

DSS Policy and Procedure Guide	
Division 3: Child Welfare	Chapter 5: Placement
Item 27: Extended Benefits For Non-Minors Living With Current or Former Non-Related Legal Guardians (NRLG)	
Suggested changes send to: DSS PSOA Mailbox	Issued:
References: ACL 12-48	Replaces Issue: New

Policy

Guardians of former foster youth in a permanent plan of Non-Related Legal Guardianship may continue to receive benefits for the youth up to age 21 for whom they have Legal Guardianship provided the guardianship continues to provide financial support for the youth.

Purpose

To inform Department of Social Services (DSS) Child Welfare social Work staff of the eligibility for extended benefits for non-minors living with or being provided with financial support from the former Non-Related Legal Guardians (NRLG).

Procedure

Probate Court Non-Related Guardianships

Guardianships established in Probate Court are not eligible for extended benefits. Youth approaching age 18 who are living with a NRLG established in Probate Court and receiving non-federal Aid to Families with Dependent Children-Foster Care (AFDC-FC), continue to be eligible under the secondary education completion requirements pursuant to Welfare and Institutions Code (W&IC) section 11405(f). These youth may continue to receive aid up to their 19th birthday if they remain in the guardian's home provided they are attending high school, vocational or technical training on a full time basis or pursuing a high school equivalency certificate and are reasonably expected to graduate/complete the program prior to their 19th birthday. They must sign the [SOC 155B](#), *Mutual Agreement for 18 year Olds* in the month the ward attains age 18 to remain eligible for aid.

Juvenile Court Non-Related Guardianships

As specified in [ACL 12-48](#), former dependent or delinquent foster youth who are wards of a juvenile court appointed non-related legal guardianship (NRLG) are eligible for extended NRLG benefits. In other words, Non-minors whose guardianship was established in Juvenile Court (Dependency or Delinquency) are eligible for extended NRLG benefits. This is not the same as Extended Foster Care benefits.

- Young adults who were formerly the ward of a juvenile court NRLG may voluntarily re-enter the extended NRLG benefits program after turning 18. However, these youth are only eligible for State/County funded extended NRLG benefits.

- They are **not eligible** to re-enter Extended Foster Care (EFC) as non-minor dependents and have their court dependency jurisdiction resumed.

Eligibility Criteria

In order to be eligible for NRLG benefits, a non-minor who formerly lived with a juvenile court appointed NRLG must meet the eligibility criteria specified below:

Age

In order to be eligible for extended NRLG benefits, **a youth who was formerly the ward of a juvenile court NRLG** (guardianship ordered in Dependency or Delinquency Court) must have been receiving the non-federal AFDC-FC benefit payment on his/her 18th birthday. With the passage of SB 1013, a youth who was receiving AFDC-FC on his/her 18th birthday is eligible to receive extended NRLG benefits until age 21.

See the table below regarding the age requirements of non-minors re-entering care.

Effective January 1, 2012	Non-minors under 19 may re-enter care and remain in care until their 21st birthday
Effective January 1, 2013	Non-minors under 20 may re-enter care and remain in care until their 21st birthday
Effective January 1, 2014	Non-minors under 21 may re-enter care and remain in care until their 21st birthday

Education and Employment Participation Conditions

See [ACL 11-61](#) and [PPG 3-4-34](#) regarding these requirements

NRLG Case Plan including the Transitional Independent Living Plan (TILP)*

- The every six-month NRLG assessment and case plan update requirements of [W&IC section 11405](#) continue for the non-minor.
- The schedule of the case managing social worker (CM SW) and non-minor visits in the case plan continue at the once every six-month frequency.
- In addition, the NRLG non-minor must complete the TILP with the social worker every six months documenting the activities to support the non-minor’s educational and employment participation goals.
- Upon completion of the updated TILP, the CM SW shall complete and send the [SOC 161, Six-Month Certification of Extended Foster Care Participation](#), to the Foster Care eligibility worker.
- **For those youth who are not eligible for ILP services, the CM SW shall complete the TILP within 60 days.**

Authority for placement

- The non-minor who wishes to remain eligible for extended NRLG benefits must complete and sign the applicable sections of the *Mutual Agreement for Extended Foster Care*, [SOC 162](#), prior to or within the month of attaining age 18.
 - The Mutual Agreement provides the county with authority for placement for youth who wish to continue to receive benefits beyond their 18th birthday and specifies the services that DSS agrees to provide to the non-minor.
- If the non-minor stops participating or leaves the care and support of his/her guardian or is otherwise ineligible for benefits and subsequently wishes to return to the former guardian's care and support, the CM SW shall assist the non-minor to sign the applicable sections of the *Voluntary Re-Entry Agreement for Extended Foster Care*, [SOC 163](#).
 - The SOC 163 is the document that the non-minor signs specifying his/ her intention to return to the former guardian's care and support and comply with extended NRLG program requirements and eligibility conditions.
 - The agreement provides the county with authority for placement for re-entry youth and specifies the services that DSS agrees to provide to the non-minor.
 - The signing of the SOC 163 is an eligibility condition for a non-minor returning to the extended NRLG benefits program and documents the earliest possible beginning date of aid (BDOA).
 - The BDOA is the day the non-minor and county sign a SOC 163 or the day the non-minor returns to the care and support of his/her former guardian, whichever occurs later, provided all other eligibility criteria are met.

Eligible facility

Non-minors in juvenile court NRLGs are **not eligible** for EFC placement options, including a Supervised Independent Living Plan, and generally must live with their NRLG to receive a payment. These non-minors may live in a college dorm or other setting as required to access education/employment opportunities, as long as the former guardian maintains financial support of the non-minors.

County Responsibility

Unlike EFC, the county of payment and case management for the remaining and returning non-minor in receipt of extended NRLG benefits is the current county of residence of the guardian.

Required Forms for the Eligibility Case

- The CM SW shall ensure that the [SAWS 1](#) (for re-entry only) [FC 2 NM](#), and a copy of the SOC 162 or SOC 163 (for re-entry) is forwarded to eligibility along with a completed SOC 158A in order for eligibility to be determined.

- The non-minor is responsible for completing the FC 2 NM as part of the annual redetermination of eligibility.

Independent Living Plan (ILP) Services

Not all wards of a juvenile court NRLG are eligible for ILP services. Only those whose juvenile court guardianship was ordered on or after their eighth birthday are eligible for ILP Services.

- Some non-minors who are approaching age 18 and elect to sign the Mutual Agreement, SOC 162, to remain eligible for extended NRLG benefits will not have a current TILP as their guardianship was ordered prior to attaining age eight.
- For these youth, the CM SW shall initiate a TILP with the non-minor at age 18. Such a youth is not eligible for ILP services, but is eligible for extended NRLG benefits which require an updated TILP every six months.