

November 18, 2018

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 18-135

Assembly Bill (AB) 766, effective January 1, 2018, established a new non-federal Aid to Families with Dependent Children-Foster Care (AFDC-FC) placement option for minors, who are at least 16 years old and pursuing a post-secondary education. This placement allows for dependent minors to reside in a dormitory or other post-secondary educational institution housing, when the living arrangement is made as part of the youth's Transitional Independent Living Plan (TILP). This All County Letter (ACL) provides guidance and instructions regarding the new placement option to County Welfare Departments (CWDs).



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

November 18, 2018

ALL COUNTY LETTER (ACL) NO. 18-135

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL FOSTER CARE MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL TRANSITIONAL HOUSING COORDINATORS

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE
(AFDC-FC) PAYMENTS FOR 16-TO-18-YEAR-OLD DEPENDENTS
PLACED IN A DORMITORY OR OTHER DESIGNATED POST-
SECONDARY EDUCATIONAL INSTITUTION HOUSING

REFERENCE: [ASSEMBLY BILL \(AB\) 766 \(STATS. 2018, CH. 710\)](#); [PUBLIC LAW \(PL\) 110-351](#); [EDUCATION CODE SECTION 66021.5](#); WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS [11400](#), [11402](#), [11402.7](#), AND [16501.1](#)

The purpose of this All County Letter (ACL) is to provide guidance and instructions regarding the new non-federal placement option for dependent minors created by the passing of [AB 766](#), which became effective January 1, 2018.

BACKGROUND

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds. To be eligible for AFDC-FC payments, existing law requires a minor dependent to be placed in one of several specified supervised placement settings.

Prior to the passage of [AB 766](#), a small percentage of the population of dependent minors who were eligible to begin college, were not permitted to be placed in a college dormitory or other post-secondary educational institution housing prior to turning 18. With the passage of this bill, these youth may meet state and county requirements for placement in a college dormitory or post-secondary institution.

LEGISLATION AND NEW REQUIREMENTS

By adding W&IC section [11402](#), subdivision (l), and [11402.7](#), [AB 766](#) established an additional AFDC-FC placement option for minors, who are at least 16 years old and enrolled in a post-secondary education institution. Effective January 1, 2018, such dependent minors may reside in a dormitory or other designated post-secondary educational institution housing, when the living arrangement is made as part of the youth's Transitional Independent Living Plan (TILP). For purposes of this program, Job Corp housing is equivalent to post-secondary educational institution housing.

The statute also allows for minors to receive the AFDC-FC payment directly, if certain requirements are met (Please see eligibility and housing requirements outlined below). In addition, pursuant to Education Code section [66021.5](#), the California State University and campuses of the California Community Colleges shall disregard the AFDC-FC payments provided to the dependent minor when determining eligibility for financial aid or fee waiver, or any other financial aid.

ELIGIBILITY AND HOUSING REQUIREMENTS

Pursuant to W&IC section [11402.7](#), a minor dependent at least 16 years of age who is otherwise eligible for AFDC-FC benefits, may be eligible to receive his or her AFDC-FC payment directly, if all of the following apply:

- 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 TILP, as described in WIC section [16501.1](#), subdivision (g)(16).

Please note that WIC section [11402.7](#) requires that minors who are receiving court ordered family reunification services shall not be eligible to live independently, if the court finds that such placement would impede reunification efforts. The statute also indicates that it is the intent of the legislature that AFDC-FC payments received by a minor shall not be counted as income by any California public or private post-secondary institution for the purpose of establishing financial aid determination.

Dormitories, other designated university housing, and Job Corps housing are exempt from the health and safety checklist as these have already been approved by the post-secondary institutions for safety standards, and thus, are not required to be pre-approved by the Court or the County. A new supervised placement agreement form specific to 16-18 year old youth will be made available in the future; in the meantime, the social worker or case manager should complete a [SOC 157A](#), or equivalent county form, indicating that the youth will be residing in university/college approved housing. Please note that while a readiness assessment tool, such as the [SOC 157C](#), is not required, social workers and case managers are encouraged to utilize the tool as a method to assess the minor's readiness to live independently in educational institution housing. The assessment for the TILP, to be updated every six months, per W&IC section [11400](#), subdivision (y).

FUNDING

Pursuant to W&IC section [11402.7](#), subdivision (c), unless federal rules are amended in the future, federal financial participation for a minor in this type of placement shall not be available. After the youth turns 18, under the rules for extended foster care, a non-minor dependent residing in a dormitory or other independent housing as part of a supervised independent living plan, may meet federal IV-E funding requirements.

For questions regarding this letter, please contact the Transition Age Youth Policy Unit at (916) 651-7465 or TAYPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division