

Lessons from the 18 & Up Court about Transition Age Youth

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Lessons from the 18 & Up Court

- INTRODUCTION
- BRIEF SUMMARY OF EFC
- HISTORY OF OUR NMD COURTROOM
- PREPARING YOUTH TO TURN 18
- QUESTIONS

The Basics



Fostering Connections to Success Act

- AB 12, AB 212, AB 1712- comprehensive legislation passed over 4 years.
- Provides emancipation services to youth up to age 21, who experienced foster care.

History of the 18 & Up Court

- A. Opened in Los Angeles on 4/2016
- B. Allowed 2 days a week – 75 cases a day, now open 2.5 days per week
- C. Personnel -- County Counsel, 2 Court Officers, CLC4 for the youth, Peer Advocates and TAY Specialists.
- D. Anticipated 2,400 NMDs – but case count is over 2,500. Court also handles § 300 cases with NMD as the parent.

Lesson 1 that we learned....

- o Our Youth should be thinking about their future long before they turn 18.
- o We should be talking to them about their future, starting in junior high school.

Example: Selection of high school courses is important for college application.



WIC § 366.31 Review Hearing for Child Approaching Majority

- At last review before minor turns 18, court shall ensure:
- **TILP** shows plan to satisfy eligibility criteria to continue receiving aid.
- Child has been given all § 391 documents.
- Child informed of right to terminate jurisdiction & understands benefits of NMD case.
- Child informed of right to reinstate dependency in future.

ILP Eligibility

(Title IVE § 474, 475 & 477, WIC § 10609.4)

- ILP youth must have been in foster care between their 16-19th birthday for at least 1 day;
- Were/are under a guardianship with a relative (KinGAP) & received/are receiving KinGAP services between the ages of 16 -18 years of age;
- Under a non-related legal guardianship granted by Dependency Court on or after 8th birthday.
- **Ineligible:** detention or locked facilities, forestry camps, training schools, facilities that are primarily for the detention of § 602 youth, medical or psychiatric facilities, voluntary placements, wraparound program participants, placements due to an IEP.

TILP-Transitional Independent Living Plan

- The TILP is the driving factor to ensure that the youth has educational, housing and employment goals.
- The TILP is the only way the ILP worker knows what ILP funding is to be accessed to support the youth.
- TILP should be completed starting at 14.

Transitional Independent Living Plan (TILP) is Essential

- The findings made at review hearings are primarily related to what is in the TILP.
- TILP must be current and meaningful.
- No meaningful TILP attached, then the review hearing should be continued, unless it is impossible to have a TILP.
- The TILP is "the roadmap for the nonminor's transition to self-sufficiency." (*In re Nadia G.* (2013) 216 Cal. App. 4th 1110.)

APPLA

- When should youth start planning for their emancipation from the foster system?
- **NOW!!!!!!-Earlier Planning=better outcomes.**
 - What do you believe our foster youth are capable of achieving?
 - What successful outcomes do we see?
 - **Change the conversation**
 - What do some youth hear?
 - ❑ you need money now, school won't help you, you think you're better than me?
 - ❑ Going to a 4-year college is too expensive, you won't have supports at an out-of-state college.

Lesson 2

- It's not as easy as pie!



WHAT WE LEARNED EARLY ON...

- Most youth are too busy to attend court. Court attendance is cyclical. It is crucial for the attorneys, TAY specialist or Peer Advocates to be in touch with each NMD prior to the hearing to determine needs.
- Incentives to come to court... Fresh outfitters, peer advocates, FAFSA...

Engagement ideas to provide positive experience

- Staff the court with Peer Advocates
- Have relevant visitors to the court
- DMH-TAY
- The Alliance for Children's Rights,
- Youthsources centers
- College completion programs
- Year up
- Rightway Foundation

The court reality

- Hearings don't take long since so few youth come to court.
- Reading reports takes long especially for 75 cases.
- Planning how to assist NMDs takes time.
- Learning about the services available to NMDs takes time.

Solutions for difficulty in reaching youth

- Solution 1: Grant a one-time continuance in every case for attorney to contact the client. (Usually a 3-week continuance due to calendar congestion.)
- Solution 2: Set an earlier Receipt of Report so attorneys have newest contact info. or can contact social workers for it.
- Practice Pointer: *Obtain multiple contacts for the youth. (phone, email, etc.)*

WIC § 11403 Requirements for Continued NMD Jurisdiction

- Completing secondary education or equivalent;
- Enrolled in institution which provides postsecondary or vocational education;
- Participating in program or activity designed to promote/remove barriers to employment;
- Employed at least 80 hours per month; or
- Unable to complete one of the above due to documented medical condition.

WIC § 11403 Requirements for Continued NMD Jurisdiction

See also, **All County Letter No. 11-69, incl. Attachment "A"**

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

Things to know about continued EFC eligibility

- The agency must work with a NMD to ensure that the NMD meets one of the five conditions. (WIC § (11403, subd. (c).)
- The conditions the NMD meets must be documented in the transitional independent living case plan, which must be updated every six months. (*In re Aaron S.* 235 Cal. App. 4th 507 (2015).)

Things to know about continued EFC eligibility

- The requirement that a NMD be “participating in a program or activity designed to promote, or remove barriers to employment” should not be narrowly construed. (*In re R.G.* 240 Cal. App. 4th 1090, 1098 (2015).)
- The requirement may be met with participation in either an organized program or other activities that are designed to promote employment. (240 Cal. App. 4th at 1098.)

Things to know about continued EFC eligibility

- To be eligible for AB 12, a youth must:
- Want to remain subject to dependency jurisdiction" and participate in a reasonable & appropriate transitional independent living case plan. (*In re A.A.*, 243 Cal. App. 4th 765, 766 (2016).)
- A youth residing in a juvenile detention facility is not "in foster care" & therefore does not meet the statutory definition of a nonminor dependent. (243 Cal. App. 4th 765, 774 (2016).)

NMD attorney order -developed from the ILP funded budget sheets

- Counsel in Dept. 418 worked collaboratively with Judge Henry to develop an attorney order for items that are typically ordered by the court.
- Given the daily case volume of case, the attorney order is an effective tool to complete cases within the allotted time.
- See the attorney order attached.

Food for thought...

- Placements -- A youth who can't follow the rules at a group home, may thrive in alternate housing. (THP + F.C. or SILP)
- Participation – Don't assume that a NMD who won't talk to a CSW is not interested in AB12 or won't talk to someone else, like the attorney or a Peer Advocate. Keep trying until NMD hears the voice that connects.

Food for thought...

- Communication: How do they like to communicate – some youth prefer to text while others choose to email.
- Independence: Some NMDs need assistance to accomplish tasks such as school enrollment, applying for Cal I.D; others are completely independent and just want the financial support.
- Programs: Do some research about different programs and have them come to court and present. A working knowledge of the available programs increases your ability to help the youth.

Food for thought...

- Family and Permanent Connections: Start early to establish these connections.
- Parents - Youth can live with their parents. Youth never give up on their parents.
- Pregnant or Parenting: Many are good parents. Many have multiple children. Some fear their children will be taken into the system. Available childcare is a big issue. "In-laws" are a big source of support.

Termination and reentry



Termination of NMD Jurisdiction WIC § 391

- Court jurisdiction shall remain unless court finds termination is in best interest because:
 1. Nonminor does not wish to be subject to court's jurisdiction.
 2. Nonminor is not participating in a reasonable and appropriate TILP.
 3. Nonminor cannot be located despite reasonable and documented efforts.
 4. Nonminor is 21 years of age.

Termination of NMD Jurisdiction WIC § 391

- When terminating jurisdiction, shall maintain general jurisdiction to allow nonminor to file petition to resume dependency until attains age 21.
- Must also find that nonminor has been informed of benefits of remaining and right to reenter.

Termination of NMD Jurisdiction WIC § 391

- Hearing required to terminate (§ 391)
- NMD should be present unless refusal or can't locate – may appear by phone.
- Report describing whether it's in minor's best interest to remain.
- If report recommends termination, must include documentation of reasonable efforts to provide NMD assistance.

Termination of NMD Jurisdiction WIC § 391 (cont'd)

- Advise of right to petition for re-entry
- Before termination, Agency must provide information, documents and services set forth in WIC § 391(e) (1)-(9).
- OR – cannot comply with § 391(e) because unable to locate NMD.

Termination of NMD Jurisdiction WIC § 391 (cont'd)

- If the agency has not complied with the requirements of 391, the juvenile court cannot terminate its jurisdiction. In re Nadia G., 216 Cal. App. 4th 1110 (2013).
- The agency must "file a report verifying it has provided the youth with a checklist of information, documents, and services designed to aid the nonminor in transitioning to emancipation." (216 Cal. App. 4th at 1121.)

§ 391 Documents

At the hearing to consider terminating jurisdiction, DCFS must show these documents were given to the NMD:

- Soc. Security card
- Certified copy of birth certificate
- Health & Education summary
- Driver's license or California ID card

§ 391 Documents (cont'd)

- Proof of NMD's citizenship or legal residence
- Proof of dependency letter
- Death certificate for parents, if applicable
- An advance health directive form
- Judicial Council forms to file reentry petition

Necessary Documentation for WIC § 391 hearing

- A 90-day transitional conference should have been held before the hearing.
- A written 90 day plan, signed by the NMD, should be attached to the 391 report.
- A completed JV 365 form should be attached that has been initialed by the NMD next to each document or piece of information received and signed by NMD and CSW.
- Link to form:
<http://www.courts.ca.gov/documents/jv365.pdf>

NMD May Petition For Reentry under WIC § 388

- NMD files a JV 466 to state that the NMD is qualified for AB 12 and intends to comply with the requirements of WIC § 11403 .
- Court must find a prima facie case and set a hearing under Section 388(e)(2) within 15 judicial days, to grant or deny the application.

WIC Section 388.1

- Gives standing to a NMD to petition for reentry if the NMD's former guardian(s) or adoptive parent(s) dies or is no longer providing ongoing support to the NMD.
- The guardian must have received aid or benefits after the NMD turned 18.
- In re Jesse S., 12 Cal. App. 5th 611(2017) To be eligible for reentry, the adoptive parents must not be collecting AAP benefits on behalf of that nonminor.