39. Extended Foster Care (EFC) Benefits

Assembly Bill 12 (AB 12) was signed into law on September 30, 2010. One of the AB 12 provisions is to extend foster care to the age of 20 for young adults who meet the federal participation criteria for continued eligibility after the age of 18, including those served under a State-Tribe IV-E agreements and supervised by probation. This provision is phased in over the next three years and the final extension to the age of 21 is subject to budget appropriation by the state.

<table>
<thead>
<tr>
<th>Up to Age</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>January 1, 2012</td>
</tr>
<tr>
<td>20</td>
<td>January 1, 2013</td>
</tr>
<tr>
<td>21 (contingent on state funding)</td>
<td>January 1, 2014</td>
</tr>
</tbody>
</table>

Senate Bill (SB) 1013 signed on June 27, 2012, changed the EFC Program. The AB 12 Program is also known as now at the “After 18 Program”. SB 1013 removed the above phased-in maximum age limits for 2012 and 2013 (see Table 39-1). However, the phased-in maximum age limits still apply for re-entry to the EFC program. The new name of “After 18 Program” is now used by the state when addressing the AB 12 program. For Santa Clara County (SCC) purposes, foster care handbook we will continue to use the AB 12 Program or EFC.

The Extended Foster Care (EFC) program is available to youths in Foster Care where court dependency is not dismissed. EFC is also available for CalWORKs (CW) youths who are placed with a caretaker relative with court dependency. The EFC program allows benefits to the age of 21. AB 12 allows for eligible youths to re-entry foster care and introduces two new terms; Non-minor Dependents (NMD) for youth in EFC and Non-Minor Former Dependents (NMFD) for youths eligible for extended benefits under Kin-GAP and Adoptions Assistance Program (AAP). The following apply to NMD/NMFDs:

- A NMD/NMFD is a foster care/KinGAP/AAP youth attaining 18 but less than 21 years of age.
- The NMD is under the responsibility of the county welfare department, county probation department, or Indian tribe.
- The NMFD is under the responsibility of the Kin-GAP guardian or adoptive parents.
Extended Foster Care (EFC) Benefits

- The NMD is participating a transitional independent living case plan (TILP).
- The NMD/NMFD (Except AAP) has signed a mutual agreement to remain in the EFC Program.
- For AAP NMFDs, the adoption SW will document in the SW service file and inform the FC EW the youth is participating in the AB 12 Program.

Note:
These changes do not modify or change any other foster care, AAP or Kin-GAP requirements for youths under the age of 18 or ineligible for the extended program. Additionally, EFC is an extension to the foster care program and does not require a new court hearing to participate.

39.1 Eligible Non Minor Dependents (NMD)

Eligible NMDs include those who:

- Turned 18 in 2011 and are in state or federal foster care with dependency under the jurisdiction of juvenile court or supervised by probation on January 1, 2012.

Note:
To qualify for EFC, the youth must be court dependent at age 18, but may not have necessarily received a foster care or CalWORKs payment.

- Are turning 18 on January 1, 2012 and thereafter.
- Are in FC and pregnant and/or parenting with a child or infant.
- Are in FC residing out of county or out of state.
- Are residing with a Non-related Legal Guardian (NRLG) established through juvenile court.
- Are CalWORKs youths living with an approved relative not eligible for FC with active court dependency.
- Are FC youths receiving Supplemental Security Income at 18.
39.2 Ineligible NMDs

Ineligible youths include those who:

- Turned 18 in 2011 and court dependency is terminated,
- Are with NRLGs established through probate court (The SW will not forward any requests with NRLGs established through probate),
- Who Turned 19 in 2011,
- Are Married,
- Are Incarcerated (excluding Juvenile Hall awaiting placement orders, the NMD is only eligible for non-federal funding),
- Are In the military, and
- Are not eligible for AFDC-FC and there is no court dependency.

39.3 Basic Eligibility Requirements

Eligibility continues for EFC up to the age of 21 regardless of the funding source. A new Title IV-E or State determination is not necessary for FC youths receiving EFC benefits. All NMD must meet the requirements listed below:

- Must have an authority for placement (court dependency). If no court dependency a “Mutual Agreement for Extended Foster Care” form (SOC 162) will suffice as an authority for placement.
- Have a signed and dated Mutual Agreement on or within six months of turning 18 years old.
- Must meet the age requirement.
- Must be residing in an eligible placement facility.
Extended Foster Care (EFC) Benefits

- Must be participating in at least one the following five education and employment conditions which include:

  1. The youth can be completing high school or an equivalency program and does not have to graduate before their 19th birthday.

  2. The youth can be enrolled in post-secondary school or vocational school.

  3. The youth can be participating in a program or activity that promotes or removes barriers to employment such as Transitional Independent Living Case Plan (TILCP) included in the Transitional Independent Living Plan (TILP). The plan must be updated every six (6) months.

  4. The youth can be employed for at least 80 hours per month and employment must be verified by the Social Worker (SW) or Probation Officer (PO) and included in the TILP.

  Note:
  Earned Income is verified but not counted. The verification documentation is not necessary for the FC EW file. Unearned income is counted under the same foster care requirements as youths under the age of 18.

  5. The youth is incapable of enrollment in school or employment due to a documented medical condition. Documentation may include the verifications from SSI, SSA Disability, including award letters and Dual Agency verifications.

  Note:
  The California Department of Social Services (CDSS) recommends that a copy of the participation documentation when available, be kept in the FC EW’s files for audit purposes.

It is important to note that participation in EFC is not required for foster care youths that are 18 years old. They are adults and must agree to one of the participation requirements to be in EFC. When the youth turns 18 years old and chose not to participate in EFC the high school rule no longer applies and benefits terminate at end of the month of their 18th birthday. Former Foster Care Children (FFCC) Medi-Cal rules apply. These youths may elect participate in EFC at anytime before they are 21 years old.
39.3.1 Education and Employment Participation Conditions

Effective January 1, 2012, the continuing education requirements [Refer to “Eligibility Up To Age 19,” page 5-4] no longer applies to court dependent foster care youths attaining the age of 18. Instead to continue benefits the youth must meet one of the five education and employment conditions listed under Basic Eligibility Requirements be approved for EFC. The conditions must be verified by the youth’s Social Worker or Probation Officer and documented on the “Six-Month Certification of Participation” (SOC 161) form. This document certifies the NMD is currently in compliance and is expected to continue with compliance for the following six months. The SOC 161 is also used by eligibility to verify the NMDs are in compliance with the education and employment participation conditions.

Note:
This rule does not apply to probate Legal Guardian cases and youths with Non-dependent Non-Related Legal Guardians (NRLG). For information related to Legal Guardians refer to “Extended Benefits for Non-Minor Living With Current Or Former Non-Related Legal Guardians (NRLG)” on page 39-28.

Initial SOC 161

Youth approaching 18 years old must be advised of their option to participate in EFC which must be included in their “Transitional Independent Living Case Plan (TILP)” on page 39-6.” The TILP must be reviewed at all of their six-month court review hearings. When the youth has turned 18, the SW/PO has until the date of the next review hearing to complete the initial SOC 161 to extend benefits. Below is an example of when the initial SOC 161 is needed:

Example:
The youth turned 18 on November 15, the last six-month review hearing where the TILP was reviewed was September 24, the SW/PO has until February 23 (the next review hearing date) to provide a SOC 161 to extend benefits effective 12/1. In most cases the review hearing will be on or after the NMD’s 18th birthday, therefore the SOC 161 is needed by the end of the month to extend payments.

39.3.2 Authority for Placement/Court Dependency

In order for a youth to be eligible for EFC court dependency must be active and it is the “Authority for Placement”.

2016-02 Errata Revised: 07/26/2016
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Foster Care youths 18 years old and placed with a non-dependent NRLGs established through juvenile court or supervised by probation, must sign and date the SOC 162 on or within the month of their 18th birthday. The SOC 162 acts as the authority for placement.

Note:
Probation youths under rehabilitative orders are not required to sign the SOC 162, for more details regarding probation NMDs refer to “Extension of Foster Care Juvenile Probation Department (JPD)” on page 39-38.

39.3.3 Transitional Independent Living Case Plan (TILP)

TILPs are to be developed for a youth who is between the ages of 15 1/2 and 16 by the SW/PO. TILPs are youth and NMDs case plans that must be updated every six months. The TILP describes the goals and objectives of how the NMD will make progress in the transition to living independence and assume incremental responsibility for adult decision making. The collaborative efforts between the NMD and SW/PO and supportive services are described in the TILP. Verification of the five eligibility conditions should be outlined in the TILP. FC EWs will use the “Six-Month Certification of Extended Foster Care Participation” form (SOC 161) as verification that a TILP has been established.

39.3.4 Temporary Breaks in Participation

School breaks such as summer and semester breaks do not affect eligibility as long as it is documented that the NMD is still in school. SOC 161 must be sent to FC EW every six months to avoid a disruption of payments. The SOC 161 should include a back up plan in the event the NMD has a change of circumstances like losing a job or quitting school. Federal funding cannot be paid for an unapproved SILP, therefore if the NMDs moves and the placement is not approved, benefits must be suspended until the SILP is approved. The issue is currently under review by the state and is subject to change see 39.6.3.

NMDs are adults and may exit EFC at any time. The court may order a “Trial Independence” where the court terminates dependency for a specific period. The NMD continues to be eligible without requiring a new determination. If the NMD wishes to return to EFC and has not reached the maximum age she or he can return to EFC but must agree to meet one of the five participation requirements.
39.3.5 Verification Requirement Under EFC

FC EWs must have the following documentation in the eligibility file in order to pay EFC benefits. Documents must be signed and dated by the SW/PO, NMD and the FC EW. If the NMDs participation activity is a medical condition documentation from the SW/PO is required except for AAP cases. Documentation for AAP cases remain in the adoption SW case file. Documentation is based on the placement type which includes of the following:

The following forms are required but may not be sent at the same time:

- "Six-month Certification Of Extended Foster Care Participation" (SOC 161),
- "Mutual Agreement For Extended Foster Care" (SOC 162) must be signed within six month after turning 18. The following are requirements for the SOC 162:
  - A NMD who is unable to make an informed decision regarding voluntarily remaining in foster care is not required to sign a SOC 162, it can be completed by the SW/PO.
  - NMDs in JPD at the age of 18 years old and are under rehabilitative orders are not required to sign the SOC 162. Upon completion of the rehabilitative goals, the SOC 162 must be signed to remain in EFC.
  - NMFD must sign the SOCI 162 on or within the month of turning 18 years old.

The following forms are only required when the particular placement applies:

- "Placement Agency - THP-Plus-FC Provider Agreement" (SOC 152),

**Note:**
   The SOC 152 is not required for the Eligibly File.

- "SILP Approval and Placement Agreement" (SOC 157A) and "SILP Inspection: Checklist Of Facility Health And Safety Standards" (SOC 157B).

- The “Foster Child’s Data Record and AFDC-FC Certification” (SOC 158A) but only when there is a placement change. The placement change will be defined under “Rationale Description”. The SW/PO will clarify the placement type. If the placement type is with a NRLG the SW/PO will clarify the following:
  - If there is a court dependency order,
  - The established guardianship date, and
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- “Voluntary Re-Entry Agreement For Extended Foster Care Benefits” (SOC 163) when benefits were terminated and the youths wished to re-enter.

39.4 Special Population of NMDs

There are special populations of NMDs that do not follow the normal criteria under the AB 12 Program. They are NMDs with non-dependent Non-Related Legal Guardians (NRLG), NMDs with children, NMDs on SSI, NMDs who turned 19 in 2011 and Indian NMDs.

39.4.1 Non-Dependent Non-Related Legal Guardians (NRLG)

Non-Dependent NRLG must be established through juvenile court and are eligible for state-only AFDC-FC payments. Court Dependent youths with NRLGs follow the same eligibility requirements as NMDs in foster care.

Note:

FC EWs will not receive any requests for EFC for NRLGs established through probate court.

The following conditions apply:

- Must meet the eligibility participation requirement.

- Must sign and date a SOC 162. If the SOC 162 is signed prior to the youth’s 18th birthday, a new one must be signed by the youth on their 18th birthday or within the month of turning 18.

- Must have an established transitional independent living plan (TILP).

- Are not eligible for supervised independent living programs (SILP).

- Not eligible for other placements because they are not dependents in foster care.

Note:

For additional information pertaining to NRLGs refer to “Extended Benefits for Non-Minor Living With Current Or Former Non-Related Legal Guardians (NRLG)” on page 39-28
39.4.2 NMDs Who Are Parenting Their Non-dependent Children

NMDs who are parenting their non-dependent children residing with them are eligible for EFC including infant supplements. The infant supplement is based on the NMD's eligibility for EFC and may be paid when the infant's name and birth information has been validated. Validation may be in the form of a call from the assigned SW/PO or the NMD. They may be placed in a whole family foster homes that includes THP+FC, SILPs and any eligible foster care placement.

**Note:** Although is a copy of the birth certificate or FC 2 is not required to issue the infant supplement, it is county policy that the SW/PO provide a FC 2 for the infant to be used as a tool for updating the FC case. If the FC 2 is not available the FC EW may issue the infant supplement and request of a copy of the FC 2 to be retained in the NMD’s case file.

Parenting NMDs with SSI Infants

When a parenting NMD has an infant who is SSI eligible, the income is for the infant and not the NMD. The NMD must report the foster care income to Social Security Administration, but the infant income is not counted against the NMD’s benefits.

**Note:** Court dependent infants living with the NMD cannot receive an infant supplement. Additionally, infants with NMDs receiving infant supplements cannot receive CalWORKs.

39.4.3 NMDs receiving SSI

NMDs receiving SSI where the county serves as the representative payee are eligible for EFC. The county must assist the NMD in filing to become their own payee, unless it is not in their best interest. If the NMD is ineligible for SSI payment due to receipt of federal AFDC-FC, the county will switch to state FC once every 12 months to ensure the NMD maintains SSI eligibility upon exiting EFC. When the NMD is receiving EFC, he or she cannot be the payee of the SSI benefits. SSI eligible youths must be referred to the SCC SSI SW coordinator to be certain that benefits are handled properly.
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Note:
For more information regarding FC placements and SSI see Foster Care Update 2009-3 and Policy Interpretation Foster Care 2011-1.

39.4.4 Youths That Turned 19 in 2011

Santa Clara County Department of Family and Children Services (DFCS) has determined that certain youths that turned 19 in 2011 and are not eligible for EFC benefits will continue to receive county funded foster care benefits under the EFC plan. These youths will follow the same requirements as eligible NMDs. They require the same documentation such as court hearings and TILPs. Additionally, the SWs must submit an approved “Placement Expense Form” (SCZ 414Z) in order to pay county funded benefits.

39.5 Indian NMDs Under The Indian Child Welfare Act (ICWA)

There are unique circumstances regarding the Indian youth that impact the content of their case plans. The following factors are:

• Continued application of the ICWA in the EFC Program,
• Indian Youth’s right to withdraw from ICWA standards after 18,
• Participation plan requirement,
• Placement options for Indian Youth,
• Funding and eligible criteria for Indian youth, and
• Indian Youth under a Tribal Title IV-E Program.

Continued Application of the ICWA in the EFC Program

Indian youth who remains under the jurisdiction of the state dependency court, and who meets the criteria of a NMD, will continue to have the ICWA standards apply to his or her case. If a tribe has been involved in an Indian youth’s case as a minor the tribe will continue to be involved in the NMD’s EFC case plan.

If an Indian NMD has exited foster care but has chosen to re-enter, ICWA will apply if he or she has previously been determined to be covered by ICWA or if identified as covered by ICWA upon re-entry.

Indian Youth’s Right To Withdraw From ICWA Standards After 18
Extended Foster Care (EFC) Benefits

Withdrawing from being defined as “Indian child” does not require or mean disenrollment from the Indian youth’s tribe, nor does it affect an Indian youth’s tribal membership. Indian youth should not be encouraged or pressured to withdraw from ICWA. The consequences of disenrollment from tribal membership can be lifelong, and youth could be adversely affected in their tribal rights and other entitlements.

The NMD must be informed of the implications of withdrawing from ICWA that include the following:

- There will be less or no involvement by their tribe in their case plan, and
- The youth’s tribe would no longer have a formal role in court proceedings.

Should an Indian youth at a later date, request again to be defined an Indian child, ICWA standards would apply and the tribe would assume a formal role in any related court proceedings.

Participation Plan Requirement

As with all other youths seeking participation in the EFC Program, an Indian youth as a condition of participation must sign the Mutual Agreement (SOC 162) and meet the participation requirements under the EFC program. The only addition is that the case plan must be done in collaboration with the Indian youth and in consultation with the youth’s tribe.

Placement Options and Re-Entry For Indian Youths

Placement options and the process for re-entry are the same as youths in the EFC. In addition, Indian NMDs may also be placed in a Supervised Independent Living Program (SILP) that is approved in the collaboration with the youth’s tribe. As a best practice, it is suggested that the county consider a Memorandum of Understanding (MOU) or other forms of a written agreement between the county and the tribe specifying the county’s responsibility for supervision and monthly contact with the youth.

Funding And Eligibility Criteria For Indian NMDs

Indian youths may present some unique issues as it pertains to per capita distributions made for tribal members. Depending on a tribe’s distribution criteria, tribally based financial distributions (e.g. gaming or trust funds) may become available to the youth upon reaching the age of majority. However, it is possible the funds may not be available. Tribal distributions may differ and must be reviewed by the assigned SW/PO on a case by case bases. When the funds are not available to the NMD they cannot be included as a resource.

**PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME:**
Extended Foster Care (EFC) Benefits

- Funds distributed per capita or held in trusts for members of any Native Indian tribe,

- Income the funds of Native American Indian tribes including interest earned from investments income derived from funds when they have been:
  - Distributed from the Secretary of the Interior on a per capital basis; or
  - Held in trust by the Secretary of the Interior.

- Up to $2,000 in any 12 consecutive month period, the income of individual Indians when such income is derived from individually owned interest in trusts or restrict lands.

- Distribution to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Active (ANCSA). Exempt distribution include:
  - Cash (including cash dividends on stock received from a Native Corporation) to extent is does not exceed $2,000 total person per annum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.

There are additional federal laws that may preclude consideration of certain types of distributions. The youth’s financial situation will need to be assessed on a case by case bases.

NMD Indian Youth Under A Tribal Title IV-E Program

Some tribes have entered into Title IV-E agreements with the State of California which enable the tribes to establish child welfare programs that can draw down federal Title IV-E funding. These programs are authorized to establish and provide EFC Programs consistent with the federal requirements under the AB 12 program.

39.6 EFC Placement Options

NMDs can be placed in any of the existing placements types. A new placement agreement is not needed if the NMD remains in the same placement after the age of 18. When the NMD is placed in a new placement the provider must complete the “Group Home Agreement Non-minor Dependent” (SOC 154B), or the “Placement Agency - Foster Family Agency Agreement” (SOC 154A) or the “Agency Foster
Parents Agreement” (SOC 156A), which ever form applies to the type of placement. This process has not changed, but the placement forms for the SW/PO have been updated to include NMDs. These documents are not required for the eligibility file.

If a NMD is placed back in the home of the parents while still a dependent, foster care payments are suspended. If the NMD returns to an eligible foster care placement payments can be resumed.

AB 12 has introduced two additional placements, Transitional Housing Placement Plus-FC (THP+FC) and Supervised Independent Living Plans (SILP).

**39.6.1 Group Home (GH) Placements**

When the NMD is placed in a GH preparation to transition the NMD to a less restrictive, more family like setting must occur and be documented in their case plan. GH placements are only allowed for the completion of high school or until the age of 19, whichever occurs first. The only exception is that the NMD meets the medical condition criteria. The NMD participating in EFC due to a medical condition can remain in a GH after the age of 19, but only as a short-term transition to a more appropriate system of adult care. See “Basic Eligibility Requirements” on page 39-3.

**39.6.2 Transitional Housing Placement-Plus-FC (THP+FC)**

Transitional Housing Placement-Plus-FC (THP+FC) is specifically for NMDs aged 18-20 approved for EFC which is similar to the current Transitional Housing Placement Program (THPP) and Transitional Housing Placement-Plus (THP+) program. The THP+FC placement option is effective July 1, 2012 for NMDs.

There are three types of THP+FC Placements:

(1) Host Family

(2) Single Site, and

(3) Remote Site.

**Note:**
For a detailed explanation of the THPP and the THP+ programs refer to “Transitional Housing Placement Program (THPP) [11403.1(a)(1)]” on page 27-37 and Foster Care Update 2012-10.

**Host Family**
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A Host Family placement is where the NMD lives with a caring adult who has been selected and approved by the transitional housing placement provider serving NMDs. NMDs receive provider-based supportive services, and it is expected the host family will provide basic board and care for NMDs.

**Single Site**

A Single Site placement is where NMDs live in apartments, single family dwellings, or condominiums rented or leased by the transitional housing placement provider serving NMDs. One or more adult employees of the providers must reside in the facility and provide supervision to the NMDs.

**Remote Site**

A Remote Site is a single housing unit where NMDs live independently and where the provider’s staff does not live in the same facility. This may include apartments, single family dwellings, or condominiums rented or leased by the transition housing placement provider in various locations.

The following applies to THP+FC facilities:

- The facility can be licensed by Community Care Licensing (CCL) division and must be approved according to the safety and health standards (SW/PO will make the determination).
- The provider must be approved by SW/PO.
- Housing specifically designed for NMDs
- NMDs must have court dependency.
- Non-Dependent NRLGs and NMFDs are not eligible for this placement.

**Current THP+FC Providers**

As of June 2014, there are five Santa Clara County THP+FC providers. New facilities are subject to the approval by DFCS and may be added at any time. NMDs can be placed in approved THP+FC facilities throughout the state of California.

The five providers are:

- Bill Wilson Center,
- Families First,
- HomeFirst,
- St. Andrew’s Residential STAR, and
• Unity Care.

**Rates**

New rates were established for the THP+FC Program. The rates are paid each month per NMD. These rates are subject to change based on updates provided by the State of California Foster Care Rates Bureau. For current rates, [Refer to “Foster Care Charts,” page 3].

**NMDs Placed in THPP**

In circumstances where counties must place (new placement) a NMD with a THPP provider, the county can only claim the THP+FC rate, but must pay the provider the THPP rate, paying the difference with county funds.

**Example:**

The current rate for THPP is $3819. When a NMD is placed in a THPP program, the county can only claim the current THP+FC rate (rate as of 7/2013 is $2871) and the remaining balance ($3819-2871) must be paid using County Funds ($948). This rule also applies to NMDs placed in a facility that has been approved for THP+FC rates and the county wishes to continue providing THPP services to the NMD.

**Documentation**

There are no new documents required for this placement. DFCS will submit the same documentation as the THPP program noting the SOC 158A the facility and youth is placed in THP+FC.

**39.6.3 Supervised Independent Living Program (SILP)**

In the Supervised Independent Living Program (SILP) the NMDs are responsible for finding the placement. The following applies to SILP placements:

- SILP must be approved by the SW/PO and must be re-approved annually. It follows the same process as annual home approvals/certifications.

- Includes College Dorms/ University Housing and other Shared Living situations.

- The NMDs cannot live with biological parents.
Extended Foster Care (EFC) Benefits

- Requires that Transitional Independent Living Plan (TILP) is updated by the SW/PO every six months. FC EWs will not receive the TILP, instead FC EWs will receive the SOC 161 verifying that TILP has been updated.

- Requires a “Supervised Independent Living Plan Approval and Placement Agreement” form (SOC 157A) and “SILP Inspection: Checklist of Facility Health and Safety Standards” form (SOC 157B). FC EWs must receive the SOC 157A and the SOC 157B.

- The beginning date of aid must be listed on the SILP under “Effective Date of Payment”, which must be on or after the SILP approval date for the initial SILP placement.

- When there is a change of placements for new SILP, the SW/PO will note on the SOC 158A SILP 2, SILP 3, etc. For change of placements from SILP 1 to SILP 2, etc. the beginning date of payment begins with the SILP is approved unless the NMD is residing “Unapproved SILPs.” For “Unapproved SILPs” requirements, see below.

- The SILP may have a designated payee, who must also sign the SOC 157A.

NMDs can be placed in Job Corps as a SILP. A NMD may receive housing through Job Corps and continue to receive foster care funding. The housing accommodations provided by Job Corps are not considered earned or “in-kind” income, therefore, this is allowable and does not affect the NMD’s eligibility for benefits. Job Corps housing is exempted from the SOC 157B housing inspection checklist. There is no category on the form for this type of housing. The SW/PO must mark it as University Housing and Job Corps can be written in on the form until the form is updated.

NMDs currently in extended CalWORKs or ARC under AB 12 can transfer to a SILP placement. When this happens the NMD CalWORKs or ARC case must be closed and a foster care case is open or reopened. When a NMD is placed in a SILP, the case must maintained by the foster care bureau. SILPs can only be paid through a foster care case.

SILPs are available to NMDs who are placed out-of-state.

Note:
The rate for out-of-state SILP placements is always the California rate.
Unapproved SILPs

When a NMD is in an unapproved SILP federal funding cannot be paid. An unapproved SILP is when a NMD moves and has notified the SW/PO but the new address is pending approval. When the NMD moves from an eligible SILP, to an unapproved SILP, federal AFDC-FC must be suspended until the SILP is approved.

Federal Funding cannot be used for unapproved SILP, however, the use of non-federal funding can be used provided the NMD is placed in an approved SILP within 14 days. This typically follows the “Bed Hold” policy [Refer to “Bed Holds (Temporary Absence) [EAS 45-302.23 and 82-812],” page 27-19, with the exception that federal funding cannot be used. Additionally, if the NMD was not paid during an approved placement period and the SW/PO provides a new address, federal funding can be sent to the new address but only for the approved period. Non-federal AFDC-FC may be used but only for 14 days or when the new SILP is approved, whichever is first. Any payments made to an unapproved SILP after 14 days must be approved with county only funding.
Example:
When the NMD is placed in an approved SILP at address A and unexpectedly moves to an unapproved SILP at address B on the 15th day of the month; Federal AFDC-FC can only be paid to address B for the period of time the NMD lived at address A (from the 1st to the 15th). Beginning on the 15th day of the month, non-federal AFDC-FC must be used but only for 14 days or until the new SILP is approved, whichever is first. County Funding is required when the unapproved period exceeds 14 days.

Note:
Under no circumstance should the FC EW issue a payment to an unapproved SILP without the assigned SW/PO approval.

39.6.4 NMDs Out-of-County

NMDs may be placed out-of-county. The placement county retains jurisdiction over the case management and the financial responsibility regardless of where the NMD is residing. The SWs/POs may agree to courtesy supervision. When the NMD moves to another county and applies for other public aid, the county payment for EFC remains with the county of court jurisdiction over the NMD. The NMD cannot receive CalWORKs benefits and EFC benefits at the same time, however, NMDs are encouraged to apply for CalFRESH.

Intercounty Transfer

Intercounty transfers require a change of jurisdiction through a juvenile court hearing. The court in the county of jurisdiction may order the transfer of an entire case to the court in the county of residence after the NMD has lived in the county for 12 consecutive months and the NMD has expressed an intent to remain in that county.

When the NMD has exited FC and has moved to another county and would like to re-enter FC, the NMD can request a change of jurisdiction to the county of residence. For a NMD who re-enters EFC, the period the youth was residing in the county prior to the filing of the 388 petition is included as a part of the 12 consecutive month period required for residency.

Intercounty transfers require the same documentation as foster care placements for youth under the age of 18.
39.7 NMDs Placed Out of State/Interstate Compact on the Placement of Children (ICPC)

The ICPC ensures the protection of and provision of services to children who are placed across state lines for foster care. The compact is a uniform law for all 50 states, the District of Columbia and United States Virgin Islands.

ICPC can be used as the vehicle to place NMDs and to ensure the appropriate services and/or supervision are provided to the NMDs if the receiving state agrees to utilize the ICPC for a placement. Since the ICPC does not specify an age restriction, but rather uses the broad definition of a “child”, the receiving state may not agree to supervise NMDs.

When the state permits and/or requires the use of the ICPC for the NMD placement and the provision of supervision and/or services, the placement must be made in accordance with and adhere to all existing ICPC regulations. Additionally, any special requirements or documents needed by the receiving state must be provided to that state.

When the receiving state is unwilling to accept and/or continue the ICPC placement, then the ICPC may not be used as the vehicle to provide supervision of and/or services to the NMD. The placing county is responsible for ensuring that monthly supervision and/or services are provided to the NMD.

Note:
For more information regarding ICPC requirements refer to “Out-of-State Placements” on page 16-1.

Group Home Placements

Group Home placements for ICPC NMDs follow the same requirements as California Placements see “Group Home (GH) Placements” on page 39-13. Prior to placing a NMD into a specific out-of-state GH, the county placing agencies must verify that the facility’s state licensing agency allows for either continued placements and/or new placements for a youth 18 years or older. The GH must meet the certification requirements for out-of-state homes and it must be certified by CDSS. If the out-of-state GH loses it’s certification, the NMD is no longer eligible for funding and the NMD must be removed until the certification is updated.
SILP

NMDs placed out of state are eligible for SILP placements. The California SILP requirements and the required documentation are the same. It is important to note that SILPs may not be recognized by other states. The SW/PO is responsible for approving SILPs. The SOC 157A/B must be approved prior to the placement. See “Supervised Independent Living Program (SILP)” on page 15.

The SW/PO may request the receiving state to complete the SOC 157A/B but if the state does not complete the SOC 157A/B, the placing state must approve the facility before funding is approved.

Relative/Non-Relative Extended Family Member (NREFM) Placements

Prior to placing a NMD out of state the SW/PO must determine if the receiving state will accept the NMD. When the receiving state permits and/or requires the use of the ICPC rules for NMDs with relative and NREFM placements the state must adhere to ICPC requirements.

When the youth turns 18 years old and is in an out-of-state placement the NMD requirements are the same as if the NMD is in California. However, when the receiving state will not continue to supervise the NMD placement, the SW/PO is to submit the ICPC 100B form to close out the child’s placement. FC funding cannot be paid to an unapproved placement either inside or outside of California. In addition, the placing county is responsible for ensuring the supervised provision for NMDs.

Relative/NREFM placements may vary depending on the state. Relative/NREFM assessments for out-of-state placements that do not meet the standards for federal funding can create a problem for the NMD.

Nothing prohibits the placing county from assessing whether another placement, such as a SILP near or in the home of a relative/NRERM, is appropriate for the NMD.

Note:

To simplify the process and the better serve the NMDs, DFCS will approve a SILP placement when placing NDMs out-of-state with a relative or NREFM.
Non-Related Legal Guardian (NRLG)

In the case of NMDs placed with NRLGs, the ICPC would apply if there NMD is placed with a dependent NRLG. When dependency is terminated, the ICPC regulations do not apply. Non-dependent NRLGs follow the current policy and would be required to apply for benefits in the state of residency. See “County Responsibility” on page 31.

Rates for Out-of-State Placements

No rate for any case should ever exceed the highest California rate for such a placement. The following rules apply for GHs, Foster Family Homes (FFH), SILPs and relatives.

Group Homes
Placements in GHs for NMDs are the same as children placed in GHs under the age of 18. The rate paid is the rate set by the rate-setting authority of the state where the youths resides. The rate cannot exceed the current fiscal year’s rate for the Rate Classification Level (RCL) 14.

Foster Family Homes
The rate paid for a NMD placed in a licensed or approved out-of-state FFH is the same as children placed in foster homes under the age of 18. The rate is set by the rate-setting authority in the receiving state for placement of youths aged 18 in a licensed home. If the rate-setting authority does not have an established rate the rate paid is the highest rate of the rate-setting authority of the state for licensed or approved FFH placements.

SILP
The SILP is not a traditional foster care placement and there is no standard SILP setting and not all states have placement options that mirror California. The rate paid for NMD placed out-of-state SILP is the rate paid for the 15 to 20 age category set by California.

Relatives
The rate paid for federally eligible relative placement is the rate approved relative placements by the rate setting authority of that state. When there is no rate the rate is the highest rate established by the rate-setting authority for that state for federally eligible relative placements. When the rate setting authority does not have a federal relative rate, the rate for a federally funded FFH is used.

Note:
For rate information See “Foster Care Charts” on page 1.
Extended Foster Care (EFC) Benefits

Re-Entry

Any NMD currently placed out-of-state who chooses to exit EFC has the option to re-enter. For the re-entry process see “Re-Entry Into Extended Foster Care (EFC)” on page 43.

39.8 Adoption Of NMDs

Adult adoption of a NMD in the juvenile court is allowable. A NMD who is adopted is eligible for AAP benefits up to age 21, assuming all other eligibility criteria are met. The NMD or the prospective adoptive parents may provide interest for the adoption to the SW/PO. Only NMDs adopted through juvenile court are eligible for AAP benefits. For more information see “Non-Minor Dependent (NMD) Adoptions” on page 21.

39.9 Payment Rate

Rates are based on foster care rates for all placement types in effect. NMDs are eligible for clothing allowances and special care increments (SCI). Out-of-State rates are to be established by the rate-setting authority of the other state with the exception of SILP placement. The county is responsible for obtaining documentation of the rate from the out-of-state rate-setting authority. SILPs are paid the FFH established rates and any rate adjustments including COLAs and California Necessities Indexes (CNI). Non-Dependent NRLGs rates vary depending on the date guardianship was established.

NMDs placed in a SILP can be the payee or the SW/PO can designate a payee for benefits but they are only eligible for the basic licensed foster care home rates set July 1, 2011. They are also eligible for any COLAs and CNIs. They cannot receive Special Care Increments (SCIs). NRLGs, Kin-GAP and AAP youths in extended care under AB 12 are not eligible for SILPs.

NMDs placed with caretaker relatives in CalWORKs receive the grant amount as a non-exempt assistance unit (AU) of one. The NMD is the payee for the EFC benefits and paid in the same way the CalWORKs benefits are issued, through Electronic Benefits Transfer (EBT). Any statutory changes imposed on the
Extended Foster Care (EFC) Benefits

CalWORKs grant level shall also be applied to NMDs grants. The NMDs is the payee and is set up in an assistance unit of one. The EBT card is issued to the NMD.

NMDs receiving EFC under the CalWORKs program are eligible for SILP placements. When a SILP is approved while under the CalWORKs program, the CalWORKs case must be closed and the extended benefits are paid through a foster care case. SILP placements type are never authorized or benefits paid through CalWORKs cases.

39.10 Review to Establish Continued Eligibility

New SOC 161s must be forwarded to FC eligibility every six months. The SOC 161 must be received by the end of the month following the month in which the next SOC 161 is due.

Example:
SOC 161 is due November 14. As long as it received prior to December 31st, the SOC 161 is considered timely.

NMDs are subject to the same annual Foster Care and Medi-Cal redetermination process as foster care children under 18 years old, there is no Federal AFDC-FC eligibility redetermination required.

39.11 Termination of EFC

When the payment will terminate due to the NMD aging out, a termination of jurisdiction court hearing is required. The payment will cease at the end of the month (there is no pro-ration) in which the youth ages out. When the court terminates jurisdiction pursuant to a W&I section 391 hearing, then eligibility for EFC benefits ends as of the date of the court terminating jurisdiction. The following are conditions for discontinuing EFC benefits:

- The NMD may request termination at any time,
- The NMD no longer resides in an eligible facility, and
- The NMD does not agree to live in an approved or licensed setting.
Extended Foster Care (EFC) Benefits

- For NRLG, AAP and Kin-GAP where there is no court dependency, benefits will terminate when the NMD or NMFD is longer being supported by the NRLG, AAP or Kin-GAP provider.

SW/PO will direct EWs to issue a Notice of Action (NOA) to the payee, to the NMD and to the NMD’s attorney of record (if any) when benefits are terminated. A ten-day NOA is not required. The SW/PO will provide the FC EWs with NMD’s attorney’s name and mailing address. Copies of the ALL NOAs issued by eligibility must be sent to the SW/PO.

Note:
Per Santa Clara County Legal Counsel, it is not necessary to obtain a “release of information” from the NMD to send NOA terminating benefits to their attorney of record. It is a statutory mandate.

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39.12 Appeals Hearing

When the NMD wishes to remain in EFC but there is a dispute between the NMD and the SW/PO with regard to whether the NMD is meeting one of the five participation conditions, the juvenile court must make a finding on whether or not the NMD is participating.

The NMD can request a hearing at any time.

Payments must continue until there is a court ruling.

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39.13 Exiting and Re-Entry to EFC

NMDs can exit foster care any time.

A termination of jurisdiction (or a court hearing) is required.

A period of Trial Independence may be ordered, which terminates dependency for a specified trial period. If the NMD re-enters EFC the youth may continue to be eligible without a new determination. If it is a new placement, the required forms for new providers are necessary.
Extended Foster Care (EFC) Benefits

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NMDs can also return to foster care if they have not reached the maximum age of EFC. A new intake is required. [Refer to “Re-Entry Into Extended Foster Care (EFC),” page 39-43].

39.14 Child Support Referrals

A child support referral is not required for any NMD over age 19. The SW/PO will complete a “Child Support - Good Cause for Noncooperation” (CW 51) for NMDs that are 18 and NMDs with children.

39.15 Earned/Unearned Income

Earned Income

NMDs may work at least 80 hours per month under their TILP. This income is exempt. NMDs may retain resources with a combined value that does not exceed $10,000. Although withdrawal of savings for a FC youth requires written approval, that requirement does not pertain to NMDs as they are adults.

Unearned Income

Unearned income is treated the same as the current practice for foster care youths. Monthly recurring unearned governmental benefits such as Social Security benefits or Veterans Benefits, are considered to be available in the month the payment was intended, rather than when actually received. When the income is received the following criteria is considered:

- The receipt date of the income varies because the mailing cycles causes two payments to be received in one month and none in the preceding or following month,

- The source of the income is a governmental benefit program, and

- The income is unearned and recurring.
39.16 Wraparound

Wraparound services require the same requirements as youths in FC. NMDs must continue to meet the eligibility requirements under the program participation criteria and be at risk of GH placement in GH level 10 or higher. When they are currently in a GH they should be transitioned into a lower level of care within the next 3 months.

Wraparound is voluntary and may be terminated at any time.

Medi-Cal will continue in the current aid code.

39.17 Informing Requirements

Before FC youths turn age 18 and are approaching 17 years and 5 months of age, the SW/PO must work with the youth to develop case plans and TILPs that include goals and services that will enable the FC youth to meet one of the participation conditions for EFC. FC youths that turned 18 years of age in 2011 or will be turning 18 years of age in 2012 and are currently in FC must be informed of EFC since the high school requirement with the expectation of graduation before their 19th birthday no longer applies for youth only in foster care. The high school rules remains in effect for Kin-GAP youths and probate youths with legal guardians not eligible for extended care.

The informing requirement is done by DFCS. They have established a new DFCS unit specifically for AB 12.

39.18 CalWORKS

FC Youths on CalWORKs who turned 18 years of age in 2011 and court dependency has not terminated are eligible for EFC. If the youth wants to continue benefits beyond 18 years of age he/she must be evaluated for EFC and must meet one of the five conditions of eligibility. The youth must be living with an approved relative and was not eligible for AFDC-FC. The FC Triage Unit will identify this population and refer them back to the AB12 unit for processing.
NMDs receiving EFC under the CalWORKs program are eligible to transfer to SILP placements. When a SILP is approved the NMD’s CalWORKs case is closed and a new case is opened by FCE. The NMD is no longer a CalWORKs client, the eligibility case must be monitored by FCE.

To be eligible for the EFC under the CalWORKs program:

- The NMD must be living with an approved relative caregiver as determined by a SW/PO when the relative is not eligible for AFDC-FC.

- The NMD must sign and date a Mutual Agreement (SOC 162). The SOC 162 must be signed by the NMD on or within six months after the NMD’s 18th birthday.

- The NMD must cooperate with the six-month review hearing/certification SOC 161, the SOC 161 must be sent to eligibility every six months. If it is not received, eligibility must contact the Social Worker Supervisor of the AB 12 unit.

- The NMD must meet one of the five program requirements [Refer to “Basic Eligibility Requirements,” page 39-3].

- The NMD will be in his or her own assistance unit (AU) and will receive the same grant amount as a non-exempt AU. Any statutory changes imposed on the CalWORKs grant amount levels shall be applied to the NMDs grant.

- Payments are made directly to the NMD.

- A 10-day time-frame for noticing NMDs is required for any changes in their grant.

Note:

For more information regarding the CalWORKs NMD Program [Refer to “Non-Minor Dependents,” page 25-36].
39.19 Extended Benefits for Non-Minor Living With Current Or Former Non-Related Legal Guardians (NRLG)

In order for a Non-Minor (NM) to be eligible for extended benefits the guardianship must have been established through Juvenile Court. NMs whose guardianship was established in Probate Court are not eligible for extended benefits, however, they remain eligible under the existing high school rule and are entitled to benefits up to the age of 19 when still in high school at 18 years.

39.19.1 Probate Guardianship

Youth approaching age 18 who are living with a NRLG established in Probate Court and receiving non-federal benefits continue to be eligible under the high school requirement. These youth may continue to receive aid up to their 19th birthday if they remain in the same guardian’s home provided they are attending high school, vocation or technical training on a full time basis. They may also be in the process of pursuing a high school equivalency certification and are reasonably expected to graduate/complete the program prior to their 19th birthday.

They must sign the “Mutual Agreement For 18 Year Old” (SOC 155B) in the month the youth attains 18 years old to remain eligible for benefits. [Refer to “School Enrollment and Attendance - 18 Year Olds not Eligible for AB 12 [45-201.111 and 42-100],” page 5-4]

These youths are not eligible for extended NRLG benefits under AB 12.

39.19.2 Juvenile Court NRLGs

Former dependents or delinquent FC youth who are under the supervision of JPD and placed with NRLGs are eligible for extended benefits under AB 12. Beginning January 1, 2012; In order to be eligible for extended NRLG benefits a NM who formerly lived with a Juvenile Court appointed NRLG must meet the eligibility criteria. The criteria includes age, education and employment participation, an established TILP, the signing of the SOC 162, and to be in an eligible facility.
Age

In order to be eligible for extended NRLG benefits the youth must have been receiving non-federal AFDC-FC benefits on his/her 18th birthday on or after January 1, 2012.

Former NMs placed with NRLGs may re-establish benefits but must be under the age limit to re-enter the extended NRLG program.

Education and Employment Participation Conditions

The Education and Employment Participation Conditions must be verified by the SW/PO and documented on the SOC 161 form. This document certifies the NM is currently in compliance and is expected to continue compliance for the following six months. The SOC 161 is also used by eligibility under the same rules as FC youths in the EFC [Refer to “Basic Eligibility Requirements,” page 39-3].

Case Plans for NRLG NMs

The six month NRLG assessment and case plan update requirement continues with this population. The scheduled monthly visits with the SW/PO also continues for NM with NRLGs. Upon completion of the TILP the SW/PO must send the SOC 161 to FC EW.

Authority For Placement

The NM who wishes to remain eligible for extended NRLG benefits must complete and sign the SOC 162, prior to or within the month of attaining age 18 (this is different from youth in the Foster Care EFC Program). The SOC 162 provides the county with the authority for placement and specifies the services that the county agency agrees to provide to the NM.

Note:

Youths extending benefits with NRLGs that complete the SOC 162 at 17 years and ten months, once the NM turns 18 years old the SOC 162 must be initialed and dated.
Returning To NRLGs

When the NM stops participating or leaves the care and support of the NRLG or is otherwise ineligible for benefits and subsequently wishes to return to the guardian’s care and support this is a new eligibility episode. The NM must sign a SOC 163. The SOC 163 specifies his/her intention to return to the NRLG and comply with the program requirements and conditions.

The signing of the SOC 163 is the earliest possible beginning date of aid (BDOA). The BDOA is the day the NM returns to the care and support of the NRLG, whichever occurs later, provided all other eligibility criteria are met. No subsequent court petition is necessary for this population.

Eligible Facility

NMs eligible for extended NRLG benefits are not eligible for EFC placement options, including SILPs, and generally must live with their NRLG to receive payments. These NMs may live in a college dorm or other setting as required to access education/employment opportunities, as long as the former guardians maintain support of the NMs.

Generally the NRLG will receive the NMs benefits unless the NM can satisfy the conditions to be their own payee. The NM must be temporarily absent under the following conditions:

• Attending college,
• Vocational training,
• Work training, and
• Attending a training institution.

Note:
This option does apply to NMDs in a foster care placement under the EFC Program.

As long as the NRLG remains the payee they must sign the “Rights, Responsibilities and Other Important Information” form (SAWS 2A) and any other required documents under the existing NRLG policy.
39.19.3 County Responsibility

Unlike EFC, the County of Payment and SW/PO for the remaining and returning NM in receipt of extended NRLGs benefits is the current **COUNTY OF RESIDENCE** of the NRLG. The county must initiate an Intercounty Transfer (ICT) by following the ICT protocol outlined in “Jurisdiction Transfers to Another County, When to Initiate an ICT,” page 29-6. As a part of the ICT the Letter of Guardianship must be included.

39.19.4 Eligibility Determinations

NMs who were formerly with a NRLGs can voluntarily re-enter the extended NRLG Program after turning 18, but under the age of 21. These NMs are only eligible for non-federal benefits.

When the NM returns to the former NRLG a new eligibility determination is required to ensure the NM is in an eligible placement. The SOC 163 must be signed and dated and include the initial participation qualifying activity. Eligibility must also verify the NM was in receipt of benefits on his/her 18th birthday.

When determining eligibility for re-entry, only the NM’s income, property and circumstances are to be considered without regard to the parents/NRLGs or others in the assistance unit in the home.

**Note:**

The $10,000 property and TILP income exemptions apply.

The authority for placement is met by the signing of the SOC 163 by the NM, SW/PO and the SW/PO’s supervisor.

Once the former NM and the SW/PO complete the SAWS1, FC 2NM, and a copy of the SOC 162 or 163 should be forwarded to FCE along with a completed SOC 158A in order for eligibility to be determined. These forms must be maintained in the eligibility file.

The SOC 162 is the only document required for NMs extending NRLG benefits until the redetermination date. It must be completed within the month of turning 18.
39.19.5 Re-Entry for NRLG Non-Minors

Under AB 787 the following categories of youth may seek re-entry for Foster Care:

A non-minor former dependent (NMFD) whose legal guardian received aid after the youth attained 18 years of age as a NRLG

• Whose guardianship was established in juvenile court and

• Whose guardians died after the NMFD attained 18 years of age, but before he or she attains 21 years of age.

Under AB 2454, the following categories of youth may seek re-entry for Foster Care:

A NMFD whose legal guardian received aid after the youth attained 18 years of age as a NRLG

• Whose guardianship was established in juvenile court and

• Whose former guardian no longer provides ongoing support to and no longer receives aid on behalf of the NMFD after the NMFD attained 18 years of age but prior to attaining 21 years of age.

Once the petition is filed and the court determines the non-minor meets one of the conditions for re-entry, a hearing will be scheduled within 15 judicial days. If re-entry into foster care is in the non-minor’s best interest, the court will assume dependency jurisdiction over the non-minor and order placement and care responsibility with DFCS or Probation. The non-minor will sign the SOC 163.

39.19.6 Redetermination (RRR)

The NM is responsible for completing the FC 2NM as a part of the annual redetermination of eligibility. The NRLG is required to complete the SAWS 2 Plus as long as they remain the payee.
39.20 Extension of Adoption Assistance Program (AAP) and Kinship Guardianship Assistance payment (Kin-GAP)

AAP and Kin-GAP youths who turned 18 years of age in 2012 are eligible for extended benefits up to the age of 21. When the youth wants to continue benefits beyond 18 years of age he/she must be evaluated for extended benefits and must meet one of the five conditions of eligibility. The youth must be supported by the adoptive parents or the established relative guardian (RG). The FC Triage will identify this population and refer them to foster care intake for processing.

39.20.1 Eligibility

AAP and Kin-GAP youths include those who are:

- AAP youths without a medical disability where the initial AAP agreement was signed when the youths were at least 16 years old and will turn 18 years old on or after January 1, 2012.

- Kin-GAP youths receiving federal Kin-GAP where the youths must have attained 16 years of age before the Kin-GAP negotiated agreement payments commenced.

- Kin-GAP youths receiving state Kin-GAP, the youths must have attained 16 years of age before the Kin-GAP aid payments began.

Note:

The difference between the Federal and State Kin-GAP program is the Federal Program began January 1, 2011 and negotiated agreements were not available until January 1, 2011. The State Program began January 1, 2000.

- Kin-GAP youths with documented mental or physical disability that warrants continuation of assistance are eligible to receive benefits to age 21 regardless of the age when legal guardianship was established.

- Youths who do not have a documented mental or physical disability may be eligible for extended AAP or Kin-GAP after 18 years old if they meet one of the five participation criteria listed below:
Extended Foster Care (EFC) Benefits

- Attending/completing high school or an equivalency program
- Enrolled in post-secondary or vocational school
- Participating in a program or activity that promotes or removes barriers to employment
- Employed at least 80 hours per month
- Incapable of participating in one of the four above conditions, due to a documented physical or mental condition.

The case management and every six-month plan update requirements for EFC benefits do not apply to extended AAP or Kin-GAP program. Adoptive parents and relatives guardians who receive benefits are responsible for reporting when the NMFD is not satisfying one of the participation requirements. AAP and Kin-GAP youths eligible for extended benefits are not eligible for Supervised Independent Living Program (SILP) placements.

When extended AAP and Kin-GAP benefits are terminated there is no re-entry process.

39.20.2 Ineligible

AAP and Kin-GAP youths ineligible for extended benefits include those who:

- The initial AAP agreement was signed prior to the age of 16 without a documented mental or physical disability.
- Receiving federal or state Kin-GAP and turned age 19 in calendar year 2011.
- Receiving federal Kin-GAP and had not yet attained 16 years of age before the Kin-GAP negotiated agreement commence. These youths remain eligible for Kin-GAP up to the of 19 under the existing high school completion rule.
- Youths receiving state Kin-GAP and not yet attained 16 years of age before the Kin-GAP payment began. These youths remain eligible for Kin-GAP up to the of 19 under the existing high school completion rule.
- Conversion of Kin-GAP cases after age 16 does not meet the criteria for eligibility of extending benefits. The signing of the "Kinship Guardian Assistance Payment (Kin-GAP) Program Agreement Amendment" (SOC 369A), as a part of
the conversion process for existing Kin-GAP cases does **not** establish a new agreement for purposes of determining eligibility for extended Kin-GAP.

- Fictive Relative under the federal Kin-GAP program.

### 39.20.3 AAP Requirements

Adoption Social Workers (SWs) must notify all affected AAP recipients of the youth’s potential eligibility for extended benefits during the adoption finalization process and prior to the youth’s 18th birthday. SWs must document in the AAP case file that the youth meets one of the five participation criteria for extended benefits with supporting documentation.

### 39.20.4 AAP Recipients

The AAP agreement creates contractual obligations for the adoptive parents to continue to financially support the adopted youths as a condition of continuing receipt of the benefits. Adoptive parents are responsible for requesting extended benefits prior to the youth’s 18th birthday. They must provide supporting documentation to the adoption SW that the youth is meeting one of the five participation criteria.

Adoption SWs will determine AAP youths eligibility for extended benefits. All AAP rate negotiations and AAP agreements are conducted and signed by adoption SWs and adoptive parents.

All other regulations specific to AAP, including Fair Hearings procedures, continue to apply.

### 39.20.5 Re-Entry for Kin-GAP and AAP Non-Minors

**Under AB 787 the following categories of youth may seek re-entry for Foster Care:**

A non-minor former dependent (NMFD) whose legal guardian received aid after the youth attained 18 years of age under Kin-GAP

- Whose guardianship was established in juvenile court and

- Whose guardians died after the NMFD attained 18 years of age, but before he or she attains 21 years of age and
Extended Foster Care (EFC) Benefits

- Is otherwise eligible to receive extended Kin-GAP.

**OR**

A NMFD whose adoptive parent

- Received APP after the youth attained 18 years of age and

- Died after the NMFD attained 18 years of age, but before he or she attain 21 years of age and

- Is otherwise eligible to receive extended AAP.

**Under AB 2454, the following categories of youth may seek re-entry for Foster Care:**

A NMFD whose legal guardian received aid after the youth attained 18 years of age under Kin-GAP

- Whose guardianship was established in juvenile court and

- Whose former guardian no longer provides ongoing support to and no longer receives aid on behalf of the NMFD after the NMFD attained 18 years of age but prior to attaining 21 years of age and

- Is otherwise eligible to receive extended Kin-GAP.

**OR**

A NMFD whose adoptive parent

- Received AAP after attaining 18 years of age and

- No longer provides ongoing support or and no longer receives aid on behalf of the NMFD after the NMFD has attained 18 years of age, but before he or she attains 21 years of age and

- Is otherwise eligible to receive extended AAP.

Once the petition is filed and the court determines the non-minor meets one of the conditions for re-entry, a hearing will be scheduled within 15 judicial days. If re-entry into foster care is in the non-minor’s best interest, the court will assume dependency jurisdiction over the non-minor and order placement and care responsibility with DFCS or Probation. The non-minor will sign the SOC 163.
39.20.6 **Kin-GAP Requirements**

County assigned SWs must notify all affected Kin-GAP recipients of the youth’s potential eligibility for extended benefits prior to the youth’s 18th birthday. SWs must document in the Kin-GAP case file that the youth meets one of the five participation criteria for extended benefits include supporting documentation.

SWs determine the youth’s eligibility for extension of Kin-GAP. All Kin-GAP rate negotiations and Kin-GAP agreements are to be conducted and signed by the SWs and the legal guardian. NMFDs must also sign and date the “Kin-GAP Mutual Agreement for Non-Minor Former Dependents” (KG3).

**Two Year Reassessments**

All forms used at the time of entering the extension program will be used at the two year reassessment or when the needs or the circumstances of the youth changes. However, if there is a change of criteria yet, the NMFD continues meets one of the five participation criteria, a notation may be made on the KG3 to record the criteria change; a new KG3 does not need to be executed. Other than the initial determination for the extended Kin-GAP and the two year reassessment, the public agency is not required to obtain additional verification or request certification that the youth continues to meet one of the participation criteria.

**No Longer Eligible**

When information is received that the youth is no longer meeting the criteria for extended benefits, the assigned SW must determine whether the youth continues to be eligible.

Relative Guardians (RG) who disagree with the county’s determination have the right to dispute or appeal the decision by requesting a hearing.

**Kin-GAP Recipients**

RGs are responsible for requesting the extension of benefits and providing documentation supporting the youth meets one of the five participation requirements. RGs are also responsible for reporting changes when the NMFD is no longer meeting one of the five participation requirements.

The RGs must agree to continue supporting the NMFD. The extended benefits must continue to go directly to the RG who is supporting the NMFD.
Extended Foster Care (EFC) Benefits

Once extended benefits have terminated benefits cannot be reinstated.

**Kin-GAP Independent Living Program (ILP) Services**

Kin-GAP youths in extended benefits remain eligible for ILP services. The extended Kin-GAP youth who receives ILP delivered services is subject to the National Youth in Transition Database reporting rules, which are handled by the assigned SW.

**Kin-GAP Continuation of Benefits Out-of-State**

Under both the federal and state Kin-GAP programs extended benefits continue regardless of the state of residency in which the guardian and NMFD resides.

Counties are to encourage RGs and NMFDs to apply for Medicaid in the new state of residence.

### 39.20.7 AAP/Kin-GAP Overpayments

AAP and Kin-GAP programs are subject to the same overpayment recoupment and remittance rules as with their respective programs. There are no changes.

### 39.20.8 Implementation

This change is effective January 1, 2012. These changes do not modify or change any other AAP or Kin-GAP eligibility requirements for youths under the age of 18.

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### 39.21 Extension of Foster Care Juvenile Probation Department (JPD)

Foster Care (FC) youths under the supervision of JPD are eligible to remain in the FC program after age 18 years old and under the maximum age of 21 years of age. These youths can choose to remain under the jurisdiction of the court supervision of the county. These FC youths must also reside in licensed or approved FC placements to receive AFDC-FC payments.

The EFC Program for JPD NMDs is effective January 1, 2012, and follows the same rules and documentation for NMDs under DFCS EFC Program except as noted below.
39.21.1 Types of Jurisdiction For JPD Wards (youths) To Allow For Participation In EFC

Foster Care youths under the supervision of JPD may be eligible to continue in the EFC program in one of the three jurisdictional statuses: Transition Jurisdiction, Dependency Jurisdiction (new or renewed) or continued Delinquency Jurisdiction. Per W&I section 607.2(a) JPD youths (or wards) meeting the following criteria are eligible for one of the three jurisdictional statuses for the purpose of participating in the EFC program.

For Minor Wards Who:

• Are older than 17 years, five months, but not yet 18 years old, and

• Were subject to an order for FC placement as a JPD ward who has not previously been subject to the jurisdiction of the court as a result of a petition filed by the DFCS.

• Were subject to an order for FC placement as dependents of the court at the time the court made them a ward of the court under the supervision of JPD.

• Were subject to an order for FC placement as a ward that had not been under court jurisdiction as a result of a petition filed by DFCS.

For Non-Minor Wards who are:

• Age 18 and older and

• Were subject to an order for FC placement as a ward on the day of attaining 18 years of age.

Termination of the court’s Delinquency Jurisdiction would normally happen after wards complete their formal probation. For eligible wards the court may continue juvenile court jurisdiction for the purposes of participation in EFC. In addition to the meeting the above criteria, the NMD must also meet one of the five participation criteria.

39.21.2 Eligible for Transition Jurisdiction W&I Section 450

Transition Jurisdiction is a new status that allows older probation wards who have met the rehabilitative goals set for in their case plan and who meet the criteria to remain in foster care. Transition Jurisdiction is for wards that are older than 17 years, five months.
At the hearing in which termination of jurisdiction over the ward is considered, the court may modify its order for jurisdiction and assume Transition Jurisdiction over the ward if all the following criteria is met.

The difference in eligibility for Transition Jurisdiction between minor and non-minors are explained in the following paragraphs.

**Minors/Transitional Dependents**

Transitional Dependents are JPD minors no longer subject to the terms of their probation. These are wards who are 17 years, five months and younger than 18 years. These youths must have been in foster care placement and were removed from the physical custody of his/her parent(s) or legal guardian and was either:

- Ruled by a judge as a ward under JPD’s supervision and ordered FC placement or
- Removed from parent(s) as a dependent of the court with an order for FC placement as a dependent in effect at the time the court ordered him or her to be a ward of the juvenile court under the following conditions:
  - Youth was a JPD ward and ordered to FC placement.
  - Youth was removed from the parent(s) as a dependent of the court with an order for FC placement as a dependent in effect at the time the court ordered him/her to be a ward under JPD under the following conditions:
    - Rehabilitative goals of the case plan have been met and jurisdiction over the youth as a ward is no longer required.
    - Reunification services have been terminated.
    - A hearing has not been set for termination of parental rights or the establishment of a guardianship.
    - The return of the minor to the parents or legal guardians would create a substantial risk of detriment to the minor’s safety, protection, or physical or emotional well-being and
    - The minor has expressed intent to sign a SOC 162 with JPD and agrees to meet on of the five federal participation requirements.
Non-Minors

JPD wards are subject to the same EFC requirements as with youths under the supervision of DFCS. JPD youths must have been under the supervision of JPD on their 18th birthday and has not attained the age of 19 before January 1, 2012. Upon attaining the age of 18 years old, Transition Dependents are referred to as NMDs and are no longer subject to the terms of the probation.

JPD youths removed from the physical custody of his/her parent(s) or guardians and was either:

• Under the supervision of JPD and ordered in FC placement or

• A dependent of the court with an order for FC placement as a dependent in effect at the time the court ordered him/her to be a ward of JPD.

• Rehabilitative goals of the case plan were met and jurisdiction over the youth as a ward is no longer required.

• The JPD ward has signed the SOC 162 or the SOC 163 with JPD and agrees to meet one of the five federal participation requirements.

39.21.3 Eligibility for Dependency Jurisdiction (New or Resumed)

AB 12 provides an alternative path for JPD youths that cannot be returned home safely to have delinquency status modified to dependency status under DFCS. JPD youths with dependency status are those who:

• Met their rehabilitative goals.

• Are younger than age 18 and not eligible for Transition Jurisdiction.

• The youth comes with the description of DFCS dependency and cannot be returned home safely.

During a hearing to terminate jurisdiction over the ward who meets the above criteria, the court may either:
Extended Foster Care (EFC) Benefits

For Minor Ward Who Were Never Dependents:

Order the JPD or the ward’s attorney to submit an application to DFCS to modify jurisdiction from delinquency to dependency if the ward meets all of the following criteria in addition to the above criteria:

• Was not previously subject to the jurisdiction of the court under a petition filed by DFCS.

• Is not 17 years, five months and does not qualify as a Transition Dependent.

For Minor Wards Who Were Prior Dependents:

JPD must vacate the previous order terminating dependency jurisdiction over the minor and resume jurisdiction based on a prior DFCS petition if the minor was subject to FC placement order and a dependent at the time of becoming a JPD ward. Delinquency jurisdiction would be terminated.

Maintaining Delinquency Jurisdiction As A JPD Ward:

A ward can also participate in the EFC Program while remaining under Delinquency Jurisdiction on or after their 18th birthday, provided that:

• They are on an order for FC placement that occurred no later than their 18th birthday and are not yet 19 years old as of January 1, 2012.

• They are participating in/or there is an agreement to satisfy one of the five EFC Program participation criteria which must be documented in the TILP.

NMDs who continue under Delinquency Jurisdiction or JPD supervision are subject to the terms and conditions of probation are not voluntarily remaining in FC. For these youths the SOC 162 is not required. Additionally, the SOC 161 must be completed by the PO and sent to eligibility to authorized AFDC-FC payments. Changes in the eligibility participation status must also be reported to FCE.

Other NMDs wards that have met their rehabilitative goals can choose to voluntarily participate in the EFC Program under JPD. If they elect to participate they must sign the SOC 162.

Note:

If the ward declines to become a NMD that does not restrict the authority of the court to retain delinquency jurisdiction.
39.21.4 JPD Wards Exiting The EFC Program

The NMDs wards (unless still under delinquency jurisdiction) may exit the EFC Program at any time (prior to reaching the age limit) through the termination of dependency, or transitional jurisdiction. Termination of delinquency jurisdiction is possible only when the NMD completes their rehabilitative goals. Termination of jurisdiction falls under three different categories which are:

- Dependency Jurisdiction (DFCS),
- Transitional Jurisdiction (JPD), and
- Delinquency Jurisdiction (JPD).

A new mechanism was developed to all NMDs or FC youths who exits care at or after age 18 to be eligible for re-entry to the EFC Program prior to reaching the maximum age for EFC. Beginning January 1, 2012, when terminating jurisdiction over a NMD or a FC youth who has reached 18 and does not elect to remain in the EFC Program, the Juvenile Court now retains General Jurisdiction over the NMD to 21 years old. This will allow the young adult to re-enter the EFC Program at a later date while still under the maximum age for EFC.

JPD youths wishing to re-enter EFC must meet the same requirements as NMs supervised by DFCS. Court dependency is reestablished by JPD. JPD must prepare a new Case Plan and submit the Plan to the court within 60 days of the resumption of dependency.

39.21.5 Youths in Juvenile Hall

A JPD youth who is under an order for foster care placement but in juvenile hall on his/her 18th birthday is eligible for EFC, but not eligible for federal foster care. The California Department of Social Service (CDSS) is pursuing the matter with federal government, and this requirement may change.

39.22 Re-Entry Into Extended Foster Care (EFC)

To be eligible to re-enter Foster Care (FC) and be eligible for benefits, the youth must have had a court order for foster care placement or court dependency on his or her 18th birthday on or after January 1, 2012, and terminated court dependency after age 18.

Requirements For Re-Entering EFC
Extended Foster Care (EFC) Benefits

- The former FC youth must be under age of 21.
- The former FC youth must have been under a foster care placement order on their 18th birthday.
- The former FC youth must agree to meet the educational and employment participation conditions.
- The former FC youth must complete the “Voluntary Re-Entry Agreement For Extended Foster Care” (SOC 163) which acts as an Authority for Placement, followed by a resumption of juvenile court jurisdiction.

Note:
Completion of the SOC 163 begins the process for filing a 388(e) petition to either resume dependency jurisdiction, or to resume or assume transition jurisdiction, as appropriate.

- The former FC youth must be in an eligible placement facility.

In addition to the above criteria the SW/PO has 60 days from the date of the resumption of jurisdiction to develop a Transitional Independent Living Case Plan (TILCP), including the Transitional Independent Living Plan (TILP) with the former FC youth.

A former FC youth who is undocumented is eligible for re-entry into the EFC under the state funded program. At the time of re-entry, the SW/PO must apply for PRUCOL for the former FC youth.

Note:
The FC EW will not receive a copy of the TILCP or the TILP, it is documented on the SOC 161.

39.22.1 County Responsibility

The county that had jurisdiction over the former FC youth before exiting FC maintains the payment responsibility, SW/PO supervision and general responsibility or general jurisdiction over the non-minor (NM).

County of Jurisdiction

The NM must contact the county with jurisdiction to reinstate benefits. All requests for reinstatement are first submitted to the AB 12 SW unit or to JPD. The NM must complete an “Application For Cash Aid, Food Stamps, And/Or Medi-Cal/34-County
CMPS" (SAWS 1), “Statement Of Facts Supporting Eligibility For AFDC-Extended Foster Care (EFC)” (FC 2NM) and SOC 163. The SOC 163 represent the earliest date of payment.

Additionally the SW/PO must assist the NM in completing the JV 466 and JV 468 petitions at their earliest convenience so the SW/PO can file the 388(e) petition within 15 judicial days to petition the court for resumption of jurisdiction over the NM. The SW/PO may also consider completing the “Emergency Assistance Application” (EA 1), if an emergency exists. The appropriate placement agreement should be completed at the time of placement.

The SW/PO must forward the completed SAWS 1, FC 2 NM, EA 1 (if applicable) and a copy of the SOC 163 along with an updated “Foster Child’s Data And AFDC-FC Certification” (SOC 158A). These documents must be maintained in the eligibility file.

**County of Residence Providing Courtesy Supervision**

The NM may contact the county of residence, which may not be the county of jurisdiction (payment county) to request re-entry to FC. The county of residence may provide courtesy supervision and will assess the NM circumstances and assist in completing the necessary forms to reinstate FC. The county of residence must fax or email the forms the same day to the county of jurisdiction.

The SOC 163 represents the earliest possible Beginning Date Of Aid (BD0A) and must be signed by the county of residence for county of jurisdiction. It is imperative that the county of residence transmit the SOC 163 to the payment county immediately. The county of residence must maintain a courtesy copy of the form. The county of jurisdiction must fax or scan and return the fully executed copy of the SOC 163 back to the county of residence. If the county of residence places the NM, a copy of the placement agreement is sent to the county of jurisdiction.

Once the forms have been completed, the county of residence must forward the SAWS 1 or SAWS 2 Plus, FC 2 NM, EA 1 (if applicable) and a copy of the SOC 163 to the county of jurisdiction. The SW/PO will forward the documents to the EW along with an updated SOC 158A. These forms must be maintained in the eligibility file.

**County of Residence NOT Providing Courtesy Supervision**

When the NM contacts a county of residence that does not provide courtesy supervision the county must immediately assist and provide blank copies of the SAWS 1, FC 2 NM, EA 1 (if applicable) and SOC 163. The residence county must assist the NM in determining the county of jurisdiction and completing the required
documents for re-entry. The county of residence must also allow the NM to phone the point of contact in the county of jurisdiction in order to begin the application process. It is the county of jurisdiction's responsibility to assess the circumstances of the youth’s request for placement and care in a timely manner.

Once all the necessary documents are completed, the SW must forward the SAWS 1, FC 2 NM, EA 1 (If applicable) and copy of the SOC 163 along with an updated SOC 158A. These forms must be maintained in the eligibility file.

**Note:**

The County Welfare Directors Association has agreed to create a list of local contacts and post it on its website. The contact for SCC is the Department of Family and Children Services (DFCS) Independent Living Plan (ILP) Main Number which is (408) 472-7288.

Currently SCC does not offer courtesy supervision for NMDs but may offer it at a later date.

### 39.22.2 Eligibility Determination For New Episodes Of EFC

Youth who voluntarily re-enter FC after turning 18 years of age following the dismissal of dependency are considered to be entering a new FC episode. Therefore, a new eligibility determination is required. When determining Title IV-E eligibility, the AFDC linkage must still be satisfied. The AFDC eligibility determination is based on the youth's status as an adult. Only income and property of the NM is considered, without regard to the parents, legal guardians or others in the assistance unit in the home from which the youth was originally removed as a younger child, or any relatives the youth is currently residing with. Deprivation is met so long as the youth is **NOT** living with a biological or adoptive parent. Authority for placement is initially met by signing and dating the SOC 163 by the NM, SW/PO and their supervisor. The SOC 163 is maintained in the court, SW/PO and eligibility file.

**Note:**

When the NMD exits EFC under the CalWORKs program and later applies for re-entry to the EFC program, it is no longer a CalWORKs case. Re-entry only applies to EFC is a new FC episode.

### 39.22.3 Authority For Placement

In order to re-enter FC and receive EFC benefits, the NM must sign a SOC 163 with the county of jurisdiction and either simultaneously or subsequently complete a JV 466 and JV 468 (The judicial petitions needed for re-entry to EFC). This process
is completed by the SW/PO. The SOC 163 is the document the youth signs specifying his or her intention to re-enter EFC and comply with program requirements and eligibility conditions. The SOC 163 is the authority for placement for youths re-entering EFC.

The signing of the SOC 163 for youths re-entering EFC is the earliest possible BDOA. The BDOA is the day the youth and county signs the SOC 163 or the day the youth is placed in an eligible facility, whichever occurs later, provided all other eligibility criteria are met, even when dependency is established at a later date. The signing of the SOC 163 for EFC acts as a “Voluntary Placement Agreement”. The court order must be finalized and include the “Best Interest Finding” along with a participation requirement within 180 days/six months of signing the SOC 163 or EFC benefits must be terminated.

39.22.4 Court Retention of General Jurisdiction over NMDs

Beginning January 1, 2012, there are three status types for NMDs which are dependency, delinquency and transition jurisdiction. Transition Jurisdiction is a new type of jurisdiction created for JPD youths. Transition jurisdiction allows JPD youths who have completed their probation and no longer require delinquency jurisdiction to remain under court supervision.

When a NMD wishes to exit EFC from DFCS or JPD, a court hearing will be held to terminate dependency, delinquency or transition jurisdiction. Beginning January 1, 2012, after dependency, delinquency or transition jurisdiction is terminated, the court retains general jurisdiction over the NM. This will allow the NM to file a petition and resume dependency at a later date while still under the maximum age limit for EFC.

39.22.5 The Petition Process

The SOC 163 serves as a valid authority for placement for no more than 180 days. The SOC 163 is considered a voluntary placement until a court order is obtained. Once the SOC 163 is completed a court hearing should be filed within 15 judicial days. This is not required for federal or state eligibility however, the court must make the “Best Interest Findings” and include a participation requirement before the 180 days expire for continued federal or state eligibility.

A copy of the fully executed SOC 163 and a copy of the termination of jurisdiction (Findings and Order After Hearing To Consider Termination of Juvenile Court Jurisdiction Over A Nonminor or JV 367) court order from either DFCS or JPD must be submitted to eligibility to determine the correct funding. In addition, a copy of the
court order resuming dependency when obtained should be forwarded to eligibility. All supporting documentation determining federal or state funding must be maintained in the eligibility file.

### 39.22.6 Transitional Independent Living Case Plan For Re-entering NMs

Every NMD will have a case plan which includes a TILP. The TILP must document which participation condition the NMD will be participating in that should include a back-up plan. The TILP is not sent to eligibility but the SW/PO must send the SOC 161 to eligibility no later than the month following the month the completion of the TILP. Copies of back-documentation that support EFC participation must be maintained in the SW/PO file. California Department Social Services (CDSS) strongly suggests that the back-up documentation also be kept in the eligibility file.

**Note:**
When the SOC 161 is not received after 60 days, eligibility must follow up with the AB 12 unit or JPD.

### 39.22.7 Eligible Facilities Placement Types

The NMD must be placed in an eligible licensed or approved FC facility in order to be eligible for payment. The NMs that re-enter EFC have the same placement options that were previously available except they cannot return to extended CalWORKs.

Placement in a Group Homes (GH) are limited up to the age 19 years old and for the completion of high school (unless the NM has a disability in which GH placements can be considered).

When the placement consideration is in a licensed or approved Foster Family Home (FFH) or with an approved relative and the home has dependent minors, the county may elect to do a background check on the petitioning NM. This information would be included in the court report. The existence of a criminal conviction does not bar the court from resuming dependency or transition jurisdiction; the background check is solely for the purpose of determining the appropriate placement.

Health and Safety codes section 1522 and 1522.1 require that adults residing in a Community Care Facility (CCF), including licensed FFHs, are subject to criminal background clearances. However, these sections do not apply to NMDs residing in CCFs, including licensed FFHs because they are considered clients. This also applies to NMDs with relative and non-related extended family member homes.
**39.22.8 Re-Entry Forms**

FC EWs must have the following additional documentation in the eligibility file in order to approve re-entry to the EFC program. The documentation will depend on the placement type. The same documents required under the EFC program is the same required documents under the re-entry program with the additional re-entry documents that include an updated SOC 158A, SOC 163, FC 2NM, SAWS 1 or SAWS 2 Plus, EA 1 (if applicable), and the JV 367 (Termination of Jurisdiction order). Once the TILP has been established the SOC 161 must be sent to eligibility. After the court hearing that reinstates dependency, the court order reinstating dependency must be sent to eligibility.

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**39.23 Turned 18 in 2011**

FC youths who turned 18 years of age in 2011 and court dependency has not terminated are eligible for EFC. If the youth wants to continue benefits beyond 18 years of age he/she must be evaluated for EFC and must meet one of the five conditions of eligibility.

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW/PO</td>
<td>Evaluates the NMD for EFC and submits the following completed, signed and dated documents to FC eligibility:</td>
</tr>
<tr>
<td></td>
<td>• SOC 158A (only if a new placement),</td>
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<td></td>
<td>• SOC 161,</td>
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<tr>
<td></td>
<td>• SOC 162 (at 18 or within six months of turning 18), and</td>
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<tr>
<td></td>
<td>• Other supporting documents depending on the placement type.</td>
</tr>
</tbody>
</table>
39.24 **Will Turn 18 in 2012 and thereafter**

FC Youths who turned 18 in 2012 and court dependency has not terminated are eligible for EFC. If the youth wants to continue benefits beyond 18 he/she must be evaluated for EFC and must meet one of the five conditions of eligibility.

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
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</thead>
<tbody>
<tr>
<td>FC EW</td>
<td>Performs the following:</td>
</tr>
<tr>
<td></td>
<td>• Reviews documents sent by the SW for signatures and completeness.</td>
</tr>
<tr>
<td></td>
<td>• Signs and dates SOC 161.</td>
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<tr>
<td></td>
<td>• Determines if there is a new or existing placement.</td>
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<td></td>
<td>• Updates the NMD’s address.</td>
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<td></td>
<td>• If there is a new placement, ends the existing placement and adds new placement.</td>
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<td></td>
<td>• Runs EDBC and authorizes payment.</td>
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<tr>
<td></td>
<td>• Reviews Client Correspondence.</td>
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<td></td>
<td>• Enters Case Comments.</td>
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<tr>
<td></td>
<td>• Resolves all alerts in CalWIN and MEDS.</td>
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<tr>
<td></td>
<td>• Reviews Search for Issuances.</td>
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<td></td>
<td>• Forwards documents to clerical for IDM.</td>
</tr>
</tbody>
</table>

WHO ACTION

SW/PO Evaluates the NMD for EFC and submits the following completed, signed and dated documents to FC eligibility:

- SOC 158A (only if a change in placement),
- SOC 161,
- SOC 162 (at 18 or within six months of turning 18), and
- Other supporting documents depending on the placement type.
**Extended Foster Care (EFC) Benefits**

### 39.25 Turned 19 in 2011

DFCS has determined that certain youths that are not eligible for EFC benefits will continue to receive county funded foster care benefits under the EFC plan. The SWs must submit a “Placement Expense Form” (SCZ 414Z) in order to pay county funded benefits. FC EWs will follow the same procedures in issuing County Funded benefits as described in CA-187.3 “Foster Care County Funded Payments.”

EFC youths are to remain on Medi-Cal in aid code 45.

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
</tr>
</thead>
</table>
| FC EW | Performs the following:  
- Reviews documents sent by the SW for signatures and completeness.  
- Signs and dates the SOC 161.  
- Determines if a new or existing placement.  
- If this is a new placement, then ends the existing placement and adds new placement.  
- Updates the NMD’s address.  
- Runs EDBC and authorizes payment.  
- Reviews Client Correspondence.  
- Enters Case Comments.  
- Resolves all alerts both CalWIN and MEDS.  
- Reviews Search for Issuances.  
- Forwards documents to clerical for IDM. |
| SW   | Evaluates the NMD for EFC and submits the following completed, signed and dated documents to FC eligibility:  
- SOC 158A (only if a placement change),  
- SOC 161,  
- SOC 162 (at 18 or within six months of turning 18),  
- SCZ 414Z, and  
- Other supporting documents. |
<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>FC EW</td>
<td>Performs the following:</td>
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<td>• Reviews documents sent by the SW for signatures and completeness.</td>
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<tr>
<td></td>
<td>• Signs and dates SOC 161.</td>
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<tr>
<td></td>
<td>• Determines if a new or existing placement.</td>
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<td></td>
<td>• Updates the NMD’s address.</td>
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<tr>
<td></td>
<td>• If there is a new placement, ends the existing placement and adds new</td>
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<td></td>
<td>placement.</td>
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<td></td>
<td>• Updates the <strong>Collect Attributes Detail</strong> window</td>
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<td></td>
<td>• Runs EDBC and authorizes county only funding.</td>
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<tr>
<td></td>
<td>• Reviews Client Correspondence.</td>
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<tr>
<td></td>
<td>• Enters Case Comments.</td>
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<tr>
<td></td>
<td>• Resolves all alerts in CalWIN and MEDS.</td>
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<td></td>
<td>• Reviews Search for Issuances.</td>
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<td>• Forwards documents to clerical for IDM.</td>
</tr>
</tbody>
</table>
39.26SILP

NMDs eligible for Supervised Independent Living Programs (SILPs) are eligible to receive AFDC-FC benefits directly or to a designated payee as determined by the SW/PO. When the SW/PO instructs a SILP payment the following process is followed.

Note:
SILPs are not eligible for SCIs but eligible for annual clothing allowances.

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
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</thead>
<tbody>
<tr>
<td>SW/PO</td>
<td>Evaluates for EFC youth for EFC under SILP placement and submits the following completed, signed and dated forms to FC eligibility:</td>
</tr>
<tr>
<td></td>
<td>• SOC 158A,</td>
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<td>• SOC 161,</td>
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<td></td>
<td>• SOC 162 (at 18 or within six months of turning 18),</td>
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<td>• SOC 157A,</td>
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<td>• SOC 157B, and</td>
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<td></td>
<td>• Other supporting documents.</td>
</tr>
<tr>
<td>FC EW</td>
<td>FC EW performs the following:</td>
</tr>
<tr>
<td></td>
<td>• Reviews documents sent by the SW for signatures and completeness.</td>
</tr>
<tr>
<td></td>
<td>• Signs and dates SOC 161.</td>
</tr>
<tr>
<td></td>
<td>• Requests that FC Management Analyst add the NMD to the provider table.</td>
</tr>
<tr>
<td></td>
<td>• Updates the Foster Care Summary Detail window.</td>
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<tr>
<td></td>
<td>• Updates address.</td>
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<tr>
<td></td>
<td>• Reviews Correspondence.</td>
</tr>
<tr>
<td></td>
<td>• Enter Case Comments.</td>
</tr>
<tr>
<td></td>
<td>• Reviews Search for Issuances.</td>
</tr>
<tr>
<td></td>
<td>• Resolves CalWIN and MEDS alerts.</td>
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<td></td>
<td>• Forwards document to clerical for IDM.</td>
</tr>
</tbody>
</table>
### 39.27NMD Re-Entry to EFC

Former FC Youths who will turn 18 in 2012 and court dependency was after age 18 years old and under age 21 are eligible to re-enter EFC. If the youth wants to reinstate EFC the NMD must agree to meet one of the five conditions of eligibility.

**Note:**  
Re-entry to EFC requires a new eligibility determination.

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
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</thead>
<tbody>
<tr>
<td>Former NMD</td>
<td>Contacts SSA ILP or JPD and requests to re-enter EFC</td>
</tr>
<tr>
<td>SW/PO</td>
<td>Evaluates the NMD for re-entry to EFC and submits the following completed, signed and dated documents to FC eligibility:</td>
</tr>
<tr>
<td></td>
<td>• Updated SOC 158A,</td>
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<td>• SAWS 1/ SAWS 2 Plus,</td>
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<td>• FC2 NM,</td>
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<td></td>
<td>• SOC 163,</td>
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<td></td>
<td>• EA 1 (if applicable),</td>
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<td></td>
<td>• Copy of the Termination of Jurisdiction Order,</td>
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<td></td>
<td>• SOC 815 (if applicable),</td>
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<td></td>
<td>• SOC 157A (if applicable),</td>
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<tr>
<td></td>
<td>• SOC 157B (if applicable),</td>
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<tr>
<td></td>
<td>• SOC 161 one month after TILP is completed, and</td>
</tr>
<tr>
<td></td>
<td>• Any additional documents that support eligibility.</td>
</tr>
<tr>
<td>WHO</td>
<td>ACTION</td>
</tr>
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<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Intake</td>
<td>Performs the following for a New Foster Care Episode:</td>
</tr>
<tr>
<td>FC EW</td>
<td>• Reviews documents sent by the SW for signatures and completeness.</td>
</tr>
<tr>
<td></td>
<td>• Request Management Analyst to add provider if SILP placement.</td>
</tr>
<tr>
<td></td>
<td>• Add new Voluntary Placement.</td>
</tr>
<tr>
<td></td>
<td>• Updates the NMD’s address.</td>
</tr>
<tr>
<td></td>
<td>• Updates the <strong>Foster Care Summary Detail</strong> window.</td>
</tr>
<tr>
<td></td>
<td>• Runs EDBC and authorizes payment.</td>
</tr>
<tr>
<td></td>
<td>• Performs BLO.</td>
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<tr>
<td></td>
<td>• Reviews Client Correspondence.</td>
</tr>
<tr>
<td></td>
<td>• Enters Case Comments.</td>
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<tr>
<td></td>
<td>• Resolves all alerts for both CalWIN and MEDS.</td>
</tr>
<tr>
<td></td>
<td>• Reviews Search for Issuances.</td>
</tr>
<tr>
<td></td>
<td>• Sets a Case Alert for 60 days waiting for the SOC 161.</td>
</tr>
<tr>
<td></td>
<td>• Forwards documents to clerical for IDM.</td>
</tr>
</tbody>
</table>