



# Extended Foster Care: Facts, Myths, and Your Questions Answered!

Beyond the Bench Anaheim, CA December 2, 2013

# California's Approach to Extended Foster Care



#### **Eligibility**

- Designed to be as inclusive as possible
  - Opt-out program. Every youth when an order for foster care on his/her 18<sup>th</sup> birthday is in extended foster care.
  - o Re-Entry. No limitations on the number of times a youth can opt out and then opt back in.
  - Participation requirements. Intended to allow substantial majority of youth to meet participation requirements.

#### Eligibility

- To qualify for Extended Foster Care as a NMD:
  - Have an <u>open court case at age 18</u> (i.e. order for FC placement)
  - Satisfy one participation requirement
  - Sign a mutual agreement
  - Agree to meet with Social Worker/Probation Officer
  - Agree to work on transitional independent living skills
  - Live in a licensed or approved setting
  - Have 6 month court review hearings

#### **Eligibility**

- Participation Requirements (must meet one of the following):
  - 1. Be enrolled in high school or equivalent program
  - 2. Be enrolled in college/vocational school
  - 3. Work at least 80 hours/month
  - 4. Participate in a program/activity that helps you find a job or removes barriers to employment
  - 5. Be unable to do one of the above because of a medical or mental health condition

#### Placements for NMDs

- Placement decisions are made in consultation with the NMD
  - o NMD youth are adults
  - o Placements should be least restrictive
  - o Encourage independence
  - o Developmental needs and readiness for independence
  - Decisions are made in conversation with the youth




#### New Placement Options to Support Transition to Independence for NMDs

California created two "Supervised Independent Living Settings" ("SILS") just for non-minor dependents:

- Supervised Independent Living Placement (SILP)
- Transitional Housing Placement-Plus Foster Care (THP+FC) Program

#### **THP-Plus Foster Care**

- State licensed placement
- Provides housing and supportive services in semisupervised setting
- Single site, Scattered/remote site, or host family
- Ideal placement option for youth who are unable to reside in foster homes but aren't ready for a SILP

# Supervised Independent Living Placement (the "SILP")

- > Readiness assessment required
  - Physical inspection required
  - Least restrictive placement
  - Youth may receive foster care payment directly (\$859 per month)
- Housing options include:
  - Apartments
  - Room and board arrangements
  - College dorms/student housing
  - Shared room mate arrangement

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#### Approval of SILP...2 Step Process

 $1. \ \textbf{Must meet basic health and safety standards} \\$ 

#### AND

- 2. Youth must be deemed ready to live independently.
  - Social Workers conduct a <u>readiness assessment</u> jointly with the youth to determine if NMD is developmentally "ready" to handle daily tasks on his/her own (such as preparing meals, budgeting finances, paying bills, etc.)

#### **Expectations for the NMD**

- Sign a Mutual Agreement
- Meet one of the five participation criteria
- Continue to meet monthly with a social worker/probation officer
- Continue to have regular 6-month court hearings and administrative reviews
- Agree to work on a plan for independence ("Transitional Independent Living Plan") and work on goals in plan
- Youth must identify own housing if placed in a SILP

#### **Expectation of the Supervising Agency**

- Continue to have monthly, face-to-face meetings.
- Collaborative case planning focusing on the TILCP, which should include:
  - > Services for meaningful participation to maintain eligibility
  - > A plan for NMD's supervised placement setting.
  - $\,\blacktriangleright\,$  A permanent plan for transitioning to living independently.
  - ightharpoonup A plan for obtaining/maintaining permanent connections
- Transitional Independent Living Case Plan and TILP updated every 6 months.

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#### Role of the Attorney

- Counsel is charged with representing the wishes of the NMD, except when advocating for those wishes conflicts with the protection or safety of the NMD wic 317(e)
- NMD can designate attorney to appear on behalf of NMD.
- Upon re-entry, youth can request former attorney to represent him/her for reentry.

#### **Re-Entry: Returning to Extended Foster Care**

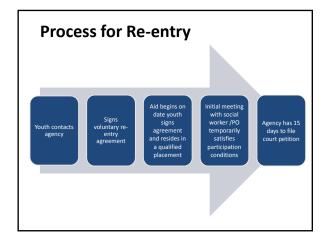
- ▶ Eligible nonminors (ages 18 until 21) can request the court to re-open their court case
- ▶ Youth re-entering will be assigned a worker, appointed an attorney and overseen by the court
- ▶ Re-entry is voluntary but eligible youth have a **right** to request re-entry as long as they *intend* to meet the participation requirements & it is in their best interests
- ▶ Eligible youth can re-enter unlimited times if under statutory age limits.

#### **Different Paths for Re-entry**

 Original legislation provided re-entry for NMDs under order for foster care placement on 18<sup>th</sup> b-day wic 388(e) (most common scenario)

**New:** Subsequent Legislation Expanded Re-entry:

- Eligible youth with relative guardian & non-related legal guardians or adopted who experiences the death of a legal guardian or adoptive parent(s) wic 388(e)(1)
- Eligible youth whose former guardian or adoptive parents no longer provide ongoing support to, and no longer receive payment on behalf of, the nonminor wic 388(e)(1) (new as of January 1st, 2015, AB 2454)



#### Special Population: Parenting Youth

- Up to 71% of young women in foster care are expected to become pregnant while in extended foster care<sup>1</sup>
- What is in place to support them?
  - -Additional/increased monthly payments
  - -Shared Responsibility Plans
  - -ILP geared towards parenting youth



#### **Special Population:** *Delinquency*

- Youth under the jurisdiction of the delinquency court ("wards") <u>are</u> eligible for extended care if there is an order for foster care at age 18
- In addition, once youth have met the terms of their probation, they are eligible to continue receiving services under new jurisdiction: transition jurisdiction
- Court may also assume transition jurisdiction upon re-entry to foster care

#### Transition Jurisdiction (WIC 450)

- What? Allows for former wards to continue receiving extended foster care once they've met terms of probation, but legally treated as dependents of the court, not wards.
- Why? Incentive for youth to take advantage of extended benefits after probation without remaining "delinquents."
- How? Court determines if terms of probation met and modifies jurisdiction.
- Who supervises? Probation or child welfare county option

#### **Special Population:** Youth with Disabilities

## New opportunities to assist youth with disabilities.

- Regional Center/SSI recipients are eligible for EFC
- CA requires SSI applications for all potentially eligible youth between 16.5 – 17.5, and AB 12 requires that SSI eligibility be maintained using workaround until youth exits extended foster care
- Extended care allows for time to ensure youth assessed for appropriate services and supports (IEP, SSI, Regional Center, etc)
- Allows for time to make meaningful transition plan to adult services

### **Special Topics:** College Students

California College Pathways



- Supports campus networks of programs for foster youth
- Provides training and technical assistance for emerging and established campus programs
- Advocates for policies and regulations to improve higher education outcomes for foster youth
- Collaborates to create a more seamless pipeline to college for K-12 foster youth

Visit the California College Pathways website at: <u>www.cacollegepathways.org</u>

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# Challenges, Obstacles and Ongoing Reforms



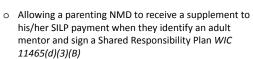
### **Ongoing Reforms**



- Technical Changes and Clarifications. EXAMPLES:
  - o Clarifying that NMDs who are "incapable of informed consent" do not have to sign the Mutual Agreement wrc agaid)
  - o Allowing a NMD to retain a developmental decisionmaker to assist with education or developmental decisions wicssi
  - o Allowing family reunification services to extend beyond the youth's 18<sup>th</sup> birthday wic 366.31(d), wic 361.6
  - o Improving process for inter-county transfers when youth moves across county lines  $_{\it WC\,12.1}$
  - Ensuring that a NMD awaiting approval of his/her new SILP placement does not experience any gaps in placements or payments wic 11402.2

#### **Ongoing Reforms**

- Substantive Changes. EXAMPLES:
  - o NMD Adoptions WIC 366.31(f)
  - o Expansions of re-entry WIC 388.1



0	Major changes in approach to probation youth
	between initial bill (AB 12) and the first clean-up bill
	(AB 212)

#### **Ongoing Challenges**

- Requirement of a foster care placement order on his/her 18<sup>th</sup> birthday has excluded some vulnerable youth:
  - o Cross-over youth in secure confinement on 18<sup>th</sup> birthday
  - o Cross-over youth "released" to a relative as opposed to "placed" with a relative
  - o Youth under a Voluntary Placement Agreement at age 18
  - o Youth who are in Family Maintenance at age 18
  - o Youth not identified by system until after age 18
- Age discrepancy & funding for permanency options:
  - Relative (16+) vs. Nonrelative (no age) for extended foster care funding
  - Age requirements for AAP (16+) for extended foster care funding
- Competency Issues

#### **Ongoing Challenges**

- California has not taken up all federal options
  - o  $\;$  California excludes youth who enter the military or get married from Extended Foster Care
  - o Youth cannot be in a SILP with a bio parent but we allow continued FR and federal government allows IV-E claiming for SILP with bio parent
  - $\circ$   $\;$  California doesn't allow a youth in a VPA at age 18 to participate in EFC
  - California doesn't allow youth to enter foster care for the first time after age
- o Federal options have limitations:
  - o Federal gov't isn't flexible with monthly visits (i.e. no skyping, facetime etc)

#### **Ongoing Challenges**

- Overuse of SILPs for youth that are not ready to live independently and delay in implementation of THP-Plus FC
- Supervision of SILPs for youth who move out-of-state
- Lack of housing options with "enhanced services" for special populations
  - Mental health support, Pregnant and Parenting teens, Cross over youth, youth re-entering care, youth with disabilities
- Local practice around re-entry, particularly for former probation youth
- Missed opportunities for collaboration with "adult systems"
- Supporting youth with disabilities
- Homeless NMDs

#### **Possible Solutions?**

- Issue: Exclusion of Vulnerable Youth
  - SB 12- Expanding definition to include youth in locked facilities
  - Change state policy to align with federal options
- Issue: Out of State SILPs
  - Advocate for federal changes to ICPC
  - Carve out exceptions for youth attending out of state college and living in dorms

#### **Possible Solutions?**

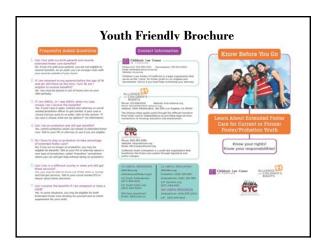
- Issue: Housing Challenges
  - Leverage community housing options that might serve populations better e.g. clarify that adult residential facilities can be approved as a SILP in the same way that adult treatment facilities can be approved and create placement options specific to NMDs with high end disabilities
  - Create community partnerships for missing services i.e. THP+FC provider can partner with mental health provider
  - Provide additional funding incentives for providers
- Issue: Homeless NMDs
  - Clarify that all youth in foster care –including NMDs are entitled to
    placement and create mechanisms for better court oversight and
    utilization of emergency placements.

### **RESOURCES**



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## **Youth Friendly Placement Overview** KNOW BEFORE YOU GO Supervised Independent Living Placement What is a SILP? A SILP is a placement that you find. You decide where you live and who you live with. There is no caregiver, but it still has to be approved. Who are SILPs for? The SILP is designed for young adults (ages 18 to 21) who are ready to live on their own with limited financial and emotional support. Good candidates for a SILP should be able to: Pay all their own bills and manage their own money Find a safe, secure place to live Be ready to live independently How do I choose a SILP? A lot of places can be SiLPs: houses/apartments, dorms, rooms for rent, living with a relative or close friend. When you are deciding, you should consider: Can you afford the housing? You don't want to have to move often, or get evicted. Is the housing safe? Talk to people you trust about the pros/cons of your options. Note: Living with your biological parents is not allowed as a SILP. **Youth Friendly Reentry Letter** KNOW BEFORE YOU GO Re-entry: Coming Back into Foster Care A new law called the California Fostering Connections to Success Act (ABI2/212/1712) has made important changes to foster care. Now that your case is closed, you have the option to come back into Extended Foster Care. If your case was open with DCFs, you will come back under dependency jurisdiction. If your case was open with probation, you will come back under transition jurisdiction, you will come back under transition jurisdiction. Who is eligible to re-enter foster care? You must be under an order for foster care placement with an open case on your 18th birthday. You must be younger than 20 in 2013 or younger than 21 in 2014. It is foster care for young adults. Youth under extended foster care are entitled to housing and help that will prepare you to live on your own, including learning to manage finances, support to go to school, assistance finding a job, etc. How do I ask the court to re-open my case?

#### **USEFUL LINKS**

#### CalDOG

 $\underline{www.courts.ca.gov/dependencyonlineguide}$ 

☐ California Fostering Connections to Success Page www.cafosteringconnections.org/index.html

☐ California Social Work Education Center http://calswec.berkeley.edu/CalSWEC/OtherTraining AB12.html

☐ California Rules of Court and forms www.courts.ca.gov/formsrules.htm

☐ CDSS All County Letters www.dss.cahwnet.gov/lettersnotices

