

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 04: Ongoing Case Management/Practice

Item 30: Eligibility Criteria for AB12 Extended Foster Care

Suggested changes send to: [DSS PSOA Mailbox](#)

Issued: **May 4, 2012**

References: AB12; Fostering Connections to Success and Increasing Adoptions Act of 2008; [ACIN 1-40-11](#); [W&IC section 11400 \(v\)](#)

Replaces Issue: March 23, 2012
Revision in Red

Policy

It is the responsibility of the Department of Social Services social worker to assist eligible clients in meeting the participation requirements of Extended Foster Care should the client express interest in continuing in foster care after the age of 18.

Purpose

To explain the eligibility requirements for Extended Foster Care and the participation requirements the client must meet in order to receive Extended Foster Care benefits.

Introduction

In October 2010, California passed Assembly Bill 12 (AB 12), California Fostering Connections to Success. AB 12 changes foster care, by optionally extending foster care until the age of 20. The extension of foster care and other payment benefits is effective January 1, 2012, up to age 19, and January 1, 2013, up to age 20.

The goal of the Extended Foster Care (EFC) program is to ensure that non-minor dependents are given the necessary skills for a successful transition into adulthood. This is accomplished by providing them with opportunities to gain incremental responsibility throughout their Dependency in a supportive environment.

Definitions

Non-Minor Dependent (NMD): On and after January 1, 2012, a foster child, **who is a current dependent child** or ward of the juvenile court that satisfies all of the following criteria:

- He or she has attained 18 years of age but is less than 21 years of age.
- He or she is in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe.
- He or she is participating in a Transitional Independent Living case Plan (TILP) as described in the Fostering Connections to Success and Increasing Adoptions Act of 2008 ([Public Law 110-351](#)).

Procedure

Eligibility

Eligible Youth

- Effective January 1, 2012- Youth who turn 18 during calendar year 2011, AND meet the current statute for the high school completion requirement, including those supervised by probation. Eligibility to remain in foster care continues until the youth reaches the age of 19 in calendar year 2012.
- Youth who turn 18 on or after January 1, 2012. Eligibility to remain in foster care continues until the youth reaches age 20 in calendar year 2014.
- Youth who turn 18 during calendar year 2011 who do not meet the current statute for the high school completion requirement BUT whose Court Dependency is in place on January 1, 2012.
- Former foster youth who are in the Kin-GAP program and youth in the Adoption Assistance Program (AAP) are also eligible for extended benefit payments provided the guardianship was established, or the initial adoption agreement was signed, when the youth was at least 16 years old and one of the eligibility criteria is met.
- Former foster youth who are in a Non-Dependent Legal Guardianship which was established by the Juvenile Dependency Court, regardless of the age of the child at which the Guardianship was established, who are meeting one of the eligibility criteria.

The Following Youth are **Not** Eligible for EFC:

- Those in non-related legal guardianships established through the probate court
- Those who turn 19 in calendar year 2011
- Those in Kin-GAP or AAP established under the age of 16 except:
 - Youth receiving AAP benefits or in Kin-GAP who have a mental or physical disability that warrants the continuation of assistance is/remains eligible until age 21, regardless of the age of the child when the initial adoption assistance agreement was signed or the guardianship was ordered.

To be Eligible for Extended Foster Care a Non-Minor Dependent Minor Must Meet the Following Criteria:

- **Sign a Mutual Agreement for Extended Foster Care**

The youth must jointly sign the agreement with his/her SW. The [SOC 162, Mutual Agreement for Extended Foster Care](#), establishes that the youth are voluntarily consenting to remain in foster care as court dependents, are responsible for reporting changes to the case manager, having

monthly face to face contacts with the case manager, and must reside in approved or licensed eligible and supervised placements.

- **Have an Open Dependency Court Case**

- Eligible youth who chose to voluntarily participate in the program shall agree to have their juvenile court case remain open, and
- Remain under court supervision with court review hearings every six months.

- **Reside in a Supervised Placement**

Examples of placement options are:

- A home of a relative, non-related legal guardian, or foster parent
- A group home setting up to age 19 (or possibly later if there is a documented medical reason)
- THP-Plus Foster Care Program
- Supervised Independent Living Placement (SILP) that may include:
 - An apartment,
 - College dormitory, or
 - A shared roommate setting.

- **Participate in One or More of the following Five Participation Conditions**

To meet the Participation Requirement, a NMD must be:

- **Completing High School or an Equivalent Program**

- The NMD must be enrolled in at least one course
- Enrollment can be in one of the following, including, but not limited to:
 - Independent study;
 - Home schooling;
 - Public high school;
 - A non-public school;
 - Alternative high school; or

- Adult education classes or any other course of study leading towards completion of a high school diploma or General Equivalency Degree (or equivalent).
- A non-minor dependent who is participating in special education activities as described in his/her Individualized Education Plan is deemed to be in compliance with this participation condition.

Verification

Verification of enrollment can be satisfied by requesting that the participant provide proof of enrollment that indicates both the credit and non-credit courses that the student is enrolled in.

- **Enrolled in an Institution Which Provides Post-Secondary or Vocational Education**

- The NMD must be enrolled at least half-time, *as defined by the school*. (In most institutions, including the California public college and university systems, this will consist, of enrollment in at least six course units.)
- Enrollment can be in one of the following, including, but not limited to:
 - All three public postsecondary systems (Community College, California State University and University of California)
 - Schools approved or accredited through a similar body in another state
 - Courses taken through correspondence or on-line studies that are affiliated with a licensed institution count towards the participation requirement
 - Enrollment in any for-credit courses along with any non-credit courses at the institution(s)

- Eligible Non-Credit Courses

Non-credit courses which count towards the participation requirement include, but are not limited to:

- Developmental or Remedial Education
- ESL courses
- Workforce Preparation Courses
- Education Programs for Persons with Substantial Disabilities
- Not-for-credit Vocational Programs

- Courses taken through University of California Extension or Cal State Open University
- The enrollment requirement does not require formal admission to an institution and includes situations where a student is enrolled in individual courses without being enrolled in the institution shall be included as qualifying under this requirement.
- Eligibility continues to participants on a summer or other break from school or who are awaiting admissions determinations or pending enrollment in courses.

Verification

Verification of enrollment at a post secondary or vocational institution can be made by requesting that the participant provide proof of enrollment that indicates the credit and non-credit courses that the student is enrolled in.

Impact of Dropping Classes

If a student drops courses mid-term (whether considered voluntary or involuntary), this shall not result in automatic disqualification from AB12 participation. The court must review the circumstances surrounding the student's decision and allow the NMD the opportunity to re-enroll for the following term and/or engage in activities meant to remove barriers to re-engagement with the educational institution while maintaining eligibility.

- **Participating in a Program or Activity Designed to Remove Barriers to Employment**

The program or activities designed to remove barriers to employment that the youth participates in may include, but not be limited, to:

- Job skill classes;
- Volunteering
- Internship and apprenticeship
- Career exploration
- Counseling/therapy
- Anger management;
- Substance abuse treatment;
- Mental health treatment,
- Domestic violence/date violence programs,

- Teen parent issues
- Budget and money management
- Enrolled in ILP or participating in ILP
- Eligibility requirements may also be met as long as the youth is participating in monthly meetings with his/her social worker to develop and implement his or her Transitional Independent Living Case Plan.
- **Employed For at Least 80 Hours Per Month**
 - The NMD must be engaged in paid full or part-time employment activities at one or more places of employment in order to meet the 80 hours a month requirement.
 - Employment activities include, but are not limited to paid internships, apprenticeships, Ticket to Work (for individuals receiving Supplemental Security Income), or work study programs.
 - As long as the NMD is scheduled to work at least 80 hours a month, he/she shall be deemed to meet his participation condition even if the NMD does not actually work that number of hours due to holidays, illness, excused absences or other circumstances beyond his/her control.

Verification

Verification of employment for at least 80 hours per month may include, but not be limited to, providing a copy the non-minor dependent's work schedule, pay stubs, a statement of hiring from the employer, or a statement of acceptance from the apprenticeship or internship program.

NOTE: Any earned income shall be disregarded for purposes of eligibility determination as specified in the NMD's [Transitional Independent Living Plan](#).

- **Incapable of Doing any of the Requirements Above Due to a Medical Condition, and That Incapability is Supported by Regularly Updated Information in the Case Plan of the Non-Minor Dependent.**
 - A "medical condition" is a physical or mental state that limits a NMD's ability to participate in any of the four (4) activities described above, as verified by a healthcare practitioner.
 - A "health care professional" is any individual provider who is licensed or otherwise authorized by the state, county or city in which the provider is located to provide services related to physical or mental health.
 - A NMD who is eligible for a disability program including, but not limited to, Supplemental Security Income, Social Security Disabled Adult Child benefits, State

Disability Insurance or Regional Center Services is deemed to have a medical condition that renders him/her incapable of doing one of the other activities.

Verification

The social worker for the NMD is responsible for obtaining one of the following:

- Written verification from a healthcare practitioner stating that the NMD has a medical condition and that he or she cannot consistently meet the full requirements of the other four activities; or
- Verification of the NMD's disability benefits status.

Case Plan

- The non-minor dependent's plan of participation shall be described in his or her Transitional Independent Living Case Plan (**TILCP**) which provides the basis for the six month certification of eligibility for EFC.
- The TILP provides the basis for the six month certification of eligibility for the Eligibility Worker and the Court.
- The CM SW shall complete the [SOC 161](#), *Six-Month Certification of Extended Foster Care Participation* and route it to the Eligibility Worker to certify the NMD's participation in EFC.
- During the six month certification period, the NMD shall report any changes in the participation plan to his or her SW.