

## Extended Foster Care in California: Policy and Law Update

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## What is the California Fostering Connections to Success Act?

- Designed to align with the Federal Fostering Connections to Success Act (2008)
- Extends foster care funding for youth until age 21
- Extends Subsidized Guardianship for relatives (Kin-GAP), subsidized guardianship for non-relatives (AFDC-FC) & Adoption Assistance Program (AAP) until age 21
- Replaced California's old Kin-GAP to align with new federal option




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## Why is California's Approach a Model?

- Both in drafting and implementation, co-sponsors adhered to core values:
  - Youth who are 18 or older are legal adults
  - Young adults must have room to explore options and make mistakes
  - Increase levels of responsibility and independence while still providing financial and emotional support
  - Focus is on improving outcomes and fostering permanent connections
- We didn't just extend foster care, we re-designed our system to address the needs of young adults




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## Recent Policy Updates

### AB 1658: Foster Care: Consumer Credit Reports (2014)

- For every child who turns 16 and each year thereafter, DCFS (or CDSS) must inquire into each of the three credit reporting agencies as to whether a child has any consumer credit history. (Prior law mandated only one of the agencies)
- If the child does have a credit history, DCFS must request a consumer credit report from the agency.

*Amends: WIC 10618.6*



### AB 2454: Foster Youth: Nonminor Dependents (2014)

- Allows for re-entry into foster care for nonminor former dependents whose former guardian or adoptive parent:
  - (1) No longer provides support, AND
  - (2) No longer receives payment on behalf of the nonminor.

*Amends: WIC 388.1 & 11403*



### AB 2668: Foster Care: Nonminor Dependent Parents (1 of 2) (2014)

- Provides for an increase in payment of \$200 for parenting nonminor dependents (NMD) who reside in SILPs if they enter into a "parenting support plan" with an identified responsible adult and a county representative.
- NMD must provide a copy of the plan to the CSW and inform CSW of any changes to the plan.
- Plan outlines how the identified responsible adult will assist the NMD with parenting, i.e. transportation and child care.
- Plan goals: strengthen the NMD parent's family unit, help the NMD parent maintain a safe, stable, and permanent home for the child, and support the NMD parent's educational and employment goals.




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### AB 2668: Foster Care: Nonminor Dependent Parents (2 of 2) (2014)

- The identified responsible adult must meet the following criteria:
  - Be at least 21 years of age
  - Undergo a criminal records check (Health and Safety 1522)
  - Undergo a Child Abuse Central Index Check (Penal Code 11170)

**\*\* NOTE:** A negative result does not mean the adult mentor will automatically be excluded from being a viable candidate; it is a factor to be considered. \*\*

Add: WIC 16501.26, 16501.27 & 16501.28; Amends: WIC 11465 & 16501.25




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### SB 1099: Sibling Visitation (2014)

- Allows for a dependent/NMD to request sibling visitation with a nondependent sibling in the custody of a mutual parent subject to court jurisdiction.
- Court can grant request unless contrary to safety & well-being of any of the siblings.
- If siblings not placed together CSW must include info in reports about visitation and court must consider info.
- If visit between siblings suspended, court must make renewed findings that visitation is contrary to safety and well-being.

Amends: WIC 358.1, 361.2, 362.1, 366, 366.1, 366.3, 388, 706.6, 778, & 16002.




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### SB 731: Foster Children: Housing: Gender Identity (2015)

- Requires children and nonminor dependents in out-of-home placement to be placed according to their gender identity, regardless of the gender listed in their court/child welfare records.
- Specifies in bill of rights that all minors and nonminors in foster care have the right to be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records.

Adds: WIC 16006; Health and Safety Code 1502.8

Amends: WIC 16001.9



### AB 260: Foster Care: Parenting Youth (1 of 2) (2015)

- Clarifies that a child of a dependent is not at risk solely because of parent's placement history, behaviors, health or mental health diagnosis or ANY other circumstances occurring prior to the pregnancy (but that info can be considered when other factors exist).
- Certain FR bypass provisions (WIC 361.5(b)(10)&(11)) do not apply in the case of a child for whom one or both minor parents are dependents.
  - ❖ **Exception:** Applies if one of the other FR bypass provisions applies.
- A party seeking involuntary foster care placement of, or termination of parental rights over, a child born to a minor dependent shall demonstrate that reasonable efforts were made to provide remedial services designed to prevent removal. Efforts shall utilize extended family, social service agencies, caregivers and other available service providers.



### AB 260: Foster Care: Parenting Youth (2 of 2)

- Mandates that file for dependent parents must be kept separate from court files and records concerning their children.
- Dependent parent's files are PROHIBITED from being disclosed to counsel in the child's dependency proceedings OR admitted as evidence in the child's dependency proceedings.
  - ❖ **Exception:** Court order based upon finding that records "materially relevant." Request can be made by any party at any stage of the proceedings.
- Requires foster care placements to support the preservation of the family unit & provide referrals for preventative services to address concerns regarding the safety, health, or well being of the child, and to prevent whenever possible, the filing of a petition.

Adds: WIC 361.8 & 825.5; Amends: 16002.5



### SB 68: Foster Care: Parenting Youth (2015)

- Allows additional 6 months of family reunification services (up to 24 months to 366.25 hearing) for parents who were minors or non-minor dependents at the time of the detention if it is in a child's best interest, and the parent is making significant and consistent progress in establishing a safe home for the child's return.

*Amends: WIC 366.21 & 366.22*




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### AB 1849 (Gipson): Foster youth: transition to independent living: health insurance coverage (2016)

- Requires 90-day transition plan to include:
  - Verification that youth enrolled in Medi-Cal, and
  - A description of steps that have been or will be taken by CSW to ensure youth is transitioned into Medi-Cal program for former foster youth, which ensures no interruption in coverage and does not require an application (per WIC 14005.28)
- Adds requirement in WIC 391 that youth be provided Medi-Cal card and continued/uninterrupted Medi-Cal enrollment prior to a case closing.

*Amends: WIC 391 & 16501.1*




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### AB 1843 (Stone): Applicants for employment: criminal history (2016)

- Explicitly prohibits an employer – whether a public agency or private individual/corporation – from asking an applicant to disclose or from considering as a factor of employment and info re: an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred within the juvenile court.
- Usual exceptions apply (i.e. applying to become a peace officers, or an employee at a health facility)

*Amends: Labor Code 432.7*




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### AB 1945 (Stone): Juveniles: sealing of records (2016)

- Strong laws passed last year and this year about juvenile delinquency records (automatically dismissed & sealed, can't be accessed by potential employers, etc.)
- Likely in response, LA County sponsored this bill, which allows the child welfare agency responsible for the supervision and placement of a minor or nonminor dependent to access sealed records.
  - Access to the sealed records is only for the limited purpose of determining appropriate placement or service
  - Info may be shared with the court but shall in all other respects remain confidential - shall not be disseminated to any other person/agency.
  - Access shall not be construed as a modification of the court's order dismissing the petition and sealing the record in the case.

Amends: WIC 786, 827, 827.9 & 828




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### SB 906 (Beall): Public postsecondary education: priority enrollment systems (2016)

- Repeals sunset date for priority enrollment for foster youth and extends it indefinitely
  - Priority registration applies to Cal States and Community Colleges; UCs requested to participate
- Expands the definition of foster youth for eligibility purposes to includes all foster youth who were in care at any point after age 16 and who are under 26 years old.

Amends: Ed Code 66025.9 & 66025.91




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### AB 2506 (Thurmond): Student financial aid: Chafee grant awards (2016)

- Beginning with the 2017–18 academic year, there are new restrictions on Chafee funds.
- A new grant can only be awarded if the student attends a qualifying institution, either:
  - Eligible for participation in the Cal Grant Program, or
  - An out-of state institution that satisfies a specified provision of the Cal Grant Program enabling act.
- Intent of bill is to address some of the issues with for-profit colleges by aligning Chafee with requirements already in place for participation in CalGrants (i.e. graduation and loan default criteria)

Amends: Ed Code 69519




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### AB 2656 (O'Donnell): Pupils: diploma alternatives: fee waiver: foster youth (2016)

- A foster youth who has not attained the age of 25 shall NOT be assessed a fee to take a high school proficiency or high school equivalency exam. The fee waiver applies to CA Dept of Ed as well as a scoring contractor or testing center.
  - CDE cannot charge a fee
  - A scoring contractor or testing center

*Amends: Ed Code 48412 & 51421.5*




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### \$\$ BUDGET ITEMS (2016) \$\$

- **Bringing Families Home:** \$10 million state grant program to house child welfare-involved families experiencing homelessness
- **Chafee Education and Training Voucher Expansion:** \$3 million to allow an additional 1,000 grants
- **Continuum of Care Reform:** \$127.3 million
- **Infant Supplement:** \$4 million to over double the rate to \$900/month




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## RESOURCES




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## Youth Friendly Brochure

### Frequently Asked Questions

- Can I live with my birth parents and receive extended foster care benefits?  
No. If you live with your parents, you are not eligible to receive benefits. As an adult, you can arrange visits with your parents outside of your home.
- If I am returned to my parents before the age of 18 and am still under 18, how long can I stay?  
You must be placed in a safe foster home on your 18th birthday.
- If I am ARWOL, or I was ARWOL, when my case closed, can I receive the benefits?  
No. If you were a youth involved with the juvenile justice system, you are not eligible to receive benefits. If your case is closed and you want to arrange visits with your family, you must be placed in a safe foster home on your 18th birthday.
- Can I live on probation and still get benefits?  
Yes, you can live on probation and still get benefits. You must be placed in a safe foster home on your 18th birthday.
- Can I live in a different county or state and still get benefits?  
No, you must live in the same county or state as your foster family. You must be placed in a safe foster home on your 18th birthday.
- Can I receive the benefits if I am pregnant or have a child?  
No, you must be a youth involved with the juvenile justice system to receive benefits. You must be placed in a safe foster home on your 18th birthday.


### Contact Information

**Children's Law Center**  
 17777 Vanowen St., Suite 200  
 Vanowen, CA 91333  
 Phone: (818) 441-1000  
 Email: info@clcc.org

**ALLIANCE for CHILDREN'S RIGHTS**  
 17777 Vanowen St., Suite 200  
 Vanowen, CA 91333  
 Phone: (818) 441-1000  
 Email: info@allianceforchildrensrights.org


**CAUSEVA RESOURCES**  
 17777 Vanowen St., Suite 200  
 Vanowen, CA 91333  
 Phone: (818) 441-1000  
 Email: info@causevaresources.org

### Know Before You Go




**Learn About Extended Foster Care for Current or Former Foster/Probation Youth**

**Know your rights! Know your responsibilities!**



**Children's Law Center of California**



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## Know Before You Go App




**Available for Android and Blackberry too!**

**KNOW BEFORE YOU GO**

**B4 U GO**




Quickly find services across L.A. County




A wide variety of resources:

- Food
- Housing
- Health
- Legal: Risk Plan
- Independent Living
- Extended Foster Care
- Higher Ed
- Career and Technical Ed.
- Employment
- Public Planned Parenthood



**Children's Law Center of California**



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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.

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## 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 (AB12/212/1712) 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.



#### 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.

#### What is extended foster care?

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?

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