner, regarding the child's sexual orientation and gender identity

and what information the child wishes to disclose and to whom. Caregivers shall not disclose information about the child's sexual orientation and/or gender identity against the child's wishes, unless compelled to do so by law or court order. Caregivers should consult with the social workers for each of the children placed with them to ensure they have adequate information regarding all of the children in their care, and consult with each child individually in an age appropriate manner to determine their strengths, needs and preferences."

Citation: California Department of Social Services. All County Information No. I-30-18, Attachment: SB 731 Frequently Asked Questions (FAQ), Question 4 (May 17, 2018).
http://www.cdss.ca.gov/Portals/9/ACIN/2018/I-30_18.pdf

JUN 15 2018

GETTING CHAFEE IF YOU HAVE AN OVERPAYMENT

Q: Can a student still receive a Chafee grant if they have an outstanding Pell grant overpayment or a loan in default?

A: Yes, a student can receive a Chafee grant even if they have an outstanding Pell grant overpayment or a loan in default. The requirements for the Chafee grant vary somewhat from the Pell grant requirements, and Chafee grants are not held as a result of an outstanding federal Pell grant overpayment or loan default. Eligibility for a Chafee grant differs in a couple other ways from that of a Pell grant as well – students are not required to meet selective service requirements (i.e. draft registration) in order to qualify for a Chafee grant and do not need a high school diploma to be eligible.

JUN 11 2018

PROVIDER ATTENDANCE AT CFT MEETINGS

Q: Can a THP+FC provider attend a Child and Family Team (CFT) meeting?

A: Yes, a THP+FC provider should be invited to attend a CFT. This issue was addressed in a recent Frequently Asked Questions document disseminated by the California Department of Social Services, stated below:

"Should providers be invited to attend CFT meetings?"

Yes. When children, youth, and nonminor dependents receive services from private provider organizations, it is imperative that county placing agencies engage those providers in the CFT process, including CFT meetings.

*In reference to **ACL 16-84**, the CFT composition always includes the child, youth, or nonminor dependent, family members, the current caregiver, a representative from the placing agency, and other individuals identified by the family as being important. A CFT shall also include a representative of the child or youth's tribe or Indian custodian, behavioral health staff, foster family agency social worker, or STRTP representative, when applicable. Other professionals that*

may be included are: youth and/or parent partners, public health providers, Court Appointed Special Advocates, school personnel, or others. In addition to formal supports, effective CFT processes support and encourage family members to invite the participation of individuals who are part of their own network of informal support. This may include extended family, friends, neighbors, coaches, clergy, co-workers, or others who the family has identified as a potential source of support”

Citation: California Department of Social Services. All County Letter 18-23, Attachment: Frequently Asked Questions for the Child and Family Team Process, Question 11 (June 1, 2018). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-23.pdf>

JUN 04 2018

WAIVING COURT ATTENDANCE

Q: Recently I heard a co-worker state that a dependency attorney can waive the child having to appear in court for their hearing. I thought if a child over 10 wanted to attend their court hearing, the attorney could not waive their appearance.

Please let me know if the attorney can waive the child’s appearance, especially when the child knows they have the right to be at their court hearing and they want to attend.

A: All minors and nonminors in foster care have the right to attend their court hearing and speak to the judge. The important right is included in the **foster care bill of rights**. To waiver their appearance in court, an attorney must secure their consent prior to the court hearing.

If a child is age 10 or older and does not attend their court hearing, the court is required to determine whether the minor or nonminor was properly notified of his or her right to attend the hearing and inquire whether the minor was given an opportunity to attend. If the court finds that was not the case, the court hearing is continued for the period of time, “necessary to provide notice and secure the presence of the child.” Source: WIC 16001.9. & WIC 349(d)

MAY 28 2018

HOUSING RESOURCES FOR YOUTH WHO EXITED FOSTER CARE AT AGE 16

Q: I exited foster care to guardianship at age 16. I am now 22 and am homeless. I understand that because I was not in care on my 18th birthday that I am not eligible for the THP-Plus program. Are there any housing resources that I might be eligible for?

A: Yes, you might be able to access a Family Unification Program (FUP) voucher to assist with the cost of housing, if there are vouchers available in your area. FUP is a program under which Housing Choice Vouchers (HCVs), also commonly known as Section 8 vouchers, are provided to:

- Families for whom the lack of adequate housing is a primary factor in either the imminent placement of the family’s children in out-of-home care or delay in the discharge of the children to the family from out-of-home care.

- Youth at least 18 years old and not more than 24 years old who left foster care at age 16 or older or will leave foster care within 90 days and are homeless or at risk of homelessness.* FUP vouchers used by youth are limited to 36 months of housing assistance.

For information about the definition of “at risk of homelessness,” see a **FUP factsheet by HUD.*

Currently, 33 housing authorities in California administer 3,159 FUP vouchers in partnership with their county child welfare agencies. In addition to rental assistance provided through the voucher, the child welfare agency provides supportive services to the youth for the first 18 months.

For transition-age former foster youth, the child welfare agency initially determines if the youth meets the FUP eligibility requirements, certifies that the youth is eligible, and refers those youth to the housing authority. Once child welfare makes the referral, the housing authority places the FUP applicant on its HCV waiting list and determines whether the youth meets HCV program eligibility requirements.

Income eligibility for a housing voucher is determined by the housing authority based on the total annual gross income and family size compared with the HUD-established income limits for the area. In general, the youth’s income may not exceed 50% of the median income (very low-income limit) for the county or metropolitan area in which the family or youth chooses to live. Median income levels are **published** by the U.S. Department of Housing and Urban Development (HUD). For example, for the State of California, the Very Low-Income Limit for a household of one is \$27,150/year, however when calculated by county it will vary.

To find out whether FUP vouchers are available in your area, contact the Independent Living Program (ILP) at your county’s child welfare agency, or your local housing authorities. Click **HERE** for a list of ILP coordinators by county, or **HERE** for a list of city and county housing authorities in California. *For more information about the process after a youth receives a FUP voucher, read the **FUP factsheet** by HUD.*

Congresswoman Maxine Waters (D-CA) has introduced **legislation** to permanently reauthorize \$200 million annually for FUP vouchers. For more information about the bill, read a recent **press release**.

*Citation: U.S. Department of Housing & Urban Development, Office of Housing Voucher Programs. **Fact Sheet, Housing Choice Voucher Program, Family Unification Program.** https://www.hud.gov/sites/documents/FUP_FACT_SHEET.PDF*

*U.S. Department of Housing & Urban Development, Office of Policy Development and Research. **Income Limits.** <https://www.huduser.gov/portal/datasets/il.html>*

MAY 21 2018

THERAPEUTIC FOSTER CARE (TFC) AND INTENSIVE SERVICES FOSTER CARE (ISFC)

Q: What is the difference between Therapeutic Foster Care (TFC) and Intensive Services Foster Care (ISFC)?

A: The Therapeutic Family Care (TFC) service model allows for the provision of short-term, intensive, highly coordinated, trauma-informed and individualized Specialty Mental Health Service activities (plan development, rehabilitation and collateral) to children and youth up to age 21 who have complex emotional and behavioral needs and who are placed with trained, intensely supervised and supported TFC parents.

Intensive Services Foster Care (ISFC) is a state licensed Foster Family Agency model for eligible foster children, youth and Non-Minor Dependents who require specially trained resource parents and intensive services and support to remain in a home -based setting, or to avoid or exit congregate care in a short -term residential therapeutic program, group home, or out -of-state residential center.

Still confused or want more information? If so, attend a web seminar on Wednesday, May 30th from 11:30 a.m. to 1:00 p.m. hosted by the Department of Healthcare Services the California Department of Social Services to explain the differences between these two important programs. The webinar will help counties and providers understand TFC and ISFC requirements, including similarities and differences between them, and how ITFC and TFC can support children, youth, and their families.

Source: **WIC §18360** et seq, All County Letter **I-91-17** and accompanying toolkit.

MAY 14 2018

IRS VERIFICATION OF NON-FILING LETTER

Q: I assisted an 18-year-old with her FAFSA. She reported on her FAFSA that she didn't file taxes, but is now being asked by her college to submit an IRS Verification of Nonfiling Letter. I've never heard of this form before. How do I assist the student with submitting it?

A: The FAFSA now uses "prior-prior" year tax data, so for the 2018-2019 school year, 2016 taxes would be used. Many students do not file taxes because they have earned less than the standard deduction. Students applying for the 2018-2019 academic school year who did not file taxes may now be required to submit an IRS Verification of Non-Filing Letter. This letter confirms that the IRS has not received a federal income tax return from the individual. The Verification of Nonfiling Letter is not an indication that the person is not required to file a return, just that they did not file one.

To obtain an IRS Verification of NonFiling Letter, the student will need to request an IRS Tax Return Transcript. This can be a complicated process and many students will need assistance.

1. A student can request their transcript online at <https://www.irs.gov/individuals/get-transcript>. Through this website the student can either have their transcript sent to them online or via mail.

- To obtain a transcript online, the student must satisfy certain security requirements such as owning a cell phone with their name on the account and having a credit card, auto loan or mortgage in their name. These requirements may be difficult for many students to satisfy and therefore they may need to request their transcript be sent to them via mail.
- To have the transcript mailed via the online tool, it will take 5-10 days to receive the tax transcript. Generally, there will be no address on file with the IRS if the student has never filed taxes. In this case, the letter will be mailed to the current address they provide.

However, the IRS may already have the student's address in their system, such as from W-2 or 1099 statements or a prior tax return. In this case, the mailing address on the form must match the address on file with the IRS. If the student's current mailing address does not match the address on file with the IRS, the student should first file IRS Form 8822 to change their address, which will take approximately 10 days.

- Students may also call the IRS automated phone transcript service at 800-908-9946 to order a tax return or tax account transcript to be sent by mail.

2. Alternately, the student can complete **IRS Form 4506-T** on paper, check box 7 and send this form by mail or fax. On line 5 of IRS Form 4506-T the student can specify that the Verification of Nonfiling Letter be sent to a third-party address. In most cases the student should have it sent to themselves, not directly to the college. However, it is best to ask each college what they prefer. If a student submits this paper form by mail, it will take 7-14 days to be processed. Note that there is no fee for obtaining the Verification of Nonfiling Letter or a tax transcript. If the student says there is a \$50 fee, they are filing the wrong form. The form that is required is IRS Form 4506-T, not IRS Form 4506.

MAY 07 2018

APPEAL PROCESS FOR LATE CAL GRANT GPA SUBMISSION

Q: I am working with a student who is counting on receiving a Cal Grant to cover his college expenses this fall. He completed his FAFSA by March 2, but his high school did not submit his Grade Point Average (GPA) by that date, as required.

I understand there is an appeal process for late GPA submission with an upcoming deadline of Wednesday, May 16. Any advice on submitting a successful appeal?

A: Yes, you are correct. He can still be considered for a Cal Grant, if he is successful in submitting the **appeal** by Wednesday, May 16th. State regulations allow Entitlement Cal Grant applicants to appeal the late submission of their Cal Grant GPA *if circumstances beyond their control* delayed or prevented them from submitting a verified GPA by the March 2nd filing deadline.

According to a memo from the California Student Aid Commission (CSAC), if the appeal is accepted, the student will be processed for Entitlement Cal Grant award consideration and will receive correspondence from CSAC based on their application status. If the appeal is not accepted and the student is planning on attending a community college, the GPA will be retained and considered for the September 2nd Competitive Cal Grant award. Visit CSAC's website to access the **Late Cal Grant GPA Appeal Form**.

Advice for completing the appeal form is to focus on factors that were beyond the student's control, such as:

- School did not submit the GPA in a timely manner
- School submitted weighted GPA instead of unweighted GPA
- Student was not aware of Cal Grant eligibility or thought themselves ineligible*

- Student was under the impression that the school would submit the GPA on student's behalf, however the school was not required to do so (the law requires public and charter schools to electronically upload GPAs for current high school seniors)
- Filed the form on time, but it was lost in the mail
- Typos on the form, such as the wrong social security number
- Form was not signed

**In this situation in particular, it is important to fully describe how this might have occurred, including disclosing the student's foster youth status which may indicate a lack of supportive adults or advocates to assist the student with the financial aid process. There is no guarantee that the appeal will be granted, so placing as much emphasis on the factors beyond the student's control is recommended.*

For more information on the Cal Grant GPA submission process, including how to verify whether a student's GPA was in fact submitted, read a previous **Question of the Week** on the topic.

*Citation: California Student Aid Commission. Operations Memo (April 25, 2018).
http://www.csac.ca.gov/sites/main/files/file-attachments/gom_2018-12.pdf*

MAY 01 2018

AB12 RE-ENTRY CONTACTS

Q: I exited the foster care system last year after I turned 18, am now 19 and would like to re-enter. I lost my county social worker's phone number. Who do I call if I want to re-enter?

A: You can use the **AB12 re-entry contact list**. Scroll down to find your county and there will be a phone number and email address to contact.

To re-enter extended foster care, you must sign a voluntary re-entry agreement (**SOC 163**), which provides the county with the authority for placement for 180 days. Once this is signed, foster care benefits begin the date the agreement is signed or the date that you are placed in a qualified placement, whichever is later. You must agree to satisfy one of the five **participation conditions** of extended foster care – which is indicated by your signing the SOC 163 – then continue to satisfy that requirement pending completion of the Transitional Independent Living Plan (TILP) that documents your continuing participation. For more information on extended foster care, visit the California Fostering Connections to Success Act **section** of the JBAY website.

APR 23 2018

CHAFEE EDUCATION AND TRAINING VOUCHER (ETV)

Q: I am working with a foster youth attending community college. As the summer approaches, she is worried about how to pay for housing and other living expenses. I asked, and it turns out she didn't receive a Chafee Education and Training Voucher (ETV) for the current academic year.

Can she still get the Chafee ETV for the current academic year? Would she be eligible for any funding over the summer? Also, would a student who is enrolling for the first time at community college this summer be able to get a grant?

A: Chafee ETV funds have not yet been fully expended and she may be able to get the Chafee ETV for the 2017-18 academic year, including the upcoming summer term. New students enrolling for the first time for the summer may also be able to receive a grant. In order to apply she must submit a 2017/2018 FAFSA and a Chafee application.

The California Student Aid Commission (CSAC) administers the Chafee Education and Training Voucher. CSAC will be issuing Chafee awards for students who attended school during the 2017-18 academic year through September 24, 2018. While the \$14 million state budget allocation will likely run out before all approved students are granted awards, it is possible that the student you are working with could still receive a grant. If she was enrolled at least half time for the fall and spring terms this year, she could qualify for the full maximum of \$5000. If she was enrolled for one term, she could qualify for \$2500, plus an additional \$2500 if she chooses to enroll in classes over the summer. New students enrolling for the first time for this coming summer may also be able to receive up to \$2500.

The deadline to apply for this year is September 10, however the 2017/2018 FAFSA must be submitted and accepted no later than June 30, 2018 to qualify.

It is also worth it to have her to apply for a Chafee ETV for the current academic year because even if the student is not awarded a grant, it may make her a higher priority next year. According to CSAC, prioritization of applications is in part based on the date that the Chafee application is submitted. So, if the young person applies for the Chafee ETV for the 2017-18 academic year and is approved, but is not awarded a grant, that student has a higher likelihood of getting a Chafee ETV in the next academic year than if they wait until later to submit their application.

APR 17 2018

FOSTER PARENT UPSET ABOUT CONDOMS

Q: Katrice, a 14 year-old in foster care, asks her social worker how she can get free condoms as she is sexually active but does not want to get pregnant. Her social worker provides Katrice with information about a local health clinic that provides free condoms, no questions asked. Katrice visits the health clinic and gets condoms and later her foster mother finds the condoms. The foster mother demanded to know how Katrice got the condoms, and Katrice tells her that the social worker assisted her. The foster mother is now angry and tells the social worker that she is going to file a complaint with the county agency.

A: The case manager should inform the foster parent of the youth's right to have access to confidential reproductive health care services, including contraception. Case managers will not have disciplinary action taken against them for doing their job and fostering the youth's rights. It is the case manager's duty to provide the youth with age appropriate medically accurate information and resources about reproductive health care, unplanned pregnancy prevention, abstinence, use of birth control, abortion and the prevention and treatment of STIs.

This scenario is from the CDSS-issue policy guidance, *A Guide for Case Managers: Assisting Foster Youth with Sexual Development and Pregnancy*, page 13.

Citation: California Department of Social Services. A Guide for Case Managers: Assisting Foster Youth with Healthy Sexual Development and Pregnancy Prevention (2017).

<http://www.courts.ca.gov/documents/BTB24-2J-5.pdf> California Department of Social Services. *All County Letter 16-82 (2016).*

<http://www.chhs.ca.gov/Child%20Welfare/CDSS%20ACL%2016-82.pdf>

APR 07 2018

SUMMER PELL GRANTS

Q: I am a college student and am thinking of taking classes during the summer. Can I receive financial aid if I choose to enroll in summer courses?

A: In 2017, Congress reinstated year-round Pell, which allows students to receive up to 150 percent of a regular grant award over the course of the academic year so that they can continue taking classes in the summer and finish their degrees faster than they would otherwise. In order to qualify you must have either have submitted a FAFSA for the 2017/2018 school year and been awarded a Pell grant or, if you did not submit a FAFSA, you can still submit the 2017/2018 application before June 30 of this year.

Depending on how many units you were enrolled in during the academic year, there may be minimum unit requirements. You should be aware that Pell grant used during the summer counts towards your federal 6-year maximum and so it would not be wise to take summer classes while receiving a Pell Grant that are not required for your degree.

It is recommended that you consult with your school's financial aid office in order to determine exactly how much aid you would qualify for and what restrictions are in place based on your particular circumstances.

APR 02 2018

HOW DOES A STUDENT VERIFY THEIR STATUS AS A HOMELESS YOUTH FOR FINANCIAL AID?

Q: I'm working with a youth who has been in and out of shelters and couch surfing. I understand from helping him complete his FAFSA that as a homeless youth, he qualifies as an independent student. What will he need to provide to the school to verify this?

A: Other than a financial aid administrator, there are three authorized authorities that can verify that he "was determined at any time since July 1, 2017 [year prior to the award year], to be an unaccompanied youth who was homeless or self-supporting and at risk of being homeless." These authorities are:

- a school district homeless liaison
- the director (or designee) of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development (HUD)
- the director (or designee) of a runaway or homeless youth (RHY) basic center or transitional living program

These three authorities can submit a homeless youth determination letter on behalf of the student. (*Here is a **letter template** from National Association for the Education of Homeless Children & Youth & a **letter template** from SchoolHouse Connection*).

If he is a current high school student, he should ask for a letter from the school district homeless liaison. Or, if he is currently a resident in a RHY-funded shelter or transitional living program or HUD-funded shelter or transitional housing program, he should ask the director (or someone the director designates) to provide the letter.

Additionally, these authorities are now permitted to write determination letters for homeless youth for subsequent years as long as they have the necessary information to write such letters. This means if he is no longer in high school but still has relationship with the homeless liaison from his former high school, or was previously a resident in a RHY- or HUD-funded shelter or transitional living/housing program, he should visit the school or program to request a letter. Note that school district homeless liaisons can only write letters for youth up through age 23.

If he is not able to get a letter from any of the three aforementioned authorities, then he needs to visit the financial aid office at his college so that the financial aid administrator (FAA) can make the determination. The FAA may make the determination based on help from third parties, or, if there is no written documentation available from third parties, a documented interview with the student suffices.

Citation: U.S. Department of Education. 2018-19 Federal Student Aid Handbook, Application & Verification Guide. <https://ifap.ed.gov/fsahandbook/attachments/1819FSAHbkAVG.pdf>

MAR 26 2018

TRANSPORTATION TO REPRODUCTIVE & SEXUAL HEALTH APPOINTMENTS

Q: Theresa, a sixteen-year old foster youth, has shared with her foster parent that she is pregnant and wants to terminate her pregnancy. Theresa has scheduled an appointment for an abortion and asked her caregiver to drive her. The caregiver shares with Theresa's social worker she is not comfortable with taking Theresa to an appointment for an abortion. Theresa's social worker feels it is the caregiver's responsibility to transport Theresa to the appointment. What is social worker required by law to do?

A: The case manager should remind the caregiver of the requirement for her to provide Theresa transportation to medical appointments, which includes appointments for reproductive and sexual health related services. If the caregiver continues to refuse to take Theresa to the appointment, the case manager must transport the youth or elect another trusted adult to transport the youth to the appointment. An appointment for an abortion is time-sensitive, therefore it is important that the case manager ensure that someone, whether it be the caregiver, case manager or another trusted adult, transports Theresa to this appointment promptly. The case manager can also

provide the caregiver with a copy of ACL 16-82, which outlines the youth's right to be provided transportation and other reproductive health rights.

This scenario is from *A Guide for Case Managers: Assisting Foster Youth with Sexual Development and Pregnancy*, page 14.

Citation:

- *California Department of Social Services. All County Letter 16-82 (2016). <http://www.chhs.ca.gov/Child%20Welfare/CDSS%20ACL%2016-82.pdf>*
- *California Department of Social Services. A Guide for Case Managers: Assisting Foster Youth with Healthy Sexual Development and Pregnancy Prevention (2017). <http://www.courts.ca.gov/documents/BTB24-2J-5.pdf>*

MAR 13 2018

MINIMUM INCOME FOR FILING TAXES

Q: I am working with youth to ensure they file their income taxes before the April 17 tax filing deadline. What is the minimum income level after which an individual is required to file taxes?

A: Assuming the youth is single, those who make \$10,400 and over are required to file a tax return for 2017. However, even if they do not meet the minimum required income, youth should consider filing taxes if they can get money back. According to **Efile.com**, an individual can get money back for the following reasons:

- If they had taxes withheld from their pay, they must file a tax return to receive a tax refund.
- If they qualify, they must file a return to receive the refundable Earned Income Tax Credit.
- If they are claiming education credits, they must file to be refunded the American Opportunity Credit.
- If they have a qualifying child but owe no tax, they can file to be refunded the Additional Child Tax Credit.
- If they qualify, they must file to claim the refundable Health Coverage Tax Credit.
- If they overpaid estimated tax or applied a prior year overpayment to this year, they must file to receive the refund.

For assistance with filing taxes, please visit a Volunteer Income Tax Assistance (VITA) site near you. You can find a site near you by visiting www.CalEITC4Me.org and using the Free Tax Prep Finder Tool, or call the IRS at 1-800-906-9887.

MAR 06 2018

FOSTER CARE PAYMENTS FOR NMDS

Q: When do foster care payments for non-minor dependents cease – the day the NMD turns 21 or at the end of their birthday month?

A: As of February 16, 2018, foster care payments for non-minor dependents (NMDs) will end no later than the day before their 21st birthday. This is a change from the previous practice of the foster care payment covering the entire month during which the NMD turned 21.

Unless you hear otherwise from your county that they intend to use county-only funding to provide a full month's payment, be aware that the payment will be pro-rated based on the number of days in the month that preceded the NMD's 21st birthday or preceded their juvenile court jurisdiction termination date (which in some cases may be set prior to their 21st birthday).

Citation: California Department of Social Services, All County Letter 18-15 (February 16, 2008)

FEB 26 2018

FAFSA SUBMISSION

Q: I am working with foster youth to complete their FAFSA by the March 2 deadline. How do we know it was successfully submitted and received?

A: The FAFSA form will be processed a few days after submission, and it will be indicated when you log back into FAFSA.

You can also make a correction by choosing "Make FAFSA Corrections," or click to "View or Print your Student Aid Report (SAR)."

The screenshot shows the 'My FAFSA' website interface. On the left is a vertical blue sidebar with the word 'STUDENT' in white capital letters. The main content area has a blue header with 'My FAFSA' and a 'Welcome' message. Below this are two tabs for the years '2016-2017' and '2015-2016'. The '2016-2017' tab is active, displaying a 'Current Application Status: Processed Successfully' message. To the right of this message are two boxes: 'Original Application' (Submitted: 01/01/2016, Processed: 01/01/2016) and 'Latest Correction' (Submitted: 01/01/2016, Submitted By: Student, Processed: 01/01/2016). Below the status message is a section titled 'What Happens Next' with a bulleted list of instructions. At the bottom, there is a section 'You can also:' with three links: 'View or Print your Student Aid Report (SAR)', 'Make FAFSA Corrections', and 'View Correction History'. Two red arrows are overlaid on the image: one points to the 'STUDENT' sidebar, and the other points to the 'View or Print your Student Aid Report (SAR)' link.

For additional resources on completing FAFSA, please review the **Financial Aid Planning Guide**.

FEB 20 2018

CAL GRANT TIME LIMITS

Q: I was awarded a Cal Grant to attend community college, but my counselor is telling me I shouldn't take the money because it could run out later. Could you explain why I wouldn't want to accept this money?

A: Currently, the Cal Grant is available only for a maximum of four years of full-time enrollment at a community college, CSU, UC or private institution. At a community college, the grant provides up to \$1,672 to cover non-tuition costs, such as books, housing and transportation. At a 4-year university, the money can also be used to pay for tuition costs and therefore provides significantly more: up to \$7,414 for a student attending a CSU campus, \$14,302 for students attending a UC campus and \$10,756 for students enrolled at a qualifying private institution. If you utilize the funding while in community college, you run the risk of not having enough funds remaining when you transfer to a university and when the available benefit is significantly more.

It should also be noted, that this limitation would change if Senate Bill 940 passes. For foster youth specifically, the maximum time would be extended from four to eight years, allowing students to utilize the grant throughout their educational career. To support the passage of this bill, please consider sending in a **letter of support** as well as **sign on to the budget request letter** to expand Cal Grant access for foster youth. Support letters can be sent to Carolyn@jbay.org

FEB 13 2018

INDEPENDENT STATUS ON FAFSA

Q: How do I know if I qualify for independent status on the FAFSA, and what exactly does it mean to be an independent student?

A: "Independent Status" on the Free Application for Federal Student Aid (FAFSA) means that youth **do not** have to provide any information, including income and asset information, about their biological, adoptive, or foster parents (including relative or non-relative caregivers) or legal guardians in the Parent Demographics section. This will mean that parental contribution is not added into a student's contribution to determine his or her Estimated Financial Contribution (EFC), the index number that determines how much a student can pay for education and how much financial aid students receive.

If any of the below applies to students, then they qualify as independent students on the FAFSA:

- Was an orphan, foster child, or ward/dependent of the court at any time since the age of 13
- Age 24 or older at any time before December 31st of the award year

- Was determined at any time since July 1st of award year to be an unaccompanied youth who was homeless or self-supporting and at risk of being homeless
- Is married as of the date student applies
- Will be a graduate or professional student when the award year starts
- Is currently serving on active duty for purposes other than training
- Is a veteran of the U.S. Armed Forces
- Has dependents other than a spouse

Citation: *U.S Department of Education, Office of Federal Student Aid, 2018-2019 Application and Verification Guide <https://ifap.ed.gov/fsahandbook/attachments/1819FSAHbkAVG.pdf>*

FEB 06 2018

GPA VERIFICATION FOR CAL GRANT

Q: I'm assisting a high school senior with submitting his FAFSA. I understand that students must have their school submit a Grade Point Average verification form by the March 2nd deadline to be eligible to receive a Cal Grant entitlement grant. This seems like an important detail – how would we know if his school got the GPA verification in by the March 2nd deadline and how much time will it take the school to submit it?

A: You are correct. The GPA Verification Form must be submitted by the March 2nd deadline in order to be eligible to receive a **Cal Grant High School Entitlement Award**.

California law requires that all public and charter high schools electronically upload GPAs by October 1st of the year prior to the award year for current enrolled seniors that do not opt-out. If a student is attending a different type of high school, the student should check with the school as to whether they electronically upload GPAs. For schools that do not submit GPAs electronically, students should use the paper GPA Verification **Form**, which is available through their high school or at www.csac.ca.gov (click on "Cal Grant GPA Forms" under "Students and Parents"). The paper form must be postmarked by the March 2nd priority deadline of the award year.

Students can log on to **WebGrants for Students** to find out if their GPA verification has been received by the California Student Aid Commission. Here, students can also view the status of their Cal Grant or Chafee Grant application, update their address, submit corrections, view their payment history, update their college of attendance, or satisfy outstanding requirements. *Citation: <http://www.csac.ca.gov/doc.asp?id=1177>*

JAN 29 2018

EMERGENCY CHILD CARE BRIDGE PROGRAM

Q: I have a parenting foster youth who needs help with child care. I'm hoping to connect her to the new Emergency Child Care Bridge Program for Foster Children. She lives outside of her county of origin/jurisdiction. My question is, which county does she go through to access the Bridge Program, and how do we find out whether that county has opted into the program?

A: To receive assistance from the Emergency Child Care Bridge Program, her county of origin/jurisdiction would have to be participating. This is the county she would access the funding/services through.

According to the recently released **County Fiscal Letter 17-18/50**, all counties have opted into the program with the exception of the following:

- ALPINE
- AMADOR
- DEL NORTE
- INYO
- LASSEN
- MADERA
- MARIPOSA
- MODOC
- PLUMAS
- RIVERSIDE
- SANTA BARBARA
- SIERRA
- SISKIYOU
- SUTTER
- TUOLUMNE
- YUBA

In the CFL, if the county has funding allocated to it, it has opted into the program.

Citation: California Department of Social Services County Fiscal Letter 17/18-50 (January 23, 2018)

JAN 22 2018

SELECTING A HOUSING PLAN ON FAFSA

Q: I am completing the FAFSA and on the page where I indicate which schools I want my information sent to, it asks me to indicate if I will be living on-campus, off-campus or with parents. I am currently in foster care and have lived with my aunt since I entered the system, and I plan to continue living with her while I go to community college. Which option do I select?

A: You would select “off-campus.” Students should not select “With Parent” as their housing plan if they plan to live with a foster parent, relative caregiver, or legal guardian. Instead, select “Off-Campus.” This is crucial for getting all the money that is available to you to pay for your living expenses. The option you select has an impact on how much money you receive as the “cost of attendance” is considered more when living off-campus than when living with a parent. For more tips on how to complete the FAFSA, check out the **Financial Aid Guide for California Foster Youth**.

JAN 12 2018

YOUTH IN GUARDIANSHIP WITH OPEN DEPENDENCY CASE: WHAT HAPPENS AT 18?

Q: I'm working with a 17-year-old youth who is in a guardianship, but there is still an open dependency case. What happens when she turns 18? Can she opt to move into a placement like a SILP or THP+FC for non-minor dependents? Or must she remain in the home of her guardian?

A: Because there is still an open dependency case, this youth is technically in foster care, meaning when she turns 18 she can access the placement types that other non-minor dependents (NMDs) can access, assuming she meets the eligibility criteria for extended foster care.

For youth in guardianships with open dependency cases, the guardianship terminates by operation of law at age 18. The home of the guardian can still be a foster care placement for the NMD if the guardian is willing and the NMD chooses to remain in the home, however the NMD can also choose to reside in a different placement.

JAN 09 2018

CHILD CARE SUPPORT FOR PARENTING FOSTER YOUTH

Q: I am working with a parenting non-minor dependent who works part-time and attends college. A relative was previously providing child care, but has since stopped. The youth has had to miss class and work in order to stay home with her child. I understand that there is a new program that might be able to help her with child care. Would she be eligible for this?

A: Yes, this youth is likely eligible for support through the Emergency Child Care Bridge Program for Foster Children, if her county is participating.

Eligible families are resource families and families that have a child placed with them in an emergency or for a compelling reason; licensed foster family homes or certified family homes; approved homes of relatives or non-relative extended family members; and parents under the jurisdiction of the juvenile court, including, but not limited to non-minor dependent parents.

In counties that opt into the Bridge Program, it provides eligible families with a time-limited child care voucher or payment to help pay for child care costs for children birth through age 12, children with exceptional needs, and severely disabled children up to age 21.

The Bridge Program also provides a child care navigator to assist with finding a child care provider, securing a subsidized child care placement if eligible, completing child care program applications, and developing a plan for long-term child care appropriate to the child's age and needs. *Citation: California Department of Social Services. All County Letter 17-109 (October 27, 2017)*



JOHN BURTON
Advocates
for Youth

2017

DEC 18 2017

REPORTING HOUSEHOLD SIZE ON THE FAFSA

Q: I am working with a high school senior to complete the FAFSA and I'm not sure what number she should to answer the question "Your number of family members in 2018-2019 (household size)." Does she include her foster parents? Her siblings? Her biological parents?

A: If she was in foster care at any point after the age of 13, is currently in legal guardianship, or was in guardianship upon turning 18, she qualifies as an "independent student," which means she does not have to report her parental income. This also means that her household size would include only her, and if applicable, a spouse and any children that she supports. For a single student with no children, the household size reported would be "1." It does NOT include birth parents, foster parents, siblings, other relatives or others who she lives with.

DEC 12 2017

INFANT SUPPLEMENT RATE FOR PARENTING YOUTH IN STRTPS

Q: Should a parenting youth placed in a Short-Term Residential Therapeutic Program (STRTP) receive the infant supplement rate of \$900 (non-group home rate) or \$1,379 (group home rate)?

A: The infant supplement amount for a foster youth who is a custodial parent, residing in either a group home or STRTP placement is \$1,379 per month. For a foster youth who is a custodial parent placed in a Foster Family Home, Foster Family Agency, Whole Foster Family Home, THP+FC, or a Supervised Independent Living Placement, the infant supplement amount is \$900.

Citation:

- *California Department of Social Services, All County Letter 16-57 (July 1, 2016)*
- *California Department of Social Services, Rates Policy Questions (August 11, 2017)*

DEC 05 2017

WHEN TO USE SILP READINESS ASSESSMENT

Q: I understand there is now a standardized readiness assessment available for approving Supervised Independent Living Placements (SILPs). Is this tool intended to be used for new SILPs only, or should it also be used when a non-minor dependent's SILP is changing?

A: It should also be used when a non-minor dependent (NMD)'s Supervised Independent Living Placement (SILP) is changing. The new SILP readiness assessment tool (SOC 157C) was

developed in order to standardize how NMDs are being assessed for SILPs and for continuity for NMDs who move between counties. The California Department of Social Services greatly encourages counties to utilize this standardized assessment tool when a NMD:

- Requests to live in a SILP for the first time;
- Has been living in a supported SILP but may presently be ready for a more independent SILP;
- Requests a new SILP and their circumstances have changed or;
- Was not deemed ready for a SILP in the past but has since accomplished TILP goals designed to assist the NMD with SILP readiness.

When an NMD is moving from one SILP placement to another, the caseworker is encouraged to at least use section one of the tool to ensure the NMD has adequate income to meet their expenses for the new living arrangement. *Citation: All County Information Notice I-42-17 (September 15, 2017)*

NOV 28 2017

CALFRESH “HOUSEHOLDS” & SHARED LIVING

Q: I’m working with a non-minor dependent who lives in a Supervised Independent Living Placement with two roommates. She would like to apply for CalFresh, however one of her roommates already receives CalFresh benefits. I understand you apply for CalFresh as a household, so how does this work? Can she apply by herself?

A: You are correct that CalFresh benefits are awarded to eligible “households,” however it is possible to have a household of one. Rule of thumb is, in shared living arrangements where meals are purchased and prepared together, the head of household would apply for CalFresh benefits on behalf of the household. In shared living arrangements where meals are purchased and prepared separately, each individual may apply for CalFresh benefits as a separate household.

So, if this NMD purchases and prepares her meals separately from her two roommates, then she could submit a CalFresh application as a household of one.

Citation: California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017).

NOV 17 2017

APPLYING FOR MULTIPLE FINANCIAL AID SOURCES

Q: I have seen that there are a lot of different kinds of financial aid – Pell Grant, Cal Grant, BOG fee waiver, Chafee grant, work study, loans – and I’m confused by all these different sources. Are these all covered by a single application or do I have to fill out multiple applications?

A: Most forms of financial aid, including the federal Pell Grant, Cal Grant, BOG fee waiver, work study, and loans are applied for through a single form, the Free Application for Federal Student Aid

(FAFSA). Once the FAFSA is submitted, the financial aid office at your school will determine which specific forms of aid you are eligible for. If a student is undocumented, they would submit the **California Dream Act Application** instead to qualify for state aid.

One additional form that you will want to make sure to also submit is the separate **Chafee grant application**. This must be submitted *in addition* to the FAFSA in order to apply for the Chafee grant program which is a financial aid source just for foster youth. Finally, after you have submitted a FAFSA, you should confirm that your high school submitted your GPA to the Webgrants system, which is required to obtain a Cal Grant. You can read about how to do this and much more in the **Financial Aid Guide for California Foster Youth**. Note that private scholarships typically do need to be applied for individually, with separate applications for each. To learn more about ways to search for scholarships, follow this **LINK**.

NOV 15 2017

USE OF INFANT SUPPLEMENT FOR YOUTH IN THP+FC

Q: The THP+FC program I work for provides parenting youth with a crib (as required by regulations), diapers and other items for their child, and a larger apartment unit to accommodate their family's needs. I understand that there are new guidelines governing use of the infant supplement. Is my program able to utilize a portion of the infant supplement to cover the increased costs associated with serving parenting youth?

A: Yes, the provider may retain a portion of the infant supplement for the specified needs of the non-minor dependent (NMD)'s child, such as clothing; laundry; diapers; food; medical costs; household items; costs for providing childcare; or housing related costs, such as increased rent for a larger housing unit.

In order to retain a portion of the infant supplement, the NMD and provider must enter into a shared agreement discussed in the context of a Child and Family Team meeting, or other collaborative team meeting. The California Department of Social Services provides a suggested template for the shared agreement as an attachment to **All County Letter 17-93**.

It is important to note that because the funds are not authorized to be used for administrative costs under **federal law**, providers may not retain a portion of the infant supplement to cover the cost of staffing, case management and services. *Citation: All County Letter 17-93 (September 8, 2017)*

NOV 07 2017

RE-ENROLLING IN COLLEGE AFTER ACCRUING STUDENT DEBT

Q: We are working with a youth who would like to reenroll in community college, but has incurred student debt from when he enrolled and received the Pell Grant, and then dropped out and did not pay the financial aid back. He reports that the debt has gone into collections. Will he be able to reapply for financial aid? Any advice on how to deal with the debt so he can reenroll in school?

A: If the debt he incurred was from federal financial aid such as the Pell Grant and it has gone to collections, then he will have to at least begin to make payments before being able to apply for any other federal financial aid (regardless of the school he enrolls in).

The student should call the phone number on his Student Aid Report and ask how many payments he must make before the hold can be lifted. The collections office his debt has been referred to will inform the Department of Education (DOE) if the student is making payments. The DOE can issue a letter to the student or school, and at that point the school can override the hold for the student to receive the Pell Grant again.

It is also good to know that if the student calls the collections office and indicates he would like to pay his debt in full, they will usually discount the payment amount for the student if the student asks.

For future reference, if the student was able to catch address the debt before it went to collections, he may have been able to make “satisfactory arrangements” with the school, where the school repays the debt and makes arrangements with the student for repayment. Many schools are willing to use future aid to pay off debt.

OCT 31 2017

CAN A NMD RECEIVE THE INFANT SUPPLEMENT IF THEIR CHILD DOES NOT RESIDE WITH THEM?

Q: A youth in our THP+FC program is providing 100% financial support for his child, however his child lives with the mother, who is not a non-minor dependent. Because the father is supporting the child, is he eligible to receive the monthly infant supplement even though the child does not reside with him?

A: No, the non-minor dependent (NMD) father will not be eligible to receive the infant supplement during the time the non-dependent child is not living with the father. The monthly infant supplement is specifically for the care and supervision of a non-dependent infant/child living with their parent(s) who are in foster care.

Citations:

- *California Welfare & Institutions Code §11465(a)*
- *California Department of Social Services. Manual of Policies and Procedures. Sections 11-415.1 – 11-415.12*
- *California Department of Social Services. All County Letter 17-93 (September 8, 2017)*

OCT 23 2017

HOMELESS STUDENTS CLAIMED ON PARENT'S TAX RETURN

Q: I'm helping an unaccompanied homeless youth with the FAFSA. I'm wondering how to advise him if someone is still claiming him as a dependent on their taxes, even though they are not supporting him.

A: The issue of tax claims is completely separate from the FAFSA independent student status. The FAFSA status is based on the student's living situation. As long as the student is determined to be unaccompanied and homeless in the year in which he is submitting the application, he is considered an independent student for the FAFSA, regardless of whether someone else is fraudulently claiming him as a dependent on their taxes.

OCT 16 2017

HOW ARE GIFT CARDS COUNTED WHEN APPLYING FOR CALFRESH?

Q: I understand that when applying for CalFresh, youth in my THP+FC program are to indicate the monthly stipend we provide them as their 'unearned income' on the application. What if we provide them gift cards in lieu of cash, such as gift cards for the grocery store or gas cards? Should they be counting the gift cards as unearned income?

A: No, gift cards that are specific to the grocery store or gas station would not be counted as income. A gift card is only counted as income when determining a household's eligibility or benefit level if it is a credit card company prepaid gift card (i.e. American Express, MasterCard, Visa, etc.), and the gift card can be reasonably anticipated by the youth. Establishment-specific gift cards (i.e. Target, Walmart, Safeway, Chevron, etc.) are always excluded as income when determining a household's eligibility or benefit level.

Citation: *U.S. Department of Agriculture. Memorandum: Revised Treatment of Gift Cards in Determining SNAP.*

https://fns-prod.azureedge.net/sites/default/files/snap/Revised_Gift_Card_Policy_Memo.pdf.

California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017).

<http://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68-17.pdf?ver=2017-10-02-151226-987>

OCT 10 2017

RESIDING IN A SILP WITH BIOLOGICAL PARENT OR HOME OF REMOVAL NOW ALLOWABLE

Q: A social worker told me that there are new rules regarding the Supervised Independent Living Placement. He stated that non-minor dependents are now allowed to reside with the parent from which they were removed, including their biological parent. Is this true? If so, are there any sort of guidelines?

A: Yes, this is accurate. In light of recent guidance provided by the California Department of Social Services, non-minor dependents (NMDs) may now live in a Supervised Independent Living Placement (SILP) with a parent, which is defined as a parent from whom the youth was removed

or any non-custodial parent, including but not limited to a biological parent, guardian or adoptive parent.

As far as guidelines go, 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. Also in line with the general guidelines associated with the SILP, the SILP readiness assessment tool must be utilized to determine if the NMD is making appropriate decisions with regards to the person(s) with whom they plan to reside.

One different guideline that applies when NMDs reside with a parent in a SILP is that the parent may not be the NMD's payee for the foster care payment. *Citation: California Department of Social Services. All County Letter 17-83 (September 5, 2017).*

<http://www.cdss.ca.gov/Portals/9/ACL/2017/17-83.pdf?ver=2017-09-07-111228-323>

OCT 03 2017

SPECIAL IMMIGRANT JUVENILE STATUS – WHEN TO CLOSE THE DEPENDENCY CASE

Q: I'm working with a youth who is trying to get Special Immigrant Juvenile Status (SIJS). Once the Department of Child and Family Services files for SIJS and it's "pending" can we close the dependency case?

A: No, the dependency case must remain open until the child receives their green card, unless the court's jurisdiction is terminated due to the youth's age (for example, when the youth turns 18 or 21).

Citation: 8 C.F.R. § 204.11(c)(5)

AUG 29 2017

INCREASE IN MONTHLY STIPEND FOR YOUTH IN SILPS & THP+FC?

Q: I heard in a meeting today that youth in Supervised Independent Living Placements (SILPs) and THP+FC have received a "raise" in their monthly stipend. Is this true, and if so, how much do they now receive?

A: You are correct that as of July 1, 2017, youth in SILPs now receive an increased foster care payment of \$923 (up from \$883). However, the amount that a THP+FC program provides a youth monthly is not an amount set by the state, and varies from program to program. The THP+FC rate did increase to \$3,209 (up from \$3,090) for single and remote site models and to \$2,553 (up from \$2,459) for host family models as of July 1st, and so some programs may have increased the monthly stipend they provide the youth, but this is not a requirement.

These rate increases are part of an annual increase that is made to all foster care placements based on the California Necessities Index (CNI). For a complete list of current foster care rates, view the recently released All County Letter. *Citation: California Department of Social Services. All County Letter 17-75 (July 13, 2017).*

AUG 21 2017

MINORS CHARGED WITH SEX CRIMES, IMPACT ON IMMIGRATION STATUS

Q: If an undocumented minor is charged with a sexual crime, does that automatically disqualify him or her from applying for some type of immigration status (e.g. Special Immigrant Juvenile Status, U Visa)?

A: If the undocumented minor is charged with a sex crime in delinquency proceedings, that would not disqualify them from applying to get some kind of immigration status that they are otherwise eligible for (e.g. Special Immigrant Juvenile Status, U Visa). Delinquency adjudications are not considered convictions for immigration purposes and thus do not carry the same dire consequences. However, an adjudication for a sex crime would be considered as part of the discretionary determination for whether the child merits immigration relief, so it could prejudice their application even though it won't present an outright bar. Youth with serious delinquency adjudications should consult with an experienced immigration attorney before applying for any type of immigration benefit.

Citation: Matter of Devison, 22 I&N Dec. 1362 (BIA 2000).

Thank you to Rachel Prandini of the **Immigrant Legal Resource Center** for the answer to this question. ILRC has a wide range of information on immigration, including publications and trainings on **Special Immigrant Juvenile Status**. To learn more, contact Rachel at rprandini@ilrc.org

AUG 08 2017

SSI RECIPIENTS IN THP-PLUS

Q: I understand that youth who meet the eligibility requirements for both extended foster care and Supplemental Security Income (SSI) may be eligible to receive both at the same time, but that there are offsetting rules. However, what about for former foster youth participating in THP-Plus? Are there offsetting rules, or can those youth receive their full SSI payment regardless of THP-Plus participation?

A: No, there are no off-setting rules for youth receiving SSI in THP-Plus. Because youth participating in THP-Plus are not current foster youth, there are no foster care benefits. Youth in THP-Plus who are SSI recipients can receive their full SSI payment, regardless of their being in a THP-Plus program.

As you mentioned, this is different for non-minor dependents: youth who meet the eligibility requirements for both extended foster care and SSI may be eligible to receive both at the same time, but for federally-eligible youth, the SSI payments are offset dollar-for-dollar by the amount of federal foster care benefits, and for non-federally-eligible foster youth, the state foster care payment is offset dollar-by-dollar by the amount of SSI benefits.

Citation: Administration for Children and Families, Child Welfare Policy Manual, Section 8.4D, Question 1 | Welfare & Institutions Code § 13754 et seq.; All County Letter 11-69

JUL 31 2017

TINY HOUSE AS SILP?

Q: We have a non-minor dependent (NMD) who would like to purchase a “Tiny House”. This NMD has saved up the down payment and the former foster parents have agreed to let this youth park it on their property. The Tiny House is mobile so the NMD could move the house as their situation changes. Can this NMD reside in the Tiny House as a Supervised Independent Living Placement (SILP)?

A: Yes, the Tiny House could be the NMD’s SILP, as long as the social worker or probation officer approves it. Approving a SILP is a two-part process that consists of:

- a SILP Readiness Assessment to indicate whether or not the NMD has knowledge of financial skills and is developmentally ready to handle daily tasks on their own, and a financial plan to meet his/her living expenses while living in the SILP.
- an inspection checklist (SOC 157B) to determine that the living unit meets basic health and safety standards. This is done during a walkthrough of the site with the NMD.

Citation: All County Letter 11-77 (2011)

<http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-77.pdf>

JUL 25 2017

ELIGIBILITY FOR 12 MONTH EXTENSION OF THP-PLUS

Q: My county is one of the 21 counties that have opted into the THP-Plus 12-month extension for youth enrolled in school. I am working with a youth who entered the program at age 23. How will the extension work for her? Does she get the full 24 months of eligibility and then an extra 12 months, provided she is enrolled in school?

A: No, in this example the youth would not get the full 24 months of eligibility and then an extra 12 months because she entered at age 23.

The upper age limit of THP-Plus is 24. AB 1252 allows a youth who is enrolled in school to receive an extra year of eligibility, up to age 25.

In this specific case, the youth would be eligible for THP-Plus until age 24 and then receive an additional 12 months of eligibility provided she remained enrolled in school. Once she turns age 25, she would no longer be eligible for the program. For more information, including a list of the 21 counties that have extended THP-Plus for youth who are enrolled in school, follow this **LINK**.

JUL 15 2017

SATISFACTORY ACADEMIC PROGRESS

Q: I have heard that in order to maintain certain forms of financial aid, a student has to maintain “Satisfactory Academic Progress.” What does this mean exactly?

A: Each school has a satisfactory academic progress policy for financial aid purposes and there can be variation across institutions. Typically, there are three components: minimum GPA, the percentage of cumulative units attempted that must be successfully completed, and the requirement that students complete their educational program within a maximum time frame of 150% of the published program’s requirements.

GPA requirements are often set at a minimum of 2.0 but you should check your school’s policy to confirm. The percentage of units that must be successfully completed also varies and generally ranges between 65-80%. Each institution’s policy can typically be found on their website.

The final requirement depends on the type of program a student is enrolled in. For example, if the student is in an Associate Degree program that requires 60 units, the maximum number of units that could be taken before losing financial aid eligibility would be 150% of that or 90 units.

In some cases, a student may be able to appeal for a temporary waiver of the satisfactory academic progress rules. These circumstances include when the failure to make satisfactory academic progress was due to injury or illness of the student, death of a relative of the student or other special circumstances. Students in this circumstance should consult with the financial aid office or foster youth program.

JUL 10 2017

SPECIAL IMMIGRANT JUVENILE STATUS & SPONSORSHIP

Q: I am a social worker helping a young person apply for Special Immigrant Juvenile Status (SIJS). Once she receives it and later becomes a U.S. citizen, she would like to sponsor her sister to immigrate to the U.S. Is that allowable under SIJS?

A: Yes, once she becomes a U.S. citizen (which generally she can apply for after 5 years with her green card), she will be able to sponsor her sister. SIJS does not allow her to ever sponsor her biological or prior adoptive parents.

Citation: 8 U.S.C. § 1101(a)(27)(J)(iii)(II).

JUN 26 2017

MARRIED YOUTH ELIGIBILITY FOR EXTENDED FOSTER CARE

Q: It was my understanding that youth who are married are not eligible for Extended Foster Care, however I was informed that guidance was issued stating that marriage was not a factor of ineligibility. Can you clarify this for me?

A: You are probably referring to federal guidance issued stating that there is nothing in Title IV-E that prohibits a Title IV-E agency from providing Title IV-E Foster Care to an otherwise eligible

youth if the youth is married. However, California has established a policy that youth who are married are not eligible for Extended Foster Care, as specified in **All County Letter 11-69**.

Citation: U.S. Department of Health & Human Services. Child Welfare Policy Manual, 8.3A Title IV-E, Foster Care Maintenance Payments Program, Eligibility, Question 4.

https://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=39

California Department of Social Services. All County Letter 11-69 (2011).

<http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-69.pdf>

JUN 14 2017

CAREER AND TECHNICAL EDUCATION (CTE) RESOURCES

Q: Is there any way to easily learn more about Career and Technical Education (CTE) programs at the community colleges and find out what types of credentials are available at my local colleges?

A: There are a number of new online tools now available to help students research and understand CTE options at the community colleges. **My Path** walks users through the steps involved with community college matriculation and includes information on career options, choosing a college, applying for college and financial aid. The **Career Coach** offers links to career assessment tests, data on wages, employment and training for jobs in a range of sectors, and a searchable database of programs in different fields. The **Salary Surfer** uses the aggregated earnings of graduates from a five-year period to provide an estimate on the potential wages to be earned two years and five years after receiving a certificate or degree in certain disciplines. This tool also provides information on which colleges offer programs in each specific discipline.

JUN 06 2017

PLACEMENT WITH RELATIVE THAT IS NOT A LEGAL RESIDENT

Q: With all that I am reading about immigration federally, I am worried about this ability of children to be placed with relatives. What happens for children who need to be placed with a relative who is not a legal resident? Is this allowed?

A: Yes. When a court orders removal of a child, the child may be placed with a non-custodial parent or relative regardless of the immigration status of the parent or relative. *Citation: California Welfare & Institutions Code Section 361.2(e)*

MAY 22 2017

DOCUMENTATION OF UNEARNED INCOME FOR YOUTH IN THP+FC APPLYING FOR CALFRESH

Q: I'm a non-minor dependent, and I recently went to apply for food stamps. As instructed by my case manager for the THP+FC program I live in, I put down \$500 for my unearned monthly income because that is what the program provides to me monthly.

However, the eligibility worker was under the impression that the entire foster care payment the THP+FC provider receives from the county (\$3,007) should be put down as my unearned income. What should I do?

A: You are correct. Your unearned income is the \$500 you receive directly from the THP+FC program. The best thing to do is to bring a printed copy of the CalFresh Program Request for Policy/Regulation Interpretation (CF24) posted by the California Department of Social Services' CalFresh Policy Unit on June 28, 2016, that describes how to count unearned income for youth participating in THP+FC.

As described in the CF24 and in a previous Q of the W blog post, *"The actual amount of THP monies made available to the youth whether spent, held or put into personal savings shall be considered unearned income in the month received for the CalFresh budget whether disbursed as part of THP+FC or THP-Plus programs."*

Additionally, I would suggest bringing a letter on letterhead from your THP+FC program stating how much your monthly stipend, is as you will likely be asked for verification of the amount.

Citation: CalFresh Program Request for Policy/Regulation Interpretation (June 28, 2016)

MAY 09 2017

BOG FEE WAIVER DISQUALIFICATION FROM FAILURE TO MAINTAIN SAP

Q: I'm working with a foster youth in community college who is receiving the Board of Governors (BOG) Fee Waiver. His Grade Point Average has been below a 2.0 for two consecutive semesters now. I understand that the BOG Fee Waiver now has Satisfactory Academic Progress (SAP) requirements. Will this youth lose his fee waiver?

A: No, if he is a foster youth, he will not lose his BOG Fee Waiver for failure to maintain Satisfactory Academic Progress (SAP). While there is a requirement that BOG Fee Waiver recipients must maintain at least a 2.0 GPA and greater than a 50% Completion Rate, current and former foster youth under age 25 are exempt from BOG Fee Waiver Disqualification. *Citation: Senate Bill 1456 (2012); Board of Governors Fee Waiver Program and Special Programs Manual (2015)*

MAY 01 2017

PELL GRANT TIME LIMITS

Q: I've been receiving the Pell Grant for six years – I spent several years attending community college part-time, then transferred to a 4-year where I have one year left before getting my

degree. I was told that a student can only receive the Pell Grant for 6 years / 12 semesters. Does this mean I cannot receive the Pell for my 7th year in college?

A: No, this does not mean you will lose your Pell Grant in your 7th year. A student can receive the Pell Grant for 6 *full-time-equivalent* years (12 full-time-equivalent semesters) as an undergraduate. Since you were not attending college full-time for each of your 6 years, you should still be eligible for some Pell in your 7th year.

For example, if you attended half-time (6 units each semester) for your first 2 years of college, you would have used only 1 full-time-equivalent year of Pell during those 2 years. That would leave you with 1 more full-time-equivalent year of eligibility—enough for your final 7th year.

How can you know for sure how much Pell eligibility you have left?

- When you file a FAFSA, you receive a Student Aid Report that will give you a general idea of how many of your 6 full-time-equivalent years of eligibility you have already used.
- For more specific information, you can log in to the National Student Loan Data System (NSLDS) at https://www.nsls.ed.gov/nsls/nsls_SA/ (click on “Financial Aid Review” and set up an account, if you haven’t already). It will show you the percentage of Pell eligibility that you have already used. The cut-off point is 600% (that is equivalent to 6 full-time-equivalent years). *Example:* If it shows you have used 400% of your Pell eligibility, you would have 200% (or 2 full-time equivalent years) left.

For the most up-to-date information, you can contact your college’s financial aid office. *Citation: Federal Student Aid Handbook (2016-2017)*

APR 24 2017

TRANSGENDER YOUTH – PLACEMENT RIGHTS

Q: I’m working with a transgender young person who identifies as female, but has been placed in a group home for male youth. Does she have the right to be placed in a group home according to her gender identity?

A: Yes, she does have the right to be placed in a group home according to her gender identity. **Senate Bill 731 (2015)** amended Welfare and Institutions Code to provide transgender children the right to be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in the court or child welfare records.

What also may be helpful to review, is a question and answer **document** developed by a group of organizations which provides helpful information and resources for California child welfare professionals to promote the safety, permanency, and well-being of transgender and gender non-conforming children in foster care.

Citation: Senate Bill 731 (2015) | Welfare and Institutions Code 16001.9(a)(24) | “Transgender and Gender Nonconforming Children in California Foster Care”, The Center for the Study of Social Policy, Family Builders & National Center for Lesbian Rights (2016)

APR 03 2017

EXPANDED EXEMPTIONS FOR STUDENT RESTRICTIONS ON CALFRESH ELIGIBILITY

Q: I'm participating in extended foster care and attending college full-time. I heard that youth in extended foster care are now exempt from the food stamp eligibility restrictions on college students. However when I went to apply for CalFresh, the eligibility worker said I did not qualify. What can I do?

A: You are correct. College students participating in Extended Foster Care are exempt from the CalFresh eligibility restrictions on college students.

College students who do not qualify for an exemption must work at least 20 hours per week to be eligible to participate in CalFresh. However as of February 14, 2017, the student eligibility exemptions were expanded as described in All County Letter 17-05. As a college student participating in extended foster care, you are exempt from these work requirements.

These expanded exemptions are still very new, and it is likely that the eligibility worker you spoke with is not aware of these new exemptions. The best thing to do is to bring a printed copy of All County Letter 17-05 when you go to meet with the eligibility worker. *Citation: All County Letter 17-05 (February 14, 2017)*

MAR 27 2017

COMMUNITY COLLEGES OFFERING HOUSING

Q: Which community colleges offer housing? I work with transition-aged foster youth who are often interested in attending community college, but struggle to identify housing nearby. Is there a statewide list of community colleges that offer housing?

A: Yes. Eleven of the 113 community colleges provide dorms or other housing assistance. The California Community College Chancellor's Office maintains a list of community colleges that provide dorms or other housing assistance here:
<http://www.cccco.edu/CommunityColleges/CollegeHousing.aspx>

MAR 13 2017

HAS CCR CHANGED AB 12 ELIGIBILITY?

Q: I am a CASA with a youth who is facing some decisions regarding her permanency plan. I understand there have been recent changes related to Continuum of Care Reform, impacting foster care placement. My question is, has CCR changed AB 12 eligibility at all — particularly in regards to the age of establishing guardianship and eligibility for extended Kin-GAP payments?

A: No. AB 12 eligibility has not changed as a result of Continuum of Care Reform (CCR). AB 12 eligibility, including eligibility for Extended Foster Care, extended Kinship Guardianship Assistance Program (Kin-GAP) payments, and extended Adoptions Assistance Program (AAP) payments remains as follows:

Extended Foster Care: There are four basic eligibility requirements for a youth to continue to receive support after the age of 18. The youth must:

- have an order for foster care placement on his/her 18th birthday;**[i]**
- continue under the jurisdiction of the juvenile court as a dependent, under transitional jurisdiction, or as a ward;**[ii]**
- meet one of the five participation conditions*;**[iii]** and
- agree to live in a supervised placement that is licensed or approved.**[iv]**

The youth must also sign a mutual agreement (although not a condition of payment)**[v]**, meet with his/her social worker or probation officer monthly**[vi]**, and participate in six-month court review hearings.**[vii]**

Extended Kin-GAP:

- Youth, regardless of age of entry into Kin-GAP, may continue to receive Kin-GAP up until age 21 if he or she has a physical or mental disability that warrants continuing assistance beyond age 18 and up until 21.**[viii]**
- Youth who began to receive the negotiated Kin-GAP payment *after they turn 16* are eligible for extended Kin-GAP benefits to age 21, as long as the youth meets one of the participation conditions* and signs a mutual agreement.**[ix]**
- Youth who began to receive the negotiated Kin-GAP payment *before they turn 16* are eligible for extended Kin-GAP beyond age 18 if they have not yet graduated high school, but are expected to complete high school or an equivalent program before they turn 19. In this case, they can continue to receive Kin-GAP until they graduate or turn 19, whichever happens first.**[x]** There is one exception to this rule: Youth in a guardianship with a non-related extended family member (see next bullet).
- Regardless of the age of entry into Kin-GAP, youth in a guardianship with a non-related extended family member (NREFM) are eligible for extended AFDC-FC benefits as a non-related guardian when they turn 18 and up until age 21, as long as the youth meets one of the participation conditions* and signs a mutual agreement.**[xi]**

Extended AAP:

- A youth, regardless of age of entry into the Adoptions Assistance Program (AAP), may continue to receive AAP up until age 21 if he or she has a physical or mental disability that warrants continuing assistance beyond age 18 and up until 21.
- Youth who do not have a physical or mental disability and who began to receive the negotiated AAP payment *before turning 16* will receive AAP until age 18.
- Youth who began to receive the negotiated AAP payment *after turning 16* may be eligible for extended AAP benefits beyond age 18, and up until 21, as long as the youth meets one of the participations conditions*. *There is no mutual agreement requirement for youth to receive AAP after age 18.* **[xii]**

*The “five participation conditions” referenced above are as follows:

1) The nonminor is completing secondary education or a program leading to an equivalent credential.

- 2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- 3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- 4) The nonminor is employed for at least 80 hours per month.
- 5) The nonminor is incapable of doing any of the activities described above due to a medical condition.[xiii]

Citations:

[i] Welf. & Inst. Code § 11400(v) [ii] Welf. & Inst. Code § 11400(v)

[iii] Welf. & Inst. Code § 11403(b) [iv] Welf. & Inst. Code § 11402

[v] Welf. & Inst. Code §§ 303(d), 11400(u); All County Letter 11-61

[vi] 42 U.S.C. § 622(b)(17); ACYF-CB-PI-10-11 (p. 11)

[vii] Welf. & Inst. Code §366.3(m) [viii] Welf. & Inst. Code §§ 11363(c)(2), 11386(g)(2)

[ix] Welf. & Inst. Code §§ 11363(d), 11386(h); All County Letter 11-86; Senate Bill §1013

[x] Welf. & Inst. Code § 11363(c)(3), 11386(g)(3); All County Letter 11-15; All County Letter 11-86

[xi] Welf. & Inst. Code §§ 11391(c), 11405(e)(2)

[xii] Welf. & Inst. Code §§ 16120(d); 16123 [xiii] Welf. & Inst. § 11403(b)

MAR 06 2017

FINANCIAL AID-ELIGIBLE MAJORS

Q: I'm a Court Appointed Special Advocate (CASA), helping my youth fill out the Free Application for Federal Student Aid (FAFSA) and Chafee application, and want to make sure he selects a major that is financial aid-eligible. I don't see this information on the FAFSA website anywhere. Where can I find this?

A: You are correct, it is not listed on FAFSA website. There are three ways a student can learn whether a major is financial aid-eligible.

1. Before applying, a student can look on the college website where they are planning on attending. Financial aid-eligible majors should be located on college websites or district websites. For example, for the Peralta Community Colleges, it is located here: <http://web.peralta.edu/financial-aid/sample-page/financial-aid-approved-academic-programs/>.
2. When the student applies for community college through CCCapply and selects his/her major, next to the major it will state 'financial aid eligible' or 'financial aid ineligible'.

3. After the college has received the student's financial aid package, the college will contact the student to let them know that their major is financial aid-eligible, or financial aid-ineligible.

FEB 27 2017

RESOURCE FAMILY APPROVAL TOOLKIT FOR CAREGIVERS

Q: I am a relative caregiver of two siblings in foster care. There seem to be a lot of new changes in place this year that may impact us. What do I need to know about the Resource Family Approval process? Where can I go for information about this?

A: Yes, there are many changes taking effect this year, as part of California's Continuum of Care Reform (CCR). Resource Family Approval (RFA), which took effect January 1, 2017 creates one uniform approval process for all caregivers in the foster care system, relative and non-relative. RFA applies to all new caregivers, and those who have already been approved and are currently caring for a foster child must be reapproved by December 31, 2019.

The Alliance for Children's Rights, the Step Up Coalition and a wide range of state and local partners developed a toolkit to help walk caregivers through the newly implemented RFA process. It includes sample forms and other resources to guide you through the approval process, and a narrative explaining RFA step by step. You can download the toolkit at:

http://kids-alliance.org/wp-content/uploads/2017/02/StepUp_RFAToolkit_V1_Feb2017_print_download.pdf

While the toolkit is intended to provide caregivers access to easy-to-understand information, it is not meant to be comprehensive. Each county in California may have its own supplemental forms and requirements, and so you should also consult with your social worker and local advocacy organizations for additional guidance. The California Department of Social Services has also released All County Letter (ACL) 17-16, which provides county child welfare, probation departments and other interested stakeholders with information on the conversion process of all currently licensed foster family homes, approved relatives and Non-Relative Extended Family Members for implementation of RFA. The ACL provides instructions on which aspects of RFA are to be completed for existing caregivers and what to include in the new Resource Family file, as well as a Frequently Asked Questions document. *Citation: Resource Family Approval Guide (Step Up Coalition); All County Letter 17-16 (February 14, 2017)*

FEB 13 2017

CAL GRANT GPA REQUIREMENTS & MORE

Q: I know the Cal Grant deadline is less than a month away, and I need some guidance to help my foster child. She is a high school senior, and is hoping to attend our local Cal State University.

Her Grade Point Average (GPA) is 2.8, but I understand that the GPA requirements for the Cal Grant A are 3.0. Should my child still apply?

A: Yes, your foster child should absolutely still apply. The minimum GPA requirement for Cal Grant A is 3.0 for high school students and 2.4 for transfer students, however for Cal Grant B, the minimum GPA requirement is 2.0.

Your foster child should submit the Free Application for Federal Student Aid (FAFSA) along with the **GPA verification** by the priority deadline of March 2nd. If she is undocumented, she should submit the California Dream Act **application** instead of the FAFSA (by March 2nd).

For a youth who applies by March 2nd, Cal Grants A and B are *entitlements*, meaning a youth is **guaranteed** a Cal Grant if they meet the following requirements:

- meets the income eligibility requirements (foster youth automatically do if they were in foster care after their 13th birthday because they qualify for “independent” status on the FAFSA)
- is a high school senior, is within one year after graduating from high school/GED, or is a California Community College transfer student
- meets the minimum GPA requirements (Cal Grant A: 3.0 GPA for high school students and 2.4 GPA for transfer students; Cal Grant B: 2.0 GPA)
- submits their FAFSA and GPA verification by the March 2nd priority deadline

Once the March 2nd deadline passes, Cal Grants A and B become competitive grants *for community college students only*, to those who submit the FAFSA and GPA verification by September 2nd, subject to remaining funds. However, Dream Act students **MUST** submit by March 2nd. If they miss the March 2nd deadline, they will not be eligible for the Cal Grant A and B competitive grant.

If your foster child qualifies for the Cal Grant B, for her first year, it will provide the living allowance of up to \$1,656, but not the tuition assistance that the Cal Grant A will. However, when the Cal Grant B is renewed or awarded beyond the first year, the student will receive the living allowance *as well as* the tuition and fee award. The tuition and fee award is up to \$5,472 at a CSU and up to \$12,240 at a UC campus.

A note about where Cal Grants A and B can be used: Cal Grant A *cannot* be used at California Community Colleges, but can be used at UCs, CSUs, and private colleges. However, if a student is awarded a Cal Grant A who attends a community college, their award is held on reserve status for up to 3 years, then activated if the student meets all renewal requirements at the time of transfer.

Cal Grant B *can* be used at California Community Colleges, along with UCs, CSUs and private institutions. *Citation: California Student Aid Commission – <http://www.csac.ca.gov/>; Cal Grant Handbook – http://www.csac.ca.gov/CGM/calgrant_handbook.pdf*

FEB 06 2017

FINANCIAL AID ELIGIBILITY FOR REUNIFIED YOUTH

Q: I am working with a young woman who has turned 21 and was previously in foster care. She was reunified with her mother approximately 7 weeks before she turned 18. Does this preclude her from educational financial aid that is tied to her foster youth status? Can she access Chafee and the other types of financial aid?

A: No, reunifying at age 17 does not preclude this young woman from any financial aid that she may be eligible for as a foster youth. Yes, she is categorically eligible for the Chafee Education & Training Voucher, the Board of Governors (BOG) Fee Waiver, the Cal Grant, and the Pell Grant. Provided below is more information about foster care status and eligibility for these types of financial aid.

For the Chafee Grant, a youth must have been a dependent or ward of the court living in foster care on or after their 16th birthday. *However, it is important to note in this case because she is 21 years old, that if she turns 22 before July 1st of the award year she would not be eligible for Chafee.*

For the BOG Fee Waiver, the Cal Grant and the Pell Grant, eligibility is linked to the student's "independent" status on the Free Application for Federal Student Aid (FAFSA). Being "independent" means the student does not need to report parental income (but if their own income exceeds the income standards, they will not get aid). In order to qualify for independent status, a youth needs to have been in care at least one day after their 13th birthday.

Citation: California Student Aid Commission (Chafee eligibility: <https://www.chafee.csac.ca.gov/>), U.S. Department of Education Office of Federal Student Aid (<https://fafsa.ed.gov/>)

JAN 30 2017

ELIGIBLE PLACEMENTS FOR AB 2464 RE-ENTRIES

Q: I'm working with an 18 year old in guardianship who is no longer being provided support by their guardian, and is without a place to live. She has asked if she can access a Supervised Independent Living Placement (SILP).

Is there a way for this youth to re-enter foster care and access a SILP, and will she be eligible to receive her foster care payment directly as her own payee?

A: If this youth's guardian is no longer providing ongoing support to her and she successfully re-enters Extended Foster Care through the process established by Assembly Bill 2454 (**more information about this process in a previous Q of the W**), then she would be eligible for the placement options available to non-minor dependents, including the Supervised Independent Living Placement (SILP).

To access a SILP, she would have to pass a **SILP Readiness Assessment** and her housing would have to pass a **Health & Safety Inspection**. Youth placed in SILPs are eligible to receive their foster care payment directly.

Citation: Assembly Bill 2454 (2014), All County Information Notice I-17-15 (October 20, 2015), All County Letter 11-69 (October 13, 2011), All County Letter 11-77 (November 18, 2011)

JAN 23 2017

CLOTHING ALLOWANCE & SCI UNDER CCR

Q: I understand that foster care rates have changed as of January 1, 2017 as a result of California's Continuum of Care Reform (CCR). What about the clothing allowance and the Specialized Care Increment? Do these still exist under CCR?

A: Yes, the clothing allowance and the Specialized Care Increment (SCI) still exist under Continuum of Care Reform (CCR). On top of the foster care rates which did change as of January 1, 2017 (see 11/9/17 Q of the W to learn more), counties may continue to pay an SCI and clothing allowance.

As stated in All County Letter 16-79, families paid at a higher rate than the basic level rate (e.g. any additional SCI) may continue receiving those rates at county discretion. Counties will continue to provide written guidelines for their discretionary continuation of SCI rates and clothing allowances, and apply these guidelines equitably to determine a family's eligibility for SCI rates or clothing allowances.

Citation: All County Letter 16-79 (September 22, 2016)

JAN 09 2017

NEW FOSTER CARE RATES GO INTO EFFECT JANUARY 1, 2017

Q: I am a relative caregiver. I understand that foster care rates changed effective January 1, 2017. Who did they change for, and when will I see this change in the monthly check I receive? If I don't see an increase, who should I contact about it?

A: You are correct. Foster care rates did change for relative caregivers in addition to several other types of placement settings. The passage of Assembly Bill 403 necessitated the implementation of a new rate setting system to support the goals of California's Continuum of Care Reform effort. This new rate structure will be implemented in two phases. The first phase, which took effect January 1, 2017, made changes to the rates for Home-Based Family Care (HBFC) and Short-Term Residential Therapeutic Programs (STRTPs).

The rates changes are outlined below. Because foster care is paid in arrears, care providers can expect to receive the payment showing the increased amount for care provided for January 2017, no later than February 15, 2017. If you do not see the correct amount, you should contact the California Department of Social Services' Foster Care Audits & Rates Bureau at fosterca@dss.ca.gov.

Effective January 1, 2017, a basic level rate of \$889 will be issued for all new placements of a child/youth in one of the following settings:

- Resource Families
- County foster family homes
- Relatives (including both Federal and non-Federal relative cases and regardless of participation in the Approved Relative Caregiver Program)
- Nonrelative Extended Family Members
- Non-Minor Dependents in Supervised Independent Living Placements

Foster Family Agency (FFA) Rates

Effective January 1, 2017, all new and existing FFA Resource Families and certified families will be paid according to a rate structure that provides one flat rate for administration and incorporates the new components of Resource Family Approval (RFA) and Service & Supports (S&S). FFAs will be paid the total rate in the chart below:

Age	0-4	508	9-11	12-14	15-21
FFA Certified Family	\$896	\$954	\$994	\$1,032	\$1,072
Social Worker	\$340	\$340	\$340	\$340	\$340
S&S	\$156	\$156	\$156	\$156	\$156
RFA	\$48	\$48	\$48	\$48	\$48
Administration	\$672	\$672	\$672	\$672	\$672
Rate	\$2,112	\$2,170	\$2,210	\$2,248	\$2,288

Short-Term Residential Therapeutic Programs (STRTPs) and Group Homes

Effective January 1, 2017, the new STRTP rate is \$12,036. For all out-of-state group home placements, the rate the county pays is based on the out-of-state group homes rate; however, the rate paid cannot exceed the new STRTP rate.

Kinship Guardianship Assistance Program (Kin-GAP), Non-Related Legal Guardianship (NRLG) Program & Adoption Assistance Program (AAP)

New placements of a child or youth (on or after January 1, 2017) who is determined to be eligible to receive assistance under Kin-GAP, the NRLG Program, and AAP will receive the basic level rate of \$889.

The rate structure for families receiving AAP on behalf of an eligible child whose AAP agreement was signed and whose adoption finalized prior to May 27, 2011 will not change. (Consistent with existing law, AAP agreements signed or for AAP eligible adoptions that were finalized on or after May 27, 2011, may be reassessed based on the changing needs of the child or the circumstances of the adoptive parent).

The rate structure for families currently receiving Kin-GAP assistance payments or for NRLG cases where guardianship was established prior to or after May 1, 2011 will not change. Effective January 1, 2017, the Kin-GAP basic rate may be increased upon reassessment of the circumstances of the caregiver and the needs of the child for cases in which the kinship guardianship was established and dependency was terminated on or after May 1, 2011.

Out-of-State Foster Family Home (FFH) Placements: Out-of-State FFH rates will remain the same. Counties will continue to pay the other state's rate as they do now.

Wraparound Rate Effective January 1, 2017, the Wraparound rate is \$8,573.

Citation: All County Letter 16-79 (September 22, 2016)

JAN 03 2017

GUIDANCE ON HOW TO SUPPORT SEXUALLY ACTIVE FOSTER YOUTH

Q: My 16 year-old foster daughter told me that she is having sex with her boyfriend. I am not sure what to do and what is my role, versus the role of the social worker or her biological parents. This is a sensitive topic. Is there any official guidance from the state on what I should do?

A: The California Department of Social Services' Community Care Licensing Division (CCL) has released a technical support resource **guide** for children's residential facilities and resource families to address just this question. The guide identifies five specific steps for caregivers to take in situation:

- 1.) The caregiver can review the **Reproductive and Sexual Health Care Rights** with the youth.
- 2.) The caregiver can offer reliable, non-biased information on safe sex and birth control to the youth.
- 3.) The caregiver can direct the youth to reliable websites with information about various types of birth control methods for pregnancy prevention.
- 4.) The caregiver can assist the youth in making an appointment with a health provider who can explain different birth control options.
- 5.) The caregiver shall provide transportation to the health care appointment.



JOHN BURTON
Advocates
for Youth

2016

DEC 19 2016

ELIGIBILITY FOR BOG FEE WAIVER

Q: I know that income eligibility for Pell grants for students who were in foster care after their 13th birthday is based on the student's income and does not take into consideration the income of parents or guardians. Is the same true for the BOG Fee Waiver at community colleges or do schools consider the income of a young person's parents?

A: The BOG fee waiver application can be found **HERE**. The application uses the same standards as the FAFSA to determine if a student is independent and therefore not required to provide parental income. As with the FAFSA, if a student was in foster care or was a dependent or ward of the court any time after the age of 13, they do not need to provide parental information. Students are strongly encouraged however to apply not only for the BOG fee waiver, but also to submit a FAFSA which is necessary to obtain a Pell Grant or CalGrant. For maximum financial aid, the FAFSA must be submitted no later than March 2.

DEC 13 2016

THP+FC CLIENT TO CASE MANAGER RATIO

Q: I supervise a THP+FC program and am wondering what the maximum caseload is for a THP+FC social worker? I also would like to know where these numbers could be found in the Community Care Licensing regulations.

A: THP+FC placements are licensed under the Transitional Housing Placement Provider license. The client to case manager ratio for a Transitional Housing Placement Provider is 1:12. While the Transitional Housing Placement Program regulations indicate a ratio of 1:25 for social workers, this was amended in statute to be a 1 to 12 case manager to client ratio. You can find this is Welfare and Institutions Code section 16522(f)(3). *Citation: Welfare & Institutions Code §16522(f)(3); Manual of Policies & Procedures, Transitional Housing Placement Program, Title 22, Division 6, Chapter 7, Section 86065.5*

DEC 05 2016

CAN NON-MINORS IN GUARDIANSHIPS BE PLACED IN A SILP OR THP+FC?

Q: I work for Child Protective Services and would like to know whether youth in Non-Related Legal Guardianships (NRLG) are eligible for placement in a Supervised Independent Living Placement (SILP) or in a transitional housing placement (THP+FC).

Also, is there a certain age these youth had to have gone into the guardianship to be eligible for extended benefits?

A: Youth in guardianships, including Non-Related Legal Guardianship (NRLG) are not eligible for Extended Foster Care, and so they cannot be placed in foster care placements such as a SILP or THP+FC.

Some youth in guardianships are eligible for extended Kinship Guardianship Assistance Program (Kin-GAP) benefits:

- Youth in NRLG established in dependency court are eligible for extended Kin-GAP to age 21, regardless of the age the guardianship was established.[1]
- Youth in NRLG established by the probate court are only eligible for extended Kin-GAP as follows: If they are still in high school when they turn 18, they can remain receiving benefits until they graduate high school or turn 19, whichever comes first. “This is called the high school completion rule”.[2]
- Youth in kin guardianships are eligible for extended Kin-GAP to age 21 if the guardianship was established after the youth turned 16[3] (with the exception of the condition stated in the next bulletin). If the guardianship was established prior to turning 16, they are only eligible for extended benefits under the terms of the high school completion rule stated in the previous bullet.[4]
- Youth in kin guardianships who have a physical or mental disability, the Kin-GAP benefits can be extended to age 21 regardless of the age the guardianship was established.[5]

Citation: [1] Welfare & Institutions Code § 11400(2)(aa) [2] All County Letter 11-69 [3] Welfare & Institutions Code §§ 11363(d), 11386(h); All County Letter 11-86; Senate Bill 1013 [4] Welfare & Institutions Code § 11363(c)(3), 11386(g)(3); All County Letter 11-15; All County Letter 11-86 [5] Welfare & Institutions Code §§ 11363(c)(2), 11386(g)(2)

NOV 22 2016

THP-PLUS – ARE MARRIED YOUTH ELIGIBLE?

Q: Are there any restrictions regarding married former foster youth applying for the THP-Plus program?

A: No, there is no restriction regarding married former foster youth participating in THP-Plus. If they are otherwise THP-Plus-eligible, youth who are married can participate in THP-Plus.

Youth are eligible for THP-Plus who were in foster care or out-of-home probation on or after their 18th birthday, and who are ages 18 up to age 24,[1] and up to age 25 in counties who have opted into the THP-Plus extension[2] established by SB 1252.

Citations: [1] Welfare & Institutions Code Section 11403.2(a)(2)(A) [2] Welfare & Institutions Code Section 11403.2(a)(2)(B)

NOV 07 2016

MEDICAL MARIJUANA CARD HOLDER IN THP+FC

Q: I'm a county worker with a young man who has a medical marijuana card, living in one of our THP+FC sites. His medical marijuana card says he has to smoke it within the confinements of his own home, however the provider does not want him smoking in the house. Is the provider required to permit him to smoke marijuana, and how do we handle the issue of his roommate (who does not hold a medical marijuana card) being exposed to or potentially accessing the marijuana?

A: In accordance with Title 22, *California Code of Regulations*, section 86087(f), the provider must forbid smoking at the THP+FC site. However, this does not prohibit the NMD from "taking" the marijuana by other means (e.g., orally). Accordingly, the county must comply with any protections to prevent those without a medical marijuana card from also consuming the substance. Such precautions may include, but are not limited to, keeping the marijuana in locked storage and having on hand only what will be used immediately. *Citation: Guidance from the California Department of Social Services, Title 22, California Code of Regulations, section 86087(f)*

NOV 01 2016

WAITING PERIOD FOR RE-ENTRY

No. It is not permitted to impose a waiting period of any duration before an otherwise eligible youth can re-enter foster care.

To re-enter, the youth must sign a voluntary re-entry agreement (**SOC 163**), which provides the county with the authority for placement for 180 days. Once this is signed, foster care benefits begin the date the agreement is signed or the date that the youth is placed in a qualified placement, whichever is later.

Policy guidance is clear that the youth does not have to be working or in school to re-enter foster care when the re-entry agreement is signed. Instead, they must *agree* to complete one of the participation conditions. As ACL 12-12 states, "The youth's signature on the SOC 163 will indicate their initial agreement to satisfy one of five participation conditions of EFC and will continue to satisfy that requirement pending completion of the TILP that documents their continuing participation." W&IC section 388(e); **CDSS ACL 12-12**

OCT 24 2016

ADOPTED AT 16 BUT IN NEED OF SERVICES

Q: I was adopted when I was 16, but things didn't really work out and I've been on my own since I turned 18. Now I'm 19 years-old and I work part-time, but it's not enough to rent an apartment even with a roommate. I'm staying on my friend's couch right now but I need to be out of here soon. My adoptive parents will not allow me to move back in. Am I eligible for AB 12 or for the THP-Plus program for former foster youth?

A: Yes, you may be eligible to re-enter Extended Foster Care (EFC) through a process that was established by Assembly Bill 2454.

As of January 1, 2015, a youth who is over 18 years of age and, while a minor, was a dependent child or ward of the juvenile court when their guardianship or adoption was established, may seek re-entry to foster care if the legal guardian(s) or adoptive parent(s) received aid* after the youth attained 18 years of age, but no longer provide ongoing support to, and no longer receive aid on behalf of the non-minor between 18 and (up to) 21 years old.

Once the petition is filed and the court determines there is sufficient information to indicate that the non-minor meets one of the conditions for re-entry, a hearing will be scheduled within 15 judicial days.

The child welfare or probation department will prepare a court report that addresses how the non-minor will meet one of the five EFC participation criteria cited in ACL 11-69 and the appropriate placement setting for the non-minor. If re-entry into foster care is in the non-minor's best interest, the court will assume dependency jurisdiction over the non-minor and order placement and care responsibility with the child welfare or probation agency.

As for your eligibility for the THP-Plus program for former foster youth, you are not eligible. Youth are eligible for the THP-Plus program who were in foster care or out-of-home placement on or after their 18th birthday and there is currently no mechanism to petition this, as there is for Extended Foster Care.

**Received aid under the state or federal Kinship Guardianship Assistance Program (Kin-GAP), as a Non-Related Legal Guardian whose guardianship was established in dependency court, or through the Adoption Assistance Program (AAP) Citation: Assembly Bill 2454 (2014), All County Information Notice I-17-15 (October 20, 2015), All County Letter 11-69 (October 13, 2011)*

OCT 17 2016

CRIMINAL CONVICTIONS AND FINANCIAL AID

Q: If I have been convicted of a crime, does this impact whether I am eligible for financial aid?

A: For the most part, a student with a criminal conviction, including one who is on probation or parole, **is eligible** for federal and state financial aid, however there are some exceptions. If you are currently incarcerated, you are ineligible for a federal Pell grant. Your eligibility may also be suspended if you were convicted of a drug-related offense and the offense occurred while you were receiving federal student aid (grants, loans, or work-study). Note that the suspension can be lifted however by successfully completing an approved drug rehabilitation program or by passing two unannounced drug tests administered by an approved drug rehabilitation program.

If you are convicted of a drug-related offense after you submit the FAFSA, you might lose eligibility for federal student aid, and you might be liable for returning any financial aid you received during a period of ineligibility.

Finally, if you have been convicted of a forcible or non-forcible sexual offense, and you are subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, you cannot receive a Federal Pell Grant. For more information, **CLICK HERE**.

OCT 10 2016

YOUTH SAVINGS REQUIREMENTS FOR THP+FC PROVIDERS?

Q: I'm the former foster parent of a youth who is now in Extended Foster Care, living in a THP+FC program. She is exiting the program next month and wants to know how much money has been saved on her behalf that she can access when she exits. Can you tell me what the savings requirements are for non-minor dependents participating in THP+FC programs?

A: While many THP+FC programs do have savings plans for the youth placed with them, there is no requirement that a THP+FC provider have any particular savings plan. THP+FC providers are required to have policies on what their savings requirements are, but statutes and regulations are not prescriptive regarding any savings account or plan. *Citation: Welfare and Institutions Code Section 16522.1*

SEP 27 2016

FINANCIAL AID FOR YOUTH WHO WERE ADOPTED

Q: I am working with a youth who has been adopted, and she is applying for financial aid for college. What age would this youth have to have been adopted after, to qualify for financial aid for foster youth?

A: For the Chafee Grant, which is the only form of financial aid dedicated solely for foster youth, a youth must have been in care on their 16th birthday. So if they were adopted after turning age 16, they would be eligible for the Chafee Grant.

For other forms of financial aid, such as the Board of Governors (BOG) Fee Waiver, the Cal Grant and the Pell Grant, the terms are different. Eligibility for these forms of aid is linked to financial need. Foster youth (and youth in guardianships) are entitled to independent status on the FAFSA, which means they do not need to report parental income, but if their own income exceeds the income standards, they will not get aid.

In order to qualify for independent status, a youth needs to have been in care on their 13th birthday. So, if they were adopted prior to age 13, they will have to report their adoptive parents' income, which may or may not qualify them for these forms of aid, depending on the amount of the adoptive parents' income.

SEP 13 2016

LIST OF COUNTIES THAT HAVE OPTED INTO THE THP-PLUS EXTENSION

Q: I'm currently nearing the end of my 24 months in the THP-Plus program. I'm working on getting my AA degree, and would really like to stay in the program until I finish. I've heard that some

counties allow youth to remain in THP-Plus for an additional 12 months if they are in school. How do I find out whether my county offers this?

A: You are correct. Senate Bill 1252 (Torres) established the option for counties to extend their THP-Plus programs for youth enrolled in school for an additional 12 months and up to the age of 25. This law went into effect January 1, 2015.

Currently, 19 counties have opted into the THP-Plus extension. These counties are listed, along with additional information about the THP-Plus extension on the THP-Plus website at the following URL: <http://thplusplus.org/thp-plus-extension-for-youth-enrolled-in-school/>

This fall, the John Burton Foundation will be releasing an implementation report on the THP-Plus extension informed by interviews with providers and county representatives in the counties that have opted into the extension.

SEP 05 2016

COUNTING INCOME FOR CALFRESH IN THP+FC

Q: I'm helping a Non-Minor Dependent (NMD) who is placed in our THP+FC program apply for CalFresh (food stamps). Does she include the monthly stipend our program gives her as unearned income, or the entire monthly foster care payment (THP+FC rate) we receive on her behalf?

A: When completing the unearned income portion of the application for CalFresh, a NMD in THP+FC should list the amount of money made available to them directly, including any portion that is being put into a savings. They should not list the whole foster care payment the provider receives on the NMD's behalf.

The California Department of Social Services clarified this in a recent **CF24**, stating *"the actual amount of THP monies made available to the youth whether spent, held or put into personal savings shall be considered unearned income in the month receive for the CalFresh budget."* THP+FC providers who utilize the single or remote site housing model currently receive \$3,090 per youth per month (host family rate is \$2,459). Providers pass a portion of this foster care payment to the youth, but this amount ranges across the state from roughly \$400 to \$1,200. *Citation: MPP Section 63-502.14, CF24 revised 6/29/16*

AUG 30 2016

IMPACT OF CAP ON SIJS VISAS ON FOSTER YOUTH

Q: I've heard that there is a cap on Special Immigrant Juvenile Status (SIJS) visas for minors from Guatemala, Honduras, El Salvador and Mexico. What does this mean for youth from these countries who have entered the child welfare system and will soon turn 21?

A: Yes, there is a cap on the number of SIJS visas and according to the U.S. State Department, it has been reached for children from El Salvador, Guatemala, Honduras and Mexico for FY2016.

However, the Center for the Study of Social Policy makes the following recommendations for assisting youth who are impacted by the SIJS visa cap:

- **Continue to file for SIJS (Form I-360) on behalf of youth from these countries.** The current cap on SIJS visas should not prohibit child welfare workers and practitioners, including attorneys and guardians ad litem, from moving forward and filing for SIJS.
- **Ensure the proper findings have been issued by the court and all forms (I-360 and I-485) have been filed.** To be eligible for SIJS, the appropriate court findings and paperwork must be filed before the child or youth's 21st birthday. It is imperative that practitioners and advocates continue to seek the necessary findings in court and file the appropriate forms to move forward with petitioning for lawful permanent residency once the cap is lifted in October 2016 (when the new fiscal year begins). It can be difficult to get a case in front of the court once a child or youth has exited the foster care system so having the appropriate findings issued during an open foster care case is imperative.
- **Ensure that SIJS eligible children and youth are granted Deferred Action while awaiting the availability of SIJS visas.** The United States Citizen and Immigration Services (USCIS) has indicated that it is approving Deferred Action, which is temporary relief from deportation, for SIJS visa-eligible applicants. By obtaining Deferred Action, these children and youth will be exempt from deportation for two years and will be eligible to apply for Employment Authorization.
- **Inform children and youth petitioning for SIJS that a change to their circumstances can impact their eligibility for an SIJS visa.** Despite having the appropriate finding and forms completed, youth may be found no longer eligible if they get married or are arrested.
- **Connect youth to community-based agencies that can provide support and specific guidance related to pursuing permanent legal residency once the cap is lifted.**
- **Ensure youth have filed for health insurance under the ACA or other health care coverage.**
- **Inform and connecting youth to adult education and higher education opportunities.**
- **File all the appropriate forms to receive authorization for employment.**

Citation: Special Immigrant Juvenile Status: A Critical Pathway to Safety and Permanence , Center for the Study of Social Policy

AUG 22 2016

IMMIGRATION STATUS & EXTENDED MEDI-CAL COVERAGE FOR FORMER FOSTER YOUTH

Q: I understand that former foster youth qualify for full-scope Medi-Cal coverage up to age 26, but what about for youth who are undocumented immigrants?

A: Former Foster Youth qualify for Medi-Cal up to age 26 under the Medi-Cal program for Former Foster Youth (FFY) which provides full scope Medi-Cal , regardless of immigration status.

This, among other clarifications and updates, was stated in the **errata** to All County Welfare Directors Letter **14-41**, released August 4, 2016 by the Department of Health Care Services. The errata clarifies that the FFY should be immediately enrolled into the FFY program and enrollment should not be delayed while additional information about immigration status, if needed, is gathered. Information about the FFY's immigration status is for record-keeping purposes and does NOT impact the FFY's eligibility for full-scope Medi-Cal.

For more information about extended Medi-Cal coverage for former foster youth, visit <http://coveredtil26.childrennow.org/>. Citation: *Errata to All County Welfare Directors Letter 14-41 (August 4, 2016)*

AUG 11 2016

APPLYING FOR FINANCIAL AID

Q: I am working with a foster youth who is about to start community college next month and I just discovered that he didn't apply for any financial aid. Is it too late to apply? Someone told me the deadline was all the way back on March 2nd.

A: It is not too late. Federal Pell grants can be applied for at any time by submitting a FAFSA and community college students can apply for the CalGrant through September 2, although availability is limited after the March 2nd deadline. If the youth hasn't applied for a BOG fee waiver, this can also be applied for year round. If the youth meets the **eligibility** for a Chafee grant, there is no specific deadline, but grants are limited and so early application is encouraged.

AUG 08 2016

ALLOWANCES IN THP+FC: IS THERE A REQUIRED AMOUNT?

Q: My organization is a provider of THP+FC. Is there a minimum or maximum amount that we are required to provide in allowance to the youth placed in our THP+FC program?

A: State law requires THP+FC providers to provide an allowance to each participant in the program. State law does not specify a minimum or maximum value amount, but instead indicates that in the case of a participant living independently, the allowance must be sufficient for the participant to purchase food and other necessities.

Licensing regulations require the procedures for determining the amount of allowance provided to each participant and the schedule of disbursement to be included in the provider's Plan of Operation.

Citations: Welfare and Institutions Code Section 16522.1(b)(7); Manual of Policies and Procedures: Transitional Housing Placement Program, Title 22, Division 6, Chapter 7, page 16

AUG 02 2016

QUESTIONS ABOUT THE NEW INFANT SUPPLEMENT

Q: I have a few questions about the new infant supplement. First, what date is it effective? I am working with a youth and her AB12 worker told her she would not be paid the infant supplement increase until January 1, 2017. Second, I heard that the \$900 infant supplement is a loan and that

youth participating in Extended Foster Care will be billed by the IRS once they are “self sufficient.” Is that the case?

A: The effective date for the higher infant supplement rate of \$900 is July 1, 2016. The California Department of Social Services has issued an **All County Letter** that states this effective date. The youth you are working with may experience a delay due to local administrative issues. If that is the case, the youth is entitled to receive the increased rate retroactive to July 1, 2016.

Second, the infant supplement is not a loan. It is a supplemental rate paid to the caregivers of parenting dependents for the purpose of paying for child-related expenses, including the food, child care, transportation, clothing and housing. Like other foster care rates, the infant supplement is not counted as income. No youth who receives the infant supplement will be accountable for its repayment.

JUL 25 2016

COUNTY POLICIES ON OUT-OF-COUNTY YOUTH IN THP-PLUS

Q: I’m 22 years old and currently live in a THP-Plus program in the county I exited care from in Southern California. I’d like to move to Northern California so that I can attend a community college that has a transfer agreement with the university I plan to ultimately attend up north. I have only been in THP-Plus for 7 months, and do not have much of a savings. I would like to find a THP-Plus program in the area where I plan to move so that I can afford to attend school without having to work full-time.

I’ve heard that some THP-Plus programs have stipulations about accepting youth who did not exit foster care from their county. Is there some sort of list that will tell me which counties will accept out-of-county youth in their THP-Plus programs?

A: Yes, the John Burton Foundation has developed a list that includes almost all counties with THP-Plus programs’ policies on whether they accept out-of-county youth. This information was gathered from the THP-Plus **contact** at each county. The majority of counties do accept out-of-county youth, however some have stipulations, such as requiring that the youth reside in the county of the program, or that they have ties to the community and/or a purpose for residing there (i.e. a job, a school, family, etc.). The list is posted on the THP-Plus website at <http://thplus.org/county-policies-on-out-of-county-youth/>.

JUL 12 2016

FAFSA NOW AVAILABLE STARTING OCTOBER 1ST

Q: I’m a CASA volunteer working with a high school student who is about to enter her senior year. She plans to attend college the fall after graduating. I want to make sure she receives the financial aid she is eligible for as a foster youth. I understand that completing the Free Application for Federal Student Aid (FAFSA) is the first step. Someone mentioned that starting this year, the

FAFSA will be available at an earlier date. Is this true? If so, will the Chafee application be available earlier too?

A: Yes, this is true. Previously, the FAFSA could be completed starting January 1st for the following fall semester or quarter. Now, the California Student Aid Commission will accept the FAFSA, the California Dream Act application, and the Chafee application for the 2017-18 school year starting **October 1, 2016**. The deadline for completing the FAFSA has not changed. For maximum financial aid, it is very important for the youth you work with to submit the FAFSA **no later than March 2, 2017**. Consideration for priority funding is given to those whose complete application is submitted on or before this day as funding is limited and applications are processed on a first-come, first-served basis. If a student misses this deadline, he or she should still submit a FAFSA because additional financial aid is available. You should work with your CASA youth to submit the FAFSA (or the CA Dream Act application if she is undocumented) and the Chafee application as early as October 1st. You should also make sure she checks with her high school to see whether they will submit her Cal Grant GPA verification form directly to the California Student Commission, or whether she will need to submit it using the paper form (also a March 2nd deadline). By completing the FAFSA, your youth will automatically be applying for a federal Pell Grant.

JUL 05 2016

EFC RE-ENTRY GUIDELINES – WAITING PERIOD?

Q: We just discharged a youth in my county from extended foster care (EFC) because she has not fulfilled a participation condition for six months now, and has indicated that she no longer wants to attempt to fulfill a participation condition nor plans on working toward the goals in her Transitional Independent Living Plan (TILP).

The next day she called me and said that she would like to re-enter EFC. I'm concerned that she may not be serious. Can I insist that this young woman wait a specified amount of time before re-entering EFC, or that she show me that she is serious by managing on her own for a while?

A: No. Specifying an amount of time that an NMD must wait before she is allowed to re-enter foster care is not permitted by state law or regulation. As long as this former non-minor dependent (NMD) is meeting the eligibility criteria specified below, she has the right to re-enter EFC:

1. age (not yet 21)
2. under a foster care placement order on their 18th birthday*
3. agree to meet participation conditions
4. authority for placement (completing the Voluntary Re-entry Agreement-SOC 163, following by resumption of juvenile court jurisdiction)
5. willing to live in an eligible placement [1]

*(*the exception this this is for youth who have re-entered EFC after a failed permanency plan as provided by AB 2454 so were not in foster care on their 18th birthday)*

Signing the Voluntary Reentry Agreement is sufficient to indicate the NMD's willingness to meet a participation condition and satisfies that requirement pending the NMD's completion of the TILP, which documents the NMD's continuing participation.[2]

There is no limit on the number of times a youth can opt-out and re-enter foster care as long as the youth is still under age 21.[3]

Citations: [1] Welf. & Inst. Code §§ 388(e), 388.1; All County Letter 12-12 (March 23, 2012)

[2] All County Letter 12-12 (March 23, 2012) [3] Welf. & Inst. Code §§11400(z), 388(e); 366.31(c); All County Letter 12-12 (March 23, 2012)

JUN 21 2016

TRYING TO DEVELOP PARENTING SUPPORT PLAN, BUT SOCIAL WORKER NOT AVAILABLE

Q: I'm a parenting youth participating in extended foster care and residing in a Supervised Independent Living Placement (SILP). I heard about the support for parenting non-minor dependents (NMDs) in SILPs established by **Assembly Bill 2668**. I have an adult mentor in place and would like to complete my Parenting Support Plan (PSP) and start receiving the additional \$200, but I haven't been able to get the three of us together to develop my PSP. I really need this financial support now. Is there a way I can get the ball rolling?

A: As of July 1, 2015, AB 2668 went into effect and counties were required to start implementing it.[1] The plan should be developed between the parenting NMD, the identified responsible adult and the social worker or probation officer[2] (in addition to any other individuals identified by the NMD parent).

The law[3] says that the PSP shall be developed as soon as practically possible. It further clarifies that if any of the additional interested participants are not available to provide input in the development of the PSP within the first 30 days of the NMD parent's request to enter into a plan, the NMD parent and the adult mentor may enter into a PSP for the purposes of fulfilling the requirements of the statute, subject to the approval of the plan by the social worker or probation officer. The PSP may be modified at a later date when the other participants are available. This should help you get the ball rolling so that you can get the PSP completed and submitted to your social worker for approval.

It's important to keep in mind that the adult mentor must be at least 21 years of age, and undergo a criminal records check and Child Abuse Central Index Check. For additional information about eligible adult mentors and more, refer to All County Letters 15-67 and 16-50.

Citation: All County Letter 15-67 (September 3, 2015), All County Letter 16-50 (June 1, 2016)

[1] WIC section 16501.26(d) [2] WIC section 16501.26(b) [3] WIC section 16501.26(b)

JUN 10 2016

QUESTION OF THE WEEK: POST-SECONDARY EDUCATION SERIES

Q: Is a student who exited to guardianship prior to her 16th birthday, but whose dependency case remained open, eligible for Chafee ETV?

A: If a youth has exited to legal guardianship but still has dependency, then it depends on how the language is worded in the individual court order. If the language reads that the youth is in the care, custody and control of the county while in the guardianship, then they would still be eligible for Chafee as this would satisfy the eligibility requirement of being in foster care at some point between 16 and 18 years of age. However, if a young person was in guardianship and the orders state that he or she was in the care or custody of the guardian, then they would not be eligible if the guardianship had been established prior to the age of 16.

JUN 06 2016

CAN A COUNTY REQUIRE ADDITIONAL PARTICIPATION CONDITIONS FOR EFC?

Q: I'm finishing high school and participating in Extended Foster Care. I was told that in order to stay in Extended Foster Care in my county, that just going to school wasn't enough, and that I had to also be working or participating in an extra-curricular activity to show that I'm motivated and making progress. I thought going to school fulfilled a participation condition, allowing me to continue in Extended Foster Care as long as I meet all other eligibility requirements? Has something changed?

A: No, nothing has changed. You are correct. To participate in Extended Foster Care, a youth must:

- (1) have an order for foster care placement on his/her 18th birthday;**[1]**
- (2) continue under the jurisdiction of the juvenile court as a dependent, under transitional jurisdiction or as a ward;**[2]**
- (3) meet one of the five participation conditions;**[3]**
- (4) agree to live in a supervised placement that is licensed or approved under the standards for 18 to 21 year olds;**[4]** and
- (5) sign a mutual agreement (note: this is not a condition of payment),**[5]** meet with his/her social worker or probation officer every month,**[6]** and participate in six-month review hearings.**[7]**

The participation conditions are as follows:

- (1) Completing high school or equivalent program (i.e. GED) (enrollment is defined according to the definition employed by the school or program); OR
- (2) Enrolled in college, community college or a vocational education program (half-time enrollment, as the college, community college or vocational program defines half-time enrollment); OR
- (3) Participating in a program or activity designed to remove barriers to employment (this is the "safety net" category which is intended to capture all youth who are not eligible under the employment or education conditions) OR
- (4) Employed at least 80 hours a month (this must be paid employment); OR

(5) Unable to do one of the above requirements because of a medical condition (short- or long-term medical or mental health condition as verified by a health practitioner but youth does not have to be currently seeking treatment).[8]

By being enrolled in high school or an equivalent program, you are meeting one of the participation conditions for Extended Foster Care. A county cannot discharge a youth from Extended Foster Care for failing to meet additional requirements beyond what is required by law.

Citations: [1] Welfare & Institutions Code (WIC) § 11400(v) [2] WIC § 11400(v) [3] WIC § 11403(b) [4] WIC § 11402 et seq. [5] WIC §§ 303(d), 11400(u); All County Letter 11-6 [6] 42 U.S.C. § 622(b)(17); ACYF-CB-PI-10-11 (p. 11) [7] WIC § 366.3(m) [8] WIC § 11403(b)(5); All County Letters 11-61 and 11-69

MAY 24 2016

STUDENT ELIGIBILITY FOR CALFRESH BY PARTICIPATION IN EOPS

Q: I'm a non-minor dependent attending college full-time. I'm not able to work and am struggling with my monthly expenses. I know that students attending college at least half-time are generally not eligible for food stamps unless they meet certain requirements or exemptions.

I recently heard that participation in Extended Opportunity Programs and Services (EOPS) qualifies an otherwise Cal-Fresh eligible student for the CalFresh (food stamps) exemption. Is this true?

A: Yes, you are correct. Generally, students enrolled at least half-time as defined by the post-secondary educational institution are not eligible for CalFresh unless special criteria apply (see below).

In 2014, **Assembly Bill 1930** (Skinner) gave the California Department of Social Services the authority to determine certain educational programs considered employment training programs, thereby qualifying a student participating in one of those programs for an exemption. **All County Letter 15-70** (2015) indicated that enrollment in EOPS qualifies an otherwise CalFresh-eligible student for the CalFresh exemption. Students who provide proof of enrollment in EOPS shall be eligible for CalFresh if they meet all other conditions of CalFresh eligibility. Citation: **Assembly Bill 1930** (2014), **Manual of Policies and Procedures 63-406.216**, **All County Letter 15-70** (September 15, 2015)

MAY 09 2016

HOW TO REQUEST A FOSTER CARE VERIFICATION LETTER FROM THE STATE

Q: I'm trying obtain proof of my status as a former foster youth, and am having trouble getting in contact with my county. I hear that the ACIN has been issued on **Assembly Bill 592**, which gave the California Department of Social Services (CDSS) the authority to provide former foster youth with written verification of their foster care status. How do I contact CDSS, and does the ACIN provide any new information I should note?

A: Yes, the ACIN has been issued. It indicates that former foster youth can contact CDSS to request the verification letter by calling the Foster Care Ombudsman's Office, toll free at 1-877-846-1602, or by calling the Foster Care Support Services Bureau, at (916) 651-7465. Initial requests need to be received by telephone so that the CDSS staff person may verify the youth's identity, ask any clarifying questions to find the youth's case on the CWS/CMS system, and if necessary, to help resolve any issues the youth may have experienced in reaching their county agency of jurisdiction. Completed verification letters will be provided to the youth by fax, email, U.S. mail or in person, depending on the youth's preference.

Youth should note that CDSS only has the authority to provide this verification to *former* foster youth. If a current foster youth requests this verification from CDSS, they will be directed to contact the county child welfare agency or probation office that currently serves them. If a youth is currently in foster care and expresses difficulty with getting this verification from their county agency, CDSS will assist the youth with reaching someone from the county agency to help.
Citation: **All County Information Notice I-27-16** (April 27, 2016)

MAY 02 2016

ADULT RESIDENTIAL TREATMENT FACILITY – A SILP?

Q: Can an Adult Residential Treatment Facility be considered a Supervised Independent Living Placement (SILP) for a Non-Minor Dependent (NMD)?

A: This question was answered by the California Department of Social Services (CDSS) and was posted on the CDSS website, in their **section**, Frequently Asked Questions Regarding Foster Care Benefits. Their answer is provided below and also available directly at this **link**.

Yes, an Adult Residential Treatment Facility may be considered a SILP under certain conditions. Federal policy permits a state to consider a youth age 18 or older who is residing in a substance abuse, mental health or other residential treatment facility to be in a supervised independent living setting for title IV-E purposes, as long as that youth is living in the facility voluntarily and the arrangement is paired with supervision of the child welfare agency. See Child Welfare Policy Manual, Section 8.3A.8d, Question 2. Therefore, a treatment facility may be approved as a SILP if the NMD is living independently and voluntarily within the facility, and continues to be subject to the court's jurisdiction and agency supervision.

As previously stated in **ACL 11-77**: "Many NMDs can benefit from the experience of a SILP prior to independent living. Although NMDs have varying levels of independence readiness, SILPs cover a wide range of living situations; therefore, NMDs do not have to be ready for complete independence to try out a SILP. The SILP settings can also have varying levels of independence. For example, for those NMDs who may require extra assistance, a SILP can consist of renting a room from a permanent connection that can assist the young adult in preparing for more independence. This can help to prepare NMDs for more independent SILPs, such as an apartment with a roommate. It is important to understand that SILP assessments are based upon the type of SILP being considered."

Therefore and as with all other SILPs, the readiness assessment should factor in the needs of the youth and the supports offered in the SILP environment. Please refer to **ACL 11-77** for additional

information regarding readiness assessments and the SILP approval process. Citation:
<http://www.childsworld.ca.gov/res/pdf/SILP-ResidentialTreatmentFacility.pdf>

APR 26 2016

THP-PLUS EXTENSION FOR “OUT OF COUNTY” YOUTH

Q: I’m attending college in a different county than I grew up in and exited foster care from. I’m participating in a THP-Plus program here in the county where I’m attending college. The county I exited care from *did not* opt into the THP-Plus extension established by **Senate Bill 1252**, however the county I currently reside in *did* opt in. Can I access the additional 12 months of THP-Plus here?

A: Yes, you can access the additional 12 months of THP-Plus if you are otherwise eligible (a current student and exited foster care on or after your 18th birthday). SB 1252 amends WIC section 11403.2 to allow each county, at its option, to extend THP-Plus services to former foster youth up to, but not including, age 25 and for up to 36 cumulative months for youth completing secondary education, or an equivalent program, or be enrolled in an institution that provides post-secondary education. If a county elects to implement this provision, it is applicable to *all* youth in the program. It cannot be applied on a case-by-case basis. Citation: **All County Information Notice I-40-15** (May 27, 2015)

APR 13 2016

AB 2454 RE-ENTRY & THP-PLUS ELIGIBILITY

Q: I’m a county social worker and have a client who exited to adoption at age 16. The adoption has subsequently failed and the young woman has re-entered foster care as a non-minor dependent at the age of 19 through **AB 2454**. When she exits care at age 21, will she be eligible for the THP-Plus housing program for former foster youth?

A: Yes, those eligible for THP-Plus are former foster youth who have exited the foster care system *on or after* their 18th birthday. Because this young woman was in foster care *after* her 18th birthday, she will be eligible for THP-Plus. Citation: *Welfare and Institutions Code Section 11400-11410*

APR 04 2016

NMD APPLYING FOR THE EARNED INCOME TAX CREDIT

Q: I’m a 20 year-old non-minor dependent with a 2 year-old child. I’m filing my taxes and heard that I should apply for the Earned Income Tax Credit (EITC). Can I apply for the EITC as well as my child’s father, or just one of us?

A: Because you are filing your taxes separately from the father of your child, only one of you is allowed to claim your child when filing the Earned Income Tax Credit.

If you cannot agree who will claim the child for the purposes of the EITC, the IRS has established a set of **rules** to make that determination.

*Citation: Internal Revenue Service,
<https://www.irs.gov/Credits-&-Deductions/Individuals/Earned-Income-Tax-Credit/Qualifying-Child-of-More-Than-One-Person>*

MAR 28 2016

MISSED CAL GRANT DEADLINE

Q: I am a social worker assisting an 18 year-old in foster care who will graduate from high school this spring and wants to attend community college in the fall. She missed the March 2nd Cal Grant deadline. What does this mean for her? Is she no longer eligible for financial aid?

A: By missing the March 2nd Cal grant deadline, this youth is not *guaranteed* a Cal Grant, which is up to \$1,256 at a community college, \$5,472 at a CSU, \$12,240 at a UC. She may still may receive a Cal Grant, but instead of being entitled to it, she may be eligible for remaining Competitive CalGrant funds, which are available to community college students who apply by September 2.

There are still several important forms of financial aid available to her; it is definitely not too late to apply for financial aid.

First, there is the Pell grant, which provides up to \$5,775 and the Federal Supplemental Educational Grant Opportunity, which ranges from \$100 and \$4,000 a year, depending on the student's financial need, when she applies, the amount of other aid she gets, and the availability of funds at her school. Most importantly for foster youth, there is the Chafee Education and Training Voucher, which provides up to \$5,000 for foster youth in higher education. To receive these forms of financial aid, this youth should complete the **Free Application for Federal Student Aid** as soon as possible and also complete the **Chafee Application**.

JAN 26 2016

VERIFICATION OF FOSTER CARE STATUS FOR FINANCIAL AID

Q: I understand that Assembly Bill 592 gave the California Department of Social Services (CDSS) the authority to provide foster youth with written verification of their foster care status. I am working with a former foster youth to complete her Chafee application and we need this verification. My question: Has an All County Letter (ACL) been issued about how this former foster youth can get written verification of her time spent in foster care?

A: You are correct, Assembly Bill 592 authorized the California Department of Social Services to provide foster youth with written verification of their status. A draft ACL has been issued and the final version is expected to be issued shortly. However, CDSS has stated on several occasions

that a youth may request this verification at any time and that they do not need to wait for the ACL to be issued. To make this request, the youth should contact the California Foster Care Ombudsman Office at 1-877-846-1602

JAN 14 2016

DIFFERENCES B/W HIGH SCHOOL DIPLOMA, GED, AND CA CERTIFICATE OF COMPLETION

Q: Are there any differences in the eyes of college admissions offices between graduation with a High School diploma, GED, or a “CA Certificate of Completion”?

A: At both the CSU and UC systems, students must have a high school diploma, pass the California High School Proficiency Examination or a proficiency examination from another state, or have a General Education Development (GED) Certificate. A student must also meet the Subject (A-G), GPA and SAT/ACT test requirements specified by the system and/or campus. As such, a CA Certificate of Completion does not alone qualify a student for university admissions however a GED would, assuming all other admissions criteria have been met. If a student decides to apply as a transfer student by going to a community college for 2 years, there is no high school graduation requirement. For an overview of admissions criteria click [here](#) for CSU and [here](#) for UC.

California Community Colleges do not require a high school diploma for admission, however a diploma or its equivalent (e.g. California High School Proficiency Examination or GED) is required to qualify for federal financial aid.

Finally, it should be noted that with the passage of Senate Bill 172, which suspends the requirement for passage of the high school exit exam (CAHSEE) in order to obtain a diploma, some students who previously received a Certificate of Completion may now be eligible for an actual high school diploma. For additional information about this, [click here](#).



JOHN BURTON
Advocates
for Youth

2015

NOV 22 2015

DOCUMENTATION REQUIRED FOR EMPLOYMENT

Q: We have a young adult whose new social worker who will not sign off on her AB 12 compliance since the young adult is getting paid under the table as a nanny. The NMD has two jobs where she gets paid in cash. The previous social worker had no problem with this and the youth was considered employed for the purposes of meeting one of the five participation conditions.

Is there anything preventing this new worker from signing off my youth's employment? For example, does she need to be employed somewhere where she is receiving pay stubs?

A: There is not requirement that the youth provide pay stubs as proof of employment. The **ACL** that specifies the requirements offers several examples of proof of employment, including a copy the nonminor dependent's (NMD) work schedule, pay stubs, a statement of hiring from the employer, or a statement of acceptance from the apprenticeship or internship program.

In this circumstance, a "statement of hiring from the employer" should suffice. If consensus cannot be reached between the youth and the social worker, this should come before the juvenile court. As a legal adult, the NMD is responsible for any tax liability she may be incurring. It is not the responsibility of the county child welfare agency and the child welfare agency will not be held accountable for it. Source: **All County Letter 11-61**

NOV 13 2015

AB 12 QUESTION OF THE WEEK: EDUCATION SERIES

College Benefits for Youth Who Re-Enter Because of a Failed Adoption or Guardianship

Q: If a youth re-enters foster care after 18 because of a failed adoption or guardianship (as provided for by **Assembly Bill 2454**), do they qualify for priority registration and/or independent status on the FAFSA?

A: Yes, they qualify for both. On the FAFSA, students who respond yes to question #53 (At any time since you turned age 13, were both your parents deceased, were you in foster care or were you a dependent or ward of the court?) qualify for independent status. Once they reenter foster care, they will meet this requirement regardless of what age they originally exited foster care. Note also that any youth who is or was in legal guardianship can also qualify for independent status by responding yes to question #55 which asks, "As determined by a court in your state of legal residence, are you or were you in legal guardianship?" Priority registration is available to anyone

currently in foster care, so once a student reenters, that student is considered to be currently in foster care and would therefore qualify.

NOV 10 2015

ARE THERE REQUIREMENTS FOR HOW TO USE INFANT SUPPLEMENT IN THP+FC?

Q: I am a mentor for a young mother who lives in THP+FC. It doesn't seem like she is getting extra services as a young parent. It is written anywhere what the \$411 infant supplement is supposed to cover? Is there a way for her to receive the \$411 payment directly?

A: There is no written guidance on how the infant supplement is used in THP+FC. There is also no specific requirement that THP+FC providers account for how they used the infant supplement.

A parenting Non-Minor Dependent (NMD) living in THP+FC is not able to receive the infant supplement directly. Instead, the monthly infant supplement goes to the provider for the care and supervision of the nondependent infant. Some THP+FC providers elect to pass along a portion of the infant supplement to the parenting NMD, but it is not required. When this question was posed to CDSS, they responded that a youth who has a concern about this should contact the **Foster Care Ombudsman's Office**. They could also request an audit from our Foster Care Audits and Rates Bureau if they feel it's needed. Source: W&IC 11465 (a)

NOV 03 2015

MAXIMUM NUMBER OF DAYS NMDS MAY BE ABSENT FROM PLACEMENT TO RECEIVE PAYMENT

Q: I am a social worker with a THP+FC program. We have a non-minor dependent in our program who would like to participate in a college bridge program next summer, where she will live on campus for 30 days. If she is away from the program that long, will our program receive a THP+FC payment to "hold" her place in the program? We want to encourage her participation in this program, but do not have the funding to cover housing and staffing costs if we are not getting a rate for a month.

A: Your program will likely receive a partial payment. According to CDSS regulations, payment may be made to a provider if the youth in foster care is absent *no more than 14 days in a calendar month*. Therefore, if the youth were gone 10 days in the first month and the 20 days in the second month, your program would receive the full payment for the first month and a prorated payment for the second month, reduced by the number of days exceeding 14 days in the calendar month. The CDSS regulations provide several useful scenarios that explain this regulation. Section 45-302.231 of the CDSS Manual of Policies and Procedures

OCT 13 2015

NEED TO TERMINATE GUARDIANSHIP BEFORE ENTERING EFC

Q: I am a social worker for a minor with an open guardianship case, where a legal guardianship has been established and the child welfare case has been kept open to enable the provision of services. The minor will turn 18 years-old in December. Do I need to terminate the guardianship in court before she turns 18 in order for her to be eligible for extended foster care?

A: No. The guardianship will end automatically when the minor turns age 18. Since her child welfare case has been kept open and she will have an order for foster care placement on her 18th birthday, she will automatically be in extended foster care, provided she meets all other eligibility criteria for extended foster care. It is not necessary to return to court prior to turning age 18 to terminate the guardianship. Welf. & Inst. Code § 11400(v)(1); All County Letter 11-61; All County Letter 11-69

OCT 05 2015

NEW LAW ELIMINATES FEE TO SEAL JUVENILE RECORDS

Q: I am the case manager for a youth in THP-Plus, who was formerly in the juvenile probation system. He committed a crime as a minor, but his records were never been sealed and he is now 22 years -old.

I heard there was a new law that will allow him to seal his records free of charge. Is that the case? And if he successfully seals his juvenile record, does he have to disclose that he was ever arrested in job interviews or on rental applications?

A: Yes, Senator Ricardo Lara authored **Senate Bill 504**, which was signed by Governor Brown on September 30, 2016 and eliminates the fee to have a juvenile record sealed for individuals under the age of twenty-six. Prior to SB 504, adjudicated youth seeking to clear their records had to pay \$150 to petition the court to seal his or her records.

In addition to eliminating the filing fee to seal records for individuals under the age of twenty-six, SB 504 prohibits an unfulfilled order of restitution from barring the sealing of a record. Previously, a youth was required to pay all fines, fees, and restitution owed to a victim in order to seal his or her juvenile record. However, the person is still liable to pay the entire amount of restitution even if his or her records are sealed.

For youth who satisfactorily completed probation and whose cases were dismissed *after January 1, 2015*, the court will automatically seal their juvenile records, thanks to **SB 1038** authored by Senator Mark Leno last year and its clean up bill, AB 666 (Stone) this year. Individuals who committed certain serious felonies when age 14 or over are not eligible to have their records sealed.

Once a youth has sealed his or her records, the individual can answer “no” to any questions asking whether he has a juvenile record or whether he has ever been arrested. Legally, when juvenile records are sealed, they are deemed not to have occurred and the individual can reply accordingly to employers, schools and others. Also, don’t forget that juvenile adjudications are never considered to be felony *convictions*, whether or not they are sealed. Sealed juvenile records

may be reviewed for limited purposes, such as determining eligibility for extended foster care (AB12) or determining eligibility for other programs if the person reoffends while a minor. SB 504 and AB 666 will go into effect January 1, 2016.

Sources: Section 1203.45 of the Penal Code, Sections 781, 786 and 903.3 of the Welfare and Institutions Code, *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767, Administrative Office of the Courts.

SEP 21 2015

FINANCIAL AID DOESN'T COVER MEAL PLAN FOR FOSTER YOUTH

Q: I am a social worker for an 18 year-old foster youth who just started his first year of college at a campus of the California State University system. He received a full package of financial aid, including a Pell Grant and a Cal Grant. For some reason, however, his financial aid is not enough to pay for a meal plan in his dorm. Isn't the meal plan included in his financial aid calculation? How can I help him?

A: Yes, the cost of room and board is calculated in the cost of attendance and figured into his financial aid eligibility. However, financial aid eligibility is based on a *standard* budget, not the actual expenses that a student may be incurring on campus. For example, the cost of the actual dorm where a is assigned may be higher than the cost included in the standard budget. If the student is incurring certain allowable expenses, such as higher housing costs, he may be eligible for additional financial aid by applying for a Cost of Attendance Adjustment. To apply for a Cost of Attendance Adjustment, he should contact his college's financial aid office. Source: This response was provided by financial aid representatives from California State University system and the California Community Colleges Chancellor's Office.

SEP 10 2015

ASSISTANCE FOR STUDENTS WITH DISABILITIES

Q: Are there any specific resources that a foster youth with disabilities can access at community college to help them to be successful?

A: Yes. Every community college has a Disabled Students Services and Programs (DSPS) office that can offer assistance to qualifying students with disabilities. In order to qualify, the specific disability must be verified, and there must be an educational limitation that precludes the student from fully participating in general education without additional specialized services. Examples of services available through DSPS that are over and above those regularly offered by the college would be test-taking facilitation, assessment for learning disabilities, specialized counseling, interpreter services for hearing-impaired or deaf students, mobility assistance, note taker services, reader services, speech services, transcription services, transportation, specialized tutoring, access to adaptive equipment, job development/placement, registration assistance, special parking and specialized instruction. A directory of DSPS programs at each college can be found at <http://dspssolutions.org/directory/dspss-coordinatorsdirectors.aspx>.

SEP 08 2015

MEDI-CAL AND THP-PLUS ELIGIBILITY FOR YOUTH WHO RE-ENTER FOSTER CARE UNDER AB 2454

Q. If a youth successfully petitions the courts to re-enter foster care after age 18 under AB 2454 because their guardian or adoptive parent(s) no longer provide ongoing support or receive payment on their behalf, will they be eligible for Medi-Cal coverage up to age 26 or THP-Plus programs?

A. Yes, they are eligible to participate in THP-Plus and the Medi-Cal program for former foster youth until age 26. According to DSS, any foster youth who exited from the foster care system *on or after* his or her 18th birthday are eligible for both.

AUG 31 2015

CALCULATING THP+FC RATE IF AN NMD RECEIVES TRIBAL BENEFITS

Q. I am a THP+FC provider and one of my program participants is a Native American Non-Minor Dependent (NMD) who receives tribal benefits. Are these benefits considered income that must be deducted from the state's payment to the provider?

A: According to the California Department of Social Services, most tribal benefits are exempt from being considered income. This mean they should not be deducted from the payment to the provider since the provider cannot collect these benefits from the youth. However, there are some unique cases in which tribal income could be considered income that the provider could collect from the youth. It is recommended that tribal benefits be assessed by Foster Care Analysis and Rates Bureau at FC-KGEligibility@dss.ca.gov to determine if they should be counted as income and deducted from the providers' payment or not.

AUG 24 2015

PARENTING SUPPORT PLANS AND \$200 SUPPLEMENT FOR PARENTING NMDs IN SILPS

Q: I understand that under AB 2668, beginning July 1, 2015, parenting Non-Minor Dependents living in a SILP are eligible to receive an additional \$200 supplement if they create a parenting support plan with a responsible adult.

Since the All-County-Letter (ACL) and County Fiscal Letter (CFL) providing guidance on this has not yet been released, can parenting NMDs create their parenting support plans now and begin claiming the supplement?

A. Yes, the parenting NMD living in a SILP can enter into this plan now and will be able to retroactively claim the supplement once the CFL comes out. Until the ACL comes out with a sample template parenting support plan, NMDs and their social workers can refer to the shared responsibility plan guidelines from **ACL 06-04. Welfare and Institutions Code §10604.6; CFL No. 96/97-47**

AUG 13 2015

QUESTION OF THE WEEK: EDUCATION SERIES

Q: Does a foster youth retain eligibility for Medi-Cal if they attend an out-of-state college?

A: The California Department of Health Care Services (DHCS) recently issued guidance around Medi-Cal residency requirements for students either from out-of-state who attend California schools or California residents who attend out-of-state schools. If otherwise eligible, those students who come to California to attend school may apply for Medi-Cal (all other eligibility rules apply). Similarly, Medi-Cal beneficiaries who leave California to attend school can continue their Medi-Cal eligibility assuming they are still otherwise eligible. These beneficiaries may also apply for Medicaid in the state in which they attend school. **DHCS ACWDL 15-23**

JUL 20 2015

Q OF THE WEEK: EDUCATION SERIES

Q: I am wondering if AB490, specifically the section requiring a school to provide records to a new school to which a student is transferring, applies to Non Minor Dependents. We have a 19-year-old NMD, who would like to enroll in a charter school to obtain her high school diploma but is unable to get her records from her former high school. There is some confusion about whether she owes money to them and until this is cleared up they won't release her records.

A: AB 490 applies to any child who "is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code" and therefore does apply to non-minor dependents. The school the student is transferring from must deliver the student's educational record to the next school within 2 business days. The law further provides that all required records shall be provided to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended (EC § 48853.5(e)(8)(C)). If a district or school fails or refuses to comply with the provisions of AB 490, advocates should contact the County Office of Education's Foster Youth Services Coordinator (a list of county contacts is available [here](#)). If advocates and liaisons are unable to resolve the issue right away, they should also notify the youth's attorney. If the matter is not resolved within a few days and the school district fails or refuses to comply with the provisions of AB 490, the child's attorney can ask the juvenile court to join the school district to court proceedings pursuant to Welfare and Institutions Code §§362(a) and 727(a) (i.e. file a Joinder Motion asking the court to order the school district to appear and explain why they failed to provide the child with the services she is entitled to pursuant to the California Education Code). For additional information about AB 490 click [here](#).

JUL 14 2015

FOSTER CARE RATES FOR 2015-16

Q: I am working with a Non-Minor Dependent placed in a Supervised Independent Living Placement (SILP). I understand that each year the SILP rate increases by some factor. Have the new rates for 2015-16 been issued? What should this young person expect?

A: Yes, the California Department of Social Services has already released the **updated foster care rates** for 2015-16, an impressive ONE DAY after the start of the fiscal year. The rates have been increased by 2.54 percent to reflect the California Necessities Index, which tracks inflation.

According to the All County Letter, NMDs residing in a Supervised Independent Living Placement (SILP) will receive the basic foster care rate of \$859 per month. The new rate for THP+FC is \$3,007 for single site and remote side housing and \$2,393 for host family housing. The infant supplement is not subject to the CNI and remains at \$411 per month. Source: **ACL 15-58**

JUL 06 2015

TIMELINE FOR HOMELESS YOUTH IN SILP

Q: I am a supervisor of Extended Foster Care in a county child welfare agency. I am wondering if you can direct me to information regarding Non-Minor Dependents who are placed in a Supervised Independent Living Placement (SILP) and become homeless, living temporarily with their biological parents.

I know that funding would not be provided while the NMD is living temporarily at his parents. However, I am wondering what, if any, timelines apply. Specifically, is there a time by which the county may terminate jurisdiction because the NMD cannot locate a SILP placement? I would appreciate any direction you can provide.

A: A NMD has a review hearings every 6 months and the court has to review program eligibility, including placement. As long as a the NMD is meeting the eligibility criteria for extended foster care, a recommendation to terminate jurisdiction based on the county agency's inability to locate appropriate housing is not appropriate and would not meet the requisite burden for a court to terminate jurisdiction. Ultimately, the county agency is responsible for placement of NMDs. The county agency worker must continue to meet with the youth monthly and make efforts to assist the youth in identifying appropriate housing.

In circumstances where the county and the NMD are struggling to identify options, the following suggestions might be helpful: First, determine if the young person is willing to live in a placement other than a SILP, such as THP+FC. If so, refer the youth to a **local program**. If there is no placement, the county is obligated to provide a placement for youth, in the same way that the county is obligated to provide a placement for a minor. One approach that has been used by counties facing this circumstance is to pay for the youth to live a hotel while the youth and social worker are waiting for a THP+FC opening to become available.

If the youth is not willing to live in a placement other than a SILP, the county agency worker must continue to meet with the youth monthly wherever he or she is temporarily located and make efforts to assist the youth in identifying appropriate housing.

JUN 11 2015

INDICATING FOSTER YOUTH STATUS ON COLLEGE APPLICATION

Q: My foster daughter was applying for community college through [CCC Apply](#) and couldn't understand the question regarding foster youth status and so she left it blank. Will this matter?

A: While not specifying foster youth status on the application does not impact a student's ability to attend college, correctly answering the question is important in order to ensure that she is offered services that may be available to foster youth on her campus such as priority registration and access to support programs. The question allows for five different answer choices based on whether the applicant is currently in foster care, at what age they exited, and whether they were in foster care in California or another state. For example, if your foster daughter is still in foster care through AB 12 she would select the choice "*I am currently in Foster Care in California.*" If she left foster care before the age of 18, for example to reunify with her biological parents, she would select the option "*I was previously in Foster Care, but did not age out or emancipate from the system.*" If she left foster care after the age of 18, she would select "*I was previously in Foster Care in California, and aged out or emancipated from the system.*"

MAY 15 2015

ACCESSING PRIORITY ENROLLMENT

Q: I am working with a foster youth who plans to start community college in the fall. I've heard that he can get priority enrollment. What does this mean and how does he access it?

A: Priority enrollment allows foster youth (along with other priority groups) to register for classes prior to the general student body. Many core classes fill up and so priority enrollment ensures that foster youth can get the courses they need. Enrollment periods for the fall vary by campus but typically begin in the spring. In order to gain access to priority enrollment a student must submit an [application](#), and complete an orientation, assessment tests and an educational plan. The student will likely be required to provide verification of foster youth status to the admissions office in order to secure priority enrollment status.

MAY 05 2015

RATES PAID FOR THP-PLUS BY COUNTY

Q: I am a THP-Plus provider and we are negotiating our contract for next fiscal year (2015-16). I'd like to compare our THP-Plus rate with others. Is there any one place that you know of where they list the rates various counties pay?

A: Yes. the John Burton Foundation collects this information as part of its [THP-Plus/THP+FC Annual Report](#). You can find the list of provider rates by county at this [LINK](#). The providers names have been removed.

Many providers have not seen an increase in their rates for several years. According to a recent **Realignment report**, spending was down significantly for THP-Plus in 2013-14. This is due in large part to youth, age 18 to 21, electing to remain in foster care. Given this, now is a good time to discuss an increase to your THP-Plus rate to reflect increases in the cost of providing the program, specifically, the increased cost of housing.

APR 27 2015

SOCIAL WORKER CREDENTIALS FOR THP+FC

Q: I am a THP+FC provider and I am having a very hard time hiring a social worker with a Master's degree for our program. I understand this is a requirement of the program in regulation. Is there any way to get an exception from the county child welfare agency or Community Care Licensing?

A: Yes, a licensed THP+FC provider may apply to the Community Care Licensing for an exception if all of the following exist:

1. A supervisor who meets the requirements supervises the individual;
2. The person has completed the coursework and field practice or experience requirements specified in regulations.
3. The person has at least a Baccalaureate Degree in a human services or a behavioral science from an accredited school. Source: **THPP 86065.3**

APR 16 2015

FINANCIAL AID OPTIONS FOR YOUTH GOING TO COLLEGE OUT OF STATE

Q: I am working with a foster youth considering going out of state for college. Are they eligible for the same financial aid benefits as a student going to school in California?

A: It depends on the particular benefit. Pell grants are a federal program and are available regardless of the state where the student is attending school. CalGrants are a state funded program and are available only to California residents who attend a qualifying California college. Chafee grants, which are available only to qualifying foster youth, can be used to attend qualified schools outside of California. Individual colleges and universities may have other local financial aid options and scholarships available and applicants should talk with a financial aid counselor at the campus to ensure they are taking advantage of all available aid.

MAR 31 2015

EITC FOR NON-PARENT WHO IS MISSING W-2

Q: I am a CASA working with a Non-Minor Dependent who had part-time employment in 2014. He is not a parent and doesn't have his W-2, either because it wasn't sent to him or because he misplaced it.

As a non-parent, is he eligible for the Earned Income Tax Credit (EITC)? Should he go ahead and file his taxes without his W-2 or should we track it down and then file? Is there a special form that must be filed to claim the EITC?

A: An individual **does not** have to be a parent to claim the EITC. An individual with no children qualifies if they earn less than \$14,590 and a parent with one child qualifies if they earn less than \$38,511. If the youth does not have his W-2, he must file his taxes OR file for an extension by April 15th. To file his taxes, he must complete a **form** on which he reports his estimated wages. Or, he can complete a **form** and automatically get a six-month extension. During that time, you can help him **contact the IRS** and request his W-2. With only 16 days until the filing deadline, it is likely too late to get a new W-2 and he should proceed with either filing using an estimate of his earnings or filing for an extension. To claim the EITC, an individual **must complete Form 1040A or 1040**. Even though it is shorter and easier to complete, do not use Form 1040 EZ. If you use this form, the youth will not be able claim the EITC and will potentially lose out on thousands of dollars. While this process may appear cumbersome, it is extremely important to help the youth complete it. A 2009 **report** by the New America Foundation found that 800,000 Californians failed to claim \$1.2 billion in EITC refunds. The IRS provides a list of providers that offer **free electronic filing** for low-income individuals. Take a moment and share this important **resource** with the youth in your care today.

MAR 24 2015

HEAD START ELIGIBILITY FOR YOUTH IN A SILP

Q: I am a CASA working with a parenting Non-Minor Dependent (NMD) who lives in a Supervised Independent Living Placement (SILP). I am working with her to enroll her child in Head Start. She has been asked to provide her income. Is the \$838 she receives monthly through her SILP counted as income?

A: No. The receipt of a foster care payment, including a SILP payment, is not counted as income for the purposes of determining her eligibility for Head Start. The Internal Revenue Service has specific criteria to determine if income meets the definition of a welfare payment and therefore is not counted. Foster care payments made to NMDs meet the criteria for the general welfare exception. This case was made successfully to the U.S. Department of Education regarding the receipt of student financial aid. In July 2013, the U.S. Department of Education **clarified** that foster care payments are excluded as income for the calculation of student aid.

MAR 15 2015

LOSS OF COMMUNITY COLLEGE FEE WAIVER

Q: I am working with a foster youth enrolled in extended foster care attending a community college. He struggled academically during his first year and as a result ended up on academic probation for two consecutive terms. He was told that he no longer qualifies for the Board of Governors (BOG) fee waiver as a result. Is this true?

A: No, this is not true. New requirements were put into effect this year that mandate that students become ineligible for the BOG fee waiver if the student is placed on academic or progress probation for two consecutive primary terms, however foster youth are exempt from this requirement. *Reference: Section 58621(a)(2) of subchapter 7 of chapter 9 of division 6 of title 5 of the California Code of Regulations*

MAR 03 2015

IS THERE AN UPPER AGE FOR THE INFANT SUPPLEMENT?

Q: I am a social worker in a THP+FC program and was told recently by a county social worker that the infant supplement ends when the child turns age 3. Is that the case?

A: No, there is no upper age for a youth in foster care to receive the infant supplement, either in statute or regulation.

The infant supplement for a youth living in a group home is \$890 per month and the infant supplement for a youth living in other placement settings is \$411 per month. Source: *WIC 11465, All County Letter 14-44*

FEB 12 2015

FILING FAFSA WITHOUT TAX INFORMATION AVAILABLE

Q: The FAFSA indicates that I should use my 2014 tax information to complete the income section but I haven't filed my tax return for 2014 yet. Can I still file the FAFSA?

A: Yes. If you haven't done your taxes by the time you fill out your FAFSA, it's okay to estimate the amounts. You might want to base your estimates on last year's tax return. If your income changed drastically since last year's tax return, you may click on "Income Estimator" on the FAFSA page that asks for income information. The Income Estimator will help you estimate adjusted gross income (AGI). After you file your taxes, you'll need to log back in to the FAFSA and must correct any estimated information that was wrong. It is important to submit the FAFSA prior to the March 2 CalGrant deadline and so you shouldn't wait until you have your tax information if that means you will miss this deadline.

FEB 10 2015

EFC ELIGIBILITY FOR 17 YEAR-OLD WHO LEAVES FOR MILITARY

Q: I am the social worker for a 17 year-old female who has graduated from high school. She is planning to emancipate and enter the military prior to turning 18 years-old. The question is: what if she fails boot camp and does not get into the military? Can she still participate in extended foster care?

A: No, she would not be eligible to participate in extended foster care. One of the eligibility requirements for an individual to participate in extended foster care is to have an order for foster care placement on his/her 18th birthday. If the youth is discharged from foster care prior to turning age 18, she will not meet this eligibility requirement. Source: Welf. & Inst. Code § 11400(v)

FEB 02 2015

COMPLETING FAFSA IF UNSURE ABOUT COLLEGE PLANS

Q: I am the foster parent for a 17 year-old who is thinking of going to college in the fall. I know that the deadline for the FAFSA is coming up, on March 2nd. I am unsure whether or not she should complete it, given that she is not certain if she will attend or what school she will attend. Are there any negative consequences for her if she completes the FAFSA and then does not attend college?

A: No, there are no negative consequences. If you are not sure whether the youth will attend college in the fall, or even if they will graduate from high school, it is better to complete a FAFSA now and keep the option for college attendance open.

If the youth is not able to graduate or changes his or her plans about attending college, the information can be updated. No financial aid funds will be automatically issued to the youth. By simply completing the FAFSA you will not putting the youth at risk of financial aid debt.

JAN 27 2015

PROOF OF FOSTER CARE STATUS FOR FINANCIAL AID

Q: I am a former foster youth, age 23. I have been working for the last couple years, but want to return to school in the fall. To get financial aid, I know I will need to get proof of my status as a former foster youth at some time down the road. I now live in a different county and don't have the contact for my social worker. Who should I contact to get this verification?

A: To get your verification of foster care status you should contact your former county social worker OR the the coordinator of your Independent Living Skills Program (ILP). For an up-to-date list of ILP contacts, follow this [LINK](#). Make sure to request the verification in advance to ensure you receive the information by the time it is needed.

This verification is NOT required at the time you complete the FAFSA. It is also not required to apply for the \$5,000 Chaffee Education and Training Voucher because your foster care status is verified for this program through data matching between the California Department of Social Services and the California Student Aid Commission once you have applied.

Proof of your foster care status may be required to be eligible for certain financial aid and student support programs, including priority registration. It is a good practice to request this important information, so that you can have this documentation when you need it.

JAN 14 2015

FAFSA INDEPENDENT STATUS FOR KINGAP GUARDIANSHIPS

Q: If a youth exits foster care to kinship guardianship (Kin-GAP) and the court orders their dependency case closed, is the youth still eligible to claim independent student status on the Free Application for Federal Student Aid (FAFSA)?

A: A youth who exited foster care to a KinGAP guardianship prior to the age of 13 would not answer yes to question #53 (being in foster care) but they would still be able to claim independent status by answering yes to question #55 (are you or were you in legal guardianship) if the guardianship remained in place until they turned 18 or is still in effect if they are a minor. A youth who exited foster care to a KinGAP guardianship after the age of 13 would answer yes to both question #53 and question #55 (if the guardianship remained in place until they turned 18 or is still in effect if they are a minor.)

JAN 12 2015

SHARING A ROOM IN THP+FC

Q: I work for a THP+FC provider. We have a young woman who would like to share her bedroom with her boyfriend, who is the father of her child. He is not in extended foster care or in THP-Plus. Is this allowable?

A: No, it is not allowable. A Non-Minor Dependent (NMD) may share an apartment or house with her another adult, provided the adult is has had a background check and been fingerprinted, but may not share a bedroom with another person unless that person is a NMD or participating in THP-Plus.

Concerns about this policy have been raised with Community Care Licensing and a work group has been convened to revisit it, along with a number of other THP+FC regulations. However, this is current policy. **Source:** Health and Safety Code 1559.110; THPP Regulations 86087(b) and Interim Licensing Standards 86187(c)(5)

JAN 06 2015

FINGERPRINTING REQUIREMENT FOR ROOMMATE OF THP+FC PARTICIPANT & LEASING REQUIREMENTS

Q: We are seeking clarification about THP+FC. We have a youth who worked with his THP+FC program to locate an apartment for himself. The THP+FC program subsequently terminated him because his roommate did not pass a criminal background (DUI and an altercation). Do THP+FC roommates (not an NMD or Dependent) need to be fingerprinted to reside with an NMD?

A; Yes, any individual (not an NMD or Dependent) living with the Non-Minor Dependents in THP+FC is required to be fingerprinted subject to a background clearance. This includes a THP-Plus participant who is participating in a program that provides both THP-Plus and THP+FC.

However, the failure of the roommate to pass the background check is not grounds to terminate the THP+FC participant. Additionally, THP+FC providers are required to own or *directly* lease the property in which the NMD lives.

In THP+FC, youth are not required to locate an apartment for themselves. This is the responsibility of the THP+FC program. This requirement is intended to protect against a number of circumstances, including the one you describe, where a youth is inappropriately discharged from the program. Source: California Health and Safety Code 1559.110 & THPP Regulation 86001



JOHN BURTON
Advocates
for Youth

2014

DEC 18 2014

DO CHILDREN OF PARENTING NMDS COUNT IN 1:12 STAFFING RATIO FOR THP+FC?

Q: I work for a THP+Foster Care provider and about a third of our participants are parenting youth. As a provider, we are required to maintain a ratio of one case manager to 12 youth. My question is: are the children of Non-Minor Dependents counted as clients in that ratio? Or does it include the parenting dependents only?

A: No, the children of NMDs are not counted in the 1:12 staffing ratio. The statute is clear that programs serving NMDs must maintain a program staffing ratio of case manager to client not to exceed 1 to 12. However, the children of parenting NMDs are not clients because the child is not placed with the THP+FC program.

Additionally, the THP+FC foster care rate paid to providers is based on the personnel and resources costs associated with one person, not a parent and a child. Community Care Licensing confirmed this interpretation in a December meeting.

DEC 12 2014

FAFSA WORKSHOPS

Q: I know that students who plan to attend college in fall of 2015 need to complete the Free Application for Federal Student Aid by March 2 in order to get the most financial aid possible. Where can I direct high school seniors for help completing the FAFSA?

A: California Cash for College Workshops are held in January and February of every year, up until the Cal Grant March 2 deadline. You can search for workshops near you based on your zip code, city or county at the Cash for College website. Most County Independent Living Programs also offer FAFSA workshops that are targeted specifically to foster youth.

DEC 04 2014

CAN A YOUTH BE THE ARMY RESERVES AND BE IN EFC?

Q: Do you know if a youth can be in the Army Reserves and remain in Extended Foster Care? I am working with a youth who exited foster care to go to boot camp. He would like to return to foster

care when his training is completed. I was not sure if the Reserves counts as being enlisted in the military.

A: According to the California Department of Social Services, participation in the military reserves is allowed. However, monthly visitation is required during boot camp, which can commonly last 8 to 10 weeks. CDSS recommends that a youth exit foster care and re-enter after boot camp.

NOV 14 2014

EXTENSION OF AGE LIMIT AND TIME LIMIT FOR THP-PLUS

Q: I understand that SB 1252, which takes effect January 1, allows counties to extend THP-Plus to a former foster youth to age 26 instead of 24, and for a total of 36 cumulative months instead of the previous limitation of 24 months if the youth is participating in post-secondary education. Is it possible to provide the extension on a case-by-case basis to youth who need an extra year to complete post-secondary education goals?

A: No, the legislation is clear that if the county opts-in, it is a policy that applies across the board to all foster youth in the county who qualify to ensure equity.

NOV 11 2014

BENEFITS AVAILABLE TO FOSTER YOUTH AFTER BEING IN THE MILITARY

Q: My CASA kid is 17 and graduating this June. He is very smart and thinking seriously about college, but he is also considering going into the army first and going to college afterwards as he said that the structure and discipline would be good for him. My question is whether he will still be eligible for AB 12 and college-related benefits such as housing and the Chafee Grants after he returns from military duty.

A: There are a number of benefits available to current and former foster youth in post-secondary education and whether or not the young man will be eligible for them depends on the eligibility criteria for the specific program and how long he remains in the military. Provided below is a summary of the key programs:

Extended foster care: California regulations specify that a youth who is in the military is ineligible for extended foster care. The youth could elect to participate in the military and later re-enter foster care if he is under age 21 at the time of re-entry, provided he agrees to meet one of the participation criteria and agrees to be placed in a supervised setting.

Housing: If the youth is eligible to re-enter foster care, he would be entitled to a foster care placement, which could span the range of existing placements: transitional housing (THP+FC) a Supervised Independent Living Placement, foster family home, and placement with a relative caregiver. If he is over age 21 and under 24, he would be eligible for THP-Plus. It is important to note that this is not an entitlement program and whether or not he could participate would be based on local availability.

General Financial Aid: A youth who was in foster care at any point after age 13 is automatically eligible for independent student status, which exempts him from the requirement to report parental income. This will not be affected by his participation in the military.

Chafee Grant: To qualify for the \$5,000 Chafee grant, he must be under age 22 and have been in foster care after the age of 16. If he returned from the military at age 22 or later, he would not be eligible for Chafee.

Priority registration: Current and former foster youth are eligible for priority registration for classes at California State University California Community College campus up to age 24. If he returned from the military before age 24 he would be able to access priority registration. If he was age 24 or older, he would be ineligible.

Medi-Cal: As a youth who was in care at age 18, he will be eligible for Medi-Cal until age 26.

OCT 27 2014

RESPONSIBLE PARENTING PLANS AND SUPPLEMENTARY PAYMENTS FOR NMDS WITH PARTIAL CHILD CUSTODY

Q: I learned that AB 2668 was signed by the Governor, which will offer additional funding for parenting Non-Minor Dependents (NMD) living in a Supervised Independent Living Placement who enter into a Responsible Parenting Plan. Is the NMD eligible to receive this supplementary payment if he or she has partial custody of the child?

A: Yes, the new law specifies that the child must be in the full *or partial* custody of the non-minor parent. Source: WIC § 16501.26

OCT 20 2014

FINDING CAMPUS SUPPORT FOR FOSTER YOUTH

Q: I am a high school senior getting ready to apply for college next year at a Cal State University. How can I find out about any special services for foster youth at the campuses I'm thinking about applying to?

A: The [California College Pathways](#) website has an [online database](#) with information about all campus-based foster youth support programs in the state. You can look up campuses by region, type of institution, or by a specific campus name and find out about the services that are offered, and get contact information and links to the program's website.

OCT 13 2014

RE-ENTERING FOSTER CARE FROM GUARDIANSHIP OR ADOPTION

Q: I am a former foster youth who left foster care at age 17 when my aunt became my legal guardian. I am now 19 years-old and she is no longer providing me any financial support. It is possible for me to re-enter foster care?

A: Yes, Governor Brown recently signed Assembly Bill 2454 which will authorize a non-minor who has exited foster care to guardianship *OR adoption* to petition the court to resume dependency jurisdiction if the following conditions are met:

1. the non-minor was under juvenile court jurisdiction when the guardianship was established or the adoption was finalized;
2. the non-minor has to have received benefits after age 18;
3. the non-minor's former guardian or adoptive parents have died or are no longer providing ongoing support to the non-minor and are no longer receive payment on behalf of the nonminor;
4. the non-minor is under age 21;
5. the court determines that it is in the nonminor's best interest for the court to assume dependency jurisdiction;
6. The non-minor agrees to satisfy all other requirements of extended foster care.

The bill will be effective January 1, 2015. Source: Welfare & Institutions Code § 388.1

OCT 06 2014

NMDS WITH PRESCRIPTIONS FOR ANTIPSYCHOTIC MEDICATION

Q: I am an ITFC Support Counselor for an AB-12 youth. If the Non-Minor Dependent (NMD) was prescribed antipsychotic medication and has a current JV-220 does the JV-220 need to be updated every 6-months as per usual? At any point can the NMD contest the use of anti-psychotic medication?

A: No, the JV-220 does not need to be updated because an NMD may consent to their own medical care unless there is a court order to the contrary. Yes, the NMD may contest the use of anti-psychotic medication. As a legal adult, a NMD's decision-making authority includes consenting to receive treatment or take psychotropic medication(s) and privacy regarding his or her psychiatric condition.

SEP 29 2014

ACCESS TO TELEPHONES IN A NMD'S LIVING UNIT

Q: I am a THP+FC provider and have been told by Community Care Licensing that interim regulations require that all THP+FC participants have a telephone in their living units at all times. If

the Non-Minor Dependent (NMD) has access to a cell phone but not a land line, would this satisfy the requirement?

A: Yes, access to a cell phone would meet the telephone service requirement, but the provider should formulate a Documented Alternative Plan (DAP) in the Plan of Operation to demonstrate this. A DAP may look similar to the following:

Documented Alternative Plan (DAP): *The NMD will have access to a cell phone and/or a land line at all times. If the NMD only uses cell phones they will make sure there is always a working cell phone on the premises if someone is home. In addition, the cell phone/s will be stationed in centralized area and accessible to all individuals in the home. The cell phone/s will be set to an audible ring tone that be heard and a fully charged battery back-up will be available at all times.*

If the NMD is a custodial parent, there should be a working phone at all times when the child is in the living unit and the DAP should include specifications of how a baby sitter/caregiver for the child will have access to a cell phone when the NMD is not present.

SEP 23 2014

YOUTH SEEKING A THP+FOSTER CARE PLACEMENT

Q: I am not happy in my current placement and want to move to transitional housing (THP+FC), but my county social worker is telling me that there aren't any placements available. Is there anything that I can do?

A: There are three things you can do. First, make sure that both you and your social worker are aware of all available THP+FC providers in your area. The number of providers has grown quickly in recent months and it is possible that there are new providers available. There is now THP+FC housing in 48 of California's 58 counties, so unless you are in a remote area, there should be a licensed provider that offers housing in your county. For an updated list of licensed THP+FC providers by county, follow this [LINK](#).

Second, if there is a THP+FC provider in your area, but it is full at the moment, call to see if you can be notified when there is availability. Then, check back periodically.

Finally, consider contacting providers in adjacent counties to ask if they are considering providing THP+FC in your area. This will not meet your immediate needs, but will give you information about whether there will be additional housing forthcoming or not.

SEP 09 2014

FREE EXPERT ADVICE ON JUVENILE IMMIGRATION ISSUES

Q: I am a social worker for a minor who immigrated to the U.S. with her parents as a child. She will soon turn 18 and wants to participate in extended foster care. As a non-citizen, will she be eligible? Also, is there a place where I can get free legal assistance with her specific case, not general guidance?

A: Yes, children and youth in foster care are considered qualified aliens. Provided she meets all other eligibility requirements, her immigration status does not disqualify her from participating in extended foster care. However, it is important that this individual applies for **Special Immigrant Juvenile Status** (SIJS), if she has not already. This is a special process that allows individuals under age 21, who cannot be reunited with a parent due to abuse, neglect or abandonment, to apply for a green card and remain in the United States legally.

Yes, you can get help with this specific case, along with free expert advice on a range of juvenile immigration issues, through a **new initiative** from the Immigrant Legal Resource Center and the American Bar Association. This assistance is available to social workers, probations officers, CASAs, nonprofit providers or any other individual working with children and families in the dependency system.

To get help, send an email to **youth@ilrc.org** and identify your name, agency if relevant, county, and in what capacity you are involved in the dependency case. According the ILRC, email is the preferred first point of contact and follow up phone consults are available. The ILRC and ABA will usually be able to assist within 72 hours of the request. To learn more about the kind of help available, follow this **LINK**.

SEP 08 2014

DROPPING CLASSES: POTENTIAL IMPACT ON FINANCIAL AID

Q: I am working with a youth who started school full time at college three weeks ago. He's struggling in one of his classes and is thinking about dropping the class. Will this impact his financial aid?

A: Federal financial aid such as Pell grants are prorated based on course load. If dropping a class results in him no longer qualifying as full time status (less than 12 units), his financial aid award will be reduced. If he has already received his financial aid payment, this can result in an overpayment, which can have a variety of negative consequences, including a block on registration the following term. Dropping the class after the drop deadline could also impact whether the student gets placed on academic probation. He should meet with a financial aid counselor as soon as possible to understand all of the implications of dropping as well as an academic counselor to determine what resources may be available to help him be successful in the class.

SEP 02 2014

NMD'S RIGHT TO BREASTFEED IN SCHOOL

Q: We have a Non-Minor Dependent (NMD) who gave birth 3 months ago and has returned to high school. Her school has refused to provide her a time and/or location to pump or feed her baby and the only response we get from administration there is "she can go to another school." Is any requirement for school to assist a student who is parenting to pump and/or breastfeed? This has

affected her ability to focus, put her in severe amounts of pain and strains an already delicate mom/baby relationship.

A: According to the [California Pregnant and Parenting Youth Guide](#), “the law says you can breastfeed your child *anywhere you and your child have a legal right to be*. If you are allowed to bring your child to school, you can breastfeed there. You cannot be forced to breastfeed in the bathroom or anywhere you don’t want to be.” (CA Civil Code § 43.3).

For more information about the rights of parenting youth in school, please visit the [California Pregnant and Parenting Youth Guide](#), which is a resource developed by the National Partnership for Women and Families. It includes answers to many questions related to the rights of pregnant and parenting youth, including questions specific to [foster care](#).

AUG 25 2014

INFANT SUPPLEMENT ELIGIBILITY FOR CUSTODIAL FOSTER YOUTH FATHERS

Q: I am with a THP+FC provider and we have a young man in the program, who will soon become a young father. He intends to have shared physical custody of his child. Is he eligible to receive the infant supplement? If so, does it need to be pro-rated? Also, what kind of documentation is required?

A: According to CDSS, yes, this young father is eligible for the infant supplement, provided he has shared physical custody. This is an issue that has been raised with the department by counties; CDSS has advised that any parent with shared custody is eligible for the infant supplement, not just the mother.

According to CDSS, counties that have addressed this issued have not pro-rated rate the infant supplement based on the proportion of time the child lives with the parent, but instead provided the full \$411. As for documentation, the Non-Minor Dependent’s (NMDs) status as a parent and the custody arrangement should be documented in his or her case file.

AUG 18 2014

PREPARING FOR UNIVERSITY

Q: I am working with a foster youth who is about to enter 9th grade and is hoping to attend a 4-year university after high school. What does she need to know now to make sure she is able to qualify for entrance to a 4-year university?

A: There are certain classes that she must take and pass in high school, known as the “A-G” classes in order to qualify for admission to a public 4-year university in California. Her overall high school GPA and college entrance test scores (i.e. SAT or ACT) will also determine her options for college admission. Information on planning for California State University admission can be found [here](#) and University of California admission requirements can be found [here](#). California College Pathways also offers a college planning guide specifically for foster youth on our [website](#).

JUL 29 2014

EXTENDED FOSTER CARE FOR YOUTH PLACED INTO A CONSERVATORSHIP

Q: If a Non-Minor Dependent is severely developmentally delayed and is placed into a conservatorship, does that make the youth ineligible for extended foster care?

A: No, being placed into conservatorship does not make a NMD ineligible. Many youth in extended foster care have been conserved with no impact to eligibility. These youth meet participation criteria #5, which allows youth who are incapable of meeting any of the other participation conditions due to a medical condition to be eligible for extended foster care.

If a NMD is deemed incompetent, the court can appoint a decision maker if it is in the NMD's best interest. A decision maker can be any "responsible adult" such as a caretaker, relative, CASA, etc. The decision maker will be authorized "to make educational or developmental services decisions" for the NMD and court form [JV-535](#) has been modified for this purpose. Further, the law that states that a NMD who is determined "incapable of making an informed agreement" does not need to complete a mutual agreement. Source: WIC§361, WIC § 303(d), Code of Civil Procedure§372, WIC§361, ACL 11-61

JUL 21 2014

TREATMENT OF SILP PAYMENTS FOR SECTION 8 OR PUBLIC HOUSING

Q: I am a social worker working with a foster youth who will soon turn 18. Once he does, he would like to live in a Supervised Independent Living Placement (SILP) with this aunt. She has a Section 8 Housing Choice Voucher and is worried that the SILP foster care payment will increase the amount of rent she has to pay, because it would be counted as household income. Is this the case? Is a SILP payment counted as income in Section 8 or public housing or not?

A: According to the U.S. Department of Housing and Urban Development, foster care payments are not counted as annual income and are therefore not included in the calculation to determine the tenant's monthly rent. Source: [24 CFR §5.609\(c\)\(2\)](#)

JUL 15 2014

BOG FEE WAIVERS

Q: I am planning to attend community college in the fall. I qualified for the Board of Governor's (BOG) fee waiver but was told I have to pay an Associated Student Fee and Health Services fee. Do I need to pay these even if I am getting the BOG fee waiver?

A: YES. It is very important that you pay these fees by the due date indicated. In addition to course enrollment fees, many colleges have nominal health and/or student activity fees and these fees are typically not covered by the BOG fee waiver. Disenrollment may occur after registration if fees

have not been paid within a certain timeframe. Check with the college admissions office for relevant deadlines.

JUN 23 2014

CALIFORNIA RESIDENCY FOR NMD WHO WAS PLACED OUT OF STATE

Q: We have a youth in our county that has been placed out of state for the past 2 years. He has now returned to CA and is under AB 12. He is trying to enroll in a California community college. The admission office is saying that he will have to apply as a non-resident. He has been a California court dependent during this time. Can he still qualify as a California resident even though he did not reside in California for the past 2 years?

A: Yes, the youth may be able to qualify as a California resident. California Education Code Section 68085 provides that “A student who currently resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California’s child welfare system, or was served by California’s child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.”

It is at the option of the district to allow this exemption. Some districts may have a policy; others may address it on a case-by-case basis. Students requesting residency reclassification may be required to complete a questionnaire or specific paperwork. The process to pursue this exception would likely begin on most campuses in the Office of Admissions and Records.

JUN 11 2014

FINANCIAL AID FOR BASIC SKILLS COURSES

Q: Is federal financial aid available for taking basic skills or remedial courses at a college or university?

A: Whether federal financial aid is available for basic skills or remedial coursework is dependent on a number of different factors. According to the Department of Education **Federal Student Aid Handbook**, if a student is admitted into an **eligible program** and takes remedial coursework within that program, he can be considered a regular student, even if he is taking all remedial courses before taking any regular courses. A campus may count up to one academic year’s worth of these courses (e.g. a total of 30 semester units) in his enrollment status for federal aid. A remedial course cannot be below the educational level needed for a student to successfully pursue her program after one year in that course. Also, remedial courses must be at least at the high school level and cannot be leading to a high school diploma or equivalent. Each campus must also have a policy regarding how remedial coursework is considered for the purposes of determining Satisfactory Academic Progress to qualify for ongoing federal aid eligibility. It is recommended that students consult with the financial aid office at their institution to determine eligibility based on their specific circumstances.

MAY 14 2014

RESPONSIBILITY FOR CHAFEE FUNDING WHEN FOSTER YOUTH MOVES OUT OF STATE

Q: If a youth ages out of foster care in one State and then changes his or her State of residency, which State is responsible for providing a youth with an Chafee educational and training voucher?

A: For a youth in foster care, the State with placement and care responsibility is responsible for providing a voucher to an eligible youth. The State in which a former foster youth resides is responsible for providing such an eligible youth with a voucher. This provision, however, does not apply to a former foster care youth who already is receiving a voucher and moves to another State for the sole purpose of attending an institution of higher education. In that instance, we expect that the youths original State of residence will continue to provide a voucher to the youth for as long as the youth remains eligible for the program.

- **Source/Date:** 4/4/05
- **Legal and Related References:** Social Security Act Section 475 and 477(b)(3)(A); Child Welfare Policy Manual Section 3.1F Q&A 2 and 3

MAY 06 2014

LIVING ROOM AS SLEEPING AREA IN A SILP

Q: Is a living room considered a sleeping area for purposes of Supervised Independent Living Placement (SILP) approval? The Non-Minor Dependent (NMD) wishes to reside with a relative and sleep on a couch while she saves money to get her own place. She has completed the SILP readiness assessment and is knowledgeable about living on her own. She would pay a minimal amount of rent which would allow her to save quickly.

A: There is nothing explicitly prohibiting a living room from being approved as a SILP, as long as it meets all of the health and safety standards outlined on the **SOC 157B**, the form that is used by county child welfare workers to conduct health and safety inspections for the SILP. The SOC 157B explicitly prohibits the bathroom or kitchen from serving as a sleeping area.

All County Letter 11-77 states, "Counties have significant discretion for what can constitute a SILP placement." It also states, "Living situations for young adults will likely reflect the economic realities of the area in which they reside." The ACL also states, "NMDs may be willing to share a smaller living space with two other people in order to live with a permanent connection that they are comfortable with, rather than renting a room with more space from a landlord they do not know."

With no explicit prohibition, these statements suggest that such an arrangement would be allowable. This was confirmed by CDSS. Hopefully, however, such an arrangement would be temporary, as in the circumstance you describe. As with all placement decisions, the individual needs and preferences of the youth should be considered.

APR 21 2014

YOUTH RE-ENTERING FOSTER CARE: WHEN DO SERVICES BEGIN?

Q: I am a probation officer and have a question about re-entry into foster care. Is it necessary for the judge to “declare” a youth as a Non-Minor Dependent (NMD) before our county can provide services (including placement) or can we begin providing services upon re-entry, when the youth completes the SOC 163?

A: You do not have to wait and should not wait until the court’s resumption of transition jurisdiction to provide services, including placement. This is specified most directly, in All County Letter 12-12: “Authority for placement is initially met through the signing of a SOC 163 by both the youth and the county and maintained by the court’s resumption of dependency or assumption/resumption of transition jurisdiction under W&IC section 388(e).”

The ACL further explains that the purpose of the 15 judicial day requirement is not to authorize the provision of services and is not a requirement for eligibility of the federal or state EFC payment program. Instead, its purpose is to ensure that the non-minor gets before the court and connected with his or her attorney as quickly as possible. Source: [ACL 12-12](#)

APR 10 2014

COMMUNITY COLLEGE ASSESSMENT TESTS

Q: My foster daughter is planning to attend community college in the fall. Someone mentioned an assessment test that she needs to take. Can you tell me more about what this is?

A: All new students are required to take a Reading, English, and Mathematics assessment test. The assessment tests are not used to bar anyone from enrollment, but rather to determine the student’s skill level and inform whether basic skills courses are required. Students often must make an appointment at the college assessment center at the campus they plan to attend to be assessed. Many campus websites offer study guides and/or sample tests that can help students prepare. These tests should be taken seriously as placement test results will determine into which classes she is eligible to enroll.

MAR 31 2014

EARNED INCOME TAX CREDIT FOR FOSTER PARENTS

Q: As a foster parent, can I claim the Earned Income Tax Credit? Are foster children “qualifying children?”

A: In short, yes: a foster child is a qualifying child for the purposes of the Earned Income Tax Credit. However the foster child must be “placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.” The IRS specifies

that an authorized placement agency includes a state or local government agency, a tax-exempt organization licensed by the state, an Indian tribal government or an organization authorized in an Indian tribal government.

In addition to meeting this relationship test, a “qualifying child” must also meet age, residency, and joint return tests requirements.

- **Age:** Child must be under age 19 at the end of 2013 or under age 24 at the end of 2013 and a student or permanently and totally disabled at any time during the year regardless of age.
- **Residency:** Child must have lived with you in the United States for more than half of 2013.
 - **Joint return:** Child must not file a joint return for 2013.

To claim the Earned Income Tax Credit with a qualifying child, you must file the Form 1040 or the Form 1040A, NOT the 1040EZ. You must also complete the **Schedule EIC**. If your income was less than \$58,000 in 2013 you can file your taxes electronically free of charge at <http://www.myfreetaxes.com> Source: Department of the Treasury Internal Revenue Service **Publication 596**

MAR 12 2014

PRIORITY REGISTRATION ELIGIBILITY

Q: I am working with a high school senior in foster care who plans to attend community college in the fall. I understand that she can register before other students to ensure she gets the classes she needs. What does she need to do to access this benefit?

A: In order to access priority registration, eligible community college students must now complete the matriculation process which includes assessment tests, orientation and completing an educational plan. Priority enrollment periods for the fall at most community college campuses take place during the spring and so she needs to begin this process ASAP. She can start by completing an application at www.cccapply.org and then make an appointment with the admissions department at the college to get support for enrollment and with the counseling department to get support for assessment testing. **Click here** to find contacts at each college with a targeted program for foster youth, or you can contact the campus **Foster Youth Success Initiative liaison** for additional help.

MAR 11 2014

EXTENDED FOSTER CARE FOR NON-FEDERALLY ELIGIBLE YOUTH LIVING WITH APPROVED RELATIVE

Q: I am a probation officer for a youth who is 17 years-old and placed with an approved relative. The youth is not federally-eligible and so the relative receives a CalWORKs payment instead of a foster care payment. Here is my question: when the youth turns 18, is he eligible to continue receiving assistance to age 21, even though he is not federally-eligible?

A: Yes; Provided that the youth meets all other eligibility requirements, he would qualify for an extended CalWORKs payment until age 21. The fact that the youth is not federally-eligible does not disqualify him from assistance.

As explained in All County Letter 11-79, “NMDs are not subject to CalWORKs program rules, including Welfare-to-Work (WTW), or reporting requirements. The NMD is only required to meet at least one of the five conditions of eligibility established under AB 12, agree and adhere to the Mutual Agreement, and to cooperate with the six-month review hearings/certification.” Source: Welf. & Inst. Code § 11253.3; All County Letter 11-78

MAR 04 2014

FOOD STAMP ELIGIBILITY FOR NMD ATTENDING COLLEGE

Q: I am 19 years-old, participating in AB 12 and attending college full-time. As a full-time student, am I eligible for food stamps?

A: You may be eligible for food stamps, depending on whether or not you are exempt from the “student bar,” which makes certain students ineligible for food stamps, known as CalFresh in California. Those students who are ineligible to receive CalFresh include those who are:

- age 18 to 50 and physically fit,
- enrolled at least half-time and
- enrolled in an institution of higher education.

It is important to note that certain students are exempt from the “student bar.” These include students who are employed 20 hours a week, certain students with children, students who are enrolled in a food stamp employment and training program and students who do not intend to register for the next school term.

For more information, read the CDSS regulations or visit the California Good Guide to Food Benefits website, which summarizes special rules for students.

FEB 24 2014

DEADLINE & REQUIREMENTS FOR CAL GRANT

Q: I am a CASA for youth in extended foster care who wants to go to college in the fall. I know the deadline for the Cal Grant is coming up pretty soon. What is the deadline, what does he have to submit and what happens if he misses it?

A: The deadline for the Cal Grant is less than a week away, March 2nd. To apply for a Cal Grant, a student must submit two things by this deadline (1) a 2014-2015 Free Application for Federal Student Aid (**FAFSA**) and (2) a certified Grade Point Average (GPA) to the California Student Aid Commission. Students who have earned a GED and therefore don't have a grade point should submit your test score along with the GPA Verification Form.

Both the FAFSA and the GPA certification may be submitted electronically or through the mail. For a PDF of the FAFSA, follow this [LINK](#). For a PDF of the grade point certification, follow this [LINK](#). This year, March 2nd falls on a Sunday and the California Student Aid Commission has extended the deadline to **Monday, March 3, 2014**. All materials must be postmarked by that date.

It is extremely important for foster youth to submit these materials by the March 2nd deadline in California. Failure to complete them by the March 2nd deadline is one reason why less than 1 in 5 of foster youth who apply for financial aid receive a Cal Grant.

If the youth does not meet the March 2nd deadline, he will not be *guaranteed* to receive a Cal Grant, which covers fees up to \$5,970 at CSUs, \$12,192 at UCs and \$9,223 toward tuition and fees at a private college. Up to \$1,473 for books and living expenses is available for students attending community college. Instead, he will be placed in a competitive pool, where the odds of getting funding decrease to 1 in 13. For more information, visit the [California Student Aid Commission](#).

FEB 14 2014

REPORTING PARENTAL INCOME ON FAFSA

Q: I am a helping a foster youth who is participating in AB12 to complete the [Free Application for Federal Student Aid \(FAFSA\)](#) and it is asking her to provide income information for her parents. Does she have to do this since she's a foster youth?

A: No. When she completes her FAFSA, she should make sure that she answers yes to Question #53 that asks "At any time since you turned age 13, were both your parents deceased, were you in foster care or were you a dependent or ward of the court?" If she is completing the FAFSA electronically, when she responds "yes" to that question it will automatically remove any questions related to parental income. She will still need to provide information about her own income.

For more information about foster youth financial aid eligibility, listen to a recent [web seminar](#), featuring knowledgeable financial aid representatives who discuss how to ensure foster youth receive the financial aid to which they are entitled. The deadline to submit the FAFSA is March 2nd!

FEB 10 2014

PAPERWORK REQUIRED TO EXTEND MEDI-CAL TO AGE 26

Q: My former foster daughter is 22. I heard Medi-Cal has been extended to age 26 for former foster youth under the Affordable Care Act and I would like to enroll my former foster daughter. I know that I need to take her to the county office, but what do we need to bring with us? Do we need a letter from the county verifying foster youth status and do we need to verify income?

A: Going to your [local county office](#) to complete form [MC 250A](#), is currently the best way to enroll your former foster daughter in Medi-Cal. Your former foster daughter will not need to bring anything verifying foster youth status. She should be enrolled in Medi-Cal immediately while the

county verifies status. They will not need to verify income because eligibility is based upon being in foster care on her 18th birthday, being 18-26, and being a California resident.

Children Now recommends bringing a copy of **Informational Letter 14-05** released by the California Department of Health Care Services, and also making note of the law that extended Medi-Cal (California Welfare and Institutions Code Section 14005.28) when visiting a county office to apply. To learn more, visit Children Now's Covered Till 26 website at <http://coveredtil26.childrennow.org/>. Source: California Welfare and Institutions Code Section 14005.28, Informational Letter 14-05, Children Now Covered Till 26 website <<http://coveredtil26.childrennow.org>>

FEB 04 2014

TREATMENT OF SILP PAYMENTS FOR TAX PURPOSES

Q: I am a Court Appointed Special Advocate (CASA) for a young person living in a Supervised Independent Living Placement (SILP). Like all youth in a SILP, she receives an \$820 monthly foster care payment directly. With tax season approaching, she wants to know if this counts as income. Does she need to report these payments on her personal income taxes?

A: No; Federal law governing income recognizes that foster care payments are welfare payments for the support of youth in foster care. As such, they are not taxable income and do not need to be reported on the youth's income tax return.

Source: IRS Publication 525 (2013), Taxable and Nontaxable Income; IRS CCA 200021036

JAN 28 2014

ELIGIBILITY FOR NMD NOT MEETING PARTICIPATION CONDITION

Q: I am the social worker for a Non-Minor Dependent (NMD), age 19. He is currently enrolled in community college, but struggling with mental health issues. If he stops attending community college will he automatically be ineligible for extended foster care because he is not meeting one of the five participation conditions?

A: No. It is likely that a NMD may transition between participation activities during the six-month certification period that occurs between each case review hearing. However, temporarily not participating in one criteria does not make the youth ineligible for extended foster care. As long as the NMD continues to work toward the goals set out in their TILP, then they will not lose eligibility. Participation criteria Number 3 "Removing Barriers to Employment" is intended to bridge the gaps ineligibility. In addition, the Six-Month Certification of Participation should specify both a primary participation condition that the NMD will satisfy as well as a "back-up" plan as detailed in the NMD's TILP, in order to ensure that a NMD has multiple paths to eligibility during any six-month period. Source: Welf. & Inst. Code § 11403(b); Welf. & Inst. Code § 11403(i); All County Letter 11-69

JAN 21 2014

AB 12 DIRECT PAYMENTS AND THEIR IMPACT ON FINANCIAL AID ELIGIBILITY

Q: A youth on my caseload was in a Supervised Independent Living Placement (SILP) last year and received his foster care payments directly. He's now completing financial aid forms for college and isn't sure whether this income will impact his eligibility for financial aid. What should I tell him?

A: The U.S. Department of Education Dear Colleague Letter [GEN-13-18 \(2013\)](#) clarified that extended foster care payments made directly to foster youth are to be excluded when determining Title IV federal student aid eligibility. This determination states: "Extended foster care payments paid under the authority of Title IV –Part E of the Social Security Act are excluded from income for purposes of the calculation of a student's Expected Family Contribution (EFC) and thus not reported on the FAFSA." The determination further clarifies that these payments are also not considered to be Estimated Financial Assistance. Click [here](#) for a more detailed summary of the clarification.

JAN 13 2014

OPTIONS FOR PARENTING YOUTH RESIDING WITH NON-FEDERALLY ELIGIBLE RELATIVE CAREGIVERS

Q: I am the relative caregiver for my granddaughter, age 18. When she was removed at age 8, it was determined she was not federally eligible for foster care. Instead of a foster care payment, I receive a monthly CalWORKs grant on her behalf. My granddaughter recently became pregnant. When the baby is born, will I receive an "infant supplement" or an increase in the CalWORKs grant?

A: No, you will not receive an infant supplement. The \$441 infant supplement payment is not available to non-federally eligible youth living with relatives. If your niece were living with a non-relative, she would receive it. Or, if she were federally-eligible and living with you (a relative), she would receive it. As for CalWORKs, the grant will increase incrementally once the baby is born because the size of the Assistance Unit will grow from one (your granddaughter) to two (your granddaughter and great granddaughter). However, CalWORKs payments do not increase per person – so the amount of the grant will not double.

One option to consider is to have your niece placed in a Supervised Independent Living Placement (SILP) in your home. That is, rather than being placed with you, she would be renting a room from you and be placed in a SILP. Under this arrangement, she would be eligible for a higher foster care rate and also receive the infant supplement.

JAN 06 2014

DOES IMMIGRATION STATUS AFFECT ELIGIBILITY FOR EFC?

Q: I am the CASA for a youth in foster care who is an undocumented immigrant, who came to the U.S. with her parents as a small child. She will soon turn 18 years-old. As an undocumented immigrant, will she be eligible for extended foster care?

A: Yes, children and youth in foster care are considered qualified aliens. Provided she meets all other eligibility requirements, her immigration status does not disqualify her from participating in extended foster care.

However, it is important that this individual applies for **Special Immigrant Juvenile Status (SIJS)**, if she has not already. This is a special process that allows individuals under age 21, who cannot be reunited with a parent due to abuse, neglect or abandonment, to apply for a green card and remain in the United States legally. To get started, the youth should contact her social worker and attorney. Additional information about SIJS can be found at the **Immigrant Legal Resource Center**.

Source: Social Security Act- sections 472(a)(4) and 473(a)(2)(B); The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104-193)



JOHN BURTON
Advocates
for Youth

2013

DEC 09 2013

WHEN HAS A YOUTH OFFICIALLY RE-ENTERED?

Q: I am the Deputy Probation Officer for a youth who is re-entering extended foster care under 450 transition jurisdiction. He has signed the SOC 163, but the W&IC section 388(e) petition has not been heard by the court and jurisdiction has not been resumed. At this point, has he officially “re-entered?” Does the county have to provide him with a placement at this time?

A: Once the youth and the county child welfare agency or probation agency has signed the SOC 163, the non-minor dependent has re-entered foster care. The voluntary re-entry agreement provides the county with the initial authority for placement. Like other voluntary placements, the court must resume jurisdiction within 180 days of signing the agreement. But, the youth is considered to be in foster care and have all the rights of any other non-minor dependent during that 180 day period.

Yes, the county must provide a youth who has signed his SOC 163 with an appropriate placement. A youth who re-enters extended foster care is entitled to the same placement options that were available to them previously and the supervising agency has the same placement and care responsibilities as if the NMD were a minor. The only exception to this would be if a NMD elects to be placed in a Supervised Independent Living Placement (SILP). In this circumstance, the NMD is responsible for finding their own SILP unit. However, if a re-entering NMD would like to be placed in a SILP but has not located one, the youth should be placed in another suitable placement until the youth can identify a SILP. Source: ACL 12-12

DEC 03 2013

ELIGIBILITY FOR EFC FOR YOUTH WITH VOLUNTARY PLACEMENT AGREEMENT

Q: I am working with a youth who is in foster care under a Voluntary Placement Agreement and will turn 18 in April 2014. Will she be eligible for extended foster care?

A: In order to be eligible to participate in extended foster care, there must be **court order** for foster care placement on the youth’s 18th birthday. A Voluntary Placement Agreement is not a court order for foster care placement. Instead, it is an agreement between the county agency (either child welfare or probation) and the parent or guardian of a child that specifies that the child can

voluntarily be placed into foster care for a period of time not to exceed 180 days. Prior to the expiration of the 180 days, the agency must take an additional action including returning the child home, releasing the child for adoption, filing a petition to formally remove the child from the home and place the child into foster care, or formally extend the Voluntary Placement Agreement.

In the case of a youth who is nearing 18, the agency **must take** one of these actions at least 90 days before the youth turns 18. For the youth you are working with, this deadline would occur sometime in January, depending on the exact date that she will turn age 18 in April.

If the agency chooses to file a removal petition, the petition shall be filed and the juvenile court shall issue a dispositional order, if appropriate, in the case **prior** to the minor attaining 18 years of age.

These provisions help to ensure that a youth who is voluntarily placed has his/her case assessed and, if appropriate, a petition is filed and acted upon in order to ensure that there is a court order for foster care placement on the youth's 18th birthday. Source: Welf. & Inst. Code §§ 11400(p), 16507.6

NOV 25 2013

PLACING A MINOR INTO 450 TRANSITION JURISDICTION

Q: I am the probation officer for a young man who will turn age 18 in January. He is a 602 ward, has graduated from high school and met his rehabilitative goals. Reunification services have been terminated. We believe his home is unsafe. What court finding is required for him to be placed in 450 transition jurisdiction rather than be returned to his home?

A: The court must find that "return of the child to the custody of a parent would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being..." (WIC 450(4)(A)) In that circumstance, delinquency court can place him in 450 transition jurisdiction, provided he meets all other eligibility criteria, which include:

- he is a ward in foster care placement;
- he has met their rehabilitative goals and juvenile court jurisdiction is no longer required;
- he is older than 17 years 5 months and
- reunification services have been terminated
- he has indicated an intent to sign a mutual agreement.

Source: Welf. & Inst. Code § 450 et seq.

NOV 18 2013

FINANCIAL AID FOR YOUTH UNDER TRANSITION JURISDICTION

Q: “If a youth entered foster care while in the probation system and is now participating in extended foster care under transition jurisdiction, are they still eligible for all of the same financial aid benefits as a youth under dependency jurisdiction when attending college?”

A: Yes, participation in extended foster care under transition jurisdiction through juvenile probation does not impact eligibility for financial aid benefits. These youth are eligible for all of the same financial aid benefits as other foster care students including federal loans and grants, Cal Grants, Community College BOG fee waivers, work study and Chafee grants. In addition, any benefits received through extended foster care are not considered income for the purposes of completing the Free Application for Federal Student Aid . Department of Education Dear Colleague Letter GEN-13-18

NOV 11 2013

FOSTER CARE RATE FOR YOUTH LIVING IN A SILP OUTSIDE CA

AB 12 Question of the Week

Q: If a non-minor dependent (NMD) living in a Supervised Independent Living Placement (SILP) resides out of state, do they receive the newly updated California basic rate of \$838/month or do they receive the basic rate that is paid by the state in which they reside? My understanding is that all NMDs receive the California rate no matter where they live. Please clarify.

A: Yes, you are correct. All non-minor dependents (NMDs) in a Supervised Independent Living Placement (SILP) receive the basic foster care rate for a youth ages 15-20 in California, which is \$838 per month. This includes NMDs who are residing in a SILP outside of California.

Source: CDSS All County Letter No. 11-77

NOV 05 2013

MEDI-CAL TO AGE 26 FOR NMDS RESIDING OUTSIDE CA

Q: I have several Non-Minor Dependents (NMDs) that reside outside of California in a Supervised Independent Living Placement (SILP). How does the new extension of Medi-Cal to age 26 apply to these young adults? Will they be eligible for health coverage to age 26 if they are living in another state and not California?

A: California has elected to provide coverage to former foster youth from other states who were in care on their 18th birthday. Therefore, if a youth was in foster care on their eighteenth birthday in another state and they move to California, they can obtain Medi-Cal and receive coverage until the age of 26.

However, it is not clear which states will choose to extend coverage to former foster youth who were not in foster care *in their state*. The federal government has not yet finalized regulations that will determine whether other states are required to provide this coverage. Therefore, if a youth whose dependency was established in California moves to another state, he/she must check with

that state to see if they can obtain coverage from that state until age 26. Source: 42 CFR Parts 430, 431, 433, 435, 440, 447, and 457; 45 CFR Part 155; [CMS-2334-P]; RIN 0938-AR04

OCT 29 2013

MINIMUM TIME REQUIREMENT TO ACCESS AB 12 SERVICES?

Q: I am a social worker for a youth who entered foster care at age 17, just five months prior to her 18th birthday. Will she still be eligible for extended foster care even though she will have only been in care for five months prior to turning 18? I ask this because there was no hearing 6 months prior to her 18th birthday to discuss the plan for how she would meet the participation requirements.

A: Yes, this young woman would be eligible for extended foster care. There is no minimum time a youth must be foster care prior to turning age 18 to be eligible. She would be required to meet the same eligibility criteria as all youth:

- have an order for foster care placement on his/her 18th birthday;
- continue under the jurisdiction of the juvenile court as a dependent, under transitional jurisdiction or as a ward;
- meet one of the five participation conditions;
- and agree to live in a supervised placement that is licensed or approved under new standards for 18 to 21 year olds.

Source: Welf. & Inst. Code § 11400(v), Welf. & Inst. Code § 11402, Welf. & Inst. Code § 11403(b)

OCT 21 2013

DEATH OF A GUARDIAN, RELATIVE, OR ADOPTIVE PARENT OF FORMER NMD

Q: I am a social worker for a youth who was participating in extended foster care at age 18, and was then adopted by a former foster parent. When the youth was 19, her adoptive parent unexpectedly passed away. What options does this youth now have? Can she re-enter foster care?

A: Yes, a former non-minor dependent who has reached permanency, but whose adoptive parent (or former guardian) dies before the youth's 21st birthday, may re-enter extended foster care as recently clarified in Assembly Bill 787, chaptered October 2nd (Chapter 487, Statutes of 2013).

OCT 14 2013

FREE MONEY FOR FOSTER YOUTH FOR COLLEGE OR CAREER TRAINING

Q: I am working with a foster youth who will be applying soon to college. He told me that once he goes off to school he doesn't want anyone to know he is in foster care. Are there benefits he may miss out on by not identifying himself?

A: Yes. While it is understandable why a youth may make the choice to not identify as a foster youth, it may have a cost. For example, foster youth who identify themselves as in foster care after the age of 13 do not have to report parental income on financial aid forms. Additionally, some foster youth are eligible for additional financial aid of up to \$5000 based on their foster youth status through the Chafee Education and Training Voucher. Foster youth also have access to priority registration. Finally, foster youth support programs housed on campuses can provide additional academic, personal and financial benefits. He can also be told that the college staff have an obligation to keep information about his foster care status confidential.

OCT 07 2013

HOW TO LOCATE THP+FC PROGRAMS ACROSS THE STATE

Q: I am a social worker and would like to place a youth in a THP-Plus Foster Care (THP+FC) program. I am not familiar with any providers in my county who operate a THP+FC program. Is there a way to locate providers in nearby counties?

A: The California Department of Social Services (CDSS) maintains an updated list of licensed THP+FC providers accessible at the following URL:

http://www.childsworld.ca.gov/res/pdf/THP_FCList.pdf. This list is updated approximately twice per month and includes the date a provider's rate was set and which housing models providers have received rates for.

In addition, the John Burton Foundation maintains a roster of THP+FC providers based on the CDSS list, organized by county and designed for social workers and youth in search of licensed providers. This list includes contact information on the point person for each program and is available on the THP-Plus website: <http://www.thpplus.org>.

SEP 24 2013

AB 12 ELIGIBILITY FOR PROBATION YOUTH WITH VACATED ORDERS

Q: I am a volunteer for youth in our county juvenile probation department and am currently working with a young woman, age 18. I was told by her probation officer that she is not eligible for AB 12 services because her "orders were vacated" prior to turning 18 after being on run-away status for an extended time. What does that mean and is eligible or not?

A: If a youth is absent from their placement for a specified period of time, the court has the discretion to "vacate the orders" of the youth, which essentially means to cancel the youth's placement orders. If the youth did not have a court order for foster care placement in place on her

18th birthday, then the probation officer is correct and she is not be eligible for extended foster care.

Given this, it is important for minor's attorneys and public defenders to work to ensure that a court does not vacate the orders of a youth under the age of 18, not only because it closes off the opportunity to participate in AB 12 services at a later time, but because this youth is still a minor who has found to be unable to return home due to abuse and neglect and is the state's responsibility. Vacating the orders for placement means that no one is responsible for this young person's well-being, even though the court had previously determined that the youth cannot live at home safely.

SEP 16 2013

DROPPING CLASSES: POTENTIAL IMPACT ON FINANCIAL AID

Q: I am working with a youth who started school full time at a community college three weeks ago. He's struggling in one of his classes and is thinking about dropping the class. Will this impact his financial aid?

A: Federal Financial aid such as Pell grants are prorated based on course load. If dropping a class results in him no longer qualifying as full time status (less than 12 units), his financial aid award will be reduced. If he has already received his financial aid payment, this can result in an overpayment which can have a variety of negative consequences, including a block on registration the following term. He should meet with a financial aid counselor as soon as possible to understand all of the implications of dropping a class as well as an academic counselor to determine what resources may be available to help him be successful in the class. Dropping the class after the drop deadline may also impact whether the student gets placed on academic probation.

SEP 09 2013

RESIDING IN A SILP WITH A GRANDPARENT

Q: I understand that a non-minor dependent cannot live in a Supervised Independent Living Placement (SILP) with their biological parent. However, can the NMD be placed in a SILP with a grandparent, if the grandparent is the person from which she was detained?

A: A NMD can be approved to live in a SILP where a grandparent is residing. In this case, the grandparent would not be the foster care provider, but would be more like the NMD's landlord. In order for a NMD to be approved to live in a SILP, the NMD must be determined to be ready to live independently (eg: without a foster parent or other provider) and the SILP itself must be approved as meeting health and safety standards. It is within the discretion of the child welfare worker to approve any SILP setting as an appropriate placement. If the child welfare worker determines, based on his or her professional judgment, that this placement is not appropriate, the worker is not required to approve it. In the NMD disagrees with this decision, she could request that it be reviewed by the court either at her next six-month administrative review or at a special hearing.

AUG 27 2013

GROUP HOME RESTRICTION FOR A NON-MINOR WARD (UNDER 602 JURISDICTION)

Q: Is a non-minor ward (under 602 jurisdiction) over 19 subject to the group home placement restriction?

A: Yes, a non-minor ward (under 602 jurisdiction) is subject to the group home placement restriction. This restriction prohibits the continuation in or admission to a group home after a non-minor dependent either completes high school or attains his or her 19th birthday, whichever is earlier unless it is necessary to remain in the group home due to a documented medical condition.

The possible exception to this is if a judge orders ongoing group home placement for a non-minor ward (under 602 jurisdiction) to meet his or her rehabilitative goals. In this circumstance, the judge's order would supersede the restriction. Source: Welf. & Inst. Code § 16501.1 (c)(1); All County Letter 11-77; All County Letter 11-69

AUG 20 2013

PLACEMENT OPTIONS FOR WARDS PARTICIPATING IN EFC

Q: I am a probation officer for an 18 year-old ward who would like to participate in AB 12. The one thing preventing termination of 602 wardship and placing him into transition jurisdiction is that he still owes restitution. My question is regarding his placement options as a ward. Can we place him in a Supervised Independent Living Placement (SILP) or THP+Foster Care?

A: Yes, as a ward participating in extended foster care, he may be placed in a Supervised Independent Living Placement (SILP) or THP+Foster Care, as specified in WIC 11402. This question has been raised due to a lack of clarity in the code section that addresses placement of wards. Assembly Member Mark Stone's bill (AB 787) includes language that removes any ambiguity and makes it clear that these are eligible placements.

AUG 12 2013

AB 12 ELIGIBILITY FOR YOUTH WITH 602 STATUS

Q: I have a youth who remains a 602, but was told that he could be eligible for AB 12 and get funding because he was 18 years-old. Is that correct? So in other words, these kids would be AB 12-eligible automatically upon turning 18 years-old. I'm not sure how that is possible. How can they be a 602 and 450 at the same time? Can you provide me with some clarification?

A: If a probation youth with an order for out-of-home placement turns 18 years-old and remains a 602 they are entitled to continue to receive benefits and also remain subject to the terms of their probation. Once rehabilitative goals have been met and 602 status is being dismissed (assuming the youth meets other AB12 eligibility criteria), the youth is eligible to continue to participate in

extended foster care under 450 jurisdiction, and has all the rights and responsibilities of any other nonminor dependent once he/she is participating under 450 jurisdiction. Source: Welf. & Inst. Code § 14000(v), Welf. & Inst. Code § 450 et seq. 76, Welf. & Inst. Code § 607.2 et seq.

AUG 05 2013

RESIDING WITH BIOLOGICAL PARENTS AN ELIGIBLE SILP?

Q: My question is about a youth whose parents' rights were terminated by the dependency court and the youth was legally freed. Can this youth be placed in a Supervised Independent Living Placement (SILP) in his biological mother's home?

A: No; non-minor dependents are not allowed to live in a SILP with a biological parent and receive a foster care placement payment. Source: ACL 11-77, page 8.

JUL 29 2013

RESIDING IN A COLLEGE DORM AS A SILP

Q: I will be moving into a dorm in the fall as my Supervised Independent Living Placement (SILP). I've heard that if you are living in a dorm as your SILP you do not need a readiness assessment or a health and safety inspection completed. What are the steps I need to take to get this placement approved?

A: Yes, you are correct. College dorms, or other designated university housing, are not required to be pre-approved by the county as they are already approved by the post-secondary institution for safety standards. A readiness assessment prior to residing in a college dorm is not required either (although the social worker should still complete a SOC 157 and 157A). It is important to note that while the initial readiness assessment *is not* required, the assessment for the six-month Transitional Independent Living Plan (TILP) updates *is* required.

In regards to the steps that must be taken, the NMD should notify their social worker that they plan to reside in the dorm as a SILP, and pay close attention to any deadlines or procedures the school has set for confirming housing or submitting payment for housing or tuition. It is important to remember that SILP payments, like all foster care payments, are paid in arrears (e.g. the payment for May doesn't come until June) and so careful planning is required to make sure that timely payments can be made to the campus housing department. In addition, a plan should be set in place for where the NMD will live when school is not in session if the dorms are closed. Source: All County Letter 11-77

JUL 22 2013

CAMPUS SUPPORT PROGRAMS DESIGNED FOR FOSTER YOUTH

Q: I am working with a youth in extended foster care who's going to be starting college in the fall. How do I find out if there is any support specifically for foster youth at the campus that she will be going to?

A: The California College Pathways website has a database that lists all of the campuses in California with campus support programs designated for foster youth. You can look up her campus and get the contact information for their program if one exists. If the campus isn't listed, there are still resources available. For a list of Foster Youth contacts at each community college click here. There is also a list for all Cal State Universities. All 9 University of California campuses have foster youth programs and are listed in the database.

JUL 15 2013

EFC FOR YOUTH WHOSE CAREGIVER MOVES OUT OF STATE

Q: I am the aunt of an 18 year-old in foster care and have been his relative caregiver since he was 13. My husband has been offered a job in another state, but we don't want to make our nephew ineligible for extended foster care. My nephew would like to remain living in California. If we move outside of California, will our nephew still be eligible for extended foster care? To read the answer, follow this [LINK](#).

A: Your nephew will continue to be eligible for extended foster care when you move out of state if he changes his foster care placement; you may not remain his relative caregiver while residing out of state if he is not living with you. There are several options for him to consider: He can be placed in the home of another approved relative or non-related extended family member in the state, a Supervised Independent Living Placement or transitional housing, known as THP+Foster Care. Source: ACL 11-77, ACL 13-10

JUL 08 2013

RIGHTS OF YOUTH WITH A 602 STATUS

Q: I am the probation officer of an 18 year-old non-minor dependent who is placed in a group home. He is under delinquency jurisdiction (602 status) and is expected to complete his rehabilitative goals in July at which time the judge will likely place him in transition jurisdiction. His group home is allowing him to own and use a cell phone and to be allowed to go and enter at will, citing the Community Care Licensing Interim Standards, even though these actions violate the youth's probation terms that disallow either of those activities.

My question is as follows: Does this youth have the same rights as a youth who is in extended foster care under transition jurisdiction (450 status) or dependency (300 status) or do probation rules trump the non-minor dependent's rights under Community Care Licensing?

A: No; this youth under delinquency jurisdiction does not have the same rights as a youth under transition or dependency jurisdiction. This youth will have the full rights as a non-minor dependent once the court has found that he has successfully met his rehabilitative goals. Assembly Bill 1712

clarified that the 602 non-minor dependent is not required to compete the mutual agreement, and their decision-making may be limited by the terms of their probation.

Specifically, WIC 303(d)(2) states that a nonminor dependent who remains under delinquency jurisdiction in order to complete his or her rehabilitative goals and is under a foster care placement order is not required to complete the mutual agreement as described in subdivision 9u) of Section 11400. His or her adult decision making authority may be limited by and subject to the care, supervision, custody, conduct, and maintenance orders as described in section 727.

JUN 24 2013

EXTENDED FOSTER CARE AND JOB CORPS ELIGIBILITY

Q: I am the social worker for a 19 year-old non-minor dependent who is interested in participating in Job Corps. Is he able to participate in Job Corp and continue to be in extended foster care? If so, would it be possible for him to choose a Job Corp Center in another state and remain in extended foster care?

A: The non-minor dependent may participate in Job Corp while in extended foster care, provided that he meets all of the other eligibility requirements. According to the California Department of Social Services, Job Corps qualifies as an eligible placement as a Supervised Independent Living Placement (SILP). Further, "housing accommodations provided by Job Corps are not considered earned or "in-kind" income; therefore, this is allowable and does not affect the NMD's eligibility for AFDC-FC benefits. Job Corps housing is exempted from the SOC 157B housing inspection checklist that is required to approve a SILP."

As for participating in Job Corps in another state, the young person may do so and continue to participate in extended foster care. The county of jurisdiction would need to make arrangements for monthly visits. Source: ACIN I-29-13, ACL 11-69

JUN 17 2013

THE EFFECT OF PLACING A WARD ON RELEASE STATUS ON AB 12 SERVICES

Q: I am a probation officer and am working with a 17 year-old ward who is scheduled to go to court next month. He currently has a placement order and is living with his aunt. He is making good progress and I expect that the judge will remove the placement order and put him on "release status." If this occurs, how will it affect his eligibility for extended services to age 21, under Assembly Bill 12?

A: If the judge puts the youth on release status and removes the placement order, the youth will not be eligible for extended support services when he turns 18 years-old. In order to be eligible for extended services to age 21, under Assembly Bill 12, the youth must have an order for foster care placement on his/her 18th birthday. In this particular instance, if the judge maintained the placement order with the aunt, the youth could have probation dismissed at age 17.5 or later, and become a transition dependent under WIC 450. As a transition dependent, the youth would be

eligible for AB 12 related benefits, including housing, continued funding, and extended Medi-Cal.
Source: Welf. & Inst. Code §11403(b)

JUN 10 2013

Q: I am working with a youth who wants to re-enter foster care. She is currently living in Los Angeles, but her foster care case was in Fresno County. Should she contact her original social worker in Fresno to file the necessary paper work or can she do it in Los Angeles? Also, will she have to travel back to Fresno for a court hearing either way?

A: The young person can make initial contact to re-enter foster care with either county. Whether or not Los Angeles County will assist the youth with the completion of the paperwork is based on whether or not the two counties have an arrangement for “courtesy supervision.” Most counties offer courtesy supervision to non-contiguous counties. For a full list of counties that do and do not offer courtesy supervision, follow this [LINK](#).

If the two counties have this arrangement, the county of residence (in this case Los Angeles County), will assist the youth with completion of the all necessary forms and then fax or scan and email the forms that same day to the county of jurisdiction (in this case Fresno County).

If the two counties do not have an arrangement for “courtesy supervision” the youth may still contact the county child welfare agency where she resides. The county of residence must immediately assist the youth in determining the county of jurisdiction and allow the youth to phone the **point of contact** in the county of jurisdiction in order to begin the re-entry application process. The county of residence must also provide blank copies the necessary forms to the youth.

As for traveling back to Fresno County for court, a hearing will be held to review the 388(e) petition, which is a requirement of the re-entry process. The youth may elect to attend the court hearing in person, telephonically or elect to not attend the hearing. SOURCE: [CDSS All County Letter 12-12](#)

JUN 03 2013

THP-PLUS FOSTER CARE: INFANT SUPPLEMENT PAYMENT

Q: I work for an organization that recently received its license for THP-Plus Foster Care (THP+FC). My questions: are custodial parents placed in THP+FC eligible for an infant supplement? If so, do they receive it directly or is it included in the rate payment to our organizations? Finally, if they are eligible for the infant supplement, does a youth receive one infant supplement regardless of how many children they have or one infant supplement for each child?

A: Yes; a non-minor dependent placed in THP+FC is eligible to receive an infant supplement of \$411 per month for the nondependent child residing with the non-minor, which is paid to the provider. Some or all of this payment may be passed through to the non-minor dependent to help pay for child-related expenses. If a non-minor dependent is the custodial parent to more than one child, an infant supplement is provided for each child. Source: All County Letter 11-69

MAY 24 2013

ELIGIBILITY FOR CONTINUING KIN-GAP BENEFITS AND INFANT SUPPLEMENT PAYMENT FOR A RELATIVE LEGAL GUARDIAN

Q: I am the relative legal guardian of a 17 year-old who is pregnant and has a disability. A few questions: Will I be eligible to continue to receive Kinship Guardianship Assistance (Kin-GAP) benefits on her behalf after she turns 18 years old? Also, will she be eligible for an “infant supplement” when the baby is born?

A: Yes, Kin-GAP benefits extends to age 21 if the youth has a “physical or mental disability that warrants the continuation of assistance” regardless of when the guardianship was established. For youth who are determined to have a physical or mental disability, receipt of extended Kin-GAP benefits is not conditional on the young person in your care meeting one of the five participation requirements due to her disability. There is no definition for what qualifies as a “mental or physical disability” – so contact your county child welfare agency to discuss your child’s needs and eligibility for Kin-GAP benefits until age 21.

In addition, relative guardians receiving Kin-GAP on behalf of a youth that is parenting are eligible for the \$441 infant supplement, both before the youth turns age 18 and after the youth turns age 18. Sources: Welf. & Inst. Code §§ 11363(c)(2), 11386(g)(2), All County Letter 11-86

MAY 20 2013

ELIGIBILITY TO RE-ENTER FOSTER CARE FOR YOUTH WHO ARE “AWOL”

Q: I am working with a homeless youth, age 19. At age 18, she ran away from her foster care placement. Is she eligible to re-enter foster care even though she was “AWOL” when she turned age 18?

A: Yes; Welfare and Institutions Code 388 (e) outlines the eligibility criteria for extended foster care and specifically states that a “nonminor who attained 18 years of age while subject to an order for foster care.” It does not specify that a youth must be resident in a foster care placement to be eligible. Youth who are “AWOL” are still subject to a court order of foster care, even if they are not physically residing in foster care. However, if the young woman ran away from foster care and the court had closed her dependency case *prior to age 18*, she would not be eligible to re-enter foster care.

MAY 13 2013

EXTENDED MEDI-CAL

Q: I understand that the Affordable Care Act will extend Medi-Cal for youth who were in foster care at age 18 to age 26. My question is: will that be EPSDT Medi-Cal (which funds the specialty foster care mental health services) or regular Medi-Cal?

A: The Affordable Care Act (ACA), passed by Congress in 2011, extended eligibility for Medi-Cal for individuals under age 26 who were in foster care at age 18 and receiving Medicaid, effective January 1, 2014. According to the ACA, youth will be eligible for this extension regardless of whether or not they were federally-eligible for foster care. Additionally, it specifies that there is no income or resource test for this group.

However, eligibility for services funded by EPSDT (Early and Periodic Screening, Diagnosis and Treatment) continue to end at age 21. At age 21, youth would no longer be eligible for the specialty mental health services provided through EPSDT. They would, however, remain eligible for these services between age 18 and 21, regardless of whether or not they are in extended foster care, as long as they are otherwise eligible for Medicaid.

A question still under consideration by the federal Administration is whether or not youth must continue to reside in the state where they were in foster care to be eligible for Medi-Cal to age 26. This requirement was included in the draft regulation. In February 2013, a coalition of stakeholders requested that this restriction be removed.

Proposed Rule: Medicaid, Children's Health Insurance Programs, and Exchanges; Proposed Rules for Extending Medicaid to Age 26 for Eligible Former Foster Children (Fed. Reg. Vol. 78, No. 14, 1/22/13)

MAY 03 2013

RE-ENTERING FOSTER CARE AND THP+FC

Q: I am a THP-Plus provider who will be providing THP+FC effective July 1, 2013. I have a youth in our program who turned 18 in September 2011 and had a placement order for foster care in place on January 1, 2012, as required to participate in extended foster care.

The youth elected to opt-out of extended foster care in March 2012 and enter our THP-Plus program. I am now working with her to re-enter foster care to participate in THP+FC. She will turn 20 this September. Does she need to re-enter foster care by age 20? What happens if she doesn't?

A: Yes, this youth does need to petition to re-enter before age 20; if she does not, she will have to wait until January 1, 2014, when the age limit extends to age 21.

In July 2012, the California State Legislature passed SB 1013, which was intended to prevent youth who had been receiving aid continuously from being discharged due to turning age 19 in 2012 and age 20 in 2013. However, it does not apply to those youth who elected to exit foster care voluntarily and want to re-enter.

APR 29 2013

EFC ELiGiBILITY FOR A YOUTH WHO HAS BEEN ADOPTED

Q: Are youth who are placed in group homes by adoption assistance eligible for extended foster care?

A: No; a youth who has been adopted and is receiving Adoption Assistance Program (AAP) benefits and is placed into a group home is not eligible for extended foster care because they do not meet the eligibility requirement of having an order for foster care placement on their 18th birthday^[i].

However, a youth who has been adopted is eligible to be placed in a temporary out-of-home placement, which may include placement in a group home, if the youth is eligible for AAP. Eligibility for AAP benefits ends at different times depending on when the youth was adopted and whether the youth has a mental or physical disability:

- Youth who have an initial AAP agreement signed before their 16th birthday are eligible for AAP benefits until age 18;
- Youth who have an initial AAP agreement signed on or after their 16th birthday are eligible for AAP benefits until age 21;
- Youth who have a mental or physical disability that warrants the continuance of assistance is eligible to receive AAP benefits until age 21 regardless of the age of the child when the initial AAP agreement is signed^[ii].

^[i] Welf. & Inst. Code § 11400(v)

^[ii] Title 22, Division 2, Adoptions Manual, Subchapter 7, Sections 35333 & 35334

APR 19 2013

EDUCATION TRAVEL REIMBURSEMENT ELIGIBILITY FOR A NMD PLACED IN A SILP OR THP+FC

Q: Is a non-minor dependent (NMD) placed in a Supervised Independent Living Placement (SILP) eligible to receive an education travel reimbursement? How about a NMD living in THP+FC?

A: Yes, a NMD who is placed in a SILP, meets all other eligibility requirements and is attending high school at their school of origin is eligible for an education travel reimbursement. This was established in the federal Fostering Connections to Success Act (PL 110-351) which “provides for the cost of reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement as an allowable foster care maintenance cost.”

The education travel reimbursement is intended to pay the travel expenses for a NMD to remain in the school of origin, not to pay for education-related travel costs generally. However, a NMD living in THP+FC is not eligible to receive an education travel reimbursement. For more information about the mileage reimbursement and public transportation reimbursement, read [ACL 13-03](#) and [ACL 11-51](#).

APR 08 2013

EXTENDED FOSTER CARE: FAMILY PLANNING SERVICES

Q: I am a Court Appointed Special Advocate (CASA) for a youth who will soon turn 18 and intends to participate in extended foster care. Once she turns 18, does she still need the permission of her social worker, attorney or a judge to access family planning services, such as getting a prescription for contraception?

A: No. In fact, the young woman did not require the consent of any of these parties before age 18. There are a number of services that minors of any age may consent to in California, including medical care related to pregnancy, contraception, abortion and emergency medical services among others. Other services require a youth to be 12 years of age in order to consent. These include outpatient mental health services, drug and alcohol abuse treatment and shelter services among others. At age 15, a minor may consent for their general medical care under certain specific circumstances. *The National Youth Law Center has developed a user-friendly **fact sheet** that summarizes California minor consent and confidentiality laws, which includes all applicable legal citations.*

APR 02 2013

SPECIALIZED CARE INCREMENT BENEFITS & NON-RELATED LEGAL GUARDIANSHIP (NRLG) BENEFITS ELIGIBILITY

Q: I am a non-related legal guardian to a 17 year-old girl, who will turn 18 in July. Does she remain eligible for benefits after she turns 18? Also, is she eligible to receive a Specialized Care Increment if she meets the criteria established by the county child welfare agency?

A: Yes, a non-minor youth whose non-related guardianship was ordered in juvenile court is eligible for AFDC-FC benefits until age 21, provided that the youth enters into a mutual agreement with the county agency responsible for his or her guardianship, and the youth is meeting one of the five conditions of eligibility.

As for the Specialized Care Increment (SCI), a non-minor dependent whose non-related guardianship was ordered in juvenile court *is* eligible for a SCI, provided that the county offers one. Currently, 54 of the 58 counties offer a specialized care increment and each county establishes its own criteria and methodology to determine the specialized care increment. To learn more about the SCI process in your county, follow this [LINK](#). (Reference: Welf. & Inst. Code § 11405(e)(1),11405(h))

MAR 25 2013

WRAPAROUND SERVICES AND AGE LIMITATIONS FOR NONMINOR DEPENDENTS

Q: I am a probation officer working with a youth who will soon need to exit his group home placement due to the group home restrictions in AB 12. Can Wraparound Services be utilized for this Non-Minor Dependent, to assist in his transition to a placement with a lower-level of care?

A: Yes, the Wraparound process may continue to be accessed at any time until reaching the maximum age of extended foster care. To be eligible, the NMDs must continue to meet one of the **five participation criteria** and be at risk of placement in a group home at a rate classification level of 10 or higher, or they currently placed in a group home and will be transitioned to a lower level of care within the next three months, as in the case you describe.

For a list of counties that offer Wraparound Services, follow this [LINK](#). For a list of Wraparound Service coordinators by county, follow this [LINK](#). For more information about Wraparound Services, follow this [LINK](#). (All County Letter 11-77, Page 12)

MAR 18 2013

ELIGIBILITY DETERMINATION FOR YOUTH RE-ENTERING FOSTER CARE

Q: I am working with a young woman who would like to re-enter foster care. She is living temporarily with a family friend, who works full-time and does not have any financial need. Will the financial circumstances of the household where she is living count against the young woman in her effort to re-enter foster care?

A: No, it will not. A youth who wants to voluntarily re-enter foster care after turning age 18 following dismissal of dependency is considered to be entering a new foster care episode and therefore requires a new eligibility determination. This determination will be made **solely** on the youth's assets and income, and will not be affected in any way by the income and assets of the household where she is currently living. (All County Letter 13-10)

MAR 11 2013

EFC: NONMINOR DEPENDENT PLACEMENT OPTIONS

Q: I just turned 18 and am participating in extended foster care; do I have to remain in the same foster care placement?

A: No, a non-minor dependent (NMD) does not have to remain in the same foster care placement after age 18; although, they are certainly permitted to continue living in the same placement, if appropriate. **NOTE:** There are limitations on a NMD remaining in a group home placement beyond the time he/she finishes high school or an equivalent or turns 19, whichever occurs first.

As NMDs are adults, it is expected that NMDs will be provided placements that are the least restrictive and encourage as much independence as possible, based on the NMDs' developmental needs and readiness for independence. The decision regarding whether to continue the current placement or move to a new placement should be a collaborative decision between the NMD and his/her caseworker. If the NMD wants to move into a SILP, there must be an assessment of the

NMD's readiness to live in that particular setting as part of the decision making process. (Reference: Welf. & Inst. Code § 16501.1 (c)(1); All County Letter 11-77)

MAR 01 2013

KIN-GAP BENEFIT PAYMENTS CANNOT GO DIRECTLY TO YOUTH

Q: I am 19 years old, living with my grandmother who is my guardian and receiving Kin-GAP benefits. Can I move into an apartment on my own? If yes, is it possible for me to receive the payment directly?

A: Yes, you can move into an apartment on your own, however you cannot receive the payments directly. A non-minor over the age of 18 who is eligible for extended Kin-GAP benefits does not have to continue to reside in their relative guardian's home to continue to receive Kin-GAP beyond the age of 18, as long as the guardian continues to care and support the non-minor.

The non-minor can move into his or her own apartment or into some other housing situation (like a dorm) and the guardian can continue to receive the Kin-GAP benefits to help support the youth. This is not considered a Supervised Independent Living Placement (SILP) and the non-minor does not have to be approved to live in this type of setting since a youth who receives extended Kin-GAP benefits is no longer in foster care and is thus no longer in placement.

Kin-GAP payments are paid to the relative guardian; the non-minor can never receive the Kin-GAP payments directly. Additionally, the guardian is responsible for requesting the continuation of Kin-GAP benefits after the age of 18 and for providing documentation to the county welfare agency that the youth is meeting one of five participation requirements. (Reference: All County Letter 11-86, Welf. & Inst. Code §366.3, 11364(b) & 11387(b) & (c)).

FEB 21 2013

NONMINOR DEPENDENT ADOPTION

Q: I am currently 18 years old and am participating in extended foster care. My current caregiver wants to adopt me, but thought that I could not be adopted after age 18. Can I be adopted or not?

A: Yes, as a result of Assembly Bill 1712, non-minor dependents can be adopted after the age of 18 AND are eligible to receive financial support through the Adoption Assistance Payment (AAP) program. This process is called "Non-Minor Dependent Adoption" and ensures that a NMD whose adoption is finalized by the juvenile court is eligible to receive AAP until age 21, as long as all other eligibility conditions of AAP are met. (Reference: Welf. & Inst. Code §366.3, 366.3(f), 16120, 16123, 16120.1)

FEB 15 2013

FINANCIAL AID ELIGIBILITY AND THE IMPACT OF DIRECT PAYMENTS TO NONMINOR DEPENDENTS

Q: A youth on my caseload was in a Supervised Independent Living Placement (SILP) last year and received his foster care payments directly. He's now completing financial aid forms for college and isn't sure whether this income will impact his eligibility for financial aid. What should I tell him?

A: Financial aid regulations include a specific exemption for foster care payments (Higher Education Act, Section 480(e)(4)). This means that these payments, including those going directly to a Non-Minor Dependent (NMD) in a SILP, do not need to be reported on the Free Application for Federal Student Aid (FAFSA) as income and therefore do not reduce the amount of financial aid for which a NMD is eligible. The U.S. Department of Education is currently preparing written guidance for college financial aid officers on this issue.

FEB 11 2013

MEDI-CAL COVERAGE FOR YOUTH WHO OPT OUT OF CARE

Q: I am working with a youth who doesn't want to participate in extended foster care. If she opts-out, will she lose her Medi-Cal coverage?

A: No, *all youth* who have an order for foster care placement on his/her 18th birthday remain eligible for Medi-Cal up to age 21 under the Medi-Cal for Former Foster Youth program regardless of whether the youth remains in foster care. (Beginning January 1, 2014, foster youth will be eligible for this program to age of 26 as part of the federal Affordable Care Act.)

This means that any NMD who opts out of extended foster care after age 18 would still be eligible for Medi-Cal until age 21. There is no need for these youth to re-apply for Medi-Cal once they turn 18, even if they opt out of extended foster care. In addition, there is no income or asset test for continued coverage under Medi-Cal for Former Foster Youth. (*Reference: Welf. & Inst. Code §14005.28; ACWDL 00-41, 00-61, 01-41*)

FEB 04 2013

EXTENDED CALWORKS FOR NON-MINOR DEPENDENTS

Q: If a NMD moves out of the state can they still receive extended CalWORKS after the age of 18?

A: Yes, Assembly Bill 1712 clarified that extended CalWORKS benefits can be paid for a NMD placed with an approved relative living out of state while they participate in extended foster care. A NMD may be receiving extended CalWORKS after the age of 18 if they are placed with an approved relative and the youth is not eligible for federal foster care benefits. (*Reference: Welf. & Inst Code § 11253*)

JAN 28 2013

EFC: MUTUAL AGREEMENT (SOC 162) REQUIREMENTS

Q: Does every NMD have to complete the mutual agreement (SOC 162) upon turning 18 years old in order to be eligible for extended foster care?

A: No, Assembly Bill (AB) 1712 clarified that there are two categories of NMDs that do not need to complete the mutual agreement at age 18:

(1) A NMD who remains under delinquency jurisdiction after the age of 18 in order to complete his/her rehabilitative goals (remember, these youth must have an order for foster care placement on his/her 18th birthday to be eligible for extended foster care. If there is that order, the NMD who continues under delinquency jurisdiction does not have to sign a mutual agreement);

(2) A NMD who is incapable of making an informed agreement. This determination is made by the court.

JAN 18 2013

NOTIFICATION FOR COURT REVIEW HEARINGS

Q: Does anyone besides the NMD get notification of the NMD's court review hearings?

A: Yes, the NMD's caregiver/foster parent and the NMD's Court Appointed Special Advocate (CASA) are entitled to notification of all court hearings. NOTE: If the NMD is living in a Supervised Independent Living Placement (SILP), then there is no caregiver/foster parent and so notification of court hearings would only be required for the NMD and the CASA, if any.

In addition, there may be some instances when a parent(s) may get notification of a court hearing. Pursuant to AB 1712, the court can order that family reunification services continue after a NMD turns 18. If the court orders that family reunification services continue, then the parent(s) would continue to be entitled to notification of court hearings. However, if the NMD is not receiving family reunification, then the parent(s) are no longer entitled to notifications of hearings once the NMD turns 18.

For NMDs who also meet the definition of an "Indian Child," 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 18.

Finally, it is important to remember that the NMD can invite anyone they want (including parents) to attend the court hearings. (Reference: ACL 11-69, Welf. & Inst Code §297, §224.1(b) §101, §102, §107)

JAN 14 2013

EXTENDED FOSTER CARE ELIGIBILITY FOR AN 18-YEAR OLD IN JUVENILE HALL

Q: If a youth turns 18 while in juvenile hall, will he/she be eligible for extended foster care?

A: In order to be eligible to participate in extended foster care a youth must have **an order for foster care placement on his/her 18th birthday**. This requirement applies to all youth including wards in juvenile court (i.e. 602 youth). Therefore, if a youth is in juvenile hall but that youth has an order for foster care placement on his/her 18th birthday (which occurs when the youth is waiting for a placement to become available), then s/he is eligible to participate in extended foster care. If there is no order for foster care placement and the youth is detained in juvenile hall on his/her 18th birthday, then that youth will not be eligible for extended foster care. (Reference: ACL: 11-85)

JAN 07 2013

AB 1712: CHANGES TO THE CALIFORNIA FOSTERING CONNECTIONS TO SUCCESS ACT

Q: I understand that legislation went into effect on January 1, 2013 that changes the California Fostering Connections to Success Act (AB 12). What is the legislation and what parts of AB 12 does it change?

A: Yes; the California State Legislature passed Assembly Bill (AB) 1712, which clarifies and amends certain provisions of AB 12 and AB 212, collectively known as "The California Fostering Connections to Success Act." AB 1712 is comprised of several amendments to specific statutes of the California Welfare and Institutions Code, the Health and Safety Code and the Family Code. Changes include but are not limited to clarifying:

- Eligibility for the Adoption Assistance Program (AAP) for non-minor dependents (NMDs) who are adopted;
- Eligibility for State Kin-GAP;
- Role of counsel when NMD is not competent to make decisions or the NMDs wishes conflict with the protection or safety of the NMD;
- Circumstances when the mutual agreement is not required, and
- That regulations developed to ensure continuity of Supervised Independent Living Placement (SILP) payments.



JOHN BURTON
Advocates
for Youth

2012

DEC 17 2012

EFC BENEFITS FOR YOUTH RECEIVING (SSI)

Q: Can a youth receiving Supplemental Security Income (SSI) benefits also be eligible for extended foster care benefits?

A: The receipt of Supplemental Security Income (SSI) benefits does **not** disqualify a youth from participating in extended foster care (EFC). Eligibility for EFC is based on whether the youth had an order for foster care placement on their 18th birthday. If a youth has that order for foster care placement, then their eligibility for SSI can qualify them under participation condition number five “medical condition” (although a youth receiving SSI is also permitted and encouraged to meet any of the other four participation conditions).

The effects of the receipt of SSI will be on the amount of foster care benefits. There are federal and state laws that govern the concurrent receipt of SSI and AFDC-FC (Aid to Families with Dependent Children-Foster Care) benefits that require offsetting of benefits to avoid double-dipping. If a youth is eligible for federal AFDC-FC benefits, the monthly SSI benefits will be offset dollar for dollar. Alternatively, if the youth is eligible for state-only AFDC-FC benefits, AFDC-FC is counted as income thus is reduced by the amount of the SSI benefits (**Reference: Welf. & Inst. Code § 13754; All County Letter 11-69**).

DEC 10 2012

MUTUAL AGREEMENT & TRANSITIONAL INDEPENDENT LIVING PLAN (TILP) REQUIREMENTS FOR AWOL YOUTH

Q: For youth who are AWOL but have an open court case when they turn 18 years old, how should the county comply with the requirements of completing the mutual agreement (SOC 161) and the TILP (Transitional Independent Living Plan)?

A: A youth who has an order for foster care placement but who is AWOL on his/her 18th birthday has the right to participate in extended foster care at the point that he/she contacts the child welfare agency and agrees to return to a supervised licensed or approved placement. If the youth cannot be located upon turning 18, it may be appropriate for the social worker or probation officer to schedule a hearing pursuant to Welfare and Institutions Code section 391 in order to close the case, recognizing that the NMD will be placed under general jurisdiction and retains the right to re-enter extended foster care at a later date. In fact, Welfare and Institutions Code section 391 specifies that the court may terminate jurisdiction over a nonminor if the court finds after reasonable and documented efforts that the nonminor cannot be located. If the court terminates jurisdiction, a SOC 161 and TILP would not need to be completed. If the NMD chooses to re-enter at some point in the future, the agency would complete the required forms at that time. **Citation: Welf. & Inst. Code § 391; 388(e)**.

DEC 04 2012

INCARCERATED NON-MINOR DEPENDENTS' ELIGIBILITY FOR EFC

Q: Are NMD's eligible for extended foster care (EFC) while incarcerated ?

A: No, NMDs are not eligible for EFC while incarcerated because they are unable to reside in a licensed or approved placement, which is one requirement of extended foster care. Once the NMD is released, he/she is eligible to re-enter foster care provided he/she meets all relevant eligibility criteria. Citation: ACL 11-69, p. 4.

NOV 26 2012

HEALTH HISTORY RELEASE REQUIREMENTS FOR NMDs

Q: I am a group home provider and while performing an intake for a NMD, he refused to share his health history. If I allow him to live here but don't have his health history, will I be in violation of the licensing rules?

A: As legal adults, NMDs have a right to refuse to release their health record but can also consent to have the information released. If the caregiver or provider is unable to get the NMD's consent, then they should make a notation in the NMD's file that the NMD refused to release the information when asked to do so during intake. (Reference: California Code of Regulations Title 22 Division 6 Chapters 4,5,7,8.8, 9.5, Community Care Licensing Interim Regulation 84468.1 and 84475; <http://cclid.ca.gov/>).

NOV 19 2012

PAYING FOR A SECURITY DEPOSIT IN A (SILP)

Q: I am currently a NMD and I want to move into an apartment with my sister which my social worker says is called a SILP placement. Can I get extra money to pay for the security deposit?

A: A NMD living in an approved Supervised Independent Living Placement (SILP) receives the basic foster care rate, which is currently \$799 per month (the rate goes up annually on July 1). It is important to note that foster care payments, including for NMDs living in a SILP, are paid in arrears, which means it is paid at the end of the month following the month that the NMD is placed in the SILP. For a NMD that is placed in a SILP in the middle of the month, this can mean that there is a delay of up to six weeks before the first check is received. There are no other dedicated funds or supplements available to the NMD to cover expenses like a security deposit or first and last month's rent. Thus, it is essential that a NMD have sufficient funds to pay for a security deposit as well as any other living expenses during the period between initial placement in a SILP and the time that the first monthly payment is received. If the NMD does not have any savings, then the NMD's TILP should be updated to develop a plan for the NMD to save funds in

order to pay for the security deposit as well as other living expenses. (*Reference: All County Letter 11-77 and 11-69; Welf. & Inst. Code § 11400(y)*).

NOV 13 2012

YOUTH RESIDING IN CALIFORNIA WITH AN OUT-OF-STATE DEPENDENCY CASE

Q: If a foster youth is living in a foster care placement in California but is a foster youth from another state (with services paid for by another state), is he/she eligible for AB 12 in California?

A: Assembly Bill 12 is a California specific law that extends foster care to 21 only in the state of California. In order for a youth to be AB 12 eligible, he/she has to be a California dependent with an order for foster care placement by a California juvenile court when he/she turns 18 years old. A youth from another state could be participating in their host state's extended foster care program (EFC), if in fact that other state has adopted EFC for youth over the age of 18. If the host state has an EFC program then the host state would be working with California to place this youth in California and the host state would be paying for placement. California may agree to provide monthly visits to the youth as a courtesy to the host state, but this youth would NOT be participating in the AB 12 program. *Reference: All County Letter 11-69, page 17 speaks to out of county placements.*

OCT 29 2012

REVISED PLAN OF OPERATION TO SERVE NON-MINOR DEPENDENTS

Q: I work at a group home and a few months ago we submitted our updated Plan of Operation to Community Care Licensing (CCL) that reflects our updated policies of providing housing to NMDs. But we have not heard back regarding approval – we are worried about continuing to provide housing to NMDs without this?

A: CCL is allowing providers to serve youth over 18 as long as the provider has submitted a revised Plan of Operation, even if it has not been approved yet. If a provider has not yet submitted a revised Plan of Operation, the provider needs to do so immediately in order to continue to serve youth over 18.

Reference: Community Care Licensing Interim Regulation Section 84422; CCL INFORMATION RELEASE NO. 2011-06; California Code of Regulations Title 22 Division 6 Chapters 4,5,7,8.8, 9.5

OCT 22 2012

RE-ENTRY FOR A 19-YEAR OLD WHOSE CASE WAS TERMINATED

Q: I was participating in EFC and receiving AB 12 benefits when I was 18 and then turned 19 years old a couple of months ago and the dependency court terminated my case. I was informed that I could re-enter on January 1, 2013 but is there a way I can re-enter before then?

A: Yes, the budget trailer bill that the governor signed in June 2012 included a fix for this exact situation. If a youth was receiving AB 12 benefits in 2012 immediately before turning 19, they can continue to receive benefits after they turn 19. Further, if a youth exited foster care in 2012 solely due to turning 19, the youth can re-enter immediately and does not have to wait until January 1, 2013.

Citation: Welf. & Inst. Code § 10103.5 and Senate Bill § 1013 (Chapter 35, 2012).

OCT 08 2012

THE DIFFERENCE BETWEEN THP-PLUS AND THP+FC

Q: How are THP Plus and THP Plus Foster Care different?

A: There are several differences between THP-Plus and THP-Plus Foster Care. First, THP-Plus Foster Care (THP+FC) is for youth participating in extended foster care who are between the ages of 18-21, while THP-Plus is for youth that have either opted-out of or aged out of extended foster care and serves youth ages 18-24. Second, THP+FC is a licensed placement, while THP-Plus is approved by the county. This means that THP+FC providers must comply with licensing rules set by Community Care Licensing. Third, THP+FC is a program for youth who are continuing in extended foster care, and thus the youth in THP+FC will continue to have monthly visits with their case manager (social worker or probation officer) and a 6-month court review hearings. Youth participating in THP-Plus have either opted out of or aged out of extended foster care, and therefore are not subject to any of the requirements that govern placements for youth who are still in foster care. Citation: Senate Bill 1013

OCT 01 2012

MENTAL, PHYSICAL & DENTAL CARE FOR NMDs

Q: What is the extent of the NMDs right to select or decline mental, physical and dental care?

A: A NMD has an absolute right to decline mental, physical or dental care and an absolute right to select such care. Conversely, a caregiver or provider is required to help obtain this care, if requested by NMD. Citation: CCL Interim regulation 84472, 84475

SEP 24 2012

FAFSA ELIGIBILITY FOR NON-MINOR DEPENDENTS WITH AN ADULT-DEPENDENT STATUS

Q: How does a Non-Minor Dependent's "adult-dependent" status affect their eligibility to file a FAFSA as an "independent student"?

A: All youth in extended foster care are considered independent for financial aid purposes. Under federal law, the definition of "independent" when used with respect to a student, means any individual who– **(A)** is 24 years of age or older by December 31 of the award year; or **(B)** is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older.

Thus, the fact that a youth is considered a "non-minor dependent" for purpose of participating in extended foster care and receiving foster care benefits after the age of 18 does not impact his/her ability to receive financial aid as an independent student. **Citation: 20 USC 1087vv(d)**

SEP 17 2012

EFC ELIGIBILITY FOR YOUTH RECEIVING WRAP AROUND SERVICES

Q: If a 17 year old is in foster care but receiving wrap around services when she turns 18, does she qualify for extended foster care?

A: After eligibility for extended foster care is determined, then wrap around services can begin or continue for the youth. In order to determine whether a youth receiving wrap around is going to be eligible for AB 12 services, the same threshold criteria must be met: there must be a court order for foster care placement when the youth turns 18 years old. If that foster care placement order is in place on the youth's 18th birthday, then he/she is eligible for to participate in extended foster care and receive benefits under AB 12 as a non-minor dependent. The key factor in eligibility for extended foster care is the placement order that is in effect on the youth's 18th birthday. If the youth is in family reunification on a trial home visit but he/she still has an order for foster care placement, then he/she will be eligible to participate in extended foster care. **NOTE:** a youth is not eligible to receive a foster care payment while living in the home of a parent, but as long as there was an order for foster care placement on his/her 18th birthday, then the youth would be eligible to begin receiving foster care benefits if and when he/she moves into a licensed or approved placement.

Alternatively, if the youth is in a family reunification status and has been RELEASED with a Home of Parent Order, then that youth does not have an order for foster care placement and is NOT eligible for AB 12 services.

SEP 10 2012

EFC ELIGIBILITY FOR A NMD ON ADULT PROBATION STATUS

Q: If a non-minor dependent (NMD) is arrested as an adult and put on adult probation status, will the adult probation status affect his/her eligibility for extended foster care?

A:The adult probation status does not change the NMD's eligibility for extended foster care; although, there may be circumstances when the adult probation status may be taken into account when determining the most appropriate placement for the NMD. While a NMD who becomes subject to adult probation has a right to a placement and also has the same range of placement options available, including THP-Plus Foster Care or a Supervised Independent Living Placement, the placing county must find a placement that ensures the safety and well-being of all other minor dependents and NMDs who are residing in the same setting.

Each county has the obligation of revising their county protocols (known as the WIC 241.1 protocols) to determine who will supervise and oversee a NMD's case if and when a NMD becomes subject to adult probation. Citation: ACL 11-85 p. 8.

AUG 27 2012

JOB CORPS HOUSING QUALIFIES AS A SILP

Q: If a youth is planning to participate in a Job Corps program which provides housing, can this be an eligible foster care placement for a non-minor dependent (NMD)?

A: Yes, housing provided through a Job Corps program can be qualified as a Supervised Independent Living Placement (SILP). The NMD would need to undergo the readiness assessment and the housing would need to pass the health and safety inspection as with any other SILP site.

(Note: This question is not directly in an ACL although ACL 11-77 states that "Counties have significant discretion for what can constitute a SILP placement. The federal guidance allows for maximum flexibility for SILPs, while still ensuring the placement is safe for NMDs." CDSS has confirmed that Job Corps qualifies as a SILP.)

AUG 20 2012

FAMILY REUNIFICATION SERVICES AND ELIGIBILITY FOR EFC

Q: If a youth is in a foster care placement when s/he turns 18 and has been receiving reunification services, is s/he still eligible for extended foster care benefits?

A: Yes. As long as s/he has an order for out of home placement when s/he turns 18 and meets the eligibility for extended benefits, the fact that s/he has a reunification plan instead of a planned permanent living arrangement does not impact his/her eligibility for extended foster care. If it is in the best interest of the youth and his/her life-long permanency needs – reunification services may still be offered and would be part of the Case Plan with the non-minor dependent "opting out" of foster care if s/he is able to return home and chooses to do so. *(Note: Reference is ACL 11-69, page 4)*

AUG 14 2012

QUALIFICATION FOR INFANT SUPPLEMENT AND OTHER ASSISTANCE

Q: Is a non-minor dependent (NMD) eligible for the infant supplement while pregnant, or do they qualify only when their child is born?

A: The infant supplement is not available during pregnancy and begins when the child is born (WIC 11465). However, the NMD may be eligible for food stamps and/or the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) which provides benefits that allows pregnant women (as well as those with young children) to obtain nutritious food. *(Note: Reference is WIC 11465)*

AUG 06 2012

SILP ELIGIBILITY: NON-MINOR DEPENDENTS RECEIVING CALWORKS BENEFITS

Q: I am working with a youth who is eligible for extended foster care, is currently placed with a relative, does not qualify for Federal IV-E benefits and therefore is receiving the foster care benefit through CalWORKs. Is this youth allowed to move to a Supervised Independent Living Placement (SILP)?

A: Yes. Foster youth who do not meet federal eligibility requirements and are placed with an approved relative receiving CalWORKS benefits are considered dependents in foster care, and are therefore they are eligible for all placement options including moving into a SILP. Once the non-minor dependent (NMD) moves to an approved SILP, the NMD would be in the "State Foster Care" program. If dependency was terminated prior to the NMD leaving the home of the relative, the young adult would have to re-enter foster care to be eligible. The young adult may then be federally eligible as a Child-Only eligibility determination. For re-entry cases, the IV-E eligibility is based solely on the young adult's income and assets. For more information about this issue, visit the CDSS website at <http://www.childsworld.ca.gov/PG2916.htm>

JUL 30 2012

YOUTH IN GUARDIANSHIPS: ELIGIBILITY FOR EXTENDED BENEFITS

Q: I've heard that youth in guardianships are only eligible for extended benefits if the guardianship began after the age of 16. Is this true?

A: It depends on the type of guardianship. Youth in non-related legal guardianships created in juvenile court are eligible for extended benefits up to age 21 regardless of the age that the youth entered the guardianship. Youth in non-related legal guardianship's created in probate court are not eligible for extended benefits at all. Youth in guardianship through the Kin-GAP program must have entered Kin-GAP at age 16 or older in order to be eligible for extended benefits. However, if

a youth in Kin-GAP has a disability which warrants the continuation of benefits, benefits may be extended regardless of the age the youth entered Kin-GAP.

JUL 24 2012

PARENTING NON-MINOR DEPENDENTS: RECEIPT OF INFANT SUPPLEMENT PAYMENT

Q: If a parenting non-minor dependent is entitled to the infant supplement because she is caring for a child, does the additional payment go directly to her for the costs associated with the child?

A: The infant supplement is included with the regular foster care payment and therefore will go to whomever receives the payment. If the youth is in a Supervised Independent Living Placement (SILP) and receives the foster care payment directly, she would also receive the infant supplement directly. If she resides with a caregiver who receives the foster care payment, the infant supplement would go to the caregiver. In this circumstance, the youth and caregiver could use a **shared living agreement** to assist them to negotiate how the funds can be best utilized.

JUL 17 2012

NON-MINOR DEPENDENTS ON OVERNIGHT VISITS

Q: When a dependent minor wants to have overnight visits away from the caregiver's home, the county ordinarily does background checks, checks out the home, etc before giving the ok. Does any of this apply in the case of non-minor dependent?

A: There is no longer any requirement to do background checks in this circumstance. On a practice level, case managers should be encouraging non-minor dependents to inform their caregiver about their whereabouts and when they are expected to return as part of being a responsible adult.

JUL 10 2012

NON-MINOR DEPENDENTS SHARING ROOMS WITH MINORS

Q: If a youth who has exited foster care re-enters as a non-minor dependent (NMD) and is placed with a Foster Family Agency, can the youth share a room with a minor who has been placed in the same home?

A: Community Care Licensing regulations allow for a non-minor and a minor to share a room only under three circumstances. First, if the nonminor dependent and the child have been sharing a bedroom prior to the nonminor dependent turning age 18 and remain compatible to share a bedroom the arrangement can continue. Second, they can also share a room if the child and NMD are siblings or if the NMD is sharing a room with his/her own child. Third, if the youth is re-entering and the FFA would like the youth to be able to share a room with an unrelated minor,

the FFA could do so by requesting a Documented Alternative Plan (DAP), which is basically the same as an exception. It would then be up to the Licensing Program Analyst with Community Care Licensing to allow the exception or not.

JUN 25 2012

PLACEMENT DELAYS: WHAT TO DO ABOUT GAPS IN HOUSING

Q: I currently live in a group home and I just turned 18 and graduated high school. I have been accepted to Job Corps but it doesn't start for another month and a half. Can I stay in my group home until I move into my housing through Job Corps? If not, what should I do about my gap in housing?

A: According to [ACL 11-77](#), if a nonminor dependent has graduated high school already, he/she cannot stay in a group home placement after turning 18, unless he/she meets participation condition number five, medical condition (as described in [ACL 11-69](#)). The nonminor dependent's county social worker is responsible for identifying an appropriate short-term placement eligible under extended foster care for the nonminor dependent until he/she enters Job Corps.

If the nonminor dependent and social worker decide that the best option is for the nonminor dependent to reside in a short-term Supervised Independent Living Placement (SILP) for the month and a half gap before entering Job Corps, the social worker would need to complete a Readiness Assessment (as described in [ACL 11-77](#)) and physical health and safety inspection ([SOC 157B](#)) of the short-term housing identified by the nonminor dependent, and an Approval and Placement Agreement ([SOC 157A](#)).

JUN 19 2012

PLACEMENT OPTIONS FOR NON-MINOR DEPENDENTS

Q: If a youth over 18 remains in foster care but doesn't qualify under the eligibility framework laid out in AB12 (for example, the youth turned 19 in 2011 but the case was kept open and paid by all county funds), does that youth have the same placement options as a youth who meets the criteria under AB12?

A: Yes, any youth who remains in the foster care system with an order for out of home placement after the age of 18 has the same placement options. If the youth does not meet the eligibility requirements outlined in AB12, the county cannot request federal reimbursement for costs, but the use of "all county funds" does not impact what placement options are available.

JUN 11 2012

PROCESS FOR NAVIGATING PLACEMENT DISPUTES

Q: I am not happy in my current placement and want to move to a SILP, but my county social worker is telling me that I can't move. Is there anything that I can do?

A: State regulations require that "the decisions regarding continuation of current placements or moves to new placements shall be made in consultation with the NMDs" ([ACL 11-77](#)) and therefore you should have an active role in the decision making process. With SILPs in particular, however, there is an expectation that the non-minor dependent will pass a readiness assessment and that the NMD will identify their own housing. You can ask your social worker to conduct a SILP readiness assessment with you to help you to determine if you qualify and to identify areas that you can work on to ensure that you will be successful in a SILP (such as budgeting, money management, understanding tenant responsibilities, etc.). If you don't qualify at this time, the areas that you need to work on should be incorporated into your Transitional Independent Living Plan. You may also want to talk with a case manager at the Independent Living Services Program about how to go about looking for housing and developing a budget. The "[Young Adult's Guide to Housing](#)" can also provide some valuable tips for finding and securing housing.

If you are unable to come to a mutually agreeable resolution with your social worker, placement disputes can also be addressed through your county's informal grievance process or you can ask to have the dispute resolved in court by a judge. You can talk with your attorney to find out how to do this.

JUN 05 2012

NON-MINOR DEPENDENT ELIGIBILITY FOR CALFRESH BENEFITS

Q: Can a Non-Minor Dependent (NMD) in a Supervised Independent Living Placement (SILP) receive CalFresh benefits (i.e. food stamps)?

A: Yes. According to a [FAQ document](#) provided by CDSS, a NMD living in a SILP can apply for CalFresh. Eligibility for CalFresh is made on a case by case basis and considers the household composition, the individual's income, earned and unearned, including the foster care grant, assets, the amount of rent and utility expenses, student status and other factors. The fact that the NMD is receiving a foster care payment does not, in and of itself, make the young adult ineligible. Eligibility will be based on the combined income and resources of the young adult and may include the income and resources of other persons living in the SILP who purchase and prepare meals with the NMD. If the NMD is employed, that income will factor into the eligibility decision. Additionally, if the NMD is attending college, eligibility considerations are different. NMDs living in a SILP should be encouraged to apply for CalFresh, as they may be eligible, but should be informed that a variety of factors go into the eligibility determination, so it is not guaranteed.

MAY 28 2012

BACKGROUND CHECKS FOR ROOMMATES IN SILPS

Q: If a non-minor dependent is going to be living with other young adults in a roommate situation as a Supervised Independent Living Placement, do the roommates need to undergo a criminal background check?

A: No, it is not required that SILP roommates have background checks. Only the non-minor dependent themselves can ask potential roommates for the results of a background check. Case managers should advise youth about how to select appropriate roommates and let them know about how they can obtain information about potential roommates such as utilizing the Meagan's Law website (ACL 11-77, page 11). For a guide on helping youth to select roommates click [HERE](#).

MAY 22 2012

RE-ENTERING FOSTER CARE AND THE 5 PARTICIPATION CONDITIONS

Q: If a non-minor wants to re-enter foster care, do they need to be meeting one of the five participation conditions (e.g. working or going to school) in order to re-enter?

A: No. The initial meeting with a social worker temporarily satisfies the participation requirement until the TILP is completed.

According to ACL 12-12 (page 7), the young adult must agree to meet the participation conditions listed in ACL 11-61 and have a Transition Independent Living Plan (TILP) that documents which of the participation conditions the NMD will be participating in. A county has 60 days from the resumption of jurisdiction to complete the case plan and TILP with the NMD and the initial meeting with a social worker temporarily satisfies the participation requirement until the TILP is completed.

MAY 14 2012

NURSE FAMILY PARTNERSHIP PROGRAM: A RESOURCE FOR PARENTING NON-MINOR DEPENDENTS

Q: I participated in JBF's web seminar last week on the needs of parenting youth in foster care. There was information presented about the Nurse Family Partnership program, which the presenters said improves prenatal health and outcomes for mothers. Where can I learn more about this program and find an agency in my county?

A: The Nurse Family Partnership is an evidence-based program that has demonstrated benefits for both the child and the mother. Given the high incidence of parenting youth in extended foster care, making timely referrals to the Nurse Family Partnership is an important resource for non-minor dependents who are pregnant. To learn more about the Nurse Family Partnership and to locate an implementing agency, follow this [LINK](#).

MAY 08 2012

SILP HEALTH AND SAFETY INSPECTIONS

Q: For a Supervised Independent Living Placement, what areas of the physical environment must be assessed? For instance, do roommates bedrooms need to be looked at if the non-minor dependent will not be spending any significant amount of time in that area?

A: Payment is tied to eligible physical placement. Eligible physical placement is based on the completion of the *SILP Healthy and Safety Checklist* and the *Supervised Independent Living Plan (SILP) Approval and Placement Agreement*. Please note that number 1 on the checklist states "bedroom/sleeping area used by the youth". Thorough completion of these two documents is all that is needed to meet payment eligibility and SW/PO should follow these documents when completing their inspection.

MAY 01 2012

THP-PLUS FOSTER CARE IMPLEMENTATION

Q: The Administration's realignment trailer bill on was released last Friday and it appears to give county child welfare agencies the option as to whether to implement THP-Plus and THP-Plus Foster Care. Was THP-Plus Foster Care an option under AB 12 or was it required? How will this ultimately be determined?

A: Yes, language in the Administration's trailer bill provides counties with the discretion to use funding provided for THP-Plus and THP-Plus Foster Care for other purposes (page 79). This is a change in the policy adopted by the California State Legislature in AB 12, which required counties to establish THP-Plus Foster Care as a placement option for non-minor dependents. The decision as to whether THP-Plus Foster Care is optional or required will be determined by the Legislature and the Administration as part of the passage of the Fiscal Year 2012-13 budget package.

APR 30 2012

THP-PLUS UNDER REALIGNMENT

Q: The Administration's realignment trailer bill was released last Friday and it appears to give county child welfare agencies the option as to whether or not to implement THP-Plus and THP-Plus Foster Care. Was THP-Plus Foster Care an option under AB 12 or was it required? How will this ultimately be determined?

A: Yes, language in the Administration's trailer bill provides counties with the discretion to use funding provided for THP-Plus and THP-Plus Foster Care for other purposes (page 79). This is a change in the policy adopted by the California State Legislature with AB 12, which required counties to establish THP-Plus Foster Care as a placement option for non-minor dependents. The

decision as to whether THP-Plus Foster Care is optional or required will be determined by the Legislature and the Administration as part of the passage of the Fiscal Year 2012-13 budget package.

APR 23 2012

COUNTY PRACTICE REGARDING DISCHARGE AT AGE 19 IN 2012

Q: I am a manager in a Foster Family Agency. I recently learned that some counties are not discharging non-minor dependents who turn 19 in 2012, but instead are allowing them to remain in extended foster care until January 1, 2013 at which time they will be eligible to remain until age 20. My question: is this allowable and if so, how can I find out which counties are doing what, as my agency serves youth from many different counties?

A: The decision whether or not to discharge a youth from foster care once the youth turns 19 (during 2012) is made by the juvenile court. The question you raise has to do with funding. Under AB 12, a non-minor dependent is eligible to receive a foster care maintenance payment until age 19 in 2012. For non-minor dependents who are federally eligible for foster care, half of that cost is paid by the federal government. Once the youth turns 19, the youth is no longer eligible to receive a foster care maintenance payment (also known as AFDC-FC) until January 1, 2013 (when eligibility for foster care maintenance payments is extended until age 20).

If a county is authorized by its Board of Supervisors to fund out of the county general fund cases of a non-minor dependents past age 19 in 2012, the county child welfare agency or probation department assumes the full cost of care for the remainder of the year. Some of the 58 counties' Board of Supervisors are authorizing these funds. Other counties without this authority are petitioning the juvenile court to have the youth's case terminated when the youth turns 19. If the court grants the petition and dismisses dependency, the youth can re-enter on January 1, 2013 (and will be eligible to participate in extended foster care and receive AFDC-FC benefits until he/she turns 20 in 2013).

The California County Welfare Director's Association, along with others, worked hard to fix this issue in clean-up legislation, but were not successful due to fiscal concerns cited by the Administration. The best way to learn about the practice in different counties is to ask the non-minor's county child welfare worker or their attorney.

APR 16 2012

RE-ENTRY TO FOSTER CARE: COUNTY OF JURISDICTION VS. COUNTY OF RESIDENCE

Q: If a youth who exited care has moved to a new county and wants to reenter foster care, do they have to contact the child welfare agency in the county that had jurisdiction when they exited or can they contact the child welfare agency where they currently live?

A: According to ACL 12-12, the original county retains jurisdiction, but a youth who wishes to re-enter can contact either the county of jurisdiction or the county of residence. If the child welfare agency that the youth contacts is not the one that has jurisdiction over the case, the

county of residence is required to immediately assist the youth in determining the county of jurisdiction and allow the youth to phone the point of contact in the county of jurisdiction in order to begin the application process. In some cases the county of residence may be able to provide assistance to the youth with completing the necessary forms and send them to the county that has jurisdiction. If they are not able to provide this assistance, the county of jurisdiction must assess the circumstances of the youth's request and get the completed forms from the youth in a timely manner.

APR 09 2012

RE-ENTRY TO FOSTER CARE AFTER INVOLVEMENT WITH ADULT CRIMINAL JUSTICE SYSTEM

Q: If a youth exits foster care and becomes involved with the adult criminal justice system, does that disqualify him from re-entering extended foster care?

A: No; the existence of a criminal conviction does not bar the court from resuming dependency jurisdiction. If placement in a licensed or approved foster or relative home with dependent minors in the residence is planned for a youth who is re-entering, the county may elect to do a background check of the youth. The background check is solely for purpose of determining appropriate placement. Although the Health and Safety Code requires that adults residing in a licensed foster family home are subject to criminal background clearances, these sections do not apply to non-minor dependents residing in licensed foster family homes, because they are considered clients. This also applies to non-minor dependents in relative and non-related extended family member homes. For more information, refer to [ACL 12-12](#).

APR 02 2012

CONTINUING TO MEET EXTENDED FOSTER CARE PARTICIPATION CONDITIONS POST-PARTUM

Q: I am working with a non-minor dependent who recently gave birth to a child. She is taking time off from her job to be with her newborn. Does she still qualify for extended foster care and if so, under which of the participation conditions?

A: Yes, the non-minor dependent would still be eligible for extended foster care. Birth of a child does not disqualify a non-minor dependent from participating in extended foster care. Under these circumstances, she would likely meet participation condition #5, which states that the non-minor dependent is incapable of meeting participation conditions #1 to #4 due to a medical condition.

The medical condition must be verified by a healthcare practitioner and written documentation is required that the medical condition renders the individual incapable of doing any the activities that would allow her to meet one of the other four participation conditions. For more information about condition #5, refer to ACL 11-61.

MAR 26 2012

SPECIALIZED CARE INCREMENT (SCI) IN EFC

Q: My question is about the Specialized Care Increment. If a youth receives a SCI in their placement as a minor, are they able to continue to receive it as a non-minor dependent participating in extended foster care?

A: Yes. Non-minor dependents who were eligible for a Specialized Care Increment remain eligible for it as participants in extended foster care if they are placed in a foster family home or with a relative caregiver placement. SCI is not available in THP-Plus FC, placements through a Foster Family Agency (although, NMDs placed through an FFA may be eligible for the Intensive Treatment Foster Care rate), Group Home placements, or in Supervised Independent Living Placement.

MAR 19 2012

ELIGIBILITY FOR THE SILP

Q: Are there any categories of non-minor dependents that cannot live in a Supervised Independent Living Placement (SILP)?

A: There are not any categories of non-minor dependents that are prohibited from living in a SILP setting. In general, placement in a SILP is based on an assessment of the developmental readiness of the young adult. (All County Letter 11-77)

Those youth receiving extended Kin-GAP benefits, extended AAP benefits or extended AFDC-FC benefits as a nondependent with a non-related legal guardian are not eligible for a SILP or THP-Plus Foster care (or any other kind of foster care placement) because they are not in foster care. These youth may live in a college dorm as long as the former guardians or adoptive parent(s) maintain the support of the youth. These youth cannot receive the payment directly since these placements are not considered a SILP placement. (All County Letter 11-69; All County Letter 11-77)

MAR 12 2012

EFC ELIGIBILITY: ATTENDING SCHOOL AS A PARTICIPATION CONDITION

Q: My foster child will be turning 18 in the summer and wants to attend community college. Will that qualify him to be eligible for extended foster care?

A: In order to be eligible for extended foster care, a youth must meet with one of five participation criteria. One of the five criteria is being enrolled in an institution which provides postsecondary or vocational education. In order to satisfy the criteria, 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. As stated in **ACL 11-69** on page 10, "a nonminor dependent on summer break from school is still considered participating as long as they are enrolled for the following semester." (Scheduled school breaks do not affect the eligibility status of nonminor dependents). There is more

information about the post-secondary or vocational education participation criterion starting on page 23 of [ACL 11-69](#).

MAR 05 2012

UNACCOMPANIED REFUGEE MINORS PROGRAM

Q: Are refugee children who are placed into the Unaccompanied Refugee Minors (URM) program and receive refugee foster care services and benefits eligible for extended foster care?

A: AB 12/212 does not have any effect on children in the Unaccompanied Refugee Minors (URM) program. AB 12 concerns foster care benefits in the AFDC-FC program. AFDC-FC is paid for children who are in state foster care and is administered by the state. URM is a federal program. Children in the URM program do not receive AFDC-FC.

FEB 27 2012

NMDS' ELIGIBILITY TO RECEIVE FOSTER CARE PAYMENT DIRECTLY

Q: Can a youth participating in extended foster care receive the foster care benefits directly?

A: A youth living in a Supervised Independent Living placement *may* receive the payment directly. It is not guaranteed. If the young adult is receiving the payment directly it needs to be documented in the Transitional Independent Living Plan (TILP).

NMDs all other types of placements (like group homes, THP- Plus Foster Care, or a foster family home) do not receive the benefit directly, but a provider may agree to give part of the benefit to the NMD to manage in order to help the NMD to develop financial skills and greater levels of responsibility. [All County Letter 11-69](#); [All County Letter 11-77](#)

FEB 20 2012

KIN-GAP BENEFITS ELIGIBILITY WHEN RESIDING OUTSIDE OF GUARDIAN'S HOME

Q: I have a question from a youth who will soon be 18 years old and is currently in a Kin-GAP placement with her grandma. The young person wants to know if she can live on her own and still be qualified for extended foster care benefits after she turns age 18.

A: The young person may continue to receive Kin-GAP benefits if the negotiated Kin-GAP payments commenced when the youth was 16 or older. If that is the case, the guardian may receive the KinGAP benefits if he or she is providing support to the youth (even if the youth is living outside of the guardian's home). The benefits may only be paid to the guardian, her grandmother. KinGAP payments can never be made to the youth directly.

FEB 13 2012

PAYMENTS TO CARETAKER VS. YOUTH

Q: Does all of the extended foster care payment go to the caretaker or can the youth get some of the payment for living expenses? Is there a requirement to give some to the NMD?

A: Pursuant to Assembly Bill 212, the foster care payment has to go directly to one person. The only placement that the payment can go to youth directly is in a Supervised Independent Living Payment (SILP). However, a youth and his/her caregiver can (and should) discuss how much of the payment made to the caregiver will be provided to the youth for expenses. The Shared Living Agreement, available as an attachment to ACL 11-69, is a tool developed by CDSS that will assist caregivers and youth in setting forth their shared understanding of this, and many other aspects, of shared daily living. You can download the ACL and review the Shared Living Agreement (Attachment B to the ACL) by following this [LINK](#).

FEB 06 2012

OUT-OF-STATE PLACEMENTS AND ELIGIBILITY FOR EFC

Q: How does extended foster care work for a non-minor dependent who chooses to go to school out of state?

A: Out-of-state placements are allowed for non-minor dependents meeting one of the five participation conditions as long as s/he lives in an appropriate placement. Being enrolled in an institution which provides post-secondary or vocational education meets one of the five participation conditions. If a non-minor dependent moves out of state, the case manager must still comply with the monthly visits, as specified on page 16-17 in All County Letter 11-69.

JAN 27 2012

FILLING OUT THE FAFSA: YOUTH IN NON-RELATED LEGAL GUARDIANSHIPS (NRLG)

Question: When filling out the Free Application for Federal Student Aid (FAFSA), will a young adult living with a non-related legal guardian who is receiving extended benefits be able to claim independent status or will s/he be dependent due to the fact that the Non-Related Legal Guardian (NRLG) is getting benefits and supporting the youth at college?

Answer: A NRLG youth who is receiving extended benefits under AB 12 will continue to claim independent status. Question #54 on the 2012/2013 FAFSA asks whether a youth was or is in legal guardianship. The FAFSA instructions explain that applicants should answer "yes" if they can provide a copy of a court's decision that as of today they are in legal guardianship or if they can provide a copy of a court's decision that they were in legal guardianship immediately before reaching the age of being an adult in their state (18 in California). A youth receiving extended

benefits as a NRLG would continue to meet this definition. A “yes” response to this question qualifies the applicant for independent status for purposes of financial aid.

JAN 23 2012

DELINQUENCY VS. DEPENDENCY AND ELIGIBILITY FOR EFC

Question: Does the delinquency youth have the same re-entry rights/process as the dependency youth?

Answer: Youth in the delinquency system are eligible for extended foster care if they are under an order for foster care placement on their 18th birthday. Further, the California Fostering Connections to Success Act provides mechanisms for certain wards to enter transition jurisdiction prior to their 18th birthday, which would provide those youth with eligibility for extended foster care benefits in the same manner as youth under dependency jurisdiction upon turning 18. Youth who are either (1) under the court’s transition jurisdiction or (2) under the court’s delinquency jurisdiction AND under an order for foster care placement on their 18th birthday have all the rights as youth in the dependency system to participate in extended foster care, including the right to re-enter care. (*Welf. & Inst. Code § 388(e)*).

JAN 13 2012

NON-RELATED LEGAL GUARDIANSHIP (NRLG) BENEFITS AND RESIDING OUTSIDE OF GUARDIAN’S HOME

Question: My question is about non-related legal guardianship (NRLG) case (non-probate). If the youth is in college and still receiving support from the guardian but does not live in the home of the guardian full-time (i.e. lives in a dorm or something), is the guardian still able to receive extended benefits?

Answer: Yes. As long as the guardian is providing support to the youth, they can receive the AFDC-FC benefits even if the youth is at college. The funding has to be paid to the NRLG. It cannot be paid directly to the youth, as it would if the youth were living in a SILP. (See ACL 11-69, p. 15)