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REASON FOR THIS TRANSMITTAL

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

November 18, 2011

ALL COUNTY LETTER NO. 11-77

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

SUBJECT: EXTENSION OF FOSTER CARE BEYOND AGE 18: PART TWO
(PLACEMENT)

REFERENCE: ASSEMBLY BILL (AB) 12; PUBLIC LAW (PL) 110-351; WELFARE AND INSTITUTIONS CODE (W&IC); MANUAL OF POLICIES AND PROCEDURES (MPP); ALL COUNTY LETTER (ACL) 11-15; ACL 11-69; ACL 11-61; ALL COUNTY INFORMATION NOTICE (ACIN) I-40-11

The purpose of this ACL is to provide counties with instruction regarding the policies and procedures for the placement of Non-Minor Dependents (NMDs) in the Extended Foster Care (EFC) Program. This program allows foster youth to remain in foster care, under court jurisdiction, beyond age 18 as NMDs. The provisions described in this ACL also apply to those young adults in Non-Related Legal Guardianships (NRLGs) (except where noted), under a Tribal Title IV-E agreement, or supervised by probation who were subject to an order of foster care placement on their 18th birthday. All references to case managers include both social workers and probation officers.

An additional ACL will be forthcoming that will focus on eligible probation youth and the process for re-entry described in AB 212, which was signed into law on October 4, 2011. More information about the EFC Program is in ACL 11-69, dated October 13, 2011, and information on eligibility for the program is in ACL 11-61 dated November 4, 2011. Refer to ACL 11-15, dated January 31, 2011, for information regarding non-minors in the Kinship Guardianship Assistance Payment (Kin-GAP)

Program. Non-minors in Kin-GAP and Adoption Assistance Payment (AAP) Programs are not addressed in this ACL as they are not in foster care placement. An additional ACL regarding information on both of these programs and related forms will be forthcoming.

CONTINUUM OF PLACEMENT OPTIONS FOR NMDs

The existing range of placement options is available for NMDs through EFC, such as:

- Approved relative (including California Work Opportunities and Responsibility to Kids),
- Non-Related Extended Family Member (NREFM),
- Foster Family Home (FFH), Foster Family Agency (FFA),
- Small Family Home,
- Whole Family Foster Homes,
- Group Home (under limited circumstances),
- Transitional Housing Placement Program (THPP) (under limited circumstances).

Two additional placements are available for NMDs, both are Aid to Families with Dependent Children-Foster Care (AFDC-FC) eligible, and are described below:

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

New placement agreement forms specific for NMDs have been developed and will be posted, by January 1, 2012, on the California Department of Social Services' (CDSS) website at: <http://www.cdss.ca.gov/cdssweb/PG183.htm>. The new placement agreements for NMDs are:

- SOC 152 Placement Agency – THP-Plus-FC Provider Agreement
- SOC 153 Placement Agency – FFA Agreement
- SOC 154B Agency - Group Home Agreement
- SOC 156A Agency – Foster Parents Placement Agreement
- SOC 157A SILP Approval and Placement Agreement
- SOC 157B SILP Inspection: Checklist of Facility Health and Safety Standards

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 decisions regarding continuation of current placements or moves to new placements shall be made in consultation with the NMDs. For SILPs, an assessment of readiness will be part of the decision making and selection of placement. This is discussed in more detail on page eight. The case plan shall consider the full range of placement options which includes the new placement options THP-Plus-FC and SILP.

1. Licensed or certified foster homes and approved relative homes

On or after January 1, 2012, the NMDs may remain in their current placement without requiring a new placement agreement. If NMDs move to another licensed or certified foster home, a pre-placement appraisal must be conducted and a new placement agreement form must be signed. The pre-placement appraisal is a process which includes a conversation with the case manager and caregiver to determine the needs of the NMD, the ability of the caregiver to provide for those needs and to ensure the safety of everyone in the home. The requirements for the pre-placement appraisal are described in the interim standards, under intake or admission procedures for each placement type. The interim standards can be found at <http://ccld.ca.gov/>. The pre-placement appraisal is not necessary for approved homes such as relative or NREFM placements.

It is understood that when the foster youth approaches age 18 and wants to remain in the same placement, the caregiver and the young adult may want to work on an agreement that will help to define these different roles as caregiver and young adult. To do this, counties have the option to utilize a Shared Living Agreement. Attachment A provides guidelines of topics such as communication and household responsibilities that may want to be included in the development of a Shared Living Agreement. This can help to ensure that the NMD and the provider/caregiver have a shared understanding about household rules and expectations.

Practice Tip: How to use a Shared Living Agreement

A foster youth is living in a Relative or FFH placement when he/she turns 18 in February 2012. The youth has completed high school and wants to remain in EFC while working part-time. The foster youth, now a NMD, may remain in the same placement without a new Placement Agreement. However, the caregiver and the NMD may want to negotiate different rules and agreements for the placement utilizing a Shared Living Agreement. This agreement outlines areas for consideration that are appropriate to discuss when there is an adult living with another adult. For example, a

minor may have had a curfew. Now that the NMD is an adult, a Shared Living Agreement allows for increased responsibility based on the developmental needs of the NMD. For NMDs completing high school a negotiated curfew may be appropriate on school nights, whereas other NMDs may have a night job which would make a curfew not applicable. The caregiver and the NMD can develop a plan on how the young adult takes responsibility in letting the caregiver know when he/she will be home so the caregiver does not worry.

❖ *The NMDs sharing rooms with minors:*

The NMDs who remain in the same placement may continue sharing a room with a minor in the home. For NMDs who change placements, the NMD may share a room with a dependent minor at the discretion of the case managers for both parties. Situations which may be appropriate for the NMDs to share a room with a minor would be if the minor was a sibling, or other relative, or if there is not a large age gap between the two. In a situation where a NMD and a minor are sharing rooms, it is important that both parties are comfortable with the living arrangements.

❖ *Placement of NMDs when re-entering EFC*

After reaching age 18, NMDs can exit foster care at any time. The NMDs can also return to foster care if they have not reached the maximum age limit for EFC. The process for re-entry will be discussed in a subsequent ACL. For NMDs who return to EFC after a break, placements in licensed foster homes where minors reside are allowed. A pre-placement appraisal will need to be conducted to ensure that the placement is appropriate for the NMD and all residents in the home. A county may elect to conduct background checks via California Law Enforcement Telecommunications System or fingerprinting for NMDs who re-enter EFC and are placed in a licensed home with minors. The results of the background checks are not to be used for the purpose of precluding NMDs from re-entry, but solely to determine the safety and appropriateness of placing the returning NMDs with dependent minors (WI&C section 16504.5). The placing agency has the discretion to place the NMDs prior to receiving the results of the background checks as long as the pre-placement appraisal indicates that the NMD does not pose a threat to anyone in the home. If NMDs have a criminal record, this does not disqualify them from entry to EFC as long as they meet one of the participation criteria as described in ACL 11-69, dated October 13, 2011. See W&IC sections 388(e)(4) and 16504.5(a) for the statute that describes background clearances for re-entry of NMDs. A subsequent ACL regarding re-entry for NMDs is expected to be released in December 2011.

2. Group home placement

Continuing a group home placement for NMDs may only be considered if the placement allows the NMDs to finish high school. After graduation or age 19, whichever is first, placement in a group home is prohibited unless the NMD meets participation condition number five, medical condition (see ACL 11-69), and group home placement is a short-term transition period to a less restrictive and more family-like setting or discharge to the appropriate system of care for adults (W&IC section 16501.1(c)(1)). Treatment strategies to alleviate or ameliorate the qualifying medical condition shall not constitute the sole basis to disqualify the NMD from the group home placement. Counties can determine the standard for determining the length of the transition period to the appropriate system of care, such as regional centers.

If it is necessary for admission to or continued placement in a group home for NMDs, the group home placement approval decision *shall include a youth-driven, team-based case planning process*, pursuant to W&IC section 16501.1(c)(1). Team-based case planning processes include Team Decision Making Meetings, Family and Child Team Meetings, Emancipation Conferences, Family Group Decision Making Meetings, or any meeting where the NMDs are a participant and are included in an empowered manner. The NMDs can invite a permanent connection or other people to participate in the meeting. Wraparound services may be a tool to assist in supporting NMDs' transition to lower levels of care. Wraparound services are explained on page 12.

For group home placements, the case plan shall specify the following:

- a) Why a group home is the best placement to meet the needs of the NMD;
- b) How this placement will assist the NMD's transition to independent living;
- c) The treatment strategies that will be used to prepare the NMD for discharge to a less restrictive setting or more family like setting;
- d) A target date for discharge from the group home;
- e) Periodic review of the placement to ensure that it remains the best option for the NMD and progress is being made toward achieving the goal of independent living.

3. THP-Plus-FC

A new foster care placement option called THP-Plus-FC was created via W&IC section 11403.2(a)(3). This is a foster care housing program specifically for NMDs who are in an EFC placement under the jurisdiction of the court. This is a Title IV-E eligible placement. This program is for NMDs who are not ready for a highly independent type living situation. It will offer similar housing models and supportive services that are available in the current THP-Plus Program that will continue for non-dependent former foster youth. The THP-Plus-FC Program will provide housing for

NMDs and offer more frequent and intensive services for NMDs than other placement options. This placement option is not required to be licensed by Community Care Licensing, but will be approved according to health and safety standards. Providers, approved by the county, will certify individual sites for placement of NMDs.

The CDSS is in the process of developing statewide approval standards and a statewide rate structure with input from AB12 sponsors and stakeholders. All potential THP-Plus-FC providers, including those who already provide THP-Plus, must be approved using these approval standards. The CDSS anticipates the standards will be available by January 2012; and therefore, this will likely result in a delay in the implementation of THP-Plus-FC for most counties. Counties are encouraged to continue developing their programs, including contracting with providers, to the extent possible, collaborating with surrounding counties and outreaching to youth. Counties are not required to revise the county plans or Letters of Intent for the Transitional Housing Programs which were due October 1, 2011 (see ACL 11-53, dated July 25, 2011). A separate ACL is will be released regarding THP-Plus-FC, the statewide rate structure, provider information, and approval standards.

NOTE: The THP-Plus-FC is one of several placement options for NMDs. Beginning January 1, 2012, foster youth who have reached 18 years of age and who want to participate in extended care have the option to do so as long as they meet all applicable program requirements. Even if THP-Plus-FC is not available as a placement option on January 1, 2012, the NMDs can remain in the current placement or the county can place the NMDs, as appropriate, in one of the other placement options as described in this ACL.

4. SILP

The SILP is an entirely new and flexible placement type for foster care that was created for NMDs participating in EFC. It is intended to provide young adults with the opportunity for highly independent living experiences while receiving financial support along with the safety net of a case manager to provide support and services for problems that arise. 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.

The NMDs are responsible for finding their own SILP units; this is not a typical placement where the county places the individual in a home or facility that has already been designated as a licensed or approved placement facility. The NMDs may find an apartment close to school or work, or they may rent a room from a friend. Although the county does not “find” the placement, it must still be approved by the county. To help ensure the safety of NMDs who are living in a SILP, a readiness assessment and

approval process for the SILP location is required for these placements. This will be discussed in more detail below.

All SILPs will receive the basic foster care rate and the applicable county clothing allowance. The Specialized Care Increment is not available for this placement as described in W&IC sections 11461(a), 11461(e)(1) and (f). However, parenting NMDs can receive the infant supplement when residing in a SILP. The SILP placements can include:

- Apartments (alone or with roommates)
- Single Room Occupancies (may have shared bathrooms and/or kitchens)
- Renting a room (including from a former caregiver)
- Dorms/university housing

The SILP placements are for NMDs who are developmentally ready to live independently or in a less restrictive environment (such as renting a room) with less intensive services from a case manager or caregiver. There is no caregiver or provider to assist the NMDs as with other placement types; therefore, it is important to ensure the NMDs are ready for this type of placement.

Placement in a SILP must be specified in the NMDs' case plan as described in W&IC section 11400(w). The use of this placement type must also be based on the developmental needs of NMDs as described in W&IC section 16501.1(c)(1). The SILPs are the least restrictive placement option for NMDs; however, these young adults remain court dependents under the placement and care supervision of the county placing agency. The NMDs continue monthly face to face meetings with their case managers.

Although preparing NMDs for living independently is a goal of EFC, equally important is developing a permanent connection for NMDs before they exit EFC. Therefore, in planning SILP placements for NMDs, living situations which include adult siblings, appropriate extended family members, tribal members, NREFM or mentors should be explored.

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, although it should be noted that the assessment for the six-month Transitional Independent Living Plan (TILP) updates are still required. For NMDs moving into college dorms, it is important to have a plan for where NMDs will live when school is not in session if the dorms are closed.

NOTE: The NMDs are not allowed to live in a SILP with a biological parent and receive a foster care placement payment. Living with other appropriate relatives, such as an adult sibling, is acceptable and should be encouraged for the purpose of developing a permanent connection.

Approving a SILP is a two part process consisting of assessing the NMD's readiness for a SILP and approving the physical unit.

❖ *Assessing Readiness for a SILP*

When planning for a move to a SILP, a readiness assessment must be completed. The Ansell Casey, Daniel Memorial or other nationally recognized assessment (approved by the state) that counties already use for TILP assessments may be used to evaluate, in conjunction with the NMD, their readiness for a SILP. The assessment should indicate whether or not the NMD has knowledge of financial skills and is developmentally ready (both mentally and emotionally) to handle daily tasks on their own such as: grocery shopping, preparing meals, budgeting, managing money, paying bills, etc. Their ability to handle independence, including things such as, waking up in time for school or work, stress/anger management, basic knowledge of preparing own meals, should also be discussed if not covered in the assessment. As a best practice, the NMD should have a financial plan to meet his/her living expenses while living in SILP including sufficient funds to pay for rent, food, transportation, clothing, and other essential expenses.

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. If SILP does include shared housing with a permanent connection, that additional support and guidance by the permanent connection can be a factor in determining readiness. When a NMD is considering a SILP where there is no permanent connection on site, the readiness assessment must take into account that youth's level of skills and ability to manage independent living in this least restrictive environment. For NMDs whose assessment clearly determines they are not ready for a SILP, the life skills areas in need of improvement should be turned into goals on their TILPs. The case managers and NMDs can work together on improving those skills so that NMDs can work toward living in a SILP. To ensure that the NMDs

stay in EFC is beneficial, the case managers should clearly explain why the NMDs are not ready for a SILP in a manner that NMDs can understand and outline the steps NMDs need to take to become ready for a SILP. The reason for not approving the SILP placement should be documented on the assessment and attached to the Approval and Placement Agreement form (SOC 157B) and a copy of the form should also be provided to the NMDs. If a NMD disagrees with the outcome of the joint assessment, he/she has the right to a grievance process. See page thirteen regarding grievance procedures.

Indicators that NMDs are not ready for a SILP placement may include, but are not limited to:

- Rent and utilities exceed income;
- Unstable income;
- No knowledge of how to count money, budget, or pay bills; or
- Unable to care for self without assistance due to a serious medical or mental health condition.

The assessment is not to be used to permanently deny a SILP placement, but as an opportunity to work with the young adult to determine the most appropriate placement. For example, a young adult may need to try a THP-Plus-FC setting, which provides more supportive services to prepare for a SILP.

Practice Tip:

If the assessment clearly indicates that the young adult has significant needs in specific areas before being ready for a SILP, those areas should be identified in TILP. The TILP should include a clear plan on what steps a NMD needs to take to be prepared for a SILP. This will help to ensure NMDs are receiving the proper support and services to build the skills needed for success in a SILP and ultimately for transition out of EFC placement.

❖ *Approving a SILP Unit*

The SILP Inspection checklist (SOC 157B) is required to be completed (attached) prior to approving a SILP unit. The SILPs need to meet basic health and safety standards. Counties will approve a SILP unit for a NMD based on SOC 157B which is completed during a walkthrough of the site with the NMD. The SOC 157B inspection is to ensure that SILP units have basic amenities such as running water, heat, electricity, fire escapes and that it is free from hazards such

as exposed electrical wires, black mold and insect or rodent infestations. Minor issues that can be repaired by the landlord, or may seem undesirable (but not a safety hazard) are not reasons to disapprove a site. The case manager may wish to discuss their concerns with the youth but a SILP unit should not be denied unless there are health or safety concerns. A denied unit does not mean the NMD cannot live in a SILP, but means the NMD needs to find a more appropriate SILP unit or location. A copy of the SILP Inspection checklist should be provided to NMD to help with the search for the next SILP unit.

The SILPs are intended to be very flexible living situations which can include sharing bedrooms or renting a room from a friend. Living situations for young adults will likely reflect the economic realities of the area in which they reside. It is recognized that there will be situations in which a NMD will change SILPs unexpectedly. To ensure continuity of payment, NMDs are allowed to live in an unapproved SILP temporarily while awaiting approval of the new SILP (WI&C section 11402.2). In a situation where a NMD moves unexpectedly, the county must inspect the new SILP site within ten calendar days of the move to ensure continuity of the payment, as a NMD can only be temporarily absent from an approved placement for up to 14 days in one month. It will be important to explain to NMDs who are in SILPs that this type of move could disrupt their payment.

A re-assessment of SILP unit must be conducted annually to ensure no significant damage has occurred to the residence that compromises the safety of the unit. The case manager's role is to ensure the residence is still safe, not to examine the cleanliness of the unit. The same approval and placement agreement form is also used for the re-assessment.

The SILP Approval and Placement form (SOC 157A) with the attached SOC 157B is sent by the approving case managers to the Eligibility Workers for authorizing the payment and designating the payee. The NMD may be the payee (this will be documented in the NMD's case plan), but the NMD also has the option to request the check be paid to another party, such as a landlord. A copy of SOC 157A should be kept in the NMD's case file and a copy should also be provided to the NMD.

Practice Tip

In consulting with foster youth regarding SILPs, it is very important to them that their comfort level with the living situation be given consideration. A living situation which may be comfortable to a young adult may not be considered a

desirable situation for the person inspecting the SILP. For example, 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.

Tribal SILPs

For SILP units that are on or near a reservation, for which the tribe is the approving agency, SILPs are similar to tribally approved homes and are not subject to the same approval standards. Tribes have the independent authority to approve a SILP using their own socially and culturally appropriate standards pursuant to the Indian Child Welfare Act, 25 United States Code section 1931, which provides that tribally approved homes are deemed equivalent to licensing or approval by a state. The SILP checklist has been adapted for tribal use, if the tribes choose to use the form. Items on the checklist that are not applicable to standard housing units on the reservation can be excluded from the approval standards. For example, if smoke detectors are not used on the reservation, it can be noted as waived on the form. These instructions will be included on SILP approval form. Refer to ACIN I-86-08 regarding tribally approved homes.

SILP ROOMMATE SELECTION

It is likely that NMDs will need to live with a roommate(s) in a SILP in order to maintain a financially stable living arrangement. They have freedom to choose their roommates and it is important for the case managers to guide NMDs about how to select appropriate roommates/housemates, particularly if the roommate(s) they choose is someone they do not know well. Case managers can introduce NMDs to tools to help protect themselves such as the Megan's law website and background checks.

It is not required that SILP roommates have background checks as NMDs are adults and need to learn how to make important life decisions. Only NMDs can ask potential roommates for the results of a background check. Case managers may advise the NMDs to ask roommates to provide the results of a background check if there is reason to suspect that a NMD may be choosing a potentially dangerous living situation. The case manager should respect the NMDs privacy and adult status when discussing whether a background check is appropriate.

EMERGENCY PLACEMENTS

Emergency placements may be necessary for NMDs. Until regulations for EFC are developed, MPP section 31-410 regarding temporary placements and MPP section 31-45 regarding emergency shelter care (that is a licensed or approved eligible facility) apply to NMDs in need of emergency placement. However, group home placements will still follow under the limitations described in WI&C section 16501.1(c)(1).

VISITATIONS

Federal requirements for case manager supervision of children in foster care require that a majority (51 percent) of monthly supervision visits be in the residence of the child. This is also state law, required per W&IC section 16501.1(k). At this time, the federal guidance requires that the same visitation requirements be applied to NMDs. For those NMDs placed in SILPs, there may be situations in which NMDs do not want their roommates to know their foster care status. The case manager should make efforts to respect NMDs' privacy by being flexible, to the extent possible, with the time or weekday that monthly visits are scheduled to avoid having visits scheduled when roommates are at home if NMDs do not want their foster care status revealed.

CALIFORNIA WRAPAROUND SERVICES

Wraparound services can further support NMDs with identifying and establishing permanent connections. Wraparound is a process that values the engagement of the youth and his/her family in a manner that shifts from a problem focused view of issues to building on individual strengths to improve family and youth well being. The goal is to provide intensive, individualized services and supports to families that will allow children to live and grow up in a safe, stable and permanent family home.

Although Wraparound in California has not been previously provided to this young adult population, the program philosophy has promise given that the model uses a team approach to coordinate services and supports. The Wraparound approach is a needs driven, strengths-based planning process that can bring together sufficient friends and family using a team approach to engage and address areas such as, transition planning, lack of supports, impaired functioning, social, communication and basic living skills. The NMDs that are in crisis or need assistance may benefit from short-term intensive community based services.

For NMDs and families in the foster care system, the Wraparound process can continue to be accessed at any time until reaching the maximum age of EFC. To be eligible the NMDs must continue to meet eligibility requirements described under the Program Participation Criteria as outlined in ACL 11-69 and at risk of placement in a group home

licensed by the Department at a rate classification level of 10 or higher, or they are currently placed in a group home and will be transitioned to a lower level of care within the next three months.

Providing Wraparound Services while a NMD is in a short term group home placement may be beneficial to facilitate a transition to an appropriate adult system of care. For a NMD who could benefit from Wraparound services but who does not qualify for services based on the risk of a group home placement or current residence in a group home, the county may choose to use any available cost savings to provide Wraparound services as deemed appropriate. Participation in Wraparound is completely voluntary for NMDs, and they may terminate Wraparound services at any time. For more information on Wraparound refer to ACIN I-28-99, dated April 7, 1999, or visit: <http://www.childsworld.ca.gov/PG1320.htm>

MEDICAL CONFIDENTIALITY

It is important for NMDs to learn about adult responsibilities which include being informed about the medications they are taking and how those medications interact with other medications, food or drink. The NMDs have all legal decision making authority as any other adult. This includes privacy regarding their medical conditions and consenting to receive treatment or to take medication, even psychotropic medications. The federal requirement to include information about known medical problems, medications and other relevant health information as described in 42 U.S.C. 675(1)(C) and (5)(D) still applies because a dependency is still in effect. The W&IC section 16010 requires that this information must be documented in the Health and Education Passport (HEP). While confidential, the information contained in the HEP must be provided to the caregiver of NMDs placed in licensed and approved settings. Personal rights of NMDs require that caregivers keep all medical information confidential and cannot release information to another party without written consent from the NMDs. The interim standards cover this in section 893172, subsection (b)(13)(A) for Small Family Homes; section 84472, subsection (b)(14)(A) for Group Homes; section 86172, subsection (b)(12)(A) for Transitional Housing Placement Programs; and section 893172, subsection (b)(13)(A) for Foster Family Homes (and Certified Family Homes).

GRIEVANCE PROCEDURES

Counties will need to develop grievance procedures for NMDs. The case managers should discuss this grievance procedure with the NMDs and provide a copy of the process to them. County processes developed for other placement types, such as those utilized for THP-Plus, can be used. In a situation when the NMD disagrees with the outcome of readiness assessment for a SILP, lack of approval for a SILP unit, or has a conflict with the case manager that cannot be resolved between the two of them,

the NMD has the right to a grievance process. These types of disputes can ultimately be brought before the court by the NMD without utilizing a grievance process first. However, counties may want to consider developing a method to deal with disputes outside of court such as by using a team decision making model, grievance process or other type of informal mediation. If mediation is tried, but unsuccessful, the NMD can bring the issue up before the court.

The NMDs can also report issues or concerns to the Foster Care Ombudsman's Office at 1-877-846-1602 or through the website at: <http://www.fosteryouthhelp.ca.gov/>. The County Ombudsman's number, if applicable, should also be provided to the NMDs.

REPORTING SUSPECTED ABUSE OF NMDs

Amendments to W&IC section 16504(c) authorizes the child welfare agency to evaluate for an emergency response to an allegation that a NMD is endangered by abuse, neglect, or exploitation by a licensed or approved caregiver in order to determine if the placement is safe and appropriate. The suspected abuse by a licensed or approved caregiver shall be cross reported to the appropriate licensing or approval agency.

Health and Safety Code section 1536.1 requires the same type of notification to the licensing agency for NMDs in licensed foster homes or facilities when there is suspected abuse or other incidents that would jeopardize the health or safety of any other residents in the home or facility. If it is suspected that a NMD who is living in a SILP is being abused by a roommate, this should be reported to local law enforcement. This would not be reported to adult protective services as they do not serve this population of adults.

CAMERA-READY COPIES AND TRANSLATIONS

For a camera-ready copy in English, contact CDSS' Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access, you may obtain these forms from CDSS' webpage at http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm. When all translations are completed per MPP section 21-115.2, including Spanish forms, they are posted on an on-going basis on our web site. Copies of the translated forms can be obtained at http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm. Until translations are available, clients who have elected to receive Spanish, Russian, Vietnamese, and written Chinese materials should be sent the GEN1365 interpretation informing notice with a local contact number.

For questions on translated materials, please contact Language Services at (916) 651-8876.

ADDITIONAL INFORMATION

Refer to ACL 11-69, dated October 13, 2011, for more information on the EFC Program. Additional ACLs are still being developed.

For questions related to the information provided in this ACL, please submit your question(s) to ab12@dss.ca.gov. We ask that you please submit all questions by email to assist us in tracking questions and identifying areas that may need to be addressed in future ACLs.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

GUIDELINES FOR SHARED LIVING AGREEMENT (SLA)
BETWEEN CAREGIVER AND NON-MINOR DEPENDENT (NMD)

The guidelines in this document outline a SLA agreement as a basis for a written understanding between the caregiver and NMD on an array of expectations for placement in a household. It is broad in scope, covering many aspects of shared daily living; however each agreement will be individualized, reflecting the specific values, concerns and personalities of the caregiver and non-minor dependent who is now an adult. The agreement should aid in the creation and maintenance of a successful placement, which supports NMD's continued transition to independent adulthood. Since individuals and circumstances change, the agreement will be renegotiated and updated, as needed and appropriate.

GUIDELINE TOPICS:

These topics have been developed to assist in the completion of a meaningful SLA. Although the caregiver and NMD should discuss and agree upon the expectations, rights and/or responsibilities for each of the categories listed (i.e. Household Rules and Customs), the sublist under each category is intended to be a prompt only for discussion purposes. There is no need to reach agreement as to each item (for example, not every SLA will include an item about shared meals or holiday celebrations, or a curfew for NMD). In addition, young adults and providers should also address any additional issues not included in the checklist that are important to their situation.

NOTE: If the placement or household is a currently licensed or approved facility where minor dependents are residing, all licensing rules remain in effect and must be followed. Nothing in this agreement can supersede or impinge on the licensing or approval standards that apply to the minor dependents living in the home.

NOTE: If you are a parenting NMD you should complete the Shared Responsibility Plan.

Mentoring/Skills/Interests

May include:

- Interests of NMD
- Areas NMD wants to gain skills or resources
- Strengths of NMD and the provider
- Areas of shared interests

Household Agreements and Customs

May include:

- ♦ Check in/curfew/communication on schedules and vacations
- ♦ Noise (i.e. loud music)
- ♦ Language (i.e. swearing, name calling)
- ♦ Cigarette smoking
- ♦ Guests in the house/appropriate visiting times (including overnight)/parties
- ♦ Shared items, including use of car

- ♦ Shared space
- ♦ Expectations regarding meals together, holidays, and other joint activities
- ♦ Television/computer/video games
- ♦ Furnishing/decorating
- ♦ Privacy for both caregiver and NMD
- ♦ House meetings/periodic check-ins

Health and Safety Concerns:

May include:

- ♦ Sharing information on medications in case of emergency
- ♦ Sharing information on allergies (to foods or medications)

Household Chores and Responsibilities

May include:

- ♦ Individual and/or Shared Chores: (i.e. cleaning, cooking, dishes, laundry, shopping, yard work, routine maintenance, care of pets, repair or replacement of broken/damaged items)

Attendance and Performance at School and or Work

May include:

- ♦ Periodic check-in regarding school/work including schedules and progress made
- ♦ Tutoring and any other assistance needed in meeting school/work goals

Financial

May include:

- ♦ Shared allocation of foster care benefit, specifying caregivers and NDM's allotment
- ♦ Financial responsibility for particular items/bills/expenses
- ♦ Monthly allowance or stipend/monitored or unmonitored by caregiver

Drugs and Alcohol

May include:

- ♦ Clarity on response/consequences for drug and alcohol use both in and out of home (for ex., NMD expected to attend counseling for repeated use)

Conflict Resolution

May include:

- ♦ The NMD and caregiver meeting individually and/or together with a County Social Worker
- ♦ The NMD and caregiver meeting individually and/or together with a Case Manager
- ♦ The NMD and caregiver meeting individually and/or together with an outside counselor
- ♦ Written plan for resolving conflict/consequences for violations of agreement