



Best Practices in Permanency for Probation Youth

- Concurrent planning from the start
- Preparing the youth
- Identifying family connections
- Involving caring adults in planning
- Family helping make decisions and supporting efforts
- Pursuing traditional adoption recruitment resources
- Prevention

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Table Talk Regarding Permanency:

Read the scenario assigned to your table.
Discuss the following questions and be prepared to present highlights to the large group:

- Presenting Issues?
- Supervision/permanency issues
- Strengths and resiliencies
- What does it take to work effectively with these youth?

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Permanency Timeline for Probation Youth

Concurrent planning starts at the
VERY BEGINNING of every case

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Definition of Permanency

*"A primary outcome whereby all youth
have nurturing legal relationships with
adult caregivers that create a shared
sense of belonging and emotional security
over time."*

- Legal
- Emotional
- Social
- Physical
- Life-Long Connections that Promote
Interdependency

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Permanency

- Educational Permanency – AB 490
- Life Long Connections – AB 408
- Concurrent Planning (ASFA)

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Permanency Continuum

- Adoption
- Legal Guardianship
- Another Planned Permanent Living Arrangement (APPLA)

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Types of Placements

- Non-Custodial Parent
- Relative/NFREM
- Resource/Licensed Foster Home
- Family Foster Agency
- Small Family Home
- Residential Based Placement (group home)
- Short-Term Residential Therapeutic Program (STRTP)



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Adoption and Safe Families Act (ASFA)

- How does this apply to probation?
- How does probation fit into fast tracking for permanency?
- What is the attitude about probation youth and permanency?
- What does the narrator mean by "legal limbo" and how does this impact probation youth?

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Court Timelines to Permanency Out-of-Home Care

**JDRV
PRE-PERMANENCY
& MO. HEARING**

**JDRV
PERMANENCY
12 MONTH HEARING**

**JDRV
POST-PERMANENCY
18 MO. HEARING**

You must choose ONE category.

Family Reunification ☐ Permanency Planning ☐ Adoption ☐ Legal Guardianship ☐ APPLA - Age 16+ ☐

Return Home OR

You may choose Family Reunification (FR) ONLY if EXCEPTIONS apply.

Family Reunification ☐ Permanency Planning ☐ Adoption ☐ Legal Guardianship ☐ APPLA - Age 16+ ☐

Return Home OR

You MUST choose Permanency Planning at an 18 mo. hearing.

☐ Permanency Planning ☐ Adoption ☐ Legal Guardianship ☐ APPLA - Age 16+ ☐

★ **EXCEPTIONS are:**

Minor and parent are in substantial compliance with case plan.

Minor can be returned home by the 18-month post-permanency hearing.

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Concurrent Planning Practice Elements

- Make inquiries
- Give notice
- Conduct assessments
- Provide full disclosure
- Make placement decisions
- Ensure reasonable efforts
- Obtain records
- Consider siblings

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Adoption

- Which youth are appropriate to work with on adoption planning?
- What reasons do/might youth object to adoption?

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Adoptions in Probation

- Adoptions of probation youth may sound like newer territory, but adoptions are absolutely possible for the youth we serve!
- Let's share some stories about success stories in California!

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Accomplishing an Adoption

- CRC 5.825: Freeing Wards for Adoption
- Develop Joint Protocols with your Adoption Agency and Court

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Short of Adoption...

What are the possibilities of achieving legal guardianship?

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Legal Guardianship

- Discuss roles and responsibilities
- Appoint counsel for parents
- Receive legal paternity findings
- Set Selection and Implementation Hearing
- Notice all parties
- Build report to evaluate guardianship
- Write report
- Create JV 330 Letters of Guardianship

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60 Minutes: The Loneliest People

Kevin Campbell and Family Finding

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Family Finding

- At your tables, discuss your processes for Family Finding.
- What are the six steps Kevin Campbell presents for the Family Finding process?

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Considering Relatives

- Resource Family Approval Process
- Talking about permanence
- Interstate Compact on the Placement of Children (ICPC)

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Legal Inquiries, Advisements and Findings Needed for Permanency

- Right to counsel
- Inquiries and advisements
- Paternity findings
- Parental whereabouts
- Preferential relatives
- Indian Child Welfare Act (ICWA)
- Reasonable efforts

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Determining Parentage

- Duty to inquire
- Actions to determine

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Types of Fathers Acknowledged by the Court

- Alleged
- Biological
- Declared
- Adjudicated
- Kelsey S.
- Presumed

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Finding Absent Parents – Due Diligence

- Defining Due Diligence
- Search parameters
 - Checklist
 - Search Record

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Indian Child Welfare Act and Permanency

Impact, Consequences, Procedures and Forms

- ICWA 010A
- Parental statement ICWA 020
 - Notice to tribes – ICWA 030
 - Active efforts
 - Preferential relatives for placement consideration
 - Standard of evidence
 - Expert witness



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Slide 24

HR2

In the Client services section (blue section) Identifying an Indian Child in CWS/CMS

Harold Rowe, 1/30/2016

What Does "Notice" Include?

- Maintaining Constitutional rights
- Inform of due process
- Inform of potential consequences
- Inform of right to an attorney
- ICWA efforts
- Making reasonable efforts

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Noticing Requirements for Hearings

- To Whom
- Detention Hearing
- Review Hearing
- Selection and Implementation Hearing

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Legal Requirements for Terminating Parental Rights

- Notice served
- Paternity determination
- Advisements to parents
- Appointment of counsel
- Reasonable efforts to prevent removal and reunify
- Reasonable efforts to finalize permanent plan
- ICWA mandates addressed

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Evolving Laws

H.R. 6893

Fostering Connections to Success
and Increasing Adoptions Assistance

H.R. 4980

Preventing Sex Trafficking and
Strengthening Families Act

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Extending Foster Care for Youth in the Juvenile Justice System

With tremendous appreciation to the National Association of Council for Children (NACC) for their contributions of a most professional informational presentation and for slide content used with modifications in California for Day 3 of the "Everything You Every Wanted to Know about Probation" training as it relates to the implementation of Extended Foster Care in California counties.

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Goals of Extending Foster Care Services to Interested Youth

Youth will transition from the foster care system into becoming successful and connected, contributing adults in our communities!

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Things Youth Call Parents For



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What is Extended Foster Care (After 18)?

- Signed into law September 30, 2010
- Became effective January 1, 2012
- Designed to align with the Federal Fostering Connections to Success Act
- Extends foster care funding for youth
- Includes two trailer bills: AB 212 and AB 1712



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Eligibility is Based Upon...

- Age
- Residence
- Citizenship
- Deprivation
- Removal

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High School Completion Rule

- Not applicable to NMDs participating in extended foster care
- Not applicable for youth in group home
 - May remain in group home to promote educational stability to age 19
- Still exists for KinGAP youth who entered prior to age 16 and non-related guardianships established in probate court

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Residence

- Resides in California or
- Under jurisdiction of California delinquency court

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Exceptions (AB 1712)

- Non-minor dependent has a continuous physical presence in another county for 12 months and intends to remain in that county
- Non-minor re-entering care has had a continuous physical presence in another county and intends to remain in that county.

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Citizenship

- US Citizen
- Qualified immigrant
- PRUCOL-Permanent Residence Under Color of Law

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Deprivation

- Deprived of parental support by virtue of being in foster care:
 - Federal: Death, incapacity, absence, unemployment of parent
 - State: Deprived of parental support ^{BIG1}

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Removal

- Prior to age 18
- Court order/Judicial Determination
 - Continuing to live in home would be contrary to welfare of child
 - Reasonable efforts made to keep child in home
 - Placement/care vested with county agency
- Relinquished for adoption or parental rights terminated
- Living with non-related legal guardian (state only)

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Slide 38

BIG1

Is this supposed to be a description of statuses, like the above description?

Benjamin I Ginsburg, 11/30/2017

Financial Eligibility

Federal AFDC-FC Linkage Rule:

- Meet 1996 AFDC criteria in home of removal
 - In month petition is filed
 - OR
 - Any six months prior to month petition is filed
- Once linkage met
 - Does not have to be established again if remaining in foster care
 - No new documentation required

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For Eligibility...

Probation Placement Officers must complete the six month Certification of Participation (SOC 161) and submit it to the eligibility worker

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Jurisdiction

- At age 18, the youth must have an out-of-home placement order or
- Be in a transitional jurisdiction status (WIC 450) or
- Return to or assume dependency (WIC 300)

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Transitional Jurisdiction

- Youth has achieved rehabilitative goals
- Available to youth 17.5 years who have a permanent plan as the goal or to youth age 18 and over with a placement order

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What If There Is No Placement Order?

- Then, there is no eligibility for extended foster care
 - But, the youth can receive services by maintaining jurisdiction
- Reconsider placing the youth with relatives under a “return to parent” order

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Participation

- Is voluntary
- Youth must:
 - participate in at least one of five eligibility conditions
 - sign the mutual agreement within six months of turning 18 (a signed agreement is not a pre-requisite to payment for placement)
 - remain under jurisdiction of the court
 - remain in a supervised placement

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How Does Enrollment Work?

- Extended Foster Care is a required "Opt Out" program
- If no action is taken, the youth automatically rolls into Extended Foster Care



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Eligibility Conditions

One of the following must be documented in the youth's TILP:

1. Enrolled in high school or equivalent
2. Enrolled in college/vocational school and/or...

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Eligibility Conditions

- 3) Work at least 80 hours/month
- 4) Participate in program to find work and/or remove barriers to work

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Eligibility Conditions

5) Unable to do any of the above due to medical or mental health condition

*All eligibility conditions are contained in WIC 11400 and WIC 11403.

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Benefits for Non-Minor Dependents

- Eligible for same rates
- New statewide rates established for new placement options
- Medi-Cal or assistance with medical insurance

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Benefits for Pregnant and Parenting Non-Minor Dependents

- Infant supplement is paid
 - Payee depends upon placement type
- For Whole Family Foster Homes, foster family homes, relatives, foster family agency placements or THP+FC host family homes are eligible for \$200 Shared Responsibility Plan payment

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AB 1712 Highlights

- Family Reunification
- Adult Adoption
- CASA for non-minor dependents
- Developmental disabilities
- Non-Minor Dependent – Separate court filing
- Inter-county transfers

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Placement Officer Role

- Obligation to ensure that NMDs who want to participate maintain eligibility
- To terminate jurisdiction, must document reasonable efforts to ensure participation
- Case planning must be collaborative
- Goal is increasing the youth's levels of responsibility

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Talking About Extended Foster Care

- Our first obligation is to explain and explore extended foster care as an option to youth.
- Must document all conversations.
- Share a sample letter of acknowledgement.
- Discover what else we need to consider.

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Non-Minor Dependent Rights

- Non-Minor dependents retain all of their own legal adult decision-making authority. WIC 303(d)
- Decisions about remaining in extended foster care are some of the first decisions that they will make as young adults.

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Jurisdictional Status

- May remain under delinquency jurisdiction
- If have met rehabilitative goal, may move to Transitional Jurisdiction
- May move to NMD status under dependency jurisdiction through 241.1 amended county protocol

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Written Report Requirements

- Last review hearing prior to the youth turning 18
- In addition to all other requirements
 - Must include:
 - Plan to remain NMD
 - Participation criteria
 - ICWA participation
 - Supplemental Security Income (SSI)

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Written Report

- Special Immigrant Juvenile Status
- Written information
- Required documents
- Rights and responsibilities to extended foster care
- Transitional Independent Living Case Plan

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Opt Out

- If the youth elects to exit foster care
- Must create the 90 day transition plan
- Youth must be informed about right to re-entry

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Transitional Independent Living Case Plan and Transitional Independent Living Plan

- Submitted with court report ten (10) calendar days before hearing
- Must include:
 - Plan to meet criteria and placement
 - Alternative plan
 - Housing
 - Education
 - Employment
 - Support system

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CWS/CMS
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Findings

- Specific criteria to be satisfied
- TILCP includes alternative plan
- For ICWA eligible:
 - Youth intends (or does NOT intend) to be considered an Indian child

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Findings

- Status of Supplemental Security Income application
- Legal residency status
- Information, documents and services required 391(e)
- Understands rights
- Continuance

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Orders

- If becoming a Non-Minor Dependent, court must set a review hearing within six months of the current hearing
- If opting out:
 - Set hearing for date within one month after the youth turns 18
 - Set 366.21, 366.22, 366.25 or 366.3 as a dependent

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Effects of Legal Adult Status

- Hearings can be attended only by those invited by youth *WIC 295*
- No protective custody warrants *WIC 303(d)*
- Court cannot order psychotropic medication *WIC 303 (d)*
- No caregiver consent for medical/ education decisions *WIC 303 (d)*

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Effects of Legal Adult Status

- NMD has privacy rights about medical information
- No discussion of educational limits on parents
- Personal rights of foster children do apply (*WIC 16001.9*)

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What Happens Next?

- Mutual agreement
- Placement
- Eligibility documentation

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Mutual Agreements

- Non-Minor dependents must sign a mutual agreement within six (6) months of turning 18 if they intend to remain in care
- Signed agreement is not a prerequisite to payment for placement

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Placement Considerations

- NMDs are adults
- Placements should be least restrictive
- Encourage independence
- Developmental needs and readiness for independence
- Decisions are made in conversations with NMD

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Living Options

- Relative or NREFM placement
- Foster care including foster family agency placement and intensive therapeutic foster care
- Continued group care if indicated by medical necessity (includes meeting mental health needs)
- Small Family Home
- Whole Family Foster Home

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Living Options

- THPP
- THP + FC
- SILP (Supervised Independent Living Placement)
 - College dorm
 - Rented room
 - Shared apartment or living arrangement

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Assessment for SILP

- Readiness assessment must be completed
 - State approved assessment already in use for TILP may be used (Ansell Casey Life Skills or Daniel Memorial)
- Assess knowledge of financial skills/readiness for daily living

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Assessment for SILP

- Assess readiness generously
- Denial of SILP can be made for reasons such as:
 - Rent and utilities exceed income
 - Unstable income
 - No knowledge of how to manage money
 - Unable to care for self

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Shared Living Agreements

- In any shared living arrangement (foster care, NREFM or SILP that includes a shared living arrangement/environment)
- Spells out concrete details
- What to do in the event of disagreements

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Maltreatment of Non-Minor Dependents

- Maltreatment of a NMD by a licensed caregiver is reportable by a placement agency
- Responsibility for intake and evaluation of risk is extended to NMDs
- Requirement for cross reporting is extended to NMDs

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At Transitional Planning

- Whether youth is listed as victim on Child Abuse Central Index report
- At age 18, youth may request removal of information from Child Abuse Central Index
- Make written request to the Department of Justice
- Must be notarized and include name, address, SSN and DOB

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Case Plans

- Case plans shall have a goal of Permanent Placements with Planned Permanent Living Arrangements
- Routinely updated per current regulations
- Youth driven, team-based

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Case Plans for Group Home/STRTP Placement

- Must address:
 - Group home/STRTP as the best and least restrictive placement to meet they youth's needs
 - Transition to independent living
 - Treatment strategies that lead to less restrictive setting
 - Target date for discharge from group home/STRTP
 - Periodic review

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Case Plans for SILP

- Placement in a SILP must be specified in the case plan
- Appropriate for developmental needs

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Quality Visits

- Monthly Face-to-Face visits with the youth are required
- Regardless of type of placement or location
- Majority of visits must be in the home
- Sensitivity
- Documented in CWS/CMS

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NMD Status Review Hearings

- Purpose
 - Focus on goals and services
 - Progress toward achieving independence
- Every six (6) months
- Youth must be physically present under certain conditions

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Notice of Hearing

- Written notice as per WIC 295 except to parents
- Notice to NMD must include that they may appear by telephone
- Proof of service must be filed no less than 15 court days in advance of the hearing

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Non-Minor Dependent Status Review Hearing Report Requirements

- Continuing necessity
- Appropriateness of placement
- Plans for jurisdiction, eligibility and participation
- Verification of information and documents
WIC 391(e)

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Non-Minor Dependent Status Review Hearing Reports

- Transitional Independent Living Case Plan
- TILP
- ICWA
- TILCP goal progress
- TILP progress
- Maintaining relationships (including siblings)

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Status Review Required Findings

- Notice given
- NMD continuing placement is necessary and appropriate
- TILP includes plan to satisfy eligibility criteria
- Criteria satisfied and planned for next six (6) months
- Efforts to assist

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Status Review Required Findings

- NMD provided information and documents per 391(e)
- TILCP and TILP are developed jointly
- If ICWA eligible: tribal consultation
- TILP includes meaningful ILP skill-related services

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Status Review Required Findings

- NMD signed and received a copy of the TILCP and TILP
- Progress has been made
- Reasonable efforts to establish and maintain relationships with:
 - Important people in their lives
 - Siblings under Court jurisdiction

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Orders

- 1) Continuation of jurisdiction
- 2) Set review hearing six (6) months
- 3) Order Permanent Plan and likely date or set hearing to consider termination or order termination of jurisdiction

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Termination Hearing

- Appearance hearing
- May be held during other hearings
- No notice to parents is required
- Previous termination conditions
- Continuance

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Termination of Jurisdiction

- Best interests
- Eligibility criteria
- ICWA
- Supplemental Security Income
- Special Immigrant Juvenile Status
- Benefits
- Youth's statement
- Information, documents and services

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Termination of Jurisdiction

- NMD not required to be present
- Case plans and JV-365
- Reports submitted to the court ten (10) court days prior to hearing

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Findings

- Confer with attorney
- Best interests
- Meets eligibility criteria
- ICWA
- Supplemental security income application
- Immigration status
- Benefits
- General jurisdiction

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Findings

- Information and documents per 391(e)
- TILCP, TILP and 90 day transition plan
- Failure to appear

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Orders if Jurisdiction is to be Terminated

- Right to re-entry
- Info on rights and processes
- Conferred with attorney
- 90-day Transition Plan
- Order for retaining general jurisdiction

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Orders if Jurisdiction is to be Terminated

- Desire of Non-Minor
- Not participating in TILCP or location unknown and reasonable efforts were made to locate
- Must provide information, documents and services per 391(e)
- Informed of options to transition from foster care

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Re-Entry

- Young adult may exit foster care at any time
- Young adult may re-enter foster care at any time
- Young adult must be advised of right to re-enter

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Re-Entry

- May re-enter unlimited times until age limit is met
- Re-entry process is intended to be as accessible and easy as possible
- Subsequent criminal conviction in adult court if does not prohibit re-entry

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Re-Entry

The intention is to allow the young adult to experience independence with a safety net and support.

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Re-Entry Process

Sign voluntary re-entry agreement

- Willingness to re-enter foster care
- Placed in supervised placement
- Participate in eligibility requirements
- Partner in creating a transitional living case plan
- Participate in 388 filing

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Re-Entry Process

- Or file a 388 (e) petition in county of residence or county of jurisdiction
WIC 11400 (z), 388(e), 11403(e)
- Court has 15 court days from filing to set the hearing

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Eligibility for Re-Entry

- New link is established based on youth's income and property only
- New documentation for young adult re-entering is required

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Benefits for Re-Entry Non-Minor Dependents

- Monthly cash benefit paid on a per-child basis
- Full scope Medi-Cal, no share of cost
- Other funded services/allowances as applicable
 - County clothing allowance (if provided)

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Requirements

- TILCP and TILP must be completed within 60 days and submit to court
- All prior requirements for Non-Minor Dependents are in full force and effect

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Summary of Goals/Success Measures for Probation Placement Officer Efforts

- Community safety
- Safe, supported young adults meeting their goals related to their independence
- Self-sufficient and contributing citizens

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Probation Officer Ongoing Obligations for Probation Youth in Foster Care

- Care, treatment and guidance of youth is the focus
- First preference is for placement with relatives
- Least restrictive placement should aim to promote normal childhood experiences
- The youth's best interest is the aim in decision making
- Youth's special needs are met thoughtfully
- Probation youth in foster care placements have the same rights as all foster youth

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Initial Determination Regarding Placement

- Investigation of Relatives
- Protocols for "Dual Status" Youth

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Disposition

- Placement recommendation to the Juvenile Court
- Least restrictive alternatives for placements for foster youth
- Development of a case plan
- Implementation of the placement order

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Post-Disposition

- Reunification services
- Permanent plan or alternate planned permanent living arrangements, as relevant based on the age of the youth
- Application for termination of parental rights
- Credit Report checks

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Post-Disposition

- Education-Related Obligations
 - School transfers
 - Case plan education-related responsibilities
 - Foster youth information sharing

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Independent Living Services

- Transitional Independent Living Plan
- Independent Living Program



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Termination of Jurisdiction

- Transition jurisdiction (under 18 and over 18)
- Hearing on termination of delinquency jurisdiction for foster youth
- Documents and information that must be provided at termination of jurisdiction for Non-Minor Dependents

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Non-Minor Dependents

- Eligibility for extended foster care benefits
- Eligibility criteria
- ACL references for extended care

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Resources

- Funding resources
- Other public resources

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Learning Reflections

- As we make our way around the room, please share what comes to mind easily about what you have learned this week that will improve your work in the development of policies and procedures that impact youth who are in placement and their families.

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Next Steps and Appreciation

- We value your continued feedback!
Please complete your evaluations
(and leave them on your tables).
- Thank you for your participation and
valuable contributions!

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