



CDSS

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GOVERNOR

March 23, 2012

ALL COUNTY LETTER NO. 12-12

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY PROBATION OFFICERS
 ALL TITLE IV-E TRIBES
 ALL FOSTER CARE MANAGERS
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL ADMINISTRATIVE LAW JUDGES
 ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: RE-ENTRY INTO EXTENDED FOSTER CARE (EFC)

REFERENCE: ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010);
 AB 212 (CHAPTER 459, STATUTES OF 2011);
 ALL COUNTY LETTER (ACL) NO. 11-61, DATED NOVEMBER 4, 2011

This All County Letter (ACL) will focus on the requirements for **re-entry** of a former foster youth (probation, child welfare or tribally supervised) into Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits after attaining 18 years of age. This ACL contains information on both case management and eligibility determination responsibilities for re-entry. This ACL does not apply to re-entry for non-related legal guardian cases who at age 18 and over want to return to the guardian's care. That population will be addressed in a separate ACL.

To be eligible to re-enter foster care and be eligible for foster care benefits, Welfare and Institutions Code (W&IC) section 388(e) states that a non-minor (NM) youth must have had a court order for foster care placement on his or her 18th birthday. Please refer to ACL 11-61 for additional information on extended foster care (EFC) benefits. In addition, all references in this ACL to case manager (CM) include both social workers and probation officers.

NOTE: The California Department of Social Services (CDSS) is the single state agency responsible for the oversight of foster care funding and county determination of foster care eligibility. Counties should rely only on the CDSS ACLs, All County Information Notices, County Fiscal Letters or other guidance issued by CDSS as the official communication of program or fiscal policy. Information shared in trainings, conferences, or other similar forums by the CDSS or other entities is for the purposes of providing a general overview and is often helpful for practice.

REQUIREMENTS FOR RE-ENTERING YOUTH

On and after January 1, 2012, in order to be eligible to re-enter foster care and receive EFC benefits, a former non-minor dependent (NMD) must meet the eligibility criteria specified below which are the same for both the state and federal AFDC-FC programs and include:

1. age,
2. under a foster care placement order on their 18th birthday,
3. agree to meet education and employment participation conditions,
4. authority for placement (completing the Voluntary Re-entry Agreement (SOC 163), followed by resumption of juvenile court jurisdiction),
5. placement in an eligible facility.

In addition to the above criteria, the CM has 60 days from the date of assumption/resumption of jurisdiction to develop the Transitional Independent Living Case Plan (TILCP), including the Transitional Independent Living Plan (TILP) with the NMD.

The participation criteria are discussed in more detail in ACL 11-61. The process for re-entering youth is discussed below.

COUNTY RESPONSIBILITY

Note: The county that had jurisdiction over the NMD immediately prior to the youth exiting foster care maintains payment and case management responsibility/court jurisdiction for the youth upon re-entry. This is also the county that maintains general jurisdiction over the NM youth (see page 5).

- **County of Jurisdiction**

Case Management

If the NM contacts the county with jurisdiction to reinstate benefits through EFC, the county CM will assess the circumstances of the youth's request for placement and have the youth immediately complete a SAWS 1, an FC 2 NM, and a SOC 163. In addition, the youth must be assisted in completing the JV 466 and JV 468 petition forms at the earliest possible interval so that the CM can file the W&IC section 388(e) petition within 15 judicial days to petition the court for resumption of jurisdiction over the NM. The county may also consider completing an EA 1, if an emergency exists, on behalf of the youth. The appropriate placement agreement should also be completed at the time of placement.

Eligibility

Once completed, the SAWS 1, FC 2 NM, EA 1 and a copy of the SOC 163 must be forwarded to the Eligibility Worker (EW) along with a completed SOC 158A. These forms must be maintained in the EW's file.

- **County of Residence Providing Courtesy Supervision**

Case Management

If the NM contacts a county (county of residence) other than the county of jurisdiction (payment county), and if the county of residence provides courtesy supervision, the county of residence will assess the circumstances of the youth's request for placement and assist the youth with completion of the forms identified above; the county will then fax or scan and email the forms that same day to the county of jurisdiction's point of contact for an original signature by the county of jurisdiction. (The County Welfare Directors Association has agreed to create a list of local contacts and post it on its website). **Because the SOC 163 represents the earliest possible beginning date of aid (BDOA), and MUST be signed by the county of general jurisdiction, it is imperative that the county of residence transmit this form to the payment county immediately.** The county of residence must maintain a courtesy copy of the forms. The county of general 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 youth, a copy of the placement agreement is sent to the county of jurisdiction.

Eligibility

Once completed, the county of residence must forward the SAWS 1, FC 2 NM, EA 1 and a copy of the SOC 163 to the county of jurisdiction who will forward to their EW along with a completed SOC 158A. These forms must be maintained in the EW's file.

- **County of residence NOT Providing Courtesy Supervision**

Case Management

If the NM youth contacts a county of residence that does NOT provide courtesy supervision, the county of residence must immediately assist the youth in determining the county of jurisdiction and allow the youth to phone the point of contact in the county of jurisdiction in order to begin the application process. The county of residence must also provide blank copies of the SAWS 1, FC 2 NM, EA 1 and SOC 163 to the youth. It is the county of jurisdiction's responsibility to assess the circumstances of the youth's request for placement and care and get the completed forms from the youth in a timely manner.

Eligibility

Once completed, the county of jurisdiction must forward the completed SAWS 1, FC 2 NM, EA 1 and a copy of the SOC 163 to the county of jurisdiction's EW along with a SOC 158A. These forms must be maintained in the EW's file.

ELIGIBILITY DETERMINATIONS/NEW EPISODES (ELIGIBILITY WORKER)

Youth who voluntarily re-enter foster care after turning 18 years of age following dismissal of dependency are considered to be entering a new foster care 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 the income and property of the youth 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 (e.g., a child-only case). Deprivation is met so long as the youth is not living with a biological or adoptive parent. Authority for placement is initially met through the signing of a SOC 163 by both the youth and the county and maintained by the court's resumption of dependency or assumption/resumption of transition jurisdiction under W&IC section 388(e).

AUTHORITY FOR PLACEMENT

Case Management/NM Youth

In order to re-enter foster care and receive EFC benefits, the youth must sign a SOC 163 with the county of jurisdiction and either simultaneously or subsequently complete a JV 466 and JV 468 to petition for the resumption or assumption of court jurisdiction. The SOC 163 is the document that the youth signs specifying his or her intention to enter EFC and comply with program requirements and eligibility conditions. The agreement provides the county with the initial authority for placement and specifies the services that the county agency agrees to provide to the youth.

Eligibility

The signing of the agreement is an eligibility condition for a youth re-entering EFC and documents the earliest possible beginning date of aid (BDOA). The BDOA is the day the youth and county sign a SOC 163 or the day the youth is placed in an eligible facility, whichever occurs later, provided all other eligibility criteria are met, even if dependency is established at a later date. As with all voluntary placements, if a court order, including the best interest finding, is not obtained within 180 days/six months of the signing of the voluntary placement order, extended foster care funding must terminate.

COURT RETENTION OF GENERAL JURISDICTION OVER NMDs (CM)

Beginning January 1, 2012, there are three status types for NMD: dependency, delinquency, and transition jurisdiction. Transition jurisdiction is a new type of jurisdiction that has been created to allow wards who have completed their probation and no longer require delinquency jurisdiction to remain under court supervision per W&IC section 450. For more information on transition jurisdiction refer to ACL 11-85.

When a NMD makes the first exit from foster care, a court hearing will be held to terminate dependency, delinquency or transition jurisdiction, pursuant to W&IC sections 391, 607.3 and 452.

The requirements for the court hearing for termination of dependency jurisdiction under W&IC section 391 have been modified to include NMDs. Changes include:

- Telephonic appearances for NMDs;
- Submitting a report describing whether it is in the NMD's best interest to remain under the court's dependency jurisdiction;

- Submitting documentation of reasonable efforts made to provide the NMD with assistance to meet or maintain eligibility if the county recommends termination of dependency; and
- Addressing in the report how the NMD was advised of his/her options, including the benefits of remaining in care and his/her ability to re-enter foster care through the filing of a W&IC section 388(e) petition prior to reaching the maximum age for EFC, if the NMD does not want dependency jurisdiction to continue.

The above changes to W&IC section 391 hearings also apply to probation wards. See ACL 11-85 for additional information regarding W&IC sections 607.3 and 452 hearings for wards.

Beginning January 1, 2012, when terminating dependency, delinquency or transition jurisdiction over NMDs or foster youth who have reached age 18 and do not elect to remain in EFC, the Juvenile Court shall retain general jurisdiction over the NMs per W&IC section 303(b). This will allow the NM to file a petition per W&IC section 388(e) for the court to resume or assume transition jurisdiction or resume dependency at a later date for youth who are still under the maximum age of EFC (W&IC section 303(b)).

For more information on transition jurisdiction and the termination of jurisdiction for wards refer to ACL 11-85.

THE W&IC SECTION 388(e) PETITION PROCESS

Case Management

The SOC 163 serves as a valid authority for placement for no more than 180 days. Once the SOC 163 is completed, a petition pursuant to W&IC section 388(e) should be filed within 15 judicial days of signing the SOC 163. The 15 judicial day requirement is to ensure that a NM gets before the court and connected with his/her attorney as quickly as possible but is **not** a requirement for eligibility of the federal or state EFC payment program at the 15th day. However, the court must make the best interest finding before the 180 days expire for continued federal or state EFC eligibility.

Parents are no longer parties to the hearings, nor shall they have counsel appointed. However, hearings may be attended by persons the youth invites, including a parent or guardian.

Prior to the W&IC section 388(e) hearing, the case manager must prepare and submit a court report that states that the youth intends to meet one of the participation criteria, and has signed the SOC 163 thus entering into a voluntary re-entry agreement.

The court shall resume dependency jurisdiction over a former dependent or assume or resume transition jurisdiction over a former delinquent ward pursuant to W&IC section 450 (see ACL 11-85 for information on probation wards). The youth's placement and care will be under the responsibility of the county child welfare or probation department, as determined by the W&IC section 241.1 protocol. The youth must meet the criteria as described in this ACL and W&IC section 388(e)(5) in order to be eligible for the resumption of dependency or transition jurisdiction. The court must find that re-entry and remaining in foster care is in the youth's best interest as described in 388(e)(5)(iii) for Title IV-E eligibility to continue beyond the 180th day.

The petition process pursuant to W&IC section 388(e) uses the JV466 and JV468 forms. These forms are available on Child Welfare Services/Case Management System (CWS/CMS). All JV forms are available at:

<http://www.courts.ca.gov/forms.htm?filter=JV>.

Eligibility

A copy of the fully executed SOC 163 and a copy of the termination of jurisdiction court order pursuant to W&IC sections 391, 452 or 607.2 must be submitted to the EW to determine funding eligibility. In addition, once the W&IC section 388(e) petition is heard by the court and court jurisdiction is resumed, a copy of the court order should be forwarded to the EW. These documents should be maintained in the EW's file. As with all voluntary placements, if a court order including the best interest finding is not obtained within 180 days of the signing of the voluntary placement order, extended foster care funding must terminate.

TRANSITIONAL INDEPENDENT LIVING CASE PLAN (CASE PLAN) FOR A RE-ENTERING NON-MINOR

For a youth re-entering the EFC program, the young adult must agree to meet the participation conditions listed in ACL 11-61. Every NMD will have a case plan which includes a TILP. The case plan's TILP must document which of the participation conditions the NMD will be participating in and, should also include a back-up plan should the NMD become unable to participate in the first activity. A county has 60 days from the assumption/resumption of jurisdiction to complete the case plan and TILP with the NMD. The youth's signature on the SOC 163 will indicate their initial agreement to satisfy one of five participation conditions of EFC and will continue to satisfy that

requirement pending completion of the TILP that documents their continuing participation. The CM will send the completed SOC 163 to the EW. As discussed in ACL 11-61, after the TILP is completed, the CM will send the SOC 161 to the EW but no later than the month following the month the TILP was completed. Copies of the back-up documentation that supports the specified participation eligibility criteria should be maintained in the CM's case file for review as needed. The CDSS strongly suggests that the back-up documentation also be kept in the EW's file.

ELIGIBLE FACILITIES (PLACEMENT TYPES)

The NMD must be placed in an eligible licensed or approved foster care facility in order to be eligible for payment. The youths who re-enter EFC have the same placement options that were available to them previously. However, placement in a THPP or in group homes are limited up to age 19 and for the completion of high school (unless the young adult has a disability in which case a group home placement can be considered). If placement in a licensed or approved foster or relative home with dependent minors in the residence is planned, the county may elect to do a background check of the petitioning youth (see W&IC section 16504.5). This information would be included in the court report completed for the W&IC section 388(e) hearing. The existence of a criminal conviction does not bar the court from resuming dependency or transition jurisdiction; the background check is solely for purpose of determining appropriate placement [W&IC section 388(e)(4)].

Health and Safety Code sections 1522 and 1522.1 require that adults residing in a community care facility, including a licensed foster family home, are subject to criminal background clearances. However, these sections do not apply to NMDs residing in community care facilities, including licensed foster family homes, because they are considered clients. This also applies to NMDs in relative and non-related extended family member homes per W&IC sections 309(d) and 361.4.

Additionally, a pre-placement appraisal must be conducted for a youth re-entering EFC who is placed in a licensed or approved home. This is to ensure the placement can meet the needs of the young adult and to confirm that the young adult does not pose any threat to other minors in the home. See ACL 11-77, dated November 18, 2011, for more information on pre-placement appraisals, placement options and the new Supervised Independent Living Settings (SILP) which includes Transitional Housing Placement Program-Plus-Foster Care.

FORMS

The following forms should be maintained in the case manager's file:

- Voluntary Reentry Agreement for Extended Foster Care -- SOC 163
- TILP
- Six Month Certification of Extended Foster Care Participation -- SOC 161 and back-up documentation
- Request to Return to Juvenile Court Jurisdiction and Foster Care -- JV 466 and Confidential Information— Request to Return to Juvenile Court Jurisdiction and Foster Care – JV 468 and court order of resumption/assumption of jurisdiction
- All placement agreements
- Approval of Family Caregiver Home -- SOC 815 and SILP approvals

The following forms should be maintained in the EW's file:

- SOC 163
- SOC 161 and documentation, if provided
- FC 2 NM Statement of Facts Supporting Eligibility for AFDC Extended Foster Care Benefits
- Application for Case Aid, Food Stamps, and/or Medi-Cal/State CMSP -- SAWS 1
- Emergency Assistance Application -- EA 1
- Foster Child's Data Record and AFDC-FC Certification -- SOC 158A
- All other eligibility forms including but not limited to the Determination of AFDC-FC Federal Eligibility -- FC 3 and 3A
- Approval of Family Caregiver Home -- SOC 815 and SILP approvals

CAMERA READY COPIES AND TRANSLATIONS OF FORMS

For a camera-ready copy in English, contact the Forms Management Unit at: fmudss@dss.ca.gov. If your office has internet access, you may obtain these forms from CDSS' webpage at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm. When all translations are completed per MPP section 21-115.2, including Spanish forms, they are posted on an on-going basis on our web site.

Copies of the translated forms can be obtained at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm. Until translations are available, clients who have elected to receive Spanish, Russian, Vietnamese, and written Chinese materials should be sent the GEN1365 interpretation informing notice with a local contact number.

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For questions on translated materials, please contact Language Services at (916) 651-8876.

If you have any questions about EFC benefits, please contact your Funding and Eligibility Consultant at (916) 651-2752.

If you have questions about case management activities or responsibilities related to AB 12, please submit your question to ab12@dss.ca.gov. We ask that these questions be submitted by e-mail to help document the information for future ACLs.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

SAMPLE TIMELINE FOR PROCESSING RE-ENTRY CASES

Date	Steps/actions	Responsibility
6/1/2012	Non-minor (NM) former foster youth requests Extended Foster Care (EFC) re-entry	Youth
6/1/2012	<ol style="list-style-type: none"> 1. County agency assesses youth's circumstances, determines county of jurisdiction by researching Child Welfare Services/Case Management System (CWS/CMS) closed case and completes SAWS 1, FC2 NM, SOC 163, and EA1 (if applicable). (See County Responsibility above for more information.) 2. NM requests placement in an eligible facility, same day or subsequent day. Appropriate Placement Agreement is signed by facility representative and county of jurisdiction's placement worker. Placement information is entered into CWS/CMS same day as placement and SOC 158 is generated. Forward copies of the SAWS 1, FC2 NM, SOC163, SOC 158A, SOC 815 or Supervised Independent Living Settings (SILP) to the Foster Care (FC) Eligibility Worker (EW) for processing of the application. 3. Immediate intent to participate is documented on the SOC 163 by the young adult's signature and immediate participation in one of the 5 participation activities is documented in the CWS/CMS contact notebook and the participation special project code. 	CM
6/1/2012 or later	EW receives completed SAWS 1, FC 2 NM, SOC 158A, SOC 815 or SILP Approval (if applicable), SOC 163, and EA 1 (if applicable) with June 1 date of entry into approved placement. Note: Beginning date of aid (BDOA) is the latter of the date the SOC 163 was signed or date of placement into an eligible facility.	EW
6/3/2012	Case management worker meets with the NM to complete the petition to return to juvenile court jurisdiction and foster care, the JV466 and JV468. [These JV forms may be completed the same day as the SOC 163, or shortly thereafter in order to meet the 15 judicial days the county agency has to file the petition in the court of jurisdiction.]	CM/Youth

Attachment

6/22/2012	The W&IC section 388(e) petition is filed in the court of jurisdiction no later than 15 judicial days from the date the SOC 163 is signed.	CM
7/15/2012	EW has up to 45 days to determine eligibility and issue benefits or deny application.	EW
7/16/2012	Court hearing: If prima facie is found, the petition is set for hearing by the court of jurisdiction within 15 judicial days of the filing of the petition. The case manager submits a report per W&IC section 388(e)(4). Court may resume/assume dependency or transition jurisdiction. Court orders placement and care be under the responsibility of the county placing agency and makes required Title IV-E finding of best interests. Matter set for first case plan review hearing within 70 days from the W&IC section 388(e) hearing but in no event more than 180 days from the date the youth signed the SOC 163.	CM/Court
9/14/2012	No later than 60 days from the date of re-entry into foster care (60 days from the date jurisdiction is resumed), the Transitional Independent Living Plan (TILP) assessment, the TILP, and Transitional Independent Living Case Plan (TILCP), TILCP are completed jointly with the NMD.	CM/Youth
9/14/2012	At least 10 calendar days prior to the first review hearing, the placing agency worker files the W&IC section 366.3 review hearing court report with the court.	CM
9/24/2012	First review hearing per W&IC section 366.3 is heard within 70 days from the W&IC section 388(e) hearing for the court to review progress and discuss the NMD's new TILCP with the NMD and placing agency.	CM/Court
9/30/2012	SOC 161 is generated and sent to the EW no later than the end of the month following the month the 6 month update to the TILP is due.	CM
9/30/2012 at the latest	EW receives the SOC 161 generated by case manager. Updates case file as appropriate.	EW

Attachment

2/14/2013	Case manager updates TILP and TILCP with NMD.	CM/Youth
2/28/2013	Next SOC 161 is generated and sent to the FC EW no later than the end of the month following the month the 6 month update to the TILP is due.	
2/28/2013	EW receives the SOC 161 generated by case manager and updates case file as appropriate.	EW
3/24/2013	12 Month Permanency Planning Hearing (PPH): 12 th Month PPH is held within 6 months of the first W&IC section 366.3 review hearing, but in no event more than a 12 months from the date the SOC 163 is signed.	CW
5/31/2013	Annual review for Medical redetermination is due before the end of the 12th month from date of application.	EW
9/24/2013	Six Month Review Hearing	CM/Court
3/24/2014	12 Months PPH	CM/Court