

# TRANSITION PLANNING AND SUPPORT FOR TRIBAL YOUTH

---

Alliance for Children's Rights  
California Indian Legal Services  
Youth Law Center  
Yurok Tribe

# Agenda

- Welcome and Introductions
- Transitional Planning
- AB 12 Benefits for Youth After Age 18: Eligibility and Placements
- Lunch
- AB 12 Benefits for Youth After Age 18: Court Procedures, Fair Hearings, and Dispute Resolution
- 
- Other Transitional Benefits: Chafee, THP-Plus, Medi-Cal, and CalFresh (Food Stamps)
- Education, Mental Health, and Developmental Services
- Wrap-up and evaluation

# Introductions

Who's in the room: What's your connection to foster youth?

- Youth, foster youth, former foster youth
- Caregivers, foster parents, family members
- Social workers, county, tribe, other
- Probation
- Eligibility workers, other county staff
- Other youth serving professionals
- Attorneys
- Judicial officers
- Other

# Introductions

Who's in the room –

- Experience with AB 12
  - Work on AB 12 issues
  - Attended an AB 12 training
  - Know a little
  - Know a lot
- Came with specific questions
- This training will have been worth my time if ....

# Case Study

Michael, age 17; Karen, age 15; and Sarah, age 11 were removed from home and placed in foster care with Grandma two years ago. Allegations included severe neglect, physical abuse of Michael, and sexual abuse of Karen.

Michael is doing well in school, but is behind in credits because he missed a lot of school. He would like to go to college.

Karen has been skipping school and has just been arrested for assault.

Sarah has developmental delays and has been held back twice in school.

Their older brother Thomas was in a group home as a result of a delinquency adjudication until last year when he turned 18. He is still on probation but is homeless because he has no means of support. He sometimes stays with Grandma, but feels guilty because Grandma's house is crowded, and there is not enough money to support his brother and sisters.

# Transition Planning Case Study

- What should be included in Michael's transitional independent living plan?
- What should be included in case plans for Karen and Sarah?
- What would have helped Thomas? What should happen now?

## AB 12 - Purpose

- Promotes permanency
  - Supports permanency options
  - Continues appropriate reunification
  - Encourages development and continuation of connections to supportive adults
- Provides a safety net to support increasing independence in a supervised living environment
- Prepares youth for successful transition into adulthood

## AB 12 – Overview

- Allows youth to remain in foster care and continue to receive support until age 21
  - Redefines “Indian child” WIC §224.1
  - Includes youth in juvenile court non related legal guardianships
- Requires 90-day transition planning before emancipation
- Replaced California’s old Kin-GAP to align with federal option (2011)
- Extends AAP and Kin-GAP funding for youth who enter Kin-GAP or AAP after age 16
- Establishes new requirements for maintaining SSI eligibility for youth with disabilities beyond age 18

# TRANSITION PLANNING

---

# Case Study

Michael, age 17; Karen, age 15; and Sarah, age 11 were removed from home and placed in foster care with Grandma two years ago. Allegations included severe neglect, physical abuse of Michael, and sexual abuse of Karen.

Michael is doing well in school, but is behind in credits because he missed a lot of school. He would like to go to college.

Karen has been skipping school and has just been arrested for assault.

Sarah has developmental delays and has been held back twice in school.

Their older brother Thomas was in a group home as a result of a delinquency adjudication until last year when he turned 18. He is still on probation but is homeless because he has no means of support. He sometimes stays with Grandma, but feels guilty because Grandma's house is crowded, and there is not enough money to support his brother and sisters.

# Transition Planning

## **Case Plan WIC §16501.1**

- Youth has a meaningful opportunity to participate
  - Development of plan
  - Preference for placement
- Case plan must identify:
  - Specific goals
  - Appropriateness of services to meet those goals
- Importance of starting early

# Transition Planning

## **Transitional Independent Living Plan (TILP)** **WIC §16501.1(f)(16)**

- Youth 16 and older
- Including non-minor dependents
- Developed with:
  - The youth
  - Individuals important to the youth

# Transition Planning

## TILP

- Programs and services that will help prepare for transition to independent living
  - Consistent with youth's best interest
  - Assist youth to qualify for extended benefits
- Steps the agency is taking to ensure permanency
  - Reunification
  - Adoption
  - Maintaining or obtaining permanent connections to committed adults

# Transition Planning

## **Credit Report WIC §16501.1(f)(16)(C)**

- Youth 16 and older
- Annual request for credit report
  - Each of three credit reporting agencies
  - No cost to youth
- Assistance
  - Interpreting the report
  - Correcting inaccuracies
  - Referrals for assistance

# Transition Planning

## **90 Day Transition Plan WIC §16501.1(f)(16)(B)**

- During 90 days prior to emancipation
- Social worker or probation officer must assist
- Personalized
- At the direction of the youth
- As detailed as youth elects

# Transition Planning

## 90 Day Transition Plan

- Must include, but not be limited to, options regarding:
  - Housing
  - Health insurance
  - Education
  - Local opportunities for mentors and continuing support services
  - Workforce supports and employment services
  - Power of attorney for health care
  - Information regarding the advance health care directive form

# Transition Planning

## Small Group Discussion

Name as many as you can:

1. Things all youth need to know before they go out on their own
2. Additional things tribal youth need to know before they go out on their own
3. Things tribal youth need to know before they reach 18

# Transition Planning

- Importance of working with the tribe
- Specific issues for tribal youth
  - Financial planning
  - Money management
  - Savings
- Tribal Options
  - Bureau of Indian Affairs
  - Tribe

# Case Study

Michael, age 17; Karen, age 15; and Sarah, age 11 were removed from home and placed in foster care with Grandma two years ago. Allegations included severe neglect, physical abuse of Michael, and sexual abuse of Karen.

Michael is doing well in school, but is behind in credits because he missed a lot of school. He would like to go to college.

Karen has been skipping school and has just been arrested for assault.

Sarah has developmental delays and has been held back twice in school.

Their older brother Thomas was in a group home as a result of a delinquency adjudication until last year when he turned 18. He is still on probation but is homeless because he has no means of support. He sometimes stays with Grandma, but feels guilty because Grandma's house is crowded, and there is not enough money to support his brother and sisters.

# Transition Planning Case Study

- What should be included in Michael's transitional independent living plan?
- What should be included in case plans for Karen and Sarah?
- What would have helped Thomas? What should happen now?

# AB 12: CASH BENEFITS AFTER AGE 18

---

Eligibility and Placements

# Case Study

Michael, age 17; Karen, age 15; and Sarah, age 11 were removed from home and placed in foster care with Grandma two years ago. Allegations included severe neglect, physical abuse of Michael, and sexual abuse of Karen.

Michael is doing well in school, but is behind in credits because he missed a lot of school. He would like to go to college.

Karen has been skipping school and has just been arrested for assault.

Sarah has developmental delays and has been held back twice in school.

Their older brother Thomas was in a group home as a result of a delinquency adjudication until last year when he turned 18. He is still on probation but is homeless because he has no means of support. He sometimes stays with Grandma, but feels guilty because Grandma's house is crowded, and there is not enough money to support his brother and sisters.

## AB 12: Case Study

The county social worker told Grandma that it is time to make a permanent plan for the children.

- What is the best option for each child?
- What are the options for Thomas?

# AB 12 – Cash Benefit Programs

- AFDC-FC (Foster Care Benefits)
  - Children in dependency or delinquency proceedings
  - Children in juvenile court non-related legal guardianships
- CalWORKs
  - Children placed with relatives
  - Needy caregivers
- Kin-GAP
  - Children in juvenile court guardianships with relatives
- Adoption Assistance – Children with special needs
  - Adopted from foster care
  - At risk of foster care
  - Relinquished for adoption
- SSI
  - Disability
  - Income

# AB 12 – Threshold Issues

- The rules don't always make sense.
  - Different funding sources impose different rules.
  - Everything has been changing in the past few years
- Relatives are different – sometimes
- AB 12 Concepts
  - New term – non-minor dependent (NMD)
  - Youth in foster care as adults
  - NMDs can re-enter foster care
  - Transition jurisdiction

## AB 12 – Threshold Issues

Who is a relative under state law?

- An adult related to the child by blood, adoption, or marriage within the fifth degree of kinship
- For some purposes: a non-relative extended family member (NREFM)

# AB 12 – Threshold Issues

Who is a relative under state law?

- Mother, Father, Stepparents
- Siblings, Step-siblings
- Grandparents (great, great-great, great-great-great)
- Aunts/uncles (great, great-great-great)
- First cousins, first cousins once removed
- Nieces and nephews
- Spouses of any listed relative, even if the relative is divorced or deceased.

# AB 12 – Snap Shot

When do benefits end?

- AFDC-FC – Juvenile Court
  - 18
  - 20 (2013) 21 (2014) if
    - Order for foster care placement on 18<sup>th</sup> birthday, **or**
    - Non-related legal guardianship\*\*, **and**
    - Meeting AB 12 requirements
- Order for foster care placement – not residence
- Delinquency (WIC 602) as well as dependency (330)

**\*\* Youth receiving AFDC-FC with a NRLG are not in extended foster care and some of the eligibility rules and placement options are different for these youth. But, the funding source (AFDC-FC) is the same.**

## AB 12 – Snap Shot

When do benefits end?

- AFDC-FC – Probate Court Guardianship
  - Only applies to non-related legal guardians, not relatives
  - 18 – OR -
  - 19 if youth satisfies school completion rule (Still in high school or equivalent and expected to graduate by 19)

# AB 12 Snap Shot

When do benefits end?

- CalWORKs
  - 18 – OR -
  - 19 – School completion rule – OR –
  - Parenting youth can establish own CalWORKs case at age 18
- Extended CalWORKs (for NMDs)
  - 20 (2013) 21 (2014) if
    - Order for foster care placement on 18<sup>th</sup> birthday
      - Diversion to relatives, informal placement vs. juvenile court jurisdiction
      - Tribal Custodianship vs. juvenile court jurisdiction
    - Meeting AB 12 participation requirements

# AB 12 Snap Shot

When do benefits end?

- Kin-GAP
  - 18 – OR –
  - 19 – School completion rule – OR –
  - 21 if mental or physical handicap that warrants continuation
- Extended Kin-GAP
  - 20 (2013) 21 (2014) if
    - Kin-GAP payments start after 16
    - Meeting AB 12 participation requirements

# AB 12 Snap Shot

When do benefits end?

- Adoption Assistance
  - 18 – OR -
  - 21 if mental or physical handicap that warrants continuation
- Extended Adoption Assistance
  - 20 (2013) 21 (2014) if
    - Initial AAP agreement signed after child turns 16
    - Meeting AB 12 participation requirements

# AB 12 Snap Shot

When do benefits end?

- Supplemental Security Income (SSI)
  - No automatic termination based on age
  - Disability
    - Up to 18 – meet childhood disability criteria
    - 18 or older – meet adult disability criteria
    - Benefits continue if youth is working towards goals in IEP
  - Social Security Administration determines disability
    - Benefits continue until SSA determines the youth no longer meets the disability criteria
- Income and resource rules may change

# AB 12 - Eligibility

## Participation Requirements WIC §11403(b)

- Completing secondary education or equivalent
- Enrolled in post secondary or vocational education
- Participating in program or activity to promote or remove barriers to employment
- Employed for at least 80 hours per month
- Incapable of doing above activities due to a medical condition

## Education Options for Tribal Youth – High School

- Education options vary depending on the tribe – some tribes operate their own schools, others are operated by the Bureau of Indian Education
- BIE Schools
  - California - Sherman Indian High School in Riverside  
<http://www.sihs.bie.edu>
  - Oregon - Chemewa in Salem  
<http://www.chemawa.bie.edu>

# Education Options for Tribal Youth – High School

- No cost to attend these BIE schools.
- Application process:
  - Any student who is  $\frac{1}{4}$  Native American, Alaskan Native by descendency or enrolled in any federally-recognized Tribe regardless of blood quantum can attend.
  - Admittance is determine by available space and whether the school can meet the needs of the individual.

<http://www.sihs.bie.edu>

# Education Options for Tribal Youth – College/Vocational

- Federally Operated Colleges and Universities
  - Haskell Indian Nations University
  - Southwestern Indian Polytechnic Institute
- Tribally Operated Colleges
  - Over 30 Nationwide
  - Including community colleges, technical schools, and the Institute of American Indian Arts
- Scholarships available – for more information contact–
  - Education Line Office ADD West 2800 Cottage Way, Sacramento, CA 95825 Telephone: (916) 978-6058

# Promote or Remove Barriers to Employment

- Individualized program or activity - flexible
- Based on youth centered assessment of skills and needs
  - Self directed in conjunction with caregiver or social worker, or
  - Organized program
- Unpaid employment, internship, volunteer activities, vocational rehabilitation, substance abuse treatment
- Working towards developing skills that help to transition to education or employment

# Participation Requirements

How can tribes help youth meet the participation requirements?

- Educational opportunities
- Employment opportunities
- Programs to remove barriers to employment

# AB 12

---

AFDC-FC and CalWORKS

# AB 12 – AFDC-FC and CalWORKs

## Basic Requirements

Youth must meet basic **Eligibility Criteria**

1. Age
2. Court Jurisdiction
  - Order for foster care placement on 18<sup>th</sup> birthday
    - Importance of placement order
    - Applies even if the youth is not in the placement
    - Delinquency as well as dependency
  - Juvenile court non-related legal guardianship
3. Participation requirements
4. Live in a licensed or approved placement

# AB 12 – AFDC-FC and CalWORKs

## Basic Requirements

- Non-Eligibility Requirements (*i.e.*: not a reason to deny benefits)
  - Transitional Independent Living Plan
- Mutual Agreement
  - Agree to live in a qualifying placement
  - Agree to remain under court jurisdiction
  - Agree to meet with social worker or probation officer

## AB 12 – Mutual Agreement

- Authority for placement
- Not a condition of payment
- Signed within 6 months of turning 18
- Documents:
  - Youth's agreement to remain in foster care
  - What youth receives from child welfare or probation

# AB 12 – Foster Care Placements

## Placement Considerations

- Least restrictive and best suited to the needs of the youth
- Recognize youth are adults
- Based on developmental needs of young adults
- Provide opportunities for incremental responsibilities to prepare for independent living
- Decision making includes the youth

# AB 12 – Foster Care Placements

## Qualifying Placements - WIC §11402

- Approved home of a relative
  - If federally (IV-E) eligible
- Approved home of a non-relative extended family member
- Licensed family home of a nonrelative
- Licensed group home (with limitations)
- Current or former non-related legal guardian
- Exclusive use home – dual agency homes for Regional Center clients

# AB 12 – Foster Care Placements

## New Placements for NMDs - WIC §11402

- Transitional Housing Placement Plus Foster Care – THP-Plus FC
- Supervised Independent Living Placement (SILP)
  - Readiness assessment
  - Physical inspection, except for college dorms
  - Direct payment available

# AB 12 – Foster Care Placements

## Group Homes

- Need WIC §§11402(c) & 16501.1(c)(2)
  - Necessary to meet the youth's treatment needs
  - Facility offers those treatment services
  - Wrap-around permitted
- Out of state – Family Code §7911.1
  - ICPC
  - Meet California licensing criteria
- Limitations on youth over 18 – WIC §16501.1(c)(3)

# AB 12 Foster Care Placements

## Group Homes Limitation for NMDs WIC §16501.1(c)(3)

- Need to remain to finish high school
  - Complete high school
  - 19<sup>th</sup> birthday
  - Whichever is sooner
- Unable to complete AB 12 participation requirements due to a medical condition
  - Short term transition to the appropriate system of care

# AB 12 Foster Care Placements

## Group Home Limitations for NMDs WIC §16501.1(c)(3)

- Youth driven, team-based case planning
- Begin as soon it is clear the youth will remain in group care past age 18
- Why group home is the best alternative
- How placement contributes to transition to independent living
- Specify treatment strategies that will lead to least restrictive more family like setting
- Target date for discharge

# AB 12 – Foster Care Placements

## THP-Plus FC

- Licensed
- Supportive housing
  - Housing
  - Support services
  - Supervision
- Models
  - Single site
  - Scattered site
  - Host family

# AB 12 – Foster Care Placements

## Supervised Independent Living Placements (SILPs)

- Least restrictive placement
- Readiness Assessment
- Physical inspection, except college dorms
- Basic AFDC-FC rate only - \$820
- Direct payment to youth

# AB 12 – Foster Care Placements

## SILP Examples

- Apartment
  - Alone, if affordable
  - Roommate(s)
- Renting a room
  - Relatives (except parents), including adult siblings
  - Former caregiver
- College dorm
- Single room occupancy (SRO)

# AB 12 – Foster Care Placement

## Tribal SILPs - ACL 11-77

- Tribe – Independent Authority to Approve SILPs
  - County approval is not necessary
  - Tribal approval is equivalent to licensing or approval 25 U.S.C. §1931
- Use tribes own socially and culturally appropriate standards
- SILP checklist adapted for tribal use
  - Optional – not mandatory
  - Refer to ACIN-86-08 re: tribally approved homes

# AB 12 – Special Populations

- Parenting Youth
  - Infant supplement
  - Shared responsibility plan
  - Independent living services gears to parenting youth
- Youth in probation supervised placements
  - Same requirements and eligibility criteria
  - Current delinquency proceedings
  - Return to dependency
  - Transfer jurisdiction – WIC §450

# AB 12

---

Kin-GAP and Adoption Assistance

# AB 12 – Kin-GAP and AAP

## What is Kin-Gap?

- California's Kinship Guardianship Assistance Payment program – in effect since January 1, 2000
- Goal:
  - Support family preservation and stability
  - Allow children to leave foster care to relative guardianship
- Expanded in 2006 to include
  - Probation
  - Specialized care increments
- New Kin-GAP rules January 1, 2011

# AB 12 – Kin-GAP

## Basic Eligibility

### Child:

- Age
- Adjudicated dependent or delinquent (WIC § 300 or 602)
- Citizenship and immigration status
- Lives with same relative at least **6 *continuous months***

### Relative:

- Appointed guardian by juvenile court
- Written, signed, negotiated agreement with the child welfare agency (or probation or tribe)
- Foster care case dismissed after January 1, 2000 and *after* (or at the same time as) that the court appoints the relative as guardian

# AB 12 – Kin-GAP

## What does Kin-GAP provide?

- Monthly payment negotiated between relative and County/Tribe:
  - Cannot exceed what the child would have received in a foster family home, including specialized care or dual agency rates
  - Maximum Kin-GAP depends on date of Kin-GAP guardianship
  - Set forth in agreement - adjusted as needs of the child change
- If the youth is a parent of a child placed in the same home, the infant supplement or “whole family home” rates apply
- Medi-Cal (Medicaid in other states)
- Education/Training Vouchers – if youth entered Kin-GAP at 16 or older

# AB 12 – Kin-GAP

## Extended Kin-GAP – Basic Eligibility

- Negotiated Kin-GAP payments commenced at age 16 or older OR verified disability regardless of when Kin-GAP payments commenced.
- Mutual Agreement (this is a condition of payment), AND
- Meet one of the 5 participation conditions

# AB 12 – Kin-GAP

## Mutual Agreement for Extended Kin-Gap

- Sign before or in the month of the youth's 18<sup>th</sup> birthday (ACL 11-15)
- Documents youth's willingness to participate in Extended Kin-GAP
  - Assist agency in determining financial need and eligibility
  - Keep agency informed about education/training program
  - Give reasonable notice if I leave my guardian's home for more than a temporary absence

# AB 12 – Kin-GAP

## Key Differences Between Extended Kin-GAP and Extended Foster Care Benefits

- Mutual Agreement is a condition of payment
- No six-month court review/administrative review
- No monthly visit with the social worker
- Guardian responsibilities:
  - Request extension of Kin-GAP after age 18
  - Provide documentation that youth meets a participation condition
  - Notify county of changes in participation
- Payment to relative guardian – cannot be paid directly to the youth
  - Youth does not have to live in the guardian's home as long as the guardian remains financially responsible

# AB 12 – AAP

## What is AAP?

- Adoption assistance program – since 1968
  - Federal IV-E program since 1980
  - Fostering Connections – increase eligibility
- Goals:
  - Remove a disincentive to adoption for children in foster care
  - Meet the needs of children

# AB 12 – AAP

## Basic Eligibility

- Special needs – broadly defined
- Written AAP agreement before the adoption is finalized
- No means test
- And one of the following:
  - Agency adoption
    - Under supervision of county welfare department
    - At risk of dependency
    - Committed to care of the department
  - Independent or agency and meets SSI criteria

# AB 12 – AAP

## What does AAP Provide?

- Monthly payment
  - Negotiated between adoptive parent and County or Tribe
  - Cannot exceed what the child would have received in foster family home
    - Including specialized care or dual agency rates
    - Maximum AAP depends on date AAP agreement was signed
    - Set forth in agreement - adjusted as needs of the child change
- Residential Care or Wrap-Around services
- Medi-Cal (Medicaid in other states)
- Education/Training Vouchers – if youth entered AAP at 16 or older

## AB 12 – AAP

### Extended AAP – Basic Eligibility

- Negotiated Adoption Assistance agreement at age 16 or older
- Meet one of the 5 participation conditions

OR

- Physical or mental handicap that warrants continuation of assistance.

# AB 12 – AAP

## Key Differences Between Extended AAP and Extended Foster Care Benefits

- No mutual agreement
- No six-month court review/administrative review
- No monthly visit with social worker
- Adoptive parent responsibilities;
  - Request extension of AAP after age 18
  - Provide documentation that youth meets a participation condition
  - Notify county of changes in participation
- Payment to adoptive parent – no direct payment to the youth
  - Youth does not have to live in the adoptive parent's home as long as the parent remains financially responsible

# AB 12

---

SSI

# SSI

## What is SSI?

- **Benefits**
  - Monthly cash benefit
  - Medi-Cal
- **Eligibility**
  - Income and resources
  - Disability
    - Adults – able to work - substantial gainful activity
    - Children – functional developmental assessment
- **Payee**
  - County as last resort
  - Alternatives: relatives, caregivers
  - Youth at 18, or younger in some circumstances

# AB 12 and SSI

## County Responsibilities

- Screen youth between 16.5 and 17.5 years old
  - Best Practice Guidelines – ACL 07-10
- Assist with SSI application
- Importance of timing application to avoid income gap
- Provide information to the youth about becoming his or her own payee

## AB 12 and SSI

- Youth receiving SSI may stay in foster care past 18
- SSI benefits do not stop based on age
- SSA will re-evaluate youth based on adult disability criteria
  - Child criteria – developmental – functional limitation
  - Adult criteria – work related - ability to engage in substantial gainful employment
- Benefits continue during IEP
- Availability of appeal

## SEE HANDOUT

**COMPARISON OF BENEFITS FOR NON MINOR DEPENDENTS**

|                                        | <b>Amount of Assistance</b>                                                                                                                              | <b>Court</b>         | <b>Social Worker Visits/ Case Plan Requirements</b> | <b>Special rates</b>              | <b>Extended Benefits after age 18?</b>                                                                                                                                             | <b>Other services</b>                                                     | <b>Opt in or Opt Out Program</b>                                                  | <b>Is Mutual Agreement condition of payment?</b> |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------|
| <b>AFDC-FC</b>                         | Varies by age:<br>\$657 (for 0 – 3)<br>up to \$820 (for 15 and older)                                                                                    | Yes, 6 month reviews | Monthly in-person social worker visit               | Yes - specialized rates available | Yes, until age 21 – if there was an order for foster care placement at age 18                                                                                                      | ILP, county clothing allowance, Medi-Cal, transitional housing, ETV       | Opt out-NMD – must have a WIC 391 hearing to terminate court jurisdiction         | No                                               |
| <b>CalWORKs (youth in foster care)</b> | \$351 in Region 1 (large counties) for first child, less with each child<br><br>\$334 in Region 2 (small counties) for first child, less with each child | Yes, 6 month reviews | Monthly in-person social worker visit               | No                                | Yes, until age 21 – if there was an order for foster care placement at age 18                                                                                                      | Medi-Cal, ILP, ETV                                                        | Opt out-NMD – must have a WIC 391 hearing to terminate court jurisdiction         | No                                               |
| <b>Kin-GAP</b>                         | Negotiated – cannot exceed what child would receive in foster care                                                                                       | No                   | None                                                | Yes – specialized rates available | Yes, until age 21 – <u>if</u> Kin-GAP began when youth was 16 or older<br>- OR --<br>Until 21 – if youth has mental or physical disability regardless of age at time Kin-GAP began | ILP, clothing allowance, Medi-Cal, ETV (if in foster care at 16 or older) | Opt in-Relative caregiver has to request continuation of KinGAP when NMD turns 18 | Yes                                              |

For more information, contact Angie Schwartz at [a.schwartz@kids-alliance.org](mailto:a.schwartz@kids-alliance.org).

# Case Study

Michael, age 17; Karen, age 15; and Sarah, age 11 were removed from home and placed in foster care with Grandma two years ago. Allegations included severe neglect, physical abuse of Michael, and sexual abuse of Karen.

Michael is doing well in school, but is behind in credits because he missed a lot of school. He would like to go to college.

Karen has been skipping school and has just been arrested for assault.

Sarah has developmental delays and has been held back twice in school.

Their older brother Thomas was in a group home as a result of a delinquency adjudication until last year when he turned 18. He is still on probation but is homeless because he has no means of support. He sometimes stays with Grandma, but feels guilty because Grandma's house is crowded, and there is not enough money to support his brother and sisters.

## AB 12: Case Study

The county social worker told Grandma that it is time to make a permanent plan for the children.

- What is the best option for each child?
- What are the options for Thomas?

# LUNCH BREAK

---

# AB 12: CASH BENEFITS AFTER 18

---

Court Procedures, Fair Hearings and Dispute  
Resolution

# AB 12

---

## Court Procedures

# Court Procedures

- Last review before minor turns 18 - WIC §§366.31(a) & 727.2(i) &(j)
- Six month reviews – WIC §§366.31(b) & 727.2(i)
- Termination of jurisdiction – WIC §§391, 607.2, & 607.3
- Re-entry – WIC §388(e)

# Court Procedures

## Indian child – WIC § 241.1(b)

As used in connection with an Indian child custody proceeding, the term “Indian child” also means an unmarried person who is 18 years of age or over, but under 21 years of age, who is a member of an Indian tribe or eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe, and who is under the jurisdiction of the dependency court, unless that person or his or her attorney elects not to be considered an Indian child for purposes of the Indian child custody proceeding. All Indian child custody proceedings involving persons 18 years of age and older shall be conducted in a manner that respects the person’s status as a legal adult.

# AB 12 Court Procedures

Last Review Before 18

Court shall ensure

- Case plan includes plan to satisfy AB 12 participation requirements
- Youth informed of
  - Right to termination of dependency
  - Potential benefits of continued dependency
  - Right to re-enter foster care

# AB 12 Court Procedures

## Six Month Reviews

- Prior to attaining 18 and every six months after 18
- Respect adult status
- Focus on goals and services in TILP
- Court Report must include:
  - Plans to meet AB 12 participation requirements
  - Efforts made by youth to meet participation requirements
  - Assistance provided by social worker or probation officer
  - Efforts to completing 391 requirements

# AB 12 Court Procedures

## Termination of Jurisdiction – Dependency

- Continue jurisdiction unless:
  - Youth does not wish to remain subject to court jurisdiction
  - Youth is not participating in a reasonable and appropriate TILP
  - Youth cannot be located after reasonable and documented efforts
- Youth has been informed of options, including
  - The right to remain in care
  - Benefits of remaining in care
  - The right to re-enter
- Youth has had an opportunity to confer with counsel

# AB 12 Court Procedures

## Termination of Jurisdiction

- Court may not terminate jurisdiction over nonminor unless county has submitted a report verifying it has provided specified
  - Information
  - Documents
  - Services
- Including any known information regarding the youth's Indian heritage or tribal connections

# AB 12 Court Procedures

## Termination of Jurisdiction – Delinquency

- Modify jurisdiction to transition jurisdiction
- Order petition to determine dependency
- Resume dependency jurisdiction
- Continue delinquency jurisdiction
- Terminate jurisdiction

# AB 12 Court Procedures

## Termination of Jurisdiction – Delinquency WIC §607.5

- Dual jurisdiction, former dependent or released from foster care facility
- Notice of benefits and services
  - Independent living
  - Financial Assistance, Housing, and Educational Resources
  - Other
- Proof of eligibility as a former foster child

# AB 12 Transition Jurisdiction

## New Jurisdictional Statute – WIC §450

- Remain in foster care without remaining “delinquent”
  - Not subject to terms of probation
- Re-enter after delinquency
- County determines supervision through 241.1 protocol
- Right to counsel
  - Continuity of representation if feasible

# AB 12 Transition Jurisdiction

## New Jurisdictional Statute – WIC §450

- Older than 17 years 5 months
  - Minor – in foster care
    - Reunification services terminated
    - Return home would create a substantial risk of detriment
  - Non-minor - subject to foster care placement order on 18<sup>th</sup> birthday
    - Mutual agreement or
    - Voluntary re-entry agreement
- Met rehabilitative goals
- Court ready to discontinue delinquency jurisdiction

# AB 12 Court Procedures

## Re-entry- WIC § 388

- Youth must be informed of right to re-entry at termination hearing
- Youth can re-enter unlimited times prior to turning 21
- Process is intended to be as accessible and easy as possible

# Process for Re-entry

Youth  
contacts  
agency

Signs  
voluntary re-  
entry  
agreement

Aid begins on  
date youth  
signs  
agreement  
and resides  
in a qualified  
placement

Initial  
meeting with  
social worker  
/PO  
temporarily  
satisfies  
participation  
conditions

Agency has  
15 days  
to file court  
petition

# AB 12 ROLES AND RESPONSIBILITIES

---

# AB 12 Roles and Responsibilities

## Youth Responsibilities

- Enter into a mutual agreement
- Meet monthly with social worker or probation officer
- Work on Transitional Independent Living Plan (TILP)
- Participate in juvenile court proceedings

# AB 12 Roles and Responsibilities

## Social Worker and Probation Officer Responsibilities

- Monthly face to face meetings with the youth
- Collaborative planning and development of TILP
  - Provide services identified in the TILP
  - Update TILP every 6 months

# AB 12 Roles and Responsibilities

## Attorneys for Youth

- Right to counsel for the youth continues
- Youth can designate attorney
- Upon re-entry youth can request the same attorney

# AB 12: Dispute Resolution

- Court
  - Findings re: participation
  - Termination of jurisdiction
- Fair Hearing
  - Denial of benefits
  - Amount of assistance
  - Termination of benefits
- Grievance
  - Placement
  - SILP readiness

# OTHER TRANSITIONAL BENEFITS

---

Chafee, THP-Plus, Medi-Cal, and CalFresh

# Chafee Benefits

- Independent Living Plans and Services in foster care (for youth who were in foster care at age 16 or older)
- Resource limit: \$10,000
- Transitional Medi-Cal to age 21 (FFCC)
- Transitional Housing: THP Plus (for former foster youth)
- Education and Training Vouchers (up to \$5,000)
  - Priority system – if apply in first year and do not get it, you have greater priority the next year

# THP-Plus

- Transitional Housing Program
- Supportive Housing for Former foster youth
- Listing: <http://thpplus.org/>
- Compare to THP-Plus Foster Care

# Medi-Cal

- Medi-Cal coverage for former foster youth up to age 26 beginning January 1, 2014
  - Questions as to whether this applies to youth in guardianships on their 18<sup>th</sup> birthday
  - Youth who are adopted can stay on parent's insurance until 26, but not clear they have Medicaid coverage until 26
- In foster care on the 18<sup>th</sup> birthday or later emancipation date - no income test
- Should be seamless for current foster youth
- Extension of current FFCC (Former Foster Care Child) coverage

# CalFresh (Food Stamps)

- Eligibility based on needs and income of entire household
  - Foster care – option
    - Treated as a boarder - exclude child and income from the household
    - Include both child and income in household
  - SILP
    - Eligible
    - SILP payment included as income
    - Special rules for students enrolled at least half time
- <http://foodstampguide.org/>

# EDUCATION, MENTAL HEALTH AND DEVELOPMENTAL SERVICES

---

# Special Education

- First, you need someone who can provide consent → an educational rights holder (ERH).
  - This person must be consistently available and willing to participate – attend meetings, sign paperwork, etc.
  - Person must have consistent means of communication, otherwise accessing services for the child becomes impossible.
- In some cases, the biological parents may retain their ability to make educational decisions.
- However, if their rights have been limited, someone must be appointed as the ERH.

# Special Education

- Eligibility
  - Child must 1) have a disability, and 2) must require special education services in order to access their curriculum
- Most common eligibility categories
  - Intellectual Disability (ID)
  - Speech or Language Impairment (SLI)
  - Orthopedic Impairment (OI)
  - Other Health Impairment (OHI)
  - Autistic-Like Behaviors (AUT)
  - Emotional Disturbance (ED)
  - Specific Learning Disability (SLD)

# What is an IEP

- Children who are eligible for special education will have an IEP
- IEP = Individualized Education Program
- Developed at a meeting with educational rights holder and school personnel – it is the contract between the school and the family. It guarantees services to assist the youth in accessing their education.
- IEP components
  - Eligibility Statement
  - Present Levels of Performance
  - Annual Goals and Objectives
  - Placement
  - Related Services

# Special Education Services Available

- Classroom placements
  - General Education – typical classroom
  - Resource Specialist Program (RSP) – targeted help on specific subjects, child still attends general education class for part of the day, but may participate in a smaller class with a special education teacher for specific subjects
  - Special Day Classes (SDC) – smaller classes, all special education students, often the class has a specific focus (e.g. orthopedic impairment classroom).
  - Non Public Schools (NPS) – specialized schools for children with more extensive behavioral needs.
  - Note – requirement that the child be in the “Least Restrictive Environment” (LRE) – meaning that the child is with typically developing peers to the maximum extent possible.
- Related services
  - Speech and language services – provided individually or in a group
  - Occupational therapy
  - Physical therapy
  - Adapted physical education

## How to refer

- Send a letter to the principal at the child's school – requesting an assessment for special education.
- Transmit by fax or certified mail so that you can prove the date the school and school district received the referral.
- Include information about the child's suspected disability to support a request for an assessment. (i.e. John is unable to read the assignments in class, and has illegible handwriting despite practice)
- School district has 15 days to respond with an assessment plan or prior written notice refusing to assess.

# Timelines

- Assessment plan – school district must send the family an assessment plan within 15 calendar days of the request for assessment.
- Initial assessments and IEP – school district must hold an IEP meeting within 60 days of receipt of the signed assessment plan.
- Note about calculating timelines – the timeline runs through weekends and holidays, except for school breaks of more than 5 school days.

# Special Education Transition Plan

- Transition planning – First IEP after age 16
  - Appropriate measurable goals
  - Age appropriate transition assessment
  - Training, education, employment, and independent living skills where appropriate.
  - Needed transition services that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)
  - Interagency responsibilities
- Co-ordination with TILP

# Mental Health Resources

- Educationally Related Mental Health Services
  - Provided through a child's IEP if the child requires school-based mental health services in order to access their education.
  - Often provided at school, with some family counseling
- Counseling through DMH providers
  - Usually 1-2x per week depending on need.
  - Discuss with social worker for referral
- Wraparound Services (WRAP)
  - Based in the home or community settings (rather than an office), available to assist families before/after school, evenings, weekends, etc. Holistic approach to supporting a placement for a child.
- Therapeutic Behavioral Services (TBS)
  - Short term one-to-one support for youth whose behaviors are too difficult for the current families/placement to handle. Includes a behavior intervention plan and a trained behavior aide who helps the youth for several hours during the day to implement that plan

## Regional Center Services for Youth with Developmental Disabilities (Lanterman Act)

- Must have a developmental disability
  - Intellectual Disability (i.e., Mental Retardation),
  - Autism,
  - Cerebral Palsy,
  - Epilepsy, or
  - The “Fifth Category”
    - A disabling condition found similar to mental retardation *or*
    - requires treatment similar to that required for persons with mental retardation

WHICH....

## Eligibility (cont.) (17 CCR § 54000)

- Is expected to continue indefinitely,
- Originates before age of 18, and
- Constitutes a “substantial disability.”
  - Significant functional limitations in *three* or more of the following areas:
    - Self-Care,
    - Receptive and Expressive Language,
    - Learning,
    - Mobility,
    - Self-Direction,
    - Capacity for Independent Living, and
    - Economic Self-Sufficiency.
- Does not include conditions which are “*solely*” physical, learning disabling, or psychiatric in nature.

## Examples of Regional Center Services

- Behavior training and behavior modification programs
- Special training for parents
- Adaptive equipment such as wheelchairs, hospital beds, etc.
- Community integration services
- Advocacy assistance
- Counseling
- Day Programs
- Work Services Programs
- Emergency and crisis intervention
- Infant stimulation programs and other early intervention programs
- Respite (in-home or out-of-home) for caregivers
- Social skills training
- Specialized medical and dental care
- Transportation services necessary to ensure delivery of services

# How to refer

- Call the regional center serving your area
  - Regional centers are non profit entities that contract with the Department of Developmental Services to coordinate and manage services for those with developmental disabilities
  - In Humboldt it is Redwood Coast Regional center.
- Request that the youth be evaluated for eligibility for services under the Lanterman Act.
- Regional center determines if assessments are needed.
- Regional center completes assessments.
  - Under Lanterman Act: RC generally has **120 days** to complete assessments BUT
    - 60 days if 120 day timeline could cause significant further delay in development, risk to health & safety, or result in a more restrictive placement.

# Regional Center vs. Extended Foster Care

## **Regional center clients are eligible for EFC**

- Participation condition number five, “medical condition,” encompasses youth who are incapable of meeting any of the other conditions due to a documented medical condition; including regional center clients (ACL 11-61)

## **EFC vs. Transitioning to Regional Center- which is better?**

- Determined on case by case basis, depending on the situation and preference of the youth. Housing and access to services are important factors. Options:
  - Remaining in EFC and residing with a longstanding or preferred caregiver, with the Dual Agency Rate available to help meet the costs (this would be an alternative to a regional center funded Adult Family Home Agency) – OR -
  - Transitioning to a regional center group home that specifically provides developmental services and support (more ideal if there is no other caregiver)

\*\* See CDSS FAQ <http://www.childsworld.ca.gov/res/pdf/FAQFosterCare/AB12AnswerQ9.pdf>

# LOCAL RESOURCES

---

## Case Study - 2

Richard is 17. He has developmental disabilities, is in special education, and is a regional center client. He was placed with his grandfather who has been able to care for him at home with the support of dual agency foster care benefits and services from the school and the Regional Center.

His grandfather is concerned about what will happen when Richard turns 18. He is also worried about what will happen if he is unable to care for Richard in the future.

## Case Study - 3

Michelle will turn 18 next month. She has been in foster care for three years, moving in and out of group homes and foster family placements frequently. She has done well when she applies herself at school, but has difficulty paying attention and completing work.

Although she was removed from home because of neglect, she has recently disclosed that she was a victim of sexual abuse by her mother's boyfriend and has been subject to non-consensual sexual encounters in at least one of her placements. A staff person at her group home suggested she be evaluated for post traumatic stress disorder (PTSD.)

Michelle is currently in a group home but has been told she will have to leave next month when she turns 18.

## Case Study - 4

Tracy just turned 19. She opted to leave foster care last year. She initially crashed with friends but has been living on the street for the past few months. She was arrested for assault a month ago and placed on probation. Her probation officer is concerned about Tracy's safety but has been unable to get her into a shelter because of her increasingly bizarre behavior.

# ADDITIONAL CASE STUDIES

---

# Emily

Emily is in foster care and is turning 18 in December 2013. She is expected to graduate from high school in June 2014 and is hoping to go to college in Arizona where her aunt lives.

# Emily

- Is Emily eligible for extended foster care benefits after she turns 18?
- What happens to Emily's benefits if she moves to Arizona to go to college?
- What if Emily is not eligible for federal foster care benefits? What benefits will she receive if she moves to Arizona and is placed with her Aunt Linda?
- What other placement options does Emily have if she moves to Arizona and what benefits will she receive in those placements?
- What does the County have to do once Emily moves to Arizona?
- What will happen to Emily's eligibility for Medi-Cal if she moves to Arizona?

# Jasmine

Jasmine is in foster care and placed in a group home. She is turning 18 in February 2014. She is a Regional Center client and is not expected to graduate from high school, but she is working on her certificate of completion and has an IEP that provides her with educational supports until she turns 22.

The County wants to dismiss Jasmine's dependency case after she turns 18, claiming Jasmine cannot remain in the group home because she will not graduate by the time she turns 19 and Jasmine is not able to sign a mutual agreement to remain in Extended Foster Care.

# Jasmine

- Is Jasmine eligible for extended foster care after she turns 18?
- Is Jasmine eligible to remain in a group home beyond the age of 18? If not, what other placement options are available to Jasmine? What is the county's role/responsibility in finding an appropriate placement?
- Is Jasmine required to sign a mutual agreement in order to remain in foster care after age 18?

# Marc

Marc was removed from home and placed with his uncle in May, 2011. Last year the juvenile court appointed his uncle as Marc's legal guardian and dismissed the dependency.

Marc turned 18 in January 2013. In June, he moved out of his uncle's house in order to try living in an apartment with some of his friends while working part-time.

# Marc

- Is Marc eligible for extended benefits?
- What does he have to do to continue to receive benefits?
- Was Marc still eligible for benefits once he moved out of his uncle's house?

# Marc

Marc was removed from home and placed with his uncle in May, 2011. Last year the juvenile court appointed his uncle as Marc's legal guardian and dismissed the dependency.

Marc turned 18 in January 2013. In June, he moved out of his uncle's house in order to try living in an apartment with some of his friends while working part-time.

Last month, Uncle Max died.

# Marc

- Is Marc eligible for extended benefits?
- What happens now that his uncle has died? What are Marc's options?

# Tenaya

Tenaya was arrested for shoplifting in February 2013 when she was 17. She was placed into a group home because the court determined she did not have a safe place to call home. She turned 18 in June 2013.

In October, Tenaya finished the terms of her probation and left the group home. Three months later, Tenaya is homeless and really struggling. She contacts the county and is given conflicting information. The first person she talks to says there is nothing that they can do. The second person tells her to find a SILP to live in and that once she does that, the county will come out and inspect that placement.

# Tenaya

- Is Tenaya eligible for extended benefits?
- Is Tenaya eligible to re-enter extended foster care? If yes, what does Tenaya have to do in order to re-enter?
- What are the county's obligations with regard to Tenaya upon her re-entry into foster care?

# Robert

Robert is currently 17 years and 8 months. He was adjudicated delinquent and placed in Shady Pines Group home last year. While at Shady Pines he completed high school.

At the review hearing before Robert turns 18, the court finds Robert has met his rehabilitation goals and completed his placement program. Robert thinks he could return home, but he does not want to because it is not a great option. Robert's parents had their services terminated at the last review.

-

# Robert

- Is Robert eligible for extended foster care?
- Under what Jurisdiction?
- What are Robert's placement options?

# Lisa

Lisa, has been adjudicated delinquent was ordered into foster care. Right before her 18<sup>th</sup> birthday, Lisa left her placement at Honey Dew group home and was picked up on a warrant. She turned 18 in juvenile hall. Lisa is currently 18 years 3 months.

Probation is recommending that the court vacate the placement orders, have Lisa serve 30 days of time, and dismiss her case.

# Lisa

- Is Lisa eligible for extended foster care?
- Can Lisa reenter even though she did not complete her rehabilitative goals?
- If the court had vacated Lisa's placement orders while she was on runaway status, would Lisa be eligible for extended foster care?

# Veronica

Veronica became a ward and was ordered into placement when she was 17 years 9 months. She was placed in the Honey Dew group home, but she left the group home as soon as she was placed and was picked up on a warrant one month later.

At the disposition hearing, Veronica was ordered back into placement but she spent her 18<sup>th</sup> birthday in juvenile hall waiting for a space to open up.

# Veronica

- Is Veronica eligible for extended benefits?
- Under what jurisdiction?

# Edgar

Edgar is a ward of the court placed in Wayward Group home. He is 18 years 6 months. He received his GED, but has not completed his treatment in the program. His next court hearing is coming up next week.

# Edgar

- Is Edgar eligible for extended benefits?
- Under what jurisdiction?
- What are the possible placement options for Edgar?

# EVALUATION AND NEXT STEPS

---