



CALIFORNIA'S FOSTERING CONNECTIONS: ENSURING THAT THE AB 12 BRIDGE LEADS TO SUCCESS FOR TRANSITION AGE FOSTER YOUTH

*A Review of the First 18 Months of AB 12 Implementation
and the Challenges and Obstacles — Past, Present and
Future — to California's Successful Implementation
of the Fostering Connections to Success Act*

Children's Advocacy Institute
University of San Diego School of Law
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	PAGE
EXECUTIVE SUMMARY	ES-1
I. California’s Transition Age Foster Youth	1
A. General	1
B. The Statistics	2
II. Federal and State History Leading Up to AB 12	4
A. Federal Law Prior to 2008	4
B. Federal Fostering Connections to Success and Increasing Adoptions Act of 2008.....	5
C. California Law Prior to 2010	6
D. The California Blue Ribbon Commission on Foster Care	7
III. California’s Fostering Connections to Success Implementation	8
A. The Law	8
1. California’s Goals and Expectations Regarding AB 12	8
2. Eligibility.....	9
3. Placement Options for Nonminor Dependents	11
B. Extended Foster Care Procedural Requirements	14
1. The Court Process/Hearings	14
2. Extended Foster Care (EFC) Planning Documents	16
3. Meeting and Maintaining Extended Foster Care Requirements	17
4. Provisions Specific to Probation Youth	18
IV. Perspective on County Implementation	19
V. Emerging Experiences and Feedback from Foster Youth and Nonminor Dependents	21
VI. Obstacles to California’s Successful Implementation of Fostering Connections— Past, Present and Future	22
A. Budget Concerns and Realignment.....	24
B. Caseloads	25
C. Boilerplate Transition Independent Living Case Plans	25
D. THP-Plus-FC Delay and Implementation Issues.....	26
E. Overuse of Supervised Independent Living Placements (SILPs).....	28
F. Private For-Profit Educational Institutions	28
G. Probation Youth	29
H. Parenting Nonminor Dependents	30
I. The Relationship of Dependency Attorneys and Nonminor Dependent Clients	30
J. The Relationship of Social Workers and Nonminor Dependent Clients	31
K. The Patchwork Problem.....	31
L. Youth Participation	32
M. Youth Preparation	33
N. Federal Obstacles: 1996 AFDC Eligibility Standards & Asset Limits	33
VII. The Evolving Law	34

VIII. Moving Forward: Where California and the Nation Should Go From Here	35
A. Additional Option: The Transition Life Coach	35
B. Address Resources: Social Worker, Attorney and Judicial Caseloads	36
C. Reinstate Dual Jurisdiction	36
D. Ensure the Adequacy of TILCPs	36
E. Address Issues Faced by Parenting Nonminor Dependents	37
F. Address SILP Readiness Issue	38
G. Provide More Streamlined, Comprehensive Education and Training for the Professionals who Work with AB 12 Eligible Youth	39
H. Provide More Education Related to Financial Self-Sufficiency to Foster Youth Before and After AB 12 Eligibility Becomes an Issue	39
I. Counties Must Cooperate	40
J. Fix the Federal Issues: Foster Care Lookback Provision and Assist Limits	40
Endnotes	40
Appendix A: An Overview of California’s Child Welfare and Foster Care System	A-1
Appendix B: County Implementation	B-1
Appendix C: Procedural Requirements.....	C-1
Appendix D: The 388 Petition	D-1
Appendix E: Assistance Available to California’s Transition Age Foster Youth	E-1

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EXECUTIVE SUMMARY

TRANSITION AGE FOSTER YOUTH AND THE CHALLENGES THEY FACE

Transition age youth are typically recognized as individuals between the ages of 16–25. As a general rule, our society allows transition age youth ample time to finish school, begin a career and establish important relationships prior to expecting them to be completely on their own. In this country, not only is it socially acceptable to live at home with one's parents well past the age of 18 or to move back home,ⁱ it is happening more and more frequently.ⁱⁱ On average, most young Americans do not achieve true financial independence until age 26.ⁱⁱⁱ In fact, parents provide an enormous amount of support to their children post-age 18, both financially and in terms of time.^{iv} Yet, until recently, we expected our most vulnerable youth, foster youth, to be able to live on their own with little or no assistance at age 18. This is because in most states, the practice and/or the law required that the state cease its foster care support when a foster youth reached the age of majority, age 18. Thus, foster youth around the country would "age out" of foster care at 18, often left with nothing but a garbage bag containing their belongings, directions to a shelter and, if they were lucky, some essential documents. They were expected to fend for themselves with no parental or familial safety net, no postsecondary education (some without finishing high school), no financial security, and few, if any, connections to consistent, caring adults who serve such an important purpose in the lives of transition age youth.

FEDERAL FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT (2008)

President George W. Bush signed the federal Fostering Connections to Success and Increasing Adoptions Act into law in 2008 (federal Fostering Connections Act). This groundbreaking legislation was a response to mounting evidence that the nation's transition age foster youth were woefully unprepared for adult life at 18, after aging out of foster care. Homelessness, poverty, unemployment and incarceration were

ⁱ Nancy Anderson, Forbes, *Boomerang Children Living at Home May Not Be Such a Bad Thing* (Aug. 16, 2012) (available at <http://onforb.es/166B7pi>). See also Janice D'Arcy, WASHINGTON POST, *More Adult Kids Living with Parents and in No Rush to Depart* (March 21, 2012) (available at <http://wapo.st/GDiFWI>).

ⁱⁱ Fry, R., Pew Research Center, *A Record 21.6 Million in 2012: A Rising Share of Young Adults Live in Their Parents' Home* (Aug. 1, 2013) (available at <http://www.pewsocialtrends.org/files/2013/07/SDT-millennials-living-with-parents-07-2013.pdf>). The U.S. Census Bureau also found that the number of men and women living with their parents has grown since 2009 (see <http://1.usa.gov/vUk8rB>). This phenomenon started before the recent recession and has outlasted it; see LOS ANGELES TIMES, *Census Bureau Agrees with Parents: Yes, Young Adults Still Home* (Nov. 3, 2011).

ⁱⁱⁱ Miriam Aroni Krinsky, *A Not So Happy Birthday: The Foster Youth Transition from Adolescence into Adulthood*, 48 Fam. Ct. Rev. 250, 251 (2010).

^{iv} Robert F. Schoeni and Karen E. Ross, *Chapter 12: Material Assistance Received From Families During Transition to Adulthood. On the Frontier to Adulthood: Theory, Research and Public Policy*, edited by Richard A. Settersten, Jr., Frank F. Furstenberg, Jr., and Rubén G. Rumbaut. The average amount parents pay to assist their children post-18 is \$38,340 (this figure is in 2001 dollars, the figure is \$49,852 in 2013 dollars). The yearly average tends to be larger during the earlier years when the youth is in school and decreases over time.

far too prevalent among alumni of the nation's foster care system.^v Prior to the passage of the federal Fostering Connections Act, most states essentially abandoned foster children when they reached the age of majority, emancipating their foster youth at age 18 to fend for themselves. The federal Fostering Connections Act allows states to extend foster care to age 21 and continue to receive federal funds for foster care maintenance payments to eligible foster youth. The federal Fostering Connections Act created an additional, age-appropriate placement type for foster youth who remain in care post-18 called the Supervised Independent Living Setting, which provides youth with the opportunity to live more independently after reaching age 18. The guidance issued by the federal government encourages states to be flexible and innovative within the structure of the law where these new placements are concerned, to help best prepare youth who choose to remain in foster care to live independent, self-sufficient lives upon leaving the system at age 21.

CALIFORNIA'S AB 12/CALIFORNIA'S FOSTERING CONNECTIONS TO SUCCESS ACT (2010)

California's transition age foster youth faced the same challenges as their peers across the country, and they were experiencing similar outcomes upon aging out of foster care. California has the largest foster care population in the nation, and was one of the first states to enact the federal Fostering Connections Act. In 2010, California enacted Assembly Bill 12 (AB 12) to implement the federal Fostering Connections Act; it has since been amended to eliminate issues as they have become apparent. AB 12 and the subsequent legislation amending it are known as the CA Fostering Connections to Success (CA Fostering Connections); the law took effect on January 1, 2012 (California's Fostering Connections Act is often referred to simply as AB 12 or extended foster care and will be referenced as such in this report). CA Fostering Connections eligibility requirements mirror the federal Fostering Connections requirements — participants must meet at least one of five specified participation criteria to maintain eligibility. To remain eligible, the nonminor dependent must be:

1. Completing high school or an equivalent program; or
2. Enrolled in college, community college or a vocational education program at least half time; or
3. Participating in a program designed to remove barriers to employment; or
4. Employed at least 80 hours a month; or
5. Unable to participate in any of the above due to a medical condition^{vi}

^v E.g., former foster youth have higher homeless rates than those of individuals recently discharged from prison (see M. William Sermons and Peter Witte, National Alliance to End Homelessness, *State of Homelessness in America: A Research Report on Homelessness* (Jan. 2011) at 26 (available at www.endhomelessness.org/library/entry/state-of-homelessness-in-america-2011). By age 23, nearly one-quarter of youth who aged out of the foster care system at age 18 have neither a high school diploma nor a General Equivalency Degree (GED); foster care alumni are less likely to be employed than their peers without a history of foster care, and those alumni who are employed earn far less than their peers (see M.E. Courtney, A. Dworsky, J. Lee, & M. Raap, Chapin Hall at the University of Chicago, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 23 and 24* (Chicago; 2009); foster care alumni are arrested and incarcerated at higher rates than their similarly situated peers with no history of foster care, at rates of 4%–6% compared to a general youth population incarceration rate of 0.5% (about 1/10th the incidence for foster youth) (see Mark E. Courtney, Amy Dworsky, et al., Chapin Hall at the University of Chicago, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26* (Chicago; 2011).

^{vi} Cal. Welf. & Inst. Code §11403(b).

California engaged stakeholders across the spectrum, child advocates, dependency attorneys, judges, social workers, probation officers, and the youth themselves in the process of drafting CA Fostering Connections and its subsequent implementing regulations.^{vii} The resulting statute and regulations and early results have been commendable and very promising:

- Two new age-appropriate supervised independent living setting placement options are available for nonminor dependents, to help them prepare to live independently after they leave care at age 21.
- Youth are allowed to re-enter foster care up to age 21 if they opt out at age 18 or later and change their minds.
- There is continued coordination with an Independent Living Plan process that begins at age 16 (in some counties, this process begins at age 14).
- The dependency court remains involved to review progress toward self-sufficiency.
- There must be a hearing prior to a dependency court's terminating jurisdiction over a nonminor dependent.
- The youth must be actively involved and consulted in planning both prior to and after age 18.
- The nonminor dependent must be involved in a participation activity that will prepare him/her for self-sufficiency upon exiting the system.
- The youth will continue to benefit from the advice and assistance of an attorney who will represent his or her wishes before the dependency court until age 21.
- The youth will continue to benefit from the guidance and support of his/her case worker until age 21.
- The law accounts temporary setbacks that commonly are experienced by this age group. A nonminor will not automatically lose eligibility due to a temporary setback.
- The law accounts for breaks in school, a nonminor on summer break does not lose eligibility.
- Probation youth are eligible for CA Fostering Connections, in some circumstances.
- Many counties have experienced higher than anticipated participation in CA Fostering Connections.

CA Fostering Connections creates two new supervised independent living setting placement types for foster youth who remain in care past the age of 18 (nonminor dependents). The two new placement types are Transitional Housing Placement Plus Foster Care (THP-Plus-FC), and the Supervised Independent Living Placement (SILP). THP-Plus-FC is based on the successful, albeit perennially underfunded, Transition Placement Plus (THP-Plus) program which has been available to a limited number of foster youth who have aged out of California's foster care system since 2001. Like THP-Plus, the THP-Plus-FC program provides housing and at least 15 supportive services to help participants prepare to live independently. The services include case management, mentoring, educational advocacy, job readiness training and support, counseling, a stipend for groceries, assistance with

^{vii} For a more detailed analysis of the process California undertook to enact and implement AB 12, see M. Courtney, A. Dworsky & L. Napolitano, Chapin Hall at the University of Chicago, *Providing Foster Care for Young Adults: Early Implementation of California's Fostering Connections Act* (Chicago; 2013) (available at www.chapinhall.org/sites/default/files/Providing%20Foster%20Care%20For%20Young%20Adults_2_13.pdf).

transportation, and several others. Nonminor dependents who participate in the THP-Plus-FC program remain under the jurisdiction of the dependency court, they are still in foster care and as such, they are required to meet monthly with their case worker, the six month court review hearings continue as they did prior to the nonminor reaching age 18, and the nonminor must continue to meet at least one of the five specified participation requirements to maintain eligibility. Unfortunately, California experienced delays in implementing THP-Plus-FC. THP-Plus-FC programs are, at this writing, beginning to become available in more areas of the state. However, the delay of an important component of CA Fostering Connections has had some unfortunate implications.

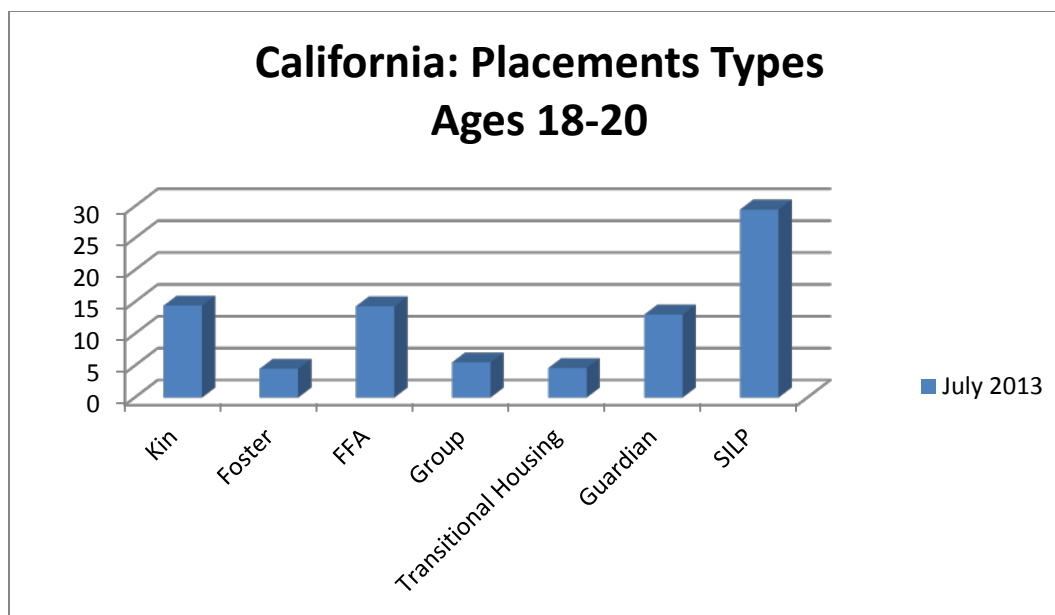
In California, the SILP has been the most popular placement among nonminor dependents and the most commonly used placement for them. There are several placement types available to nonminor dependents, and SILP placements statewide accounted for nearly 30% of placements for foster youth between the ages of 18–20 as of July 1, 2013.^{viii} To put this in perspective, the placement type that was the second most popular among this age group was kin placement at just over 14% statewide.^{ix} The SILP is intended to provide nonminor dependents with the opportunity for an independent living experience while they receive financial support along with the safety net of a case manager to provide support and services for problems that arise. Notably, this placement type is intended for only those nonminors who have demonstrated that they are ready to handle the high level of independent living that an SILP provides, nonminors must take a readiness assessment to help ensure that they are prepared for a high level of independence prior to being approved for an SILP. An SILP is a very flexible placement type, and as such, counties have significant discretion as to what constitutes this type of placement. One unique feature of the SILP is that a nonminor dependent is responsible for finding his/her own SILP unit. SILPs can include apartments (alone or with roommates), single-room occupancy hotels with shared bathrooms and/or kitchens, rooms for rent in a house or apartment, and college dormitories. College dorms and other university housing are not required to be pre-approved by the county because they have already been approved by the postsecondary institution for safety standards. Importantly, particularly for nonminor dependents who choose to attend college out-of-state, a nonminor dependent may live in an out-of-state SILP. In these situations, the agency must continue to comply with all monthly face-to-face visitation and services requirements, even if the state in which the nonminor dependent is living does not accept an Interstate Compact on the Placement of Children request to provide courtesy supervision of the youth.

The chart below reflects the percentage of foster youth ages 18–20 in each placement type as of July 1, 2013:^x

^{viii} Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Williams, D., Yee, H., Hightower, L., Mason, F., Lou, C., Peng, C., King, B., & Lawson, J., *CCWIP Reports* (retrieved 10/7/2013 from University of California at Berkeley California Child Welfare Indicators Project, at http://cssr.berkeley.edu/ucb_childwelfare).

^{ix} *Id.*

^x *Id.*



County Perspectives

CAI contacted ten counties around the state to gather perspectives about how implementation of AB 12 is proceeding in each county. CAI spoke with dependency attorneys, social workers, and other advocates in each county. The counties CAI examined were: Alameda County, Humboldt County, Kern County, Los Angeles County, Orange County, Sacramento County, San Bernardino County (social workers), San Diego County, San Francisco County, and San Joaquin County. CAI also obtained feedback from several youth participating in AB 12 to inquire about how the program is working for them.

The counties CAI examined reported that AB 12 implementation was proceeding fairly well, but there had been and continue to be several issues that need to be addressed. For example, as noted previously, several counties experienced higher-than-expected participation rates. While this speaks well for the popularity of the program, and is a promising development for the nonminor dependents who are participating, some counties were not entirely prepared for the large influx of older youth onto their caseloads.

An example of one component of CA Fostering Connections that most counties reported is proceeding very well and is very well-received, is the re-entry provision of the law. This allows a youth to re-enter care until age 20 (age 21 as of January 1, 2014) if he/she opts out at age 18 or later. This allows youth to experience life without the resources that extended foster care offers, and if the youth begins to experience difficulties, he/she can re-enter care. The counties with which CAI spoke had put in place processes to ensure that re-entry is as seamless and smooth as possible, with most counties reporting success in this area. The one caveat here is that foster youth need to be informed and understand who they can call if they need to opt back into extended foster care.^{xi} The counties' success is based on

^{xi} For a list of re-entry contacts in California, see www.cwda.org/downloads/tools/cws/CWDA_AB_12_Re-Entry_Contact_list_02_06_13.pdf.

serving youth who are aware and able to proceed through the proper channels to re-enter care. It is currently unclear if every youth who exits care is aware of the process.

Emerging Youth Experiences

Because it is early in its implementation, the feedback from youth is only beginning to become available. However, initial interview and surveys with nonminor dependents seem to indicate that AB 12 is popular and the participants appreciate the opportunities that it offers for them to continue or finish school and begin to get established in housing. Many of the nonminors described an interest in completing their education, and were in the process of doing so. In addition, there was some very positive feedback with regard to the additional support and assistance the nonminors are receiving from the social workers after they reach age 18.

AB 12 is not, however, without its flaws. Some of the concerns that the nonminor dependents expressed centered on the law itself, and some of them centered on implementation issues. The issue most often expressed by the youth centered around the lack of preparation for tasks such as budgeting and paying the rent on time. One youth likened it to learning to drive and wondered why the state required an individual to attend classes, earn a learner's permit, and pass a test prior to entrusting that individual with a license, but will simply expect a foster youth to immediately be able to handle money and adult responsibilities at age 18. This youth didn't feel adequately prepared for the challenge of living independently, and that sentiment was expressed by several of the nonminor dependents that the Children's Advocacy Institute surveyed. Many of the nonminors were feeling overwhelmed and unprepared. Some had already experienced trouble affording their rent. This issue may have been avoided had there been more THP-Plus-FC, or other age-appropriate options, available at the outset.

The other major issue expressed by nonminor dependents was one of confusion regarding the law and what was expected of them. Several youth expressed uncertainty about the services for which they are eligible, the amount of foster care maintenance payment they are to be receiving, and even what they need to do to prepare for age 21, when they will again face the prospect of being completely on their own (at an age where most of their peers continue to benefit from a large social and familial safety net). Some of the youth also expressed a concern that the professionals assisting them did not know enough about the law or did not explain it well enough. Again, there was confusion about housing options and payments. Dependency attorneys and social services professionals must be sure that the youth understand what is required of them. Finally, it would benefit older foster youth to receive some type of practical training and classes with regard to not only the traditional independent living skills, but also training specific to AB 12, so that they are very clear about what the law is, what will be required of them, and how they can obtain the most beneficial outcomes from the assistance provided.

Obstacles to Overcome in Order to Improve Outcomes for Foster Youth

California's Fostering Connections to Success was passed to help better prepare California's foster youth to live successful, self-sufficient, independent lives after leaving care and to avoid the negative outcomes now commonly associated with aging out of foster care, such as homelessness, incarceration,

unemployment and insufficient educational attainment. California's Fostering Connections is a very promising law and it represents extraordinary progress to that end. However, there are some shortcomings in the law, and there are some obstacles that ultimately threaten its success. These issues came to light throughout the course of researching and writing this report, in CAI's interviews with county social workers, dependency attorneys, and other advocates who work closely with nonminor dependents and with AB 12 implementation.

First, the law recognizes that the vast majority of youth, in foster care or otherwise, are not ready to live on their own at age 18. In this regard, the extension of foster care to age 21 was necessary and welcome progress. The danger is that an individual is not an adult by either social standards or, as emerging research demonstrates, biological standards until at least age 25.^{xii} Thus, there is a continuing need for support well after age 21. California has few services in place to assist former foster youth past the age of 21. Unfortunately, California's recent budget realignment poses a potential threat to these programs in lean economic years. Basically, California's budget realignment changes the process by which County Child Welfare Services programs are funded. Prior to realignment, the counties would pay a portion of foster care reimbursement payments, California would pay a portion, and, for eligible children, the federal government would pay a portion. The state would set the priorities for funding and the funding would flow, according to those priorities, to the counties. After realignment, the federal government still pays 50% of the cost for foster care reimbursement payments to eligible children. However, in California, instead of the state's government allocating budgets for child welfare services within each county, they will now give a lump sum of money directly to the counties. Foster care maintenance reimbursement payments must come out of these funds. Because foster care maintenance payments are federally required, the counties must make these payments. This means that in lean years, or if there are more foster children in the system than was anticipated, the counties' funding may fall short of what is needed. If the counties fall short on funds, the likelihood is that they will take funding from programs that, while they are essential for former foster youth, are not federally required and as such, are optional for the counties.

An additional funding concern relates to the federal lookback provision. The federal lookback provision is a federal requirement that a child today is eligible for federal foster care support only if the family from which the child is removed would have been eligible for AFDC (Aid to Families with Dependent Children) in 1996.^{xiii} Under AB 12, the eligibility for nonminor dependents who re-enter care is determined based upon the income and assets of the youth, not the family from which the youth was removed. However, as fewer and fewer pre-18 foster youth qualify under the federal lookback, counties will be responsible for the entire foster care reimbursement payment and this could lead to funding issues. Thus, the danger is that programs like THP-Plus will lose funding and former foster youth will lose an important resource that could be used to provide assistance post-AB 12 (as it provides assistance up to age 24).

^{xii} Jim Casey Youth Opportunities Initiative: *The Adolescent Brain: New Research and its Implications for Young People Transitioning from Foster Care* (2011) (available at <http://jimcaseyyouth.org/adolescent-brain%E2%80%94new-research-and-its-implications-young-people-transitioning-foster-care>).

^{xiii} 42 U.S.C. §672(a)(3).

Second, the nonminor dependents' status as adults adds a layer of complexity to the implementation of AB 12. Dependency attorneys continue to advise their clients and represent them in the dependency court, as directed by their now-adult client. However, the role of the social workers will change upon the nonminor dependent's reaching age 18. While the caseworker is still responsible to ensure that his/her client is meeting the eligibility requirements for extended foster care and to monitor and assist his/her client when needed, the social worker's role changes from one of ensuring security to ensuring self-sufficiency. The caseworkers assigned to assist them must have knowledge of adult systems and a solid understanding of AB 12. This has led to some issues in the implementation of the law because, as noted above, some counties experienced higher-than-anticipated participation, and did not have enough social workers who were well-versed in AB 12 to meet the demand.

Third, there was a significant delay in the roll-out of the newly-created THP-Plus-FC placement. THP-Plus-FC placements provide an option for nonminor dependents who may want more independence than is offered by traditional foster care settings, but are not yet ready for the level of independence required by an SILP. In some counties, this may have led to an overuse of SILPs.

Fourth, probation youth, wards who are under delinquency jurisdiction, may be eligible to participate in extended foster care in some circumstances. If they are eligible, extended foster care could provide essential resources for vulnerable youth who often were or should have been in the foster care system prior to entering the delinquency system. One problem that appears to be presenting itself as Fostering Connections implementation proceeds is that the professionals responsible for representing the interests of youth in the delinquency system, guiding them, and providing them services are not fully apprised of the benefits available to their clients through AB 12, how to maintain their client's eligibility for these benefits and how their client can gain access to those benefits. This can have serious consequences for the youth. For example, if a probation youth is absent from their placement for a specified period of time, the court has discretion to "vacate the orders" of the youth. When the court does this, it cancels the youth's placement orders. If a youth does not have an order of foster care placement at age 18, that youth is not eligible for AB 12.^{xiv} It is very important that probation officers, dependency attorneys, public defenders, and even judges who work with older youth in the delinquency system fully understand AB 12, which of their clients may be eligible for it, how their clients can maintain their eligibility once it is established, and what benefits and services it provides.

Finally, youth must participate meaningfully in AB 12 in order for it to have the intended impact. The state's extended foster care program is very flexible. As discussed above, youth can opt out and re-enter, California created new, age-appropriate supervised independent living settings, and there are a number of participation options available for a nonminor dependent to maintain eligibility. There is even a "catch-all" option, which allows a nonminor dependent to maintain eligibility by participating in an activity designed to remove barriers to employment. This option is meant to be a bridge for any gaps that may occur due to unforeseen difficulties or bumps the nonminor may encounter, though nowhere is it specified that the option is temporary. This flexibility is meant to recognize the differing needs of

^{xiv} John Burton Foundation and Alliance for Children's Rights, *AB 12 Question of the Week* (Sept. 24, 2013) (available at <http://ab12questionoftheweek.wordpress.com/>).

nonminor dependents, to be age appropriate, and to encourage participation. However, the law must also adequately ensure that participating nonminor dependents are in fact engaged in activities that will prepare them to live independently upon leaving care and are not simply sliding by on a technicality without working toward self-sufficiency. To that end, counties must ensure that each nonminor dependent actively participates in his/her transition planning and create a workable, individualized plan for each, lest they experience the same negative outcomes that occurred prior to the implementation of AB 12.

Part of ensuring that AB 12 is as successful as possible and has the impact intended is for lawmakers and advocates to address peripheral issues that may create barriers for nonminor dependents who are making every effort to maintain their eligibility and are encountering unanticipated obstacles, even given the flexibility of the law. Two examples are: (1) taking steps to address the issues encountered by parenting nonminor dependents and (2) taking steps to help ensure that foster youth and nonminor dependents are not victimized by predatory private for-profit postsecondary institutions.

Parenting nonminor dependents, who may derive the greatest benefit from AB 12 have a difficult time maintaining eligibility. These nonminor dependents need to care for their children, so there are instances in which that necessity trumps their ability to attend school and/or work. This can lead to the nonminor's being out of compliance with the participation requirements and loss of eligibility for a program that provides vital assistance to the nonminor and his/her child. The solution here is not to exempt parenting nonminor dependents from requirements meant to benefit them, but rather to put in place common sense solutions to assist these nonminors with issues that arise related to childcare. Advocates in California put forward a bill in 2013 which would have made strides in addressing the issues faced by nonminor dependents. The bill ultimately passed, but unfortunately, many of the most useful provisions related to pregnant and parenting teen conferences (a pilot of which has seen great success in Los Angeles County), and prioritizing foster youth for subsidized child care were taken out prior to its passing. The bill (AB 528)^{xv} that passed was a start, but does not go far enough.

Because one of the participation requirements for participation in extended foster care is that the nonminor be enrolled in college, community college or a vocational education program, California should pay close attention to the programs in which these youth may enroll. California is home to a number of reputable and quality private for-profit postsecondary educational institutions. However, many other private for-profit institutions prey on vulnerable individuals who are desperate for a job and may not possess the education that is necessary to obtain gainful employment. The institutions promise training or certification in a professional field that supposedly will yield well-paying employment. These costly institutions not only will exhaust a student's grant resources, but will also require students to take on a sizeable debt to pay for their programs. All too often, these institutions do not provide the education or job preparation and career placement they promise and, as a result, students are left with an enormous amount of student loan debt they are not equipped to pay.

^{xv} SB 528 (Yee) (Chapter 338, Statutes of 2013).

MOVING FORWARD: CAI'S RECOMMENDATIONS FOR ACTION

1) California must create additional innovative options for nonminor dependents and former foster youth. CA's Fostering Connections is an extraordinary step in helping to ensure that California's foster youth are more prepared to live successful, independent, self-sufficient lives upon aging out of foster care. However, the reality is that many foster youth will not be prepared to live self-sufficiently by age 21. It is important for California not only to maintain services and resources for older youth who have aged out of foster care, like THP-Plus, but to create new and innovative ways in which to ensure that these young adults have access to a safety net upon aging out of care.

The Children's Advocacy Institute's Transition Life Coach (TLC) option would help to bridge the gap. Participating youth would, in consultation with his/her attorney, CASA, social worker, and others involved in his/her case, choose an adult with whom he/she has an existing relationship to be his/her "coach." After an appropriate and thorough background check, the court would then appoint the adult as trustee over a trust containing funds equivalent to those expended by the average parent on their child after age 18. The coach would distribute the funds to the youth, as needed, according a transition plan developed by the youth in consultation with his/her coach, attorney, CASA and any other appropriate individual. The plan would be flexible, and the coach, with no caseload, would assist the youth in much the same way that a parent does. If the youth has questions, concerns or issues with the coach, the youth would have the option of taking those concerns to the court.

2) California must address caseload issues for attorneys, judges, and social workers. AB 12 will never reach its full potential if the professionals tasked with ensuring that it is properly utilized and applied are so overburdened that they cannot effectively represent their clients who are meant to benefit from this legislation. At the very least, attorney caseloads must meet the standards set forth by California's Blue Ribbon Commission on Foster Care. Social worker caseloads may need to be addressed simply by training more workers to work with the increasing nonminor dependent caseload, and in some counties, social worker caseloads may need to be addressed by adding more social workers to the department.

3) California must reinstate dual jurisdiction for all counties. AB 12 has transition jurisdiction in place so that eligible probation youth can benefit from AB 12 services. However, several of the issues that counties have been encountering with regard to probation youth could be rectified if California reinstated dual jurisdiction for all counties. Under dual jurisdiction, foster youth in the delinquency system could benefit from necessary services offered by the child welfare system and they could more seamlessly transition back into foster care and extended foster care. Too often, probation youth, though they are legally eligible for foster care services, do not benefit from them. Dual jurisdiction may facilitate more social worker involvement with older dual-status youth and would increase likelihood that these youth would receive the information, resources, and guidance they need to obtain and maintain eligibility for extended foster care.

4) Counties must ensure the adequacy of the Transition Independent Living Case Plan (TILCP).

The TILCP is the centerpiece of a nonminor dependent's participation in extended foster care. It lays out the means by which the nonminor is maintaining his/her eligibility for extended foster care. The TILCP cannot be a boilerplate document; it must be tailored to each individual youth, and reflect that youth's goals and needs. The youth must be meaningfully involved in creating his/her own TILCP and must be able to make modifications to the TILCP as plans change or problems arise.

5) The state must address issues faced by parenting nonminor dependents. California should enact legislation to help ensure that pregnant and parenting nonminor dependents are able to participate in the programs offered by AB 12 and do not fall through the cracks. Legislation signed into law in 2013 (AB 578) is a step in the right direction, but ensuring that parenting nonminor dependents are adequately served must be a priority and requires further action.

6) California and its counties must address the SILP readiness issue. Too many nonminor dependents have been placed in SILPs before they are ready for the level of independence that the placement provides. The issue could be addressed by: (a) providing an adequate number of THP-Plus-FC placements to meet the demand for a more supported option available to nonminor dependents; (b) innovate and provide realistic options within the structure of AB 12 that will serve youth who want more independence, but are not yet ready for and SILP; (c) counties must make it easier for youth who have entered a SILP, only to realize that they are not yet ready, to move into a more appropriate placement; (d) address caseloads, an adequate number of appropriately informed and trained professionals (social workers, probation officers, attorneys and judges) are a necessity.

7) California must provide more streamlined, comprehensive education and training for the professionals who work with AB 12 eligible youth. For Fostering Connections to reach its full potential, it is important for all of the professionals who deal with older foster and probation youth to be aware of Fostering Connections, and to understand this complex law and its implications for their young clients. There are several organizations that have compiled a great deal of comprehensive training materials related to AB 12,^{xvi} yet, discussions with social workers, attorneys and other advocates around the state reveal that there is a disparity between counties and even within the county child welfare services departments in understanding and training on AB 12 implementation, policies, procedures, and practices. Especially in light of the reality that each county administers its own child welfare services department, it is essential that counties ensure that the professionals who work with foster youth are appropriately trained and updated on AB 12 policies and procedures.

8) California must provide more education related to financial self-sufficiency to foster youth before and after AB 12 eligibility becomes an issue. Too many nonminor dependents are woefully unprepared to handle their finances upon entering Extended Foster Care. They are unprepared to

^{xvi} See, e.g., the California Fostering Connections' website at www.cafosteringconnections.org; the Children's Law Center of California's website at www.clcla.org/train_fostering.htm; and the John Burton Foundation's website at www.johnburtonfoundation.org/index.php/projects-a-programs/california-fostering-connections-to-success-implementation-project.

budget. They are too vulnerable to unscrupulous individuals and organizations and may become victims of identity theft. They may have funds saved on their behalf, be entitled to Supplemental Security Income or Survivor's benefits that they will need to manage. They need appropriate education and guidance related to postsecondary education and how to choose an appropriate college or vocational school that will provide them with the education promised. Foster youth and nonminor dependents are too often unaware of what AB 12 offers and what they need to do to maintain eligibility. These are issues that should be covered in Independent Living Programs, however, they remain issues that many of the youth are facing upon reaching age 18 and for which they continue to be unprepared to handle appropriately at age 18. The counties should look at approaches to better educate older foster youth about Extended Foster Care earlier in the process. Counties must approach education around issues of financial security and the fundamentals of budgeting as a priority and look for approaches that will better prepare foster youth for what they will face at age 18 and beyond. There should be some meaningful standard assessment of a youth's understanding of basic finances and budgeting prior to approval for an SILP.

9) Counties must cooperate with one another. Each county administers its own child welfare services program, thus, each county child welfare department may differ. Counties need to cooperate so that nonminor dependents are able to successfully maintain their eligibility and receive the intended benefits of extended foster care. Counties must communicate with regard to their policies and procedures. They must cooperate with regard to courtesy supervision. They must work together to share information and innovations that may help to address funding issues, preserve programs, and extend the safety net for former foster youth after they leave care.

10) The federal government must repeal the lookback provision. California advocates and lawmakers must encourage the federal government to fix the federal foster care lookback provision. The lookback provision that requires foster youth to meet an eligibility test based on standards that are over 15 years old is outdated and, given California's budget realignment, this provision could ultimately threaten critical programs that provide a necessary safety net for youth who age out of care, whether they leave foster care at age 18 or at age 21.



**CALIFORNIA’S FOSTERING CONNECTIONS:
ENSURING THAT THE AB 12 BRIDGE LEADS TO SUCCESS
FOR TRANSITION AGE FOSTER YOUTH**

I. California’s Transition Age Foster Youth

A. In General

The framers of the U.S. Constitution established the minimum age for eligibility to serve in the Senate at 30 and the minimum age to serve in the House of Representatives at age 25. The framers did this because they believed that younger individuals generally do not have the maturity, information, or stability of character to grapple with the vital public measures with which they would be entrusted.¹ Over two hundred years later, a growing body of research suggests that the framers’ instincts had merit.

It is becoming increasingly clear that an individual is not a fully mature adult, either in the eyes of society or, as emerging science suggests, biologically, until around the age of 25 or later.² Age 25 generally marks the convergence of full brain development, the completion of college and other postsecondary education, connections to employment, the pursuit of continuing education, the establishment of life partners and parenting roles, and other pursuits.³

The term that has emerged for young people in our society who are exiting adolescence, but have not reached full adulthood is “transition age youth” — typically recognized as individuals between the ages of 16 and 25. As a general rule, our society allows transition age youth ample time to finish school, begin a career and establish important relationships prior to expecting them to be completely on their own. In this country, not only is it socially acceptable to live at home with one’s parents well past the age of 18 or to move back home,⁴ it is happening more and more frequently.⁵ On average, most young Americans do not achieve true financial independence until age 26.⁶ In fact, parents provide an enormous amount of support to their children after they reach age 18, both financially and in terms of time.⁷ Congress acknowledged this lengthy period of dependence on one’s parents post-age 18 in the Patient Protection and Affordable Care Act (ACA) in 2010, by allowing adult children to remain on their parents’ insurance until age 26.⁸ As rapidly rising housing, transportation, and college expenses become increasingly burdensome, more and more youth are living with their parents to cut costs.⁹ Exacerbating matters, employment opportunities for young adults have been declining in recent years, particularly since 2007.¹⁰

Actions transition age youth take and decisions they make during this period of their lives have the potential impact them for the rest of their lives. Thus, when science, social norms, and even our Constitution indicate that an individual with a stable upbringing and every advantage is not prepared to live fully independently until at least his/her mid-20’s, why then, as a society, do we expect our foster youth to be fully prepared to be completely independent and on their own at age 18, or even at age 21?

Unfortunately, prior to the Federal Fostering Connections to Success Act and the passage of AB 12 (Beall) (Chapter 559, Statutes of 2010) in California, foster youth were generally expected to be ready to embark upon their independent, adult lives at age 18 without the stability, structures, relationships and experiences in place to prepare them to be self-sufficient at such a young age. Their peers, with no history of foster care, typically have

parents that provide support, resources, and connections to help their children ease into the adult world,¹¹ and who serve as a safety net when, for example, a youth runs out of money for rent. Their parents and often an even wider network of familial connections will teach them how to balance a checkbook, look for an apartment, fill out a financial aid application, get a driver's license, do their taxes, create and maintain a budget, look for a job, dress for a job, cook, buy a car, and so on. By contrast, foster youth were often moved from one placement to another while they were in care, many attended at least three different schools, and many do not even have their high school diploma by age 18.¹² Foster youth and former foster youth have the benefit of independent living programs, but sporadic institutional instruction differs greatly from long-term parental guidance. The results are borne out in the statistics that follow.

The intention of AB 12 was to improve outcomes for former foster youth. At this writing, it is too early to determine whether or not AB 12 will be successful in that regard, but this report explores and analyzes steps taken thus far by the state and counties to implement California's Fostering Connections laws — and how well such implementation is aligned with the purpose and intention of the legislation.

B. The Statistics

Prior to the passage of the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and California's enactment of AB 12 to implement that Act in California, statistics painted a daunting picture of the outcomes facing youth aging out of the foster care system.

Housing. Former foster youth experience homelessness at rates that not only exceed those of their peers with no history of foster care; they exceed the homeless rates of individuals discharged from prison.¹³ Homelessness is not the only housing challenge that foster youth face. Typically, transition age youth who leave home during their transition years have the option to move back home and live with their parents when they encounter difficulties.¹⁴ Foster youth generally do not have the option to move back in with their parents — and where the option to do so is available, it is usually not a safe or ideal arrangement given that the circumstances which led to their entry into the foster care system are often unchanged in the home from which they were removed. Thus, many former foster youth will “couch surf” — stay temporarily at the home of a friend, acquaintance, or family member, wherever they can find a place to sleep.¹⁵ Finally, a large number of former foster youth are precariously housed, living in an arrangement that is not permanent or sustainable.¹⁶ Former foster youth report moving often in the years immediately following foster care. They generally cannot afford to maintain housing on their own, or will move to maintain a job, or to pursue their education.¹⁷

Researchers have found that in Illinois, which has a long history of extending care and where youth routinely stay in care until age 21,¹⁸ 16.2% of foster care alumni reported that they were ever homeless by age 21 as compared with 20.8% in Iowa and Wisconsin where, at the time of the study, foster care ended at age 18.¹⁹ However, the study also found that by age 23–24, this difference had all but disappeared, with 28.9% of Illinois foster care alumni reporting that they were ever homeless compared with 29.9% in Iowa and Wisconsin.²⁰

Education. Educational outcomes for former foster youth are dismal. By age 23, nearly one-quarter of youth who aged out of the foster care system at age 18 have neither a high school diploma nor a General Equivalency Degree (GED).²¹ Less than 4% of former foster youth receive a 2-year degree by age 23 and only 2.5% receive a 4-year degree.²² This holds true everywhere, even in Illinois, which has offered extended foster care for several years.²³ In fact, the percentage of individuals who have attained a 2- or 4-year diploma is *lower* in Illinois— just 5.3% of foster care alumni had either an AA or a BA in Illinois as compared to 7.3% in the states where youth aged out of foster care at 18.²⁴ However, extended care is associated with more youth attaining at least one year of college

education, and this additional education does increase employment prospects for youth.²⁵ In Illinois, 43.8% of former foster youth had completed at least one year of college, compared to 26.2% in states where foster care ended at age 18.²⁶ The lesson here may be that extension of foster care to age 21 increases entry into some higher education — but that its cut-off at age 21 substantially stymies degree completion.

Exacerbating the higher education problem is the current predation of large numbers of private for-profit higher education entities who advertise heavily, assume names and personae mimicking public and non-profit colleges, but spend almost all of their revenue (including public scholarships and subsidies received) on marketing and lobbying, not on providing education.²⁷ Hence, former foster youth not only enter higher education at reduced rates, but those who do enter do not graduate or receive any degree or certificate, at very high rates — producing the paltry 2.5% to 4% higher education degree statistic above. Those victimized by the private for-profit burgeoning solicitors are particularly victimized because not only do few graduate or achieve expected jobs, but tuition levels are two to three times those at public schools, and students are commonly required to borrow, leading to default, collection agency harassment and credit ruination.²⁸ Transition age foster youth are particularly vulnerable to these abuses.

Employment. Foster care alumni are less likely to be employed than their peers without a history of foster care, and those alumni who are employed earn far less than their peers.²⁹ At age 24, California's foster care alumni earn an average of \$690 a month compared to the \$1,535 earned monthly by 24-year-olds nationally.³⁰ Further, only about 60% of foster care alumni are working at age 24; this is lower than the national average for youth and lower than the average for youth from low-income families.³¹ Remaining in foster care after reaching age 18 is associated with marginally higher wages, but is not necessarily associated with a greater likelihood of employment.³²

Physical and Mental Health. Foster care alumni often have physical and mental health issues — many of which are associated with the abuse, neglect or abandonment that led to their entry into the system. Foster children have disproportionately high rates of physical, mental, and developmental problems when compared with their peers who have had no history of foster care.³³ These issues are often chronic and can persist into adulthood.

Foster care alumni also experience mental health issues at higher rates than their peers with no history of foster care. Several studies find a prevalence of mental health issues among current and former foster youth. Most conclude that current and former foster youth struggle with mental health issues.³⁴ One study by Casey Family Programs found that alumni of foster care suffer from Post-Traumatic Stress Disorder (PTSD) at rates substantially higher than that of war veterans.³⁵

Incarceration. Foster care alumni are arrested and incarcerated at higher rates than their similarly situated peers with no history of foster care, at rates of 4%–6% compared to a general youth population incarceration rate of 0.5% (about 1/10th the incidence for foster youth).³⁶ A history of incarceration obviously correlates with employability and financial viability.

This incidence is stimulated by the poverty, lack of family support, and limited alternatives facing these youth. The state, as parent, does not invest nor guide their children at the level or duration as do the individual parents making up the electorate. Drug sales, theft and prostitution become the apparently viable means of self-support. The societal costs of this one outcome are momentous.³⁷

II. Federal and State History Leading Up to AB 12

A. Federal Law Prior to 2008

The legislative history of California's Fostering Connections and the extension of care to foster youth up to age 21 involves both federal and state laws enacted over the last 20 years. The plight of former foster youth began to receive recognition and action at the federal and state levels beginning with the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985, which added section 477 to Title IV-E of the Social Security Act.³⁸ Section 477 authorized funds to States for service programs and activities to assist eligible youth (age 16 and over) in title IV-E foster care to make the transition from foster care to independent living.³⁹ In the Program Instruction issued to state agencies on the implementation of the Independent Living Initiative (ILI), the Administration for Children and Families (ACF) acknowledged that

"Each year thousands of Young people leave the foster care system and enter the community as 'independent' members of society. Many will need assistance in making the transition and in developing the skills to cope successfully with problems and decisions related to jobs, housing and other essential areas of independent living."⁴⁰

The 1985 legislation provided states with funding to assist foster youth with training in skills essential for independent living. However, it fell short in that the funds were limited to youth ages 16 to 18 who were in foster care. It also specifically prohibited funds from being used for housing stipends or transitional housing programs for foster youth who had already aged out of care.⁴¹

It was not until 1999 that Congress next addressed youth aging out of foster care. The John H. Chafee Foster Care Independence Act (FCIA)⁴² was intended to help better prepare older foster youth to live independently and successfully once they aged out of foster care and to avoid the documented negative outcomes. The five purposes of the FCIA are intended to improve outcomes for youth who age out of the foster care system, outlined as follows:

- 1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);
- 2) to help children who are likely to remain in foster care until 18 years of age receive the education, training and services necessary to obtain employment;
- 3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions;
- 4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults;
- 5) to provide financial, housing, counseling, employment, education and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood;⁴³

To achieve these purposes, the FCIA doubled the federal allotment for Title IV-E Independent Living Programs from \$70 million to \$140 million.⁴⁴ Further, the FCIA replaced Title IV-E ILI and significantly improved independent living services for foster youth. It put into place a federal mandate that states use a portion of FCIA funds to serve former foster youth up to age 21, and included provisions permitting optional state participation in extending Medicaid coverage to age 21. Finally, and importantly, it allowed states to use up to 30% of FCIA funds to provide housing assistance, such as stipends and/or transitional living programs, to former foster youth.⁴⁵

Congress added a sixth purpose to the FCIA in 2001 as part of the reauthorization of that year's Promoting Safe and Stable Families Act. That purpose, also directed at ultimately improving outcomes for youth who age out of foster care, by making available vouchers to youth who have aged out of foster care for education and training, including postsecondary learning and education.⁴⁶ To this end, Congress amended the Chafee FCIA of 1999 to put in place the Chafee Educational and Training Voucher Program (ETV).⁴⁷ That Program makes modest vouchers of no more than \$5,000 per year available to youth coming from the foster care system to assist with costs of attending institutions of higher education or vocational training.⁴⁸

B. Federal Fostering Connections to Success and Increasing Adoptions Act of 2008

Despite these early improvements, former foster youth continued to experience grim outcomes, leading Congress to pass and President Bush to sign into law the Federal Fostering Connections to Success and Increasing Adoptions Act in 2008,⁴⁹ making a number of changes meant to improve foster care and the outcomes associated therewith. Chief among them and most notably for the purposes of this report, the Fostering Connections Act gives states the option to continue providing Title IV-E reimbursable foster care, adoption, or guardian assistance payments to children up the age of 19, 20, or 21.⁵⁰ The Act requires that in order to be eligible for this extension, youth must meet one of five specified criteria: (1) completing secondary education or a program leading to an equivalent credential; (2) enrolled in an institution which provides postsecondary or vocational education; (3) participating in a program or activity designed to promote, or remove barriers to, employment; (4) employed for at least 80 hours per month; or (5) incapable of doing any of the above due to a medical condition.⁵¹

In July 2010, the Federal Administration for Children and Families (ACF) released its Guidance on the Fostering Connections to Success Act. It is clear throughout the Guidance that lawmakers and regulators recognize the challenges facing transition age foster youth and that their intention is to give state agencies the flexibility to provide services to transition age foster youth that will best help youth to overcome these challenges upon leaving the foster care system. This intention is very clear, not only in the stated purpose, but also in provisions related to the participation conditions the youth are required to meet and the supervised independent living setting, a placement type created in the Fostering Connections to Success Act for youth who remain in care past the age of 18.⁵²

In its Guidance, ACF encourages title IV-E agencies to extend care to the broadest population possible.⁵³ Specifically, the ACF allows flexibility in applying the education and employment conditions because it intended to encourage title IV-E agencies to take advantage of the option as soon as possible, even if an agency could do so only on a limited basis.⁵⁴ The ACF allows this flexibility by, for example, allowing the agency to (a) establish the criteria it will use to determine whether a youth meets the employment or education conditions and/or whether a youth has a medical condition that renders him/her incapable of employment or education with the exception that an otherwise enrolled youth on a semester, summer or other break must be deemed to be enrolled in school (b)

determine how it will verify or obtain assurances that the youth continues to meet the education or employment conditions and the frequency and nature of the verification.⁵⁵

Further, although participating youth will continue to be subject to monthly caseworker visits, the Guidance gives state agencies flexibility to encourage them to be innovative in determining the best living arrangement for foster youth over the age of 18.⁵⁶ This discretion allows state agencies to provide foster care maintenance payments to older youth who are in living situations that are typical for youth ages 18-21, but would not have been eligible placement options prior to the Federal Fostering Connections to Success Act, such as college dorms or who are living with roommates.⁵⁷ The theory is that SILPs will help foster youth gradually gain more independence, in much the same way that their peers do.

C. California Law prior to 2010

Advocates and legislators in California have been trying to improve services for older foster youth for more than a decade, as the challenges and obstacles facing these youth have come to light and as more research has shown the extent of the problems and the profound and lasting impact they have on the lives of foster youth.

California's fledgling efforts to assist older foster youth and to reverse the trend of negative outcomes they were experiencing upon aging out of the system began when the state was able to provide foster youth with the independent living services made possible by the Federal Independent Living Initiative (ILI) in the mid-1980s.⁵⁸

In 1993, California enacted AB 1198 (Bates) (Chapter 799, Statutes of 1993), which authorized a pilot program creating Transitional Housing Placement Programs (THPPs), which were created to assist youth in the transition from foster care to independence by allowing them as much freedom as possible, while continuing to provide adequate and appropriate services and support.⁵⁹ In 1998, California enacted AB 2774 (Committee on Human Services) (Chapter 873, Statutes of 1998), which permanently established THPPs statewide for youth ages 17 and 18.⁶⁰ These programs were intended to allow older foster youth to live in a more independent setting that would prepare them to live on their own when they aged out of foster care at age 18.⁶¹

In 2001, California enacted AB 427 (Hertzberg) (Chapter 125, Statutes of 2001), which brought about three important changes in California law with regard to transition age foster youth.⁶² First, it extended the ages of foster youth eligibility for THPPs and made the program available for foster youth from age 16 to age 18. Second, it created a separate, license-exempt, county-optional, certified THP-Plus program for youth age 19 up to age 21. Finally, it created the Supported Transition Emancipation Program (STEP),⁶³ which was similar to the extended foster care maintenance payments that would later be a part of the state's Fostering Connections legislation enacted in 2010, except that it was available to youth who aged out of care. Youth who aged out of the foster care system in California and were participating in an educational or training program, or any activity consistent with their Transitional Independent Living Plan (TILP) up to age 21, could receive aid in counties that elected to participate in the STEP program.⁶⁴ Youth were required to receive aid payments from STEP as a condition of eligibility for THP-Plus.⁶⁵ This requirement proved to be a barrier to the implementation of THP-Plus because counties were unable to meet the financial commitment required by STEP.⁶⁶ Thus, in 2002, California enacted AB 1119 (Migden) (Chapter 639, Statutes of 2002), which removed the requirement that a youth participate in STEP to be eligible for THP-Plus.⁶⁷

California sought to address some of the obstacles facing transition age foster youth— access to health care and access to education—by enacting two federally available options in California. First, California took advantage of the federal option to extend Medicaid for foster youth to age 21 by enacting AB 2877 (Thompson) (Chapter 93,

Statutes of 2000),⁶⁸ which extended Medi-Cal, California's Medicaid program, to foster youth until age 21. Second, California has implemented the federal Chafee Education and Training Vouchers (ETV),⁶⁹ and provides the required 20% state match for them. ETV's are available for current and former foster youth consistent with the FCIA, to help provide current and former foster youth in California with the resources they need to attend college or vocational school. ETVs are not an entitlement, thus funding is limited. Because these funds are limited and the number of applicants generally exceeds the amount of available funding, California has begun to look at ways to increase the reach of the ETVs by either reducing the amount of the individual grants or by finding additional funding for the program.⁷⁰

Finally, in addition to legislation specifically intended to benefit transition age foster youth who were preparing to age out of the foster care system, California enacted legislation to improve the foster care system itself, so that youth would receive better educational services, have more input at their hearings, and form lifelong connections with caring adults. For example, AB 490 (Steinberg) (Chapter 862, Statutes of 2003) was enacted to improve public school procedures and ensure that foster youth would not be required to change schools unnecessarily, that their credits would transfer, and that their school records would be transferred in a timely fashion, among other needed improvements.⁷¹ Also enacted in 2003, AB 408 (Steinberg) (Chapter 813, Statutes of 2003) sought to improve ensure that no child would age out of foster care without a permanent connection to a committed and caring adult; it also sought to ensure that children age 10 and older in foster care would have the opportunity to be notified and present at his/her own court hearings.⁷²

D. The California Blue Ribbon Commission on Foster Care

In March 2006, then-Chief Justice of California, Ronald M. George, established the Blue Ribbon Commission on Foster Care (BRC).⁷³ The BRC was tasked with "providing leadership and recommendations to improve the ability of the federal government, California's state and local agencies, and the courts to protect children in California by helping them to become part of a permanent family that will provide a safe, stable and secure home."⁷⁴

In 2009, the BRC released a report detailing its final recommendations intended to reform California's foster care and dependency court system. Several of the BRC's recommendations explicitly related to transition age foster youth. Three points are particularly noteworthy for the purposes of this report. First, the BRC recommended that foster care assistance be extended from age 18 to age 21, and if the court terminates jurisdiction prior to age 21, the youth should have the right to have jurisdiction and services reinstated.⁷⁵ The BRC report cited the poor outcomes associated with aging out of foster care as the reason that the age needed to be extended.⁷⁶ The Commissioners were clear that the intent of their recommendation was to do more than simply moving the "cliff" to age 21.⁷⁷ Second, the BRC recommended that courts ensure children have consistent community ties and help from supportive adults as they grow up.⁷⁸ The final recommendation of note for the purposes of this report is the BRC's recommendation to reduce caseloads of judges, attorneys, and caseworkers.⁷⁹ Youth cannot obtain the assistance they need and run the risk of falling through the cracks in the system when their attorney has a caseload of well over 200 and their judge has a caseload of over 1,000. Outcomes for youth will not improve if these extraordinarily high caseloads persist.

III. California's Fostering Connections to Success Implementation

A. The Law

California's Fostering Connections is commonly referred to as AB 12, but it actually includes several other pieces of legislation as well as regulatory actions that were taken to amend, improve and/or implement AB 12 in the years following its passage, as the Department of Social Services, policymakers, and advocates identified issues with AB 12 that required amendments to improve the law. This report will, therefore, refer to AB 12 and the subsequent laws and regulations enacted to expand and improve upon it as California's Fostering Connections and/or Extended Foster Care (EFC).

Further, although AB 12 implements all aspects of the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008, this report focuses on the provisions of AB 12 that relate to the extension of foster care services to youth ages 18–21.

AB 12 is phased in over a 3-year period. The first phase began in January 2012, and extended foster care to age 19. The second phase began in January 2013 and extends foster care to age 20. The third and final phase will begin in January 2014 and will extend care to age 21. Initially, the final extension from age 20 to age 21 was subject to a budget appropriation. However, on June 27, 2012, SB 1013⁸⁰ was signed into law in California; it guarantees that federal (and state) funding will be available for youth who remain in extended care to age 21.

California's Fostering Connections also put into place provisions, discussed below, which allow some probation youth to participate in extended care, and which allow eligible nonminor dependents to access resources such as CalFresh (California's Food Stamp program) and CalWORKs.

1. California's Goals and Expectations Regarding AB 12

As with the federal and state foster care legislation that preceded it and made it possible, California's clear intention in enacting AB 12 was to improve outcomes for foster youth once they leave care. This intention is evident throughout both state and federal legislative history as well as within the language of the law itself.

The potential for AB 12 to improve outcomes for foster youth after aging out of the system was noted several times in legislative analyses of the bill in both houses. For example, in its analysis of AB 12, the Senate Judiciary Committee references studies comparing states that extend foster care to those that do not; in the states that do extend foster care to age 21, there is significant improvement in educational, employment and housing outcomes for foster youth. These facts are also cited in the January 26, 2010 Assembly Floor Analysis and in the June 18, 2010 Senate Human Services Committee Analysis, which addresses directly the question of whether fiscal and social supports to young adults improve outcomes. To answer this question, the Committee delves into a recent, well-respected study, the *Midwest Evaluation of the Adult Functioning of Foster Care* by Chapin Hall at the University of Chicago. The Committee highlights the improved outcomes at age 21 experienced by youth in the study who remained in foster care beyond the age of 18.⁸¹ Finally, the Assembly Concurrence Analysis notes expected declines in unemployment, homelessness, teen pregnancy, public assistance and other negative outcomes for young adults who age out of the foster care system, given the results of the Chapin Hall study.

In his letter to the Governor urging a signature on AB 12, Assembly Member Michael N. Villines pointed to studies which demonstrate that the current trends of negative outcomes facing foster youth can be reversed. He stated

that foster youth who wish to and are permitted to remain in foster care are 200% more likely to complete high school, 300% more likely to enroll in college,⁸² and 65% less likely to be arrested than those whose case is abruptly ended at age 18.⁸³ Dozens of support letters written to the Governor from advocacy organizations, small businesses, and the ABA echoed the Assembly Member's support and his rationale for supporting AB 12.

Given the studies cited throughout the legislative history, the information on which policymakers relied as they were examining AB 12 and subsequent Fostering Connections legislation in California, and the statements made by policymakers on the record throughout the history of California's Fostering Connections implementation, it is reasonable to define success as follows:

For the purposes of this report, the success of AB 12 will be defined in terms of the objectively observable improvement in five outcome areas among adults who have aged out of foster care.

The five outcome areas, those most typically associated with success or failure, are (1) maintaining stable housing; (2) achieving educational success, which is reflected by achieving a degree or a certificate in a vocation, either of which would allow one to become gainfully employed in the area in which the degree or certificate is received; (3) employment, which is identified for the purposes of this report as gainful, stable employment for which wages and compensation are adequate to maintain a reasonable standard of living, above the poverty line and in line with the average wages of an individual's peers of the same age; (4) healthcare, defined for the purposes of this report as timely, easy access to adequate healthcare, including mental healthcare; and (5) avoidance of involvement with the criminal justice system, particularly incarceration. These are the areas associated with the negative outcomes most commonly cited by advocates and legislators as the primary reasons foster care needed to be extended to age 21.

An overarching measure which we must also consider when determining the success of AB 12 is its long-term impact: Do the outcomes of former foster youth resemble that of their peers with no history of foster care, not only at age 21, but at age 25 and 30? It is not enough simply to postpone negative outcomes for former foster youth; delaying homelessness from age 18 to age 21 is a marginal improvement, but it should not be viewed as the goal nor used as a barometer to gauge a program's success. No good parent would consider it as such.

2. Eligibility

Under AB 12, a nonminor dependent is eligible for extended foster care. A nonminor dependent is defined as a nonminor who (1) has attained 18 years of age while under an order of foster care placement by the juvenile court or is under the transition jurisdiction of the juvenile court (as defined in Welfare and Institutions code §450); (2) is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1; and (3) is participating in a transitional independent living case plan and as such satisfies one of five conditions of eligibility for extended foster care services.⁸⁴

Thus, a nonminor dependent must meet at least one of five specified participation conditions to be eligible for extended foster care. The first is that the nonminor is completing secondary education or a program leading to an equivalent credential.⁸⁵ Enrollment includes but is not limited to a public high school, charter high school, an alternative high school, a non-public school, adult education classes, or any other course of study leading towards completion of a high school diploma, GED, High School Proficiency Certificate, or High School Completion Certificate.⁸⁶ Importantly, for the purposes of eligibility for EFC, enrollment is deemed continuous during any summer or other scheduled break in the school program.⁸⁷ A nonminor dependent who is participating in special

education activities as described in his/her Individualized Education Plan (IEP) is deemed to be in compliance with this participation condition.⁸⁸

The second participation condition is that the nonminor is enrolled in an institution which provides postsecondary or vocational education.⁸⁹ A nonminor dependent must be enrolled in an institution that provides postsecondary or vocational education at least half-time,⁹⁰ defined as enrollment in at least six semester course units or quarter course equivalent.⁹¹ Enrollment in any for-credit or non-credit courses are included as qualifying under this requirement and formal admission to an institution is not required. Finally, enrollment is deemed continuous during summer or other scheduled break and applies to participants who are awaiting admissions determination or pending enrollment in courses.⁹² While a youth does not qualify under this condition if the youth is enrolled in only one class, the youth might qualify under participation condition number three even if he/she is so enrolled in only one class.⁹³

The third participation condition is that the nonminor is participating in a program or activity designed to promote, or remove barriers to, employment.⁹⁴ Criteria three is broadly defined and could be an asset to nonminor dependents who experience a temporary set-back in pursuing their goals. Social workers are encouraged to create a back-up plan in the nonminor dependent's TILP, so that the nonminor dependent will continue to qualify for extended foster care after experiencing a set-back.⁹⁵

The state's AB 12 trainings and All County Letters (ACLs) advise social workers to use condition three as a catch-all to bridge gaps in eligibility.⁹⁶ While it is an excellent idea to have an eligibility category that can be used to help participants bridge short-term set-backs, a participant's long-term use of category three would probably indicate that the youth is not actively engaged in activities that will enhance his/her ability to be self-sufficient after leaving care. If the state allows a nonminor dependent to qualify for extended foster care from age 18–21 using only category three, the negative outcomes that AB 12 was enacted to avoid may simply be delayed for three years. While some of the activities that qualify under condition three might reasonably be expected to help a nonminor dependent prepare to be self-sufficient,⁹⁷ the condition is so broad that it could also include activities that are not substantial enough to prepare a nonminor adequately to be self-sufficient after foster care, should the nonminor be allowed to qualify for extended foster care based solely on condition three for the entire duration of his/her time in extended foster care. The problem is analogous to the overly permissive parent who allows a child to avoid classes and work, inhibiting the work ethic necessary for realistic self-sufficiency and success.

The fourth participation condition is that the nonminor is employed for at least 80 hours per month.⁹⁸ The nonminor dependent must be engaged in full- or part-time employment activities which include, but are not limited to, paid employment, paid internships, apprenticeships, Ticket to Work (for individuals receiving Supplemental Security Income), vocational rehabilitation, or work study programs.⁹⁹ As long as the nonminor is scheduled to work at least 80 hours a month, he/she is deemed to meet this participation condition. This is the case even if the nonminor dependent does not actually work that number of hours due to holidays, illness, excused absences, or other circumstances beyond the nonminor dependent's control. Importantly, earned income is disregarded for purposes of eligibility determination.¹⁰⁰

The fifth and final participation condition provides an exception if the nonminor is incapable of doing any of the activities described in the first four participation conditions due to a medical condition, if that incapability is supported by regularly updated information in the case plan of the nonminor.¹⁰¹ The requirement to update the case plan under this exception does not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments.¹⁰² This final participation condition is met when a medical condition renders a nonminor dependent incapable of doing any of the activities described in the previous four

conditions. The qualifying medical condition can be a long- or short-term medical condition, as verified by a qualified health care practitioner. If a nonminor dependent does not undertake remedial measures to treat a verified medical condition, he/she will still be deemed to have a qualifying medical condition. A nonminor dependent who is eligible for a disability program (SSI, State Disability Insurance, Regional Center Services, etc.) is deemed to have a medical condition that renders him/her incapable of doing one of the other activities specified in participation conditions one through four.¹⁰³

3. Placement Options for Nonminor Dependents

One challenge proponents of Fostering Connections faced, both federally and in California, was designing age-appropriate placement options for nonminor dependents. Thus, the federal law created an additional placement option for foster youth in care after age 18 — “a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations”¹⁰⁴ known as supervised independent living settings. As noted above, in July 2010, ACF released a program instruction in which it provided guidance to states on the implementation of the Federal Fostering Connections Act. Notably, with regard to supervised independent living settings, the guidance stated that the state agency would have discretion to develop a range of supervised independent living settings which could reasonably be interpreted as consistent with the law. The guidance went on to encourage the state agency to be innovative in determining the best living arrangements that could meet an older child’s needs for supervision and support as he/she moves toward independence.¹⁰⁵

Traditional supervised foster care placements continue to be available for nonminor dependents in California. These placements include kin placements, guardianships, Foster Family Agencies (FFAs), foster homes, and group homes. However, under AB 12, a youth may remain in a group home after age 19 or after high school graduation only if necessary due to a medical condition.¹⁰⁶ In addition, California’s Fostering Connections Act created two new supervised independent living setting placement types: the Supervised Independent Living Placement (SILP) and THP-Plus Foster Care (THP-Plus-FC):

The SILP is intended to provide nonminor dependents with the opportunity for an independent living experience while they receive financial support along with the safety net of a case manager to provide support and services for problems that arise.¹⁰⁷ Note that this placement type is intended for only those nonminors who have demonstrated that they are ready to handle the high level of independent living that an SILP provides. An SILP is a very flexible placement type, and as such, counties have significant discretion as to what constitutes this type of placement.¹⁰⁸ One unique feature of the SILP is that a nonminor dependent is responsible for finding his/her own SILP unit. SILPs can include apartments (alone or with roommates), single-room occupancy hotels with shared bathrooms and/or kitchens, rooms for rent in a house or apartment, and college dormitories.¹⁰⁹ Note that college dorms and other university housing are not required to be pre-approved by the county because they have already been approved by the postsecondary institution for safety standards.¹¹⁰ Importantly, particularly for nonminor dependents who choose to attend college out-of-state, a nonminor dependent may live in an out-of-state SILP.¹¹¹ In these situations, the agency must continue to comply with all monthly face-to-face visitation and services requirements, even if the state in which the nonminor dependent is living does not accept an Interstate Compact on the Placement of Children request to provide courtesy supervision of the youth.¹¹²

Except in the case of a college dormitory, a readiness assessment is required for an SILP. There are two steps in approving an SILP:

(1) Assessing the readiness of the nonminor dependent. This assessment examines whether or not a nonminor dependent has the appropriate knowledge of financial skills (has a budget, for example) and is developmentally and emotionally ready to handle daily tasks such as grocery shopping, paying bills, preparing meals, and so on.¹¹³

(2) Approving the SILP unit is the second step. An SILP Inspection checklist is required to be completed by a case manager to ensure that the SILP meets basic health and safety standards before the SILP can be approved.¹¹⁴ Case workers are advised not to deny an SILP unless there are health or safety concerns.¹¹⁵

A nonminor dependent cannot live in an SILP with a biological parent and receive a foster care placement payment.¹¹⁶

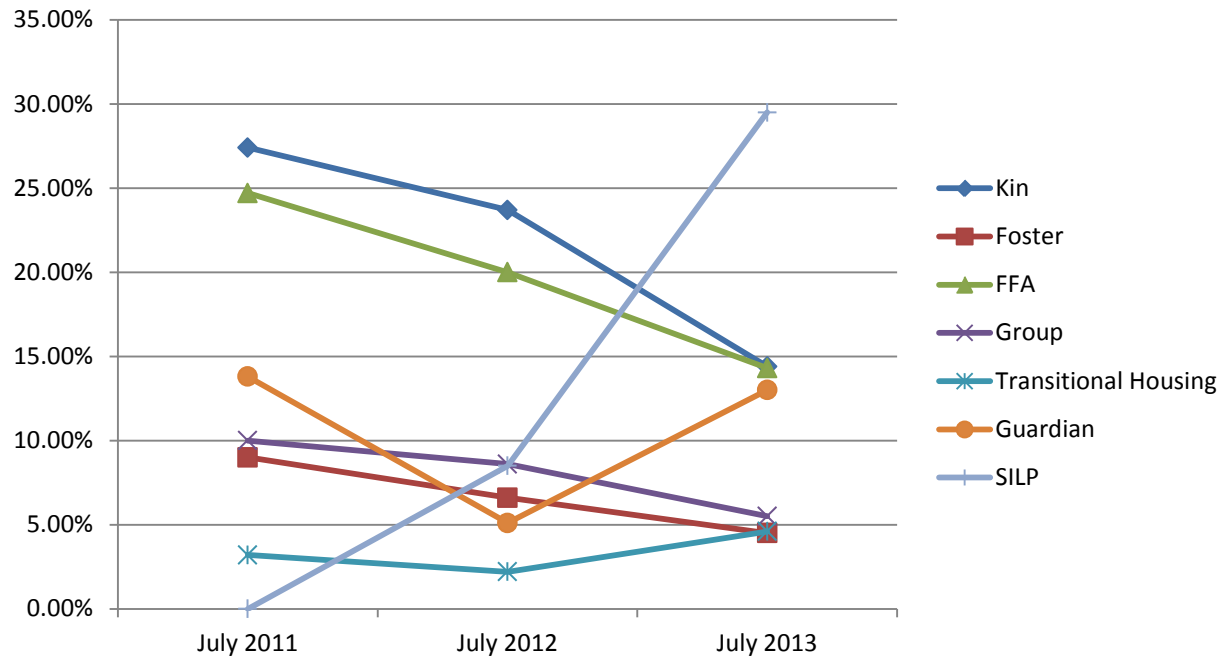
THP-Plus Foster Care (THP-Plus-FC) is the second new placement type created for nonminor dependents under California's Fostering Connections. THP-Plus-FC is modeled after California's successful THP-Plus program.¹¹⁷ The THP-Plus-FC placement is appropriate for nonminor dependents who may not yet be ready for an SILP, or who would benefit from more supportive services. Like THP-Plus, THP-Plus-FC provides participants with supportive services in 15 specified areas: case management, system of payment for utilities, telephone, and rent, job readiness training and support, food and necessity allowance, educational advocacy and support, assistance pursuing college or other post-high school training, individual and group therapy, services to build support and relationships with family and community, coordination with the independent living program, mentoring, apartment furnishings, 24-hour crisis hotline and support, emancipation fund, post program housing assistance, and alumni services.¹¹⁸

Unlike THP-Plus participants, THP-Plus-FC participants continue to have required monthly visits with a social worker and they continue to be under the jurisdiction of the juvenile court and as such, they continue to have review hearings every 6 months.¹¹⁹ THP-Plus-FC further differs from THP-Plus placements in that they are not county only programs, they are state programs. A youth in one county can be placed in a THP-Plus-FC placement in a different county.

Many THP-Plus-FC programs provide the youth with stipends on a regular basis; the youth are then required to budget the stipend to simulate paying rent, utilities, and other expenses. This practice gives the youth experience with budgeting and is meant to help prepare the youth to transition more easily to independent living. Some programs, however, may choose not to engage in this exercise, because the program may not have enough funding to absorb rent defaults or may not have the capacity to administer this valuable component. Unfortunately, the failure of a program to work with the nonminor dependent participants and help them to develop real world budgeting skills may well result in detrimental impact on the youth, who may not understand how to budget upon exiting the program as a result.

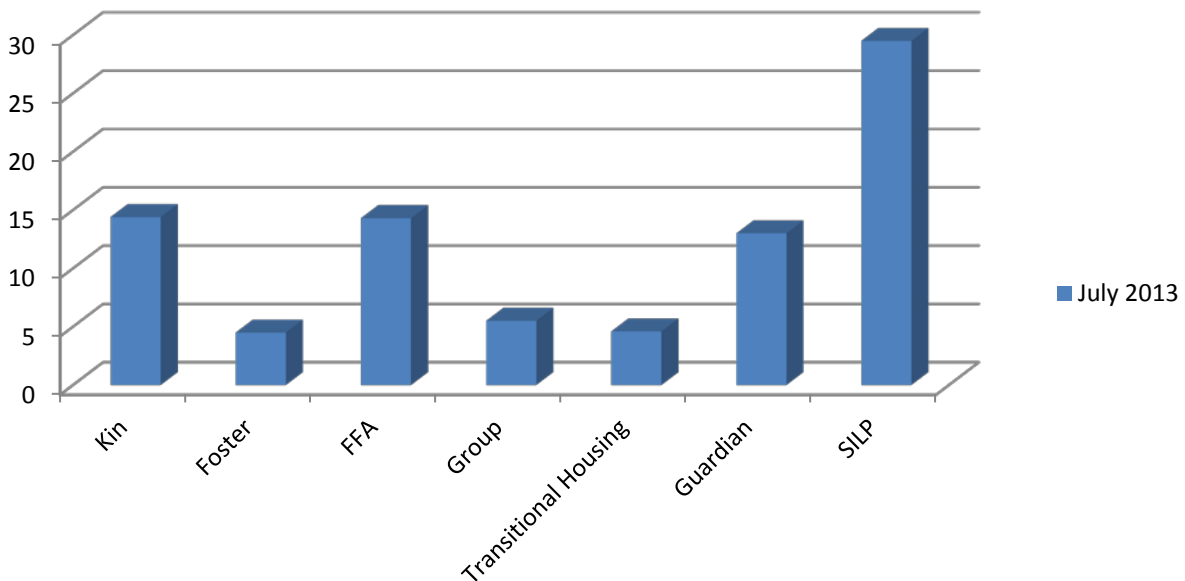
The chart below reflects the trends, from April 2011 – April 2013, in usage of the different placement types for foster youth ages 18-20 in California:¹²⁰

2011-2013 Placement Types in California: Ages 18-20



The following chart reflects how California's foster youth ages 18-20 were placed as of April 1, 2013 (by percentage of the age 18-20 population in each placement type):

California: Placements Types, Ages 18-20



B. Extended Foster Care Procedural Requirements

Each individual is different and therefore, each foster care case should be approached accordingly. Given this reality, the professionals involved with a foster youth's case may decide to begin discussing extended foster care and the planning associated therewith at varying points in that youth's case depending upon the youth and his/her unique set of circumstances. However, California's Fostering Connections does specify timing for planning and court reviews required for every transition age foster youth and nonminor dependent. The law sets forth specified roles for the court, the dependency attorneys, and the social workers, includes specified requirements that the nonminor dependent must continue to meet, and sets forth provisions specific to re-entry and probation youth. All of these tools are meant to streamline the system for nonminor dependents and prepare them for a successful transition out of foster care at age 21.

1. The Court Process/Hearings

There are four primary types of hearings related to extended foster care and California's Fostering Connections to Success legislation: the last status review hearing before a youth turns 18, nonminor dependent review hearings, the Welfare and Institutions Code § 391 hearing to terminate jurisdiction, and a reentry hearing (to request the return to juvenile court jurisdiction or foster care).¹²¹

Last Review Hearing Prior to a Foster Youth's 18th Birthday.¹²² The procedures put in place for required juvenile court hearings help ensure that a youth who is approaching the age of 18 is aware of his/her options and has in place, at minimum, a plan for independent living. The procedures at the last review hearing prior to a foster youth's 18th birthday, and throughout the remainder of the youth's involvement with the foster care system and the juvenile court, are meant to further the objective of preparing the youth to live successfully and independently once he/she exits the system.

The court must make several findings at the last review hearing prior to a foster youth's 18th birthday. These findings relate to the adequacy and appropriateness of the youth's Transition Independent Living Case Plan (TILCP), as well as other findings related to issues of financial security, documentation, and whether the youth has been informed and understands his/her rights relating to re-entry and extended foster care.¹²³

A more detailed description of this hearing and the required findings are available in Appendix B.

Nonminor Dependent Review Hearings.¹²⁴ The primary objectives of the nonminor dependent review hearings are to focus on the goals and services set out for a nonminor dependent in his/her TILP and TILCP, and to check in on his/her progress toward achieving independence. These hearings monitor a young adult's (nonminor dependent's) progress toward goals that will help him/her successfully live independently upon exiting the foster care system, and should result in avoidance of the negative outcomes long associated with aging out of the foster care system. The nonminor dependent review hearings place an emphasis not only on the youth's efforts and progress toward achieving goals set forth in his/her TILP and TILCP, but also progress in the area of establishing lifelong connections with committed adults. These individuals will help to provide the kind of social safety net and connections that nonminor dependents' peers, outside of the foster care system, enjoy upon leaving home.

Importantly, the nonminor dependent review hearings must proceed in a way that recognizes and respects the nonminor dependent's status as an adult. In this way, the hearings are distinguished from the review hearings required prior to the youth's 18th birthday. The review hearings must be conducted every six months by the court

or by a local administrative review panel. The nonminor dependent may appear by telephone, and the hearing may be attended by participants invited by the nonminor dependent.¹²⁵

A more detailed description of the nonminor review hearings is available in Appendix B.

Welfare and Institutions Code § 391 Hearing to Terminate Jurisdiction.¹²⁶ The law as it exists at this writing requires the dependency court to conduct a hearing pursuant to Welfare and Institutions Code § 391.¹²⁷ At a hearing in which the court is considering termination of jurisdiction over a nonminor dependent, the court and the county welfare department must meet several requirements. First, it must ensure that the nonminor is present in court unless he/she does not want to be, and has elected to appear by telephone, or it must document reasonable efforts to locate the nonminor when the nonminor is not available.¹²⁸ Second, the county welfare agency must submit a report describing whether it is in the nonminor's best interests to remain under the court's dependency jurisdiction.¹²⁹ Third, if the county welfare department recommends termination of the court's dependency jurisdiction, it must submit documentation of the reasonable efforts made to provide the assistance necessary for the youth to meet or maintain eligibility as a nonminor dependent.¹³⁰ Finally, if the nonminor has indicated that he/she does not want dependency jurisdiction to continue, the county welfare department's report must address the manner in which the nonminor was advised of his/her options and of his/her right to re-enter care prior to age 21.¹³¹

The court cannot terminate dependency jurisdiction over a nonminor dependent until a hearing is conducted and the county welfare department has submitted a report verifying that the information, documents, and services specified in Welfare and Institutions Code § 391(e) have been provided to the nonminor. Such information, documents and services include those vital to the nonminor's ability to live independently upon exiting the foster care system. For example, the documents that must be provided to the nonminor are those necessary to obtain housing, apply for a job, and obtain other necessities such as financing for school or a vehicle, and include the youth's social security card, a certified copy of his/her birth certificate, a driver's license or identification card, the Judicial Council form necessary to resume dependency jurisdiction (discussed below) and a letter prepared by the county welfare department that includes the nonminor's name, date of birth, the dates during which the nonminor was under the jurisdiction of the juvenile court and a statement that the nonminor was a foster youth in compliance with state and federal financial aid documentation requirements.¹³² The required information and assistance include, for example, assistance completing an application for Medi-Cal or obtaining other health care insurance,¹³³ assistance applying for admission to college, a vocational program or other educational instruction, assistance obtaining employment or other financial support, assistance maintaining relationships with individuals who are important to the nonminor, and referrals to transitional housing, if it is available, or assistance in securing other housing.¹³⁴

A more detailed explanation regarding the findings the court must make at a § 391 hearing is available in Appendix B.

Request to Return to Juvenile Court Jurisdiction and Foster Care (Reentry). A unique and necessary feature of California's Fostering Connections is that it allows youth who have opted to exit the foster care system and the juvenile court's jurisdiction to apply for reentry into the system prior to age 21. This gives the youth the opportunity to leave the system and attempt to live independently without removing entirely the safety net that the system provides. If a nonminor leaves the system and encounters difficulties, he/she has the option to reenter foster care and receive assistance to help achieve stability.

The juvenile court accomplishes this by maintaining general jurisdiction over the nonminor when it terminates dependency jurisdiction.¹³⁵ Thus, the court is able to reassert dependency jurisdiction over a nonminor without a

new finding of abuse or neglect if the nonminor petitions for reentry.¹³⁶ A nonminor is not limited in the number of times that he/she is permitted to reenter foster care prior to age 21.

If a nonminor who has not yet reached age 21 decides that he/she would like to reenter foster care, the process is initiated in one of two ways. First, the nonminor can contact the county welfare agency, probation department, or Tribal placing entity (placing agency) and sign a Voluntary Reentry Agreement (VRA).¹³⁷ The VRA is the voluntary agreement into which a former dependent/nonminor dependent enters with his/her placing agency if juvenile court jurisdiction has been terminated and the former dependent/nonminor dependent wishes to return to foster care. The VRA is a written agreement that documents the nonminor's desire and willingness to reenter foster care and be placed in a supervised setting under the placement and care responsibility of the placing agency, as well as the nonminor's willingness and ability to immediately participate in at least one of the participation conditions required for extended foster care eligibility.¹³⁸

The second way in which reentry can be initiated is for the nonminor, county welfare agency, county probation department, or Indian Tribe to file a 388(e) petition.¹³⁹

More information about the VRA and the 388(e) petition is available in Appendix C.

2. Extended Foster Care (EFC) Planning Documents

The “foundation and central unifying tool in child welfare services is the case plan.”¹⁴⁰ Each child placed in foster care receives a case plan, which is intended to ensure that the child is placed in a safe home and receives protection and proper care and case management. The case plan further ensures that services are provided to the child and the parents or other caretakers to improve conditions in the home, facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.¹⁴¹ Generally, the case plan must be completed within 60 days of the initial removal of the child, and it must be comprehensive.¹⁴² It is based on an assessment of the circumstances that required child welfare services intervention, identifies goals and the appropriateness of planned services in meeting those goals. The case plan must be updated regularly, and includes information about the original allegations that led to intervention, social worker contact, siblings and a great deal of additional required information that is of relevance to the child's life and his/her case.¹⁴³

AB 12 requires the creation of several documents for nonminor dependents as they approach age 18 and in the three years that follow. The creation of the case plan and related documents necessitates and facilitates important conversations about future plans regarding housing, education, and employment, between the foster youth, his/her social worker, and others involved in the case. As evidenced by the court hearings described above, the document that is the focal point throughout much of the nonminor dependent's time under the jurisdiction of the dependency court after the age of 18 is the Transition Independent Living Case Plan (TILCP). However, there are other planning documents that are required for foster youth as well.

At age 16 or older, and for nonminor dependents, the case plan must include a Transition Independent Living Plan (TILP),¹⁴⁴ a written description of the programs and services that will help the youth prepare for the transition from foster care to independent living.¹⁴⁵ The TILP also includes information with regard to any pending applications for Supplemental Security Income benefits, Special Immigrant Juvenile Status, or other active application for residency for which an active dependency case is required.¹⁴⁶ For youth who are approaching seventeen years and five months of age, the TILP must contain some description of services that will help foster youth to meet one of the participation criteria required for EFC eligibility. This is the case even if the foster youth does not express interest

in remaining in foster care past age 18. The plan to meet participation criteria in cases where the foster youth has not expressed an interest in EFC is in place in case the youth decides that he/she would like to participate in EFC at some later date prior to reaching the specified age limit for EFC eligibility.¹⁴⁷

A TILCP for a nonminor dependent includes the TILP,¹⁴⁸ is the nonminor dependent's case plan, and is updated every six months. It describes nonminor's goals and objectives related to how he/she will transition to living independently and assume incremental responsibility for adult decision-making.¹⁴⁹

The foster youth must be heavily involved and consulted as the TILP and the TILCP are developed.¹⁵⁰ These documents must be customized to the individual for whom they are created; using boilerplate planning documents does a serious disservice to the youth and has potential long-term consequences for the youth's future livelihood and well-being.

During the 90-day period before a foster youth reaches 18 years of age, or, if the youth elects to remain in foster care beyond the age of 18, prior to the youth's exiting foster care system, the caseworker must provide the youth or nonminor assistance and support in developing a 90-day transition plan, as directed by the youth. The plan must include information regarding housing, health insurance, education, mentors, continuing support services, employment services, a power of attorney for health care and information regarding the advance health care directive form.¹⁵¹

3. Meeting and Maintaining Extended Foster Care Requirements

A foster youth who chooses to participate in EFC in California must meet and maintain several eligibility requirements. Generally, to be eligible for EFC, a foster youth must (1) have an order of foster care in place at his/her 18th birthday; (2) sign a mutual agreement with the child welfare agency within six months of turning 18; and (3) meet one of the five specified participation criteria discussed above.

A nonminor dependent is an adult and can choose whether to remain in care or not. As such, the nonminor must sign an agreement stating that he/she is voluntarily remaining in foster care.¹⁵² The mutual agreement documents the nonminor's continued willingness to remain in supervised out-of-home placement under the care of the county and remain under the jurisdiction of the juvenile court as a nonminor dependent. It also documents the agreement between the nonminor and social worker to work together on the implementation of the supervised placement agreement and TILCP.¹⁵³ The mutual agreement must be signed within six months of the nonminor's 18th birthday.¹⁵⁴ Finally, in the mutual agreement that the nonminor signs, he/she agrees to be supervised by the county agency, to live in an approved facility, and to comply with the program requirements.¹⁵⁵ A nonminor dependent is responsible to inform his/her case manager about any changes in his/her case.¹⁵⁶

The participation criteria that a nonminor dependent plans to meet in order to maintain eligibility for EFC is described in his/her TILCP. However, as is the case with their peers of the same age, nonminor dependents may experience an emergency or a crisis that takes them temporarily off course and may result in a period of time when they are not complying with their TILCP because they are not participating in one of the specified conditions required for EFC eligibility; similarly, situations may arise when a nonminor dependent changes his/her mind about the best life course to take and change colleges, majors or jobs with a resulting lag time in between. Legislators, advocates, and regulators anticipated this issue when they were drafting the legislation and, subsequently, the rules to implement California's Fostering Connections. In response to these realities, there are provisions in California's Fostering Connections legislation and its implementing rules that provide flexibility and plan for these situations.

As long as a nonminor continues to work toward the goals set forth in his/her TILCP, a temporary set-back that results in a lapse in participation in one of the required participation conditions will not disqualify the nonminor from participation in EFC.¹⁵⁷ Furthermore, social workers are instructed to include in a nonminor's TILCP a back-up plan to engage in an alternative participation condition required for extended foster care eligibility should the youth encounter difficulties that prevent him/her from following through with the initially specified participation condition in his/her TILCP.¹⁵⁸ Finally, scheduled school breaks do not disqualify a nonminor dependent from participation in EFC as long as he/she is enrolled in school for the following semester.¹⁵⁹ Each of these examples illustrate how California's Fostering Connections was tailored to be flexible and suited to meet the needs of the age group for which it was created and help them to maintain eligibility while preparing them to successfully transition to an independent adult life.

4. Provisions Specific to Probation Youth

The probation youth population is often overlooked in discussions relating to foster care. This is unfortunate because it is not uncommon for foster youth to cross over into the delinquency/probation system and vice-versa. Unfortunately, the two populations are often quite similar, particularly when it comes to resources from which they could benefit. Foster youth who are under the supervision of probation may be eligible to participate in EFC in one of three jurisdictional statuses: (1) transition jurisdiction; (2) dependency jurisdiction, either new or resumed; or (3) continued delinquency status.¹⁶⁰

Transition Jurisdiction is a new jurisdictional status created to allow older probation wards who have met their rehabilitative goals to participate in EFC.¹⁶¹ To be eligible for transition jurisdiction, a minor must be older than 17 years, five months and younger than 18. Additionally, the ward must have either (1) been removed from the physical custody of his/her parents or legal guardian and adjudged a ward of the juvenile court under Welfare and Institutions code section 725 and ordered into foster care placement as a ward, or (2) been removed from his/her parent or legal guardian as a dependent of the court with an order of foster care placement as a dependent in effect when the court adjudged him/her to be a ward under Welfare and Institutions Code section 725.¹⁶² In these instances, (1) rehabilitative goals must have been met; (2) reunification services have been terminated; (3) no hearing has been set for the termination of parental rights or the establishment of a guardianship; (4) the return of the minor to the parents or legal guardian would create a substantial risk of detriment to the minor's safety, protection, or physical or emotional well-being; and (5) the minor has expressed intent to sign a Mutual Agreement with the responsible agency for placement as a nonminor dependent and agrees to meet one of the five participation criteria required for extended foster care.¹⁶³

A nonminor is eligible for transition jurisdiction if he/she was subject to an order of foster care placement on his/her 18th birthday and has not reached age 20 as of January 1, 2013 or age 21 as of January 1, 2014.¹⁶⁴ Additionally, the ward must have been removed from his/her parents and either adjudged a ward under Welfare and Institutions Code section 725, and ordered into foster care placement or a dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged him/her to be a ward of the juvenile court.¹⁶⁵ The rehabilitative goals of the case plan must have been met, and jurisdiction over the youth as a ward must no longer be required.¹⁶⁶ The ward has signed the Mutual Agreement or the Voluntary Reentry Agreement, with the responsible agency for placement as a nonminor dependent and meets one of the five participation criteria required for participation in extended foster care.¹⁶⁷

Dependency Jurisdiction. Some wards of the juvenile court will not be eligible for transition jurisdiction. Such wards who cannot be returned safely home may be able to have their delinquency status modified to dependency status.¹⁶⁸ To do so, a ward must be younger than 18 and not meet the criteria for transition jurisdiction, have met

his/her rehabilitative goals, come within the description of Welfare and Institutions Code Section 300 and cannot be returned safely home.¹⁶⁹ In these instances, for a minor who was never a dependent, was not previously subject to the jurisdiction of the court as a result of a petition filed pursuant to Welfare and Institutions Code Section 325¹⁷⁰, and is not eligible for transition jurisdiction, the court can order the probation department or ward's attorney to submit an application to the child welfare services department to modify the jurisdiction from delinquency to dependency.¹⁷¹

If the minor was a dependent, the court can vacate the previous order terminating dependency jurisdiction over the minor and resume jurisdiction pursuant to Welfare and Institutions Code Section 300 based on the prior dependency petition if the minor was subject to a foster care placement order and a dependent at the time of being adjudged a ward. Delinquency jurisdiction would be terminated.¹⁷²

Maintaining Delinquency Jurisdiction. A ward may participate in EFC while remaining under delinquency jurisdiction if he/she has an order for foster care placement on his/her 18th birthday and has not reached age 20 in 2013 or, beginning in 2014, age 21. Additionally, he/she must be participating in, or have agreement to satisfy one of the five participation criteria required for eligibility for extended foster care, which must be documented in his/her TILP.¹⁷³ Because a nonminor dependent participating in extended foster care under delinquency jurisdiction is still subject to the terms of his/her probation and as such, is not voluntarily remaining in foster care, a Mutual Agreement is not required in these situations.¹⁷⁴ However, once the nonminor dependent ward has reached his/her rehabilitative goals, he/she may choose to voluntarily participate in extended foster care, at which time the nonminor would be required to sign a Mutual Agreement.¹⁷⁵

Probation officers play an important role in situations where a nonminor dependent remains under delinquency jurisdiction. They must ensure the wards understand that changes in eligibility for EFC must be reported. In addition, they must complete the six-month certification of EFC participation and send it to the Eligibility Worker as this authorizes the AFDC-FC payment.¹⁷⁶

IV. Perspectives on California County Implementation

The Children's Advocacy Institute interviewed the professionals tasked with implementing AB 12 in ten counties throughout California. Dependency attorneys, social workers, and other advocates around the states discussed the successes and challenges they had experienced in the first 18 months of AB 12 implementation. The overall consensus is that AB 12 is a valuable law; it represents extraordinary progress toward helping foster youth succeed once they leave foster care. It will help older youth in foster care to be better prepared to live independently once they are on their own. The law has also served, in some cases, to help improve the planning process that must be completed prior to a foster youth's reaching the age of 18. It also contains an important re-entry provision, discussed above, and many counties have had very positive experiences with that provision in particular and with the nonminors who have re-entered extended foster care as a result of it. However, there are some challenges and glitches in the law and in its implementation that should be addressed so that it can be effective and have the intended benefit for as many nonminor dependents as possible. Many of the challenges and obstacles counties have encountered stem from a few common issues.

Lawmakers anticipated that about 50% of eligible foster youth would choose to take part in extended foster care.¹⁷⁷ While this estimate was accurate for some counties, Los Angeles, the state's largest county among them, others experienced a much larger than anticipated rate of participation. In some counties, the rate of youth opting into care was nearly 80%. Even in counties where the participation estimates were accurate, the number of

nonminor dependents posed a challenge for the professionals tasked with assisting the youth.

Nonminor dependents are adults; this adds layers of complexity to the administration of AB 12. For example, the roles of the professionals who work with nonminor dependents change. The role of caseworkers, in particular, changes from supervisory to advisory. The nonminors must meet the requirements of AB 12 to remain eligible for extended foster care, but they must be treated like adults. The primary goal of the social workers vis-à-vis their young clients essentially shifts from safety and security for foster youth under age 18 to self-sufficiency for nonminor dependents. Dependency attorneys did not report as many issues in this regard because their role remains much the same. The dependency attorney represents his/her client's expressed wishes and advises the client with regard to the laws applicable to his/her case. Some law firms, notably the Children's Law Center of California (CLCCAL), have staff that are experts on AB 12. CLCCAL employs peer advocates who are themselves former foster youth and knowledgeable about AB 12. They are available to help youth who have questions or concerns about AB 12.

Additionally, there are many considerations and additional variables that professionals in the child welfare system must consider when working with nonminor dependents, who are adults. The case workers and the nonminor dependents are now in the position of dealing with adult systems instead of children's systems of health care and mental health, for example. AB 12 has the potential to provide extraordinary opportunities for older youth in foster care; however, if the professionals who are tasked with their case management are not properly trained, nonminor dependents may not receive the full benefit that extended foster care can provide. Several counties reported that they did not have enough case workers who were fully and adequately trained on AB 12 when it took effect. Many of these counties were in various stages of addressing this issue, but continued to have a shortage of properly trained case workers.

There was a delay in the roll out Transition Housing Placement Plus Foster Care (THP-Plus-FC) placements for nonminor dependents. This created several challenges. First, THP-Plus-FC serves as a step-down placement for nonminor dependents who may not yet be ready for the level of independence that the SILPs provide. If nonminor dependents who are not prepared for the level of independence that an SILP provides are being placed in SILPs regardless of their lacking the necessary skills to maintain the independence required, the results could be devastating for the nonminor dependent who may default on utilities or rent and may encounter other issues resulting from a lack of appropriate maturity and preparation.

The timing of payments to nonminor dependents in SILPs has been a concern in some counties. The nonminor dependents need to have an SILP in order to begin to receive the payment for the SILP, but they often need funding to pay for a rental deposit, to turn on utilities, and so on. Most nonminors do not have these funds and the timing of the SILP payment causes issues and delays. Nonminor dependents are foster youth; they do not have parents to help them with a check for a rental deposit.

Parenting nonminor dependents face challenges to remaining eligible for AB 12 services. Parenting creates issues for nonminor dependents because often parenting responsibilities interfere with work and school. This can create an enormous challenge for nonminor dependents who often must work and/or attend school to remain eligible extended foster care. Not only must these youth work or attend school to participate in extended foster care, they must do so to provide for their children. Thus, some of the nonminor dependents who most need to remain in extended care and who could most benefit from it may be disqualified because they are unable to participate. California recently passed a bill to begin to address this issue, which is discussed below. However, it does not go far enough.

Finally, and very importantly, some probation youth are eligible for AB 12 services. Unfortunately, these youth may be falling through the cracks. AB 12 provides an opportunity for many of these young people to establish skills that will help them not only to be self-sufficient upon leaving foster care at age 21, but also to stay out of the prison system. While some counties have systems in place to identify probation youth who may be eligible for AB 12 and ensure that they have the opportunity to participate, others are struggling with this issue.

For a more comprehensive discussion of the counties, the statistics related to placement types and participation, and opinions of dependency attorneys and social workers, see Appendix A.

V. Emerging Experiences and Feedback from Foster Youth and Nonminor Dependents

The number of foster youth who have opted into AB 12 statewide far exceeded expectations — and is continuing to do so. The majority of youth who reach age 18 with an order of foster care placement are opting to participate in AB 12 extended care.

Because it is early in its implementation, the feedback from youth is only beginning to become available. However, initial interview and surveys with nonminor dependents seem to indicate that AB 12 is popular and the participants appreciate the opportunities that it offers for them to continue or finish school and begin to get established in housing. Many of the nonminors described an interest in completing their education, and were in the process of doing so. In addition, there was some very positive feedback with regard to the additional support and assistance the nonminors are receiving from the social workers after they reach age 18.

AB 12 is not, however, without its flaws. Some of the concerns that the nonminor dependents expressed centered on the law itself, and some of them centered on implementation issues. The issue most often expressed by the youth centered around the lack of preparation for tasks such as budgeting and paying the rent on time. One youth likened it to learning to drive and wondered why the state required an individual to attend classes, earn a learner's permit, and pass a test prior to entrusting that individual with a license, but will simply expect a foster youth to immediately be able to handle money and adult responsibilities at age 18. This youth didn't feel adequately prepared for the challenge of living independently, and that sentiment was expressed by several of the nonminor dependents that the Children's Advocacy Institute surveyed. Many of the nonminors were feeling overwhelmed and unprepared. Some had already experienced trouble affording their rent. This issue may have been avoided had there been more THP-Plus-FC, or other age-appropriate options, available at the outset.

The other major issue expressed by nonminor dependents was one of confusion regarding the law and what was expected of them. Several youth expressed uncertainty about the services for which they are eligible, the amount of foster care maintenance payment they are to be receiving, and even what they need to do to prepare for age 21, when they will again face the prospect of being completely on their own (at an age where most of their peers continue to benefit from a large social and familial safety net). Some of the youth also expressed a concern that the professionals assisting them did not know enough about the law or did not explain it well enough. Again, there was confusion about housing options and payments. Dependency attorneys and social services professionals must be sure that the youth understand what is required of them. Finally, it would benefit older foster youth to receive some type of practical training and classes with regard to not only the traditional independent living skills, but also

training specific to AB 12, so that they are very clear about what the law is, what will be required of them, and how they can obtain the most beneficial outcomes from the assistance provided.

CAI will continue gathering the opinions of nonminor dependents, as well as youth who have opted out of AB 12. If you are a nonminor dependent or a former foster youth who opted out of AB 12 and would like to share your opinions, please take our survey online at [http://www.surveymonkey.com/s/YouthAB 12](http://www.surveymonkey.com/s/YouthAB12).

VI. Obstacles to California's Successful Implementation of Fostering Connections—Past, Present and Future

By providing extended foster care to age 21, AB 12 was intended to better prepare foster youth to live independently upon leaving California's foster care system and help former foster youth avoid the negative outcomes commonly associated with aging out of the foster care system at 18. With that in mind, and after reviewing the above examples of how AB 12 implementation has gone thus far, it is evident that several challenges and obstacles must be addressed in order to ensure the success of this promising legislation — and of the youth it was intended to benefit.

One of the overarching challenges is that many young adults are not ready to be completely self-sufficient at age 21—even those who enjoyed the stability and support of a family structure all of their lives. Studies have shown that even after age 21, parents continue to provide their young adult children with substantial support, both in terms of financial support and in time spent assisting the youth with various issues. In fact, parents spend over \$50,000 and the equivalent of about 9 weeks of full-time 40-hour-a-week assistance.¹⁷⁸ Many young adults live at home with their parents; recent statistics estimate that 15.8 million adult children—many in their mid-twenties and early thirties—live at home with their parents.¹⁷⁹ In terms of needing varying levels of support post-age 21, former foster youth are no different than their peers; while many might be self-sufficient at that point, others will continue to need some assistance past age 21. Thus, even with the assistance and support provided by California's Fostering Connections, many former foster youth will not be completely self-sufficient at age 21.

Researchers at Chapin Hall at the University of Chicago recently conducted a longitudinal study that helps to shed light on this issue.¹⁸⁰ The researchers interviewed foster youth in three states at age 17. In two of the states, Iowa and Wisconsin, at the time of the study, foster youth age out of foster care at age 18. One state, Illinois, has long allowed foster youth to remain in foster care until age 21. This provided a unique opportunity for researchers to compare the outcomes of youth who remained in care until age 21 to those that exited at age 18. The results demonstrated that youth who remained in care until age 21 fared better at age 21 than their peers who had left foster care at age 18, as discussed previously in this report.¹⁸¹ Supporters relied heavily on this data, as they should have, when they were advocating for passage of Fostering Connections, both federally and in California.

However, when the former foster youth were interviewed for the next wave of the Chapin Hall study at age 23 or 24, the results were not as promising. Youth in Illinois were far less likely to ever have been homeless by the age of 21 than youth in Iowa or Wisconsin.¹⁸² By age 23 or 24, however, the difference had all but disappeared — 28.9% of former foster youth in Illinois had ever been homeless compared to 29.9% of their peers in Iowa and Wisconsin.¹⁸³ This is even more unsettling, given that the youth from Iowa and Wisconsin generally had been out of care for two years longer than those from Illinois. Likewise, youth in Illinois did not continue to see improved educational outcomes when compared with their peers in Iowa and Wisconsin. Youth in Illinois were actually less likely, by age 23 or 24 to have completed either an Associate's or a Bachelor's degree.¹⁸⁴ Once Illinois youth left

care at age 21, they lost supports and services that they needed to complete college, and many did not. There are numerous instances in which youth will complete a college degree after the age of 24. Unfortunately, college enrollment, which would indicate this trend in the Chapin Hall study, revealed that very few youth were even enrolled in college at age 23 or 24, regardless of the state in which they were in foster care.¹⁸⁵

Finally, youth in Illinois, at age 23 or 24, were more likely to be a custodial parent.¹⁸⁶ Parenting played a role in educational attainment and in employment. Many of the youth who were parenting reported it as a major factor in their inability to continue to pursue their education.¹⁸⁷ Further, while fathers were 70% more likely to be employed, mothers were 30% less likely to be employed.¹⁸⁸ It follows that for any program to reach its full potential, states must adequately address the issue of parenting foster youth.

This data does not mean that AB 12 and Fostering Connections will prove to be an exercise in futility. California's Fostering Connections legislation is an extraordinary step forward and if properly implemented will help put California's foster youth on a more solid footing when they leave care to live on their own. Chapin Hall's study does contain glimmers of hope in that regard. While they were less likely to complete their AA or BA, Illinois youth were more likely to have completed at least one year of college.¹⁸⁹ Higher levels of completed education, even if it is just one year of college, correspond to higher wages.¹⁹⁰ Further, the study found evidence that the number of years in care from age 18 to 21 increases wages with each additional year in care, which results in significantly higher wages for youth who remain in care until age 21.¹⁹¹ This increase in wages is one component that needs to be in place for foster youth to be successful when they leave care.

The lesson here is that foster youth, like their peers with no history of foster care, need some supports in place even after age 21. Because AB 12 assistance stops at age 21, it simply will not resolve all of the issues that older foster youth in California face as they prepare to live independent of the foster care system. California has established a solid framework with which to work; for example, California offers foster youth Chafee grants that can be available up to age 23 and THP-Plus that can be available to age 24. In addition to overseeing AB 12's implementation, the state must protect the other programs and services that exist for older foster youth and nonminor dependents. Importantly, it must protect programs like THP-Plus that are not federally mandated, but serve as a safety net for youth who have exited the foster care system. California must continue to strengthen the safety net for youth who exit the foster care system at age 21 and are not yet prepared to be completely self-sufficient. Finally, California must ensure that Fostering Connections is implemented and enforced in a way that will encourage youth participation while ensuring that they are adequately prepared to live independently upon exiting the system. Following is a discussion of the obstacles that would prevent California's Fostering Connections from meeting its potential. Advocates, professionals in the field and lawmakers should be aware of these concerns.



A. Budget Concerns and Realignment

In July 2011, the Legislature adopted a fiscal policy that shifts from the state to the county level a portion of the state sales tax, as well as responsibility for funding various programs. Included in those programs is Child Welfare Services, which—among other things—provides oversight and funding for the implementation of California’s Fostering Connections.¹⁹²

Realignment is cause for concern with regard to the implementation of AB 12. Foster care is a federally mandated program for which the federal government pays a portion under specified circumstances. California’s budget realignment changes the process by which County Child Welfare Services programs are funded. Prior to realignment, the counties would pay a portion of foster care reimbursement payments, California would pay a portion, and, for eligible children, the federal government would pay a portion. The state would set the priorities for funding and the funding would flow, according to those priorities, to the counties. After realignment, the federal government still pays its portion of the cost for foster care reimbursement payments to eligible children. However, instead of the California state government allocating budgets for child welfare services within each county, the state now provides a lump sum of money directly to the counties. Foster care maintenance reimbursement payments must come out of these funds. Under realignment, the counties are required to pay for foster care services with these lump sum funds they receive from the state each year. If the counties run out of money, they will have to take funding from other realigned services that are not federally mandated. This may mean that other services that have been successfully serving transition age foster youth will be cut if the county runs out of funding for foster care services.

For example, the Transitional Housing Placement Plus (THP-Plus), a program which serves former foster youth up to age 24 and is not federally mandated, would be in danger. THP-plus provides a safety net for those youth who may not be able, for whatever reason, to participate in extended foster care or older youth who are between the ages of 21 and 24 and are not yet able to live independently. Given that most individuals are not prepared for adulthood until about age 25, as discussed above, this would likely be a common occurrence, thus programs like THP-Plus are a continuing necessity, even given Extended Foster Care. The loss of this program would be devastating to many older, vulnerable youth. Though it is not part of California’s Fostering Connections, eliminating it would be, effectively, a big step backwards and would thwart several of the underlying goals of California’s Fostering Connections, to ensure that former foster youth are able to live independently, have safe and stable housing, and do not become homeless.

Further, it is a distinct possibility that California counties will fall short of funding in the future for several reasons: (a) the foster care population may increase due to an increase in placements, an increase in participation due to the influx of nonminor dependents that can now participate in extended foster care under California’s Fostering Connections, due to an increase in overall population in the state, or any combination of these factors; (b) the county share of foster care expenses will continue to grow as fewer and fewer children will come from families who qualify for federally-funded foster care under 1996 Aid to Families with Dependent Children income standards; and (c) though counties may be able to estimate how many youth will participate in extended care, it is a new concept and a new program, so there is no way to be certain that the estimates will be accurate, and if they are too low, the excess need will quickly drain county resources. Again, if a county must utilize funds from existing successful programs directed at assisting transition age foster youth and former foster youth to alleviate a shortfall in funds needed for mandated programs, it could result in the loss of other vital options for former foster youth who may be struggling despite California’s Fostering Connections.

Finally, realignment has the potential to cause further problems with the consistency with which different counties administer their foster care systems and the services available from one county to the next. Currently, the foster care services in California can differ from county to county because these services are county-administered, so though there are federally mandated services the manner in which they are provided and the availability of a safety net beyond the federally mandated floor will differ from one county to the next. When counties face the prospect of having to make cuts, important services currently available to older foster youth that are not mandated may suffer despite their proven successes. Some counties may choose to eliminate these services and other counties may choose to keep them.

B. Caseloads

One monumental obstacle that is too often left unaddressed is caseloads. High caseloads are an issue for nearly all of the professionals who serve foster youth in California. Not only do social workers routinely report having high caseloads, California's dependency attorneys and juvenile court judges have extraordinarily high caseloads as well. For all of its promise, AB 12 will not be a success if there are not enough trained professionals to ensure that it is properly implemented and that eligible youth are able to fully benefit from the opportunities that AB 12 offers them.

Social worker caseloads in California vary from one county to the next, and some caseloads are growing due, at least in part, to the implementation of AB 12.

California's Blue Ribbon Commission on Children in Foster Care recommended caseloads of 188 clients for dependency attorneys. Another report, released in 2008 by the Judicial Council of California, recommended even lower caseloads for dependency attorneys—141 clients per attorney.¹⁹³ Further, the Judicial Council report recommended that a maximum of 77 clients per attorney would be the optimal best-practice standard of performance.¹⁹⁴ The American Bar Association and the National Association of Counsel for Children both recommend maximum caseloads of 100 clients per attorney as the standard for Dependency attorneys.¹⁹⁵ Despite the studies on this issue and the recommendations, caseloads for the attorneys and the judges in dependency court are astronomical. Dependency attorneys in California have average 273 clients per attorney, with some the caseloads in some counties rising to 500 or 600 clients per attorney.¹⁹⁶ Caseloads for judges in California average 1,000. And these caseloads may rise as more and more nonminor dependents choose to remain in foster care.

In an ideal world, each of these youth would have an individual without a caseload, like a parent, to guide them through this transitional time. Their peers, with no history of foster care, have a substantial social and familial safety net on which they can rely. Absent that advantage, the professionals who are tasked with guiding transition age foster youth and young adults through this difficult time and who represent their interests should, at a minimum, have caseloads that allow for them to devote an appropriate amount of time and resources to each client on their caseload. Even the best law will not serve the purpose for which it was intended if those tasked with its implementation are overburdened to the point that they cannot do their jobs effectively.

C. Boilerplate Transition Independent Living Case Plans

The Transition Independent Living Case Plan (TILCP) is the focal point of the nonminor dependent's case from age 18 until age 21 or such age as the juvenile court terminates jurisdiction over a nonminor dependent. The TILCP is intended to be a collaborative document, and the nonminor dependent is instrumental in developing this plan. This important document contains a plan for which participation requirements the nonminor will meet to maintain

eligibility for extended foster care under California's Fostering Connections, and how the nonminor will go about meeting the specified requirements. The TILCP also includes a backup plan for the nonminor, should something transpire that would prevent him/her from participating in the originally specified condition.

Prior to California's Fostering Connections, foster youth were required to complete a TILP. One of the problems frequently cited with regard to the TILPs was that these documents were too often boilerplate, and were not individualized to each youth's individual circumstances, as the law requires. Several explanations have been put forward for the occurrence of this issue. Social workers have large caseloads and may not have been putting in the time required to develop an adequate and individualized TILP for each of the older youth on their caseloads. The young clients may not have comprehended the importance of these plans, and as such may have been apathetic resulting in their not participating as heavily as they should have in the creation of the TILP, despite the social worker's best efforts to encourage participation by the youth. Inadequate TILPs could be a combination of factors.

The problem now is that the TILCPs and the planning process involved creating and updating these documents has become of paramount importance to a nonminor's ability not only to ensure that he/she maintains eligibility for Fostering Connections, but to ensure that the nonminor dependent gains the full benefit of this new opportunity. The goal of Fostering Connections is to help foster youth succeed after they leave care and to avoid the negative outcomes so often associated with aging out of foster care, not simply to delay them. The law is meant to be a bridge, not simply an extension of the cliff that has, until now, existed. The TILCP cannot be a template; it cannot be a "one-size-fits-all" document. It is now more vital than ever that the social workers, probation officers, attorneys, court, and nonminor dependents ensure that the nonminor's TILCP is properly individualized to the needs of each youth, that the youth plays a central role in the creation of the TILCP, and that the plan is promptly and adequately updated as needed.

D. THP-Plus-FC Delay and Implementation Issues

THP-Plus-FC Delay. Created by the California Legislature in 2001, the Transitional Housing Placement-Plus, or THP-Plus, program has been a popular and successful program addressing the housing needs of youth who exit California's foster care system. The program is available to youth who age out of foster care for 24 months, cumulatively. It provides youth with housing and a variety of supportive services to help prepare them for independent living. THP-Plus services include: case management, systems of payment for utilities, telephone, and rent, job readiness training and support, food and necessity allowance, educational advocacy, assistance in pursuing college or other post-high school training, individual and group therapy, mentoring, apartment furnishings, 24-hour crisis intervention and support, an emancipation fund, and other foster care alumni services and supports.¹⁹⁷ Every youth is different, and as such, THP-Plus has not been the ideal for every youth who ages out of the foster care in California. That said, the program's approach has been exceptionally successful in helping the youth who are able to participate in it to be successful.¹⁹⁸

One drawback of the THP-Plus program has been the long waiting lists and shortage of THP-Plus placements in many of the counties that offer it. Advocates have long been undertaking efforts to increase the availability of these vital transitional placements for former foster youth who need continued structure and support as they transition into adulthood. In 2005, the age limit for THP-Plus eligibility was extended to 24. In 2006, SB 1808 removed the requirement for a 60% county match from THP-Plus to make the program more feasible for counties to implement by providing 100% of the funding from the state general fund.¹⁹⁹ However, in 2010, the THP-Plus budget was cut by \$5 million, which reduced the capacity of this important program. Due to realignment, THP-Plus

is now funded 100% from county funds, and because THP-Plus is a discretionary program this change may jeopardize the program in many counties.²⁰⁰

Given the popularity and success of THP-Plus, AB 12 created a placement option for nonminor dependents that is based on the same model. The placement, THP-Plus Foster Care or THP-Plus-FC, provides housing and supportive services to nonminor dependents ages 18–21. THP-Plus-FC affords nonminor dependents an opportunity to live in a more independent setting with more supports in place than the Supervised Independent Living Placement (SILP) would offer. THP-Plus-FC is funded in the same way that other foster care placements are funded under AB 12 and therefore it includes a federal funding match for those youth who are IV-E eligible.

Though it is based on the same model as THP-Plus, THP-Plus-FC differs in several ways:

- 1) THP-Plus-FC is available only to nonminor dependents up to age 21, while THP-Plus is available to former foster youth who have aged out or opted out of foster care and it is available up to age 24. Because THP-Plus-FC is a foster care placement, participants must continue the required 6-month review hearings and monthly caseworker visits.
- 2) There is a 24-month cumulative limit for youth in THP-Plus; THP-Plus-FC is available to nonminor dependents from the ages of 18–21 who remain in foster care.
- 3) THP-Plus-FC placements are state-licensed; THP-Plus placements are not.
- 4) THP-Plus-FC, because it is a foster care placement, is funded by counties with a federal match for youth who are IV-E eligible and is an entitlement program, while THP-Plus is a discretionary program funded entirely by the counties.

Unfortunately, THP-Plus-FC has had a bumpy start and was not up and running at the beginning of 2012. However, 2013 has seen significant growth in the THP-Plus-FC programs. At this writing, there are at least 15 THP-Plus-FC programs in operation, as of June 30, 2013, there were 272 nonminor dependents in THP-Plus-FC.²⁰¹ Several more THP-Plus-FC programs are in various stages of development throughout California.

This delay in implementation of THP-Plus-FC and the lack of available programs creates a problem for nonminor dependents who may not be ready for an SILP. Without the THP-Plus-FC option, they are faced with the choice of remaining in a more restrictive setting than that which is appropriate for their stage of development, or living in an SILP, which may be beyond that for which they are prepared and may be too much for them to undertake. If nonminor dependents do not want to stay in extended foster care due to the lack of age or developmentally appropriate housing, they can leave care altogether, which may result in terrible outcomes, particularly if the nonminor is not even prepared for an SILP.

THP-Plus-FC is now available in several counties, but the programs are too few, and the need is growing as more foster youth become eligible for extended foster care. County over-use of SILPs may be due, in part, to this delayed implementation of THP-Plus-FC. As a result, several nonminor dependents who need the services and supports provided by a program like THP-Plus-FC as an intermediate step to prepare for independent living prior to entering the SILP do not have that option.

Implementation Issues. One of the most notable benefits of the original THP-Plus program is that it is very effective at training participants with regard to how to budget their money. A large component of the budgeting training for many THP-Plus programs requires participants contribute a portion of their income to pay their rent, the payment increased gradually over the 24 months of the program. There is nothing that mandates the THP-Plus-FC programs require the youth to pay rent. In some THP-Plus-FC programs, the nonminors will be given their stipend on a regular basis (twice monthly, for example). The program then requires the youth to budget and pay a

portion of that stipend for their rent. This portion is put into a savings account intended for the youth to use when he/she leaves the program. However, some counties have been moving away from this practice due to the administrative burden associated with requiring the youth to pay part of the rent. This particular omission is to the detriment of the nonminor dependents who participate in THP-Plus-FC. The point of the THP-Plus-FC program is to prepare nonminor dependents to become self-sufficient and be able to live independently when they leave the system, thus avoiding the negative outcomes that were so prevalent among former foster youth prior to the enactment of California's Fostering Connections. Removing the requirement that participants in the program contribute part of their income toward rent is counter to that purpose of California's Fostering Connections and to the intention behind the creation of the THP-Plus-FC program as a placement option to help prepare nonminor dependents, who may not yet be ready to live independently, develop the skills needed to do so.²⁰²

E. Overuse of Supervised Independent Living Placements (SILPs)

The new SILPs for nonminor dependents are meant to provide nonminor dependents with an opportunity to experience independent living and develop the various skills they will need while providing them with a safety net, should they require one. SILPs were intended as a placement only for nonminor dependents who were ready to live independently. This placement type includes no provider-based services and the nonminor receives only the basic AFDC-FC rate with no specialized care increment.²⁰³ The freedom the SILPs offer is their greatest strength, but it has also presented some of the greatest challenges in the implementation of California's Fostering Connections.

First, many nonminor dependents prefer the SILP arrangement because of the freedom it provides. However, the nonminor dependent must pass a readiness assessment in order to participate in the SILP. If the nonminor dependent does not pass the readiness assessment, then they are left with the option of remaining in one of the traditional foster care placements, going into a THP-Plus placement, when there may or may not be one available, or leaving foster care. Unfortunately, if the nonminor has not passed a readiness assessment for an SILP, the likelihood is that he/she will not fair very well outside of the system. This is a problem that will likely be remedied as more THP-Plus programs come online and if or when other options become available.

A second issue that has been a growing concern is the abuse of SILPs by county agencies. Again, the SILPs are meant for only those nonminor dependents who pass a readiness assessment and are able to live independently with very little support. Because there are no supportive services provided for nonminors in SILPs, aside from the required monthly social worker visit, the SILPs are less costly than the other placement types available to nonminor dependents. Cases have been coming to light in which the county agency has placed a nonminor dependent in a SILP when the nonminor dependent clearly lacked the level of readiness and maturity required for an SILP. Apparently, this is done for the sake of expediency and cost reduction concerns. While this is not a problem in every county, it is an issue of which counties should be aware and alert so the nonminor dependents under their jurisdiction are placed in proper and appropriate settings that will best serve their needs and prepare them to live independently.

F. Private For-Profit Educational Institutions

California is home to a number of reputable and quality private for-profit postsecondary educational institutions. However, there also exist several private for-profit institutions that prey on vulnerable populations consisting of individuals who are desperate for a job and may not possess the education that is necessary to obtain gainful

employment. The institutions promise training or certification in a professional field that supposedly will yield well-paying employment – and then they do not deliver.

Programs at private for-profit colleges are often prohibitively expensive, so their financial aid offices will assemble aid packages that contain a number of large loans. The financial aid office will also look for funding that is available due to the individual's status. For example, these institutions often prey on young veterans, in order to tap into a veteran's education benefits. Foster youth fall into this category as well, as they have funding opportunities made available because of their history of foster care. There are, for example, private scholarships available to former foster youth as well as government funding such as Chafee funding. The Chafee ETV, discussed above, can provide a grant of up to \$5,000 per year for current and former foster youth and nonminor dependents. In addition to these sources of funding, foster youth and nonminor dependents often qualify for assistance due to their low-income status. The youth do not have parents upon whose income they can rely, so financial aid determinations are generally made based solely on the income of the youth. Thus, foster youth and nonminor dependents generally qualify for Federal Pell Grants and Cal Grants. Unfortunately, many of the private, for-profit colleges charge more for their programs than students can cobble together, even with grants and scholarships. Therefore, students must take out sizeable student loans. The problem snowballs when the student either cannot complete the program or he/she completes the program only to find him/herself woefully unprepared to get the job for which program was supposed to provide preparation and training.

Without the ability to obtain employment, the student is left with astronomical student loan debt and no means by which to repay it. This problem is evident in the statistics surrounding student loan debt default.

The reason that this particular issue poses a problem with regard to the implementation of California's Fostering Connections is that one of the participation conditions youth can fulfill to remain eligible for extended foster care is to be enrolled in postsecondary education or vocational training at least half-time.²⁰⁴ The requirement is meant to encourage nonminor dependents to obtain education and training that will help them to successfully secure gainful employment and live independently after they leave foster care. Thus, there is a strong incentive for foster youth and nonminor dependents to find a postsecondary or vocational education program in which they can enroll. This may increase the possibility that these youth will fall prey to unscrupulous private for-profit institutions. Foster youth and nonminor dependents must have access to information about these institutions prior to enrolling so that they can use the limited amount of time and resources available through extended foster care to make progress in their education or vocational training, as was intended by the legislation. This issue presents another example of why it is so important for the professionals who work with older foster youth and nonminor dependents, such as attorneys and social workers, to have reasonable caseloads. A professional with a reasonable caseload or a mentor with the proper resources can ensure that a youth in foster care or a nonminor dependent who is looking at educational options has appropriate and complete information about the institutions he/she is considering. Thereby avoiding the financial pitfalls, both for the youth and for the funding that is directed to Fostering Connections that may occur as a result of enrollment some of the more unscrupulous private for-profit universities operating in California.

G. Probation Youth

Probation youth, wards who are under delinquency jurisdiction, may be eligible to participate in extended foster care, as discussed above. If they are eligible, extended foster care could provide essential resources for vulnerable youth who often were or should have been in the foster care system prior to entering the delinquency system.

One problem that appears to be presenting itself as Fostering Connections implementation proceeds is that the professionals responsible for representing the interests of youth in the delinquency system, guiding them, and providing them services are not fully apprised of the benefits available to their clients through California's Fostering Connections, how to maintain their client's eligibility for these benefits and how their client can gain access to those benefits. This can have serious consequences for the youth. For example, if a probation youth is absent from their placement for a specified period of time, the court has discretion to "vacate the orders" of the youth. When the court does this, it cancels the youth's placement orders. If a youth does not have an order of foster care placement at age 18, that youth is not eligible for AB 12.²⁰⁵ It is very important that probation officers, dependency attorneys, public defenders, and even judges who work with older youth in the delinquency system fully understand California's Fostering Connections, which of their clients may be eligible for it, how their clients can maintain their eligibility once it is established, and what benefits and services it provides.

H. Parenting Nonminor Dependents

A nonminor dependent must meet one of four participation requirements to maintain eligibility for extended foster care. The participation requirements are meant to help the youth get an education, work experience and independent living experience so that the youth will be better prepared to live independently once he/she leave the system. One obstacle that has come to light with regard to parenting nonminor dependents is the lack of affordable child care options. This is an issue for women in particular. In addition to being 2.5 times more likely to become pregnant by age 19, one half of young women who age out of the foster care system are the custodial parent to at least one child by the age of 21.²⁰⁶

If a nonminor dependent parent cannot find affordable childcare for his/her child, then that youth may not be able to meet even the "catch all" requirement in which the nonminor must be participating in an activity to remove barriers to employment. Caring for a young child requires a great deal of time and effort. It is exceedingly difficult for a young, single mother or father that is coming from the foster care system because these young people lack the familial and social support available to their peers of the same age and circumstance, but who do not have a history of foster care. Thus, the lack of child care becomes an insurmountable obstacle to participation in required activities for these youth. The answer, however, is not to exempt the youth from the requirements, because participation in the required activities is meant to better help prepare them to live independently. Hence, exempting a parenting youth from required participation would do a disservice to the nonminor dependent and his/her child for years to come because the young parent would continue to lack essential education, work experience and life skills needed to care for and provide for his/her child. SB 528 (Yee) (Chapter 338, Statutes of 2013) begins to address this issue but it does not go far enough. The bill is discussed in detail below.

I. The Relationship of Dependency Attorneys and Nonminor Dependent Clients

There has long been a debate among dependency attorneys across the country regarding the proper role of an attorney representing a minor in dependency proceedings. Does the attorney represent the expressed wishes of his/her client or does the attorney represent the best interests of the child? In California, attorneys use a hybrid method of representation, though the model leans toward advocating for the child's wishes.

With regard to their minor clients, California's dependency attorneys are generally charged with representing the interests of the child,²⁰⁷ although a dependency attorney must also interview the child to determine the child's wishes and assess the child's well-being, then advise the court of the child's wishes, if the child is four years of age

or older²⁰⁸ (however, the attorney shall not advocate for the return of the child if, to the best of his/her knowledge, return of the child conflicts with the protection and safety of the child²⁰⁹). There are two schools of thought among California dependency attorneys in this regard. One says that with the very narrow exception of situations in which a return of the child to his/her parent or guardian conflicts with the protection and safety of the child, the attorney must represent his/her client's wishes. The other interpretation is that if a child's wishes will conflict with the protection or safety of the child, the attorney must advocate for the protection and safety of the child.

With regard to their nonminor dependent clients (who are adults), California's dependency attorneys are charged with representing the wishes of the nonminor dependent except when advocating for those wishes conflicts with the protection or safety of the nonminor dependent. If the court finds that a nonminor dependent is not competent to direct counsel, the court shall appoint a guardian ad litem for the nonminor dependent.²¹⁰

The role of the attorney who is representing a nonminor dependent, then, is very clear and very simple. The dependency attorney's client is now legally an adult and as such, should be treated as any other adult client. The attorney represents the wishes of his/her client.

This distinction becomes more difficult, however, in cases in which the nonminor dependent is developmentally, mentally, or emotionally compromised. The issues arise as attorneys grapple with the rather broad concepts of "safety and protection" and what exactly those two concepts mean for nonminor dependents. Mental and emotional health issues arise on a spectrum. A nonminor may have a minor mental health issue or one that is far more profound and would compromise his/her judgment, and safety. Many counties have approached this by providing a spectrum of solutions that correspond to the level of need demonstrated by the nonminor dependent. Some clients may be provided with a developmental decision maker like a CASA, while others may require a guardian ad litem, and those with the most severe needs may require a conservator.

J. The Relationship of Social Workers and Nonminor Dependent Clients

Social workers face two major changes when they are dealing with nonminor dependents. First, their role changes from a supervisory role to an advisory role. The social worker now advises the youth, but must allow their adult client to make his/her own mistakes.

Secondly, there is an issue related to consistency versus expertise. It is not entirely impossible for a social worker to be an expert on the complexities of AB 12 and continue to carry on his/her caseload a nonminor dependent who has been a client for several year prior to turning 18. However, in some instances, a social worker who has been working with a client for several years and knows the client well may not be well trained in the complexities of AB 12 as would be ideal to best serve their now nonminor dependent client. In these instances, the question arises whether to maintain the important relationship and consistency, or to transfer the nonminor to a worker who is more versed on AB 12 and can better help the youth benefit from the services offered.

K. The Patchwork Problem

In California, each county administers its own child welfare program. The state agency oversees the system as a whole, but the counties are each responsible to administer their own program. Consequently, while each county must have in place certain mandated services for youth, the provision of those services may vary slightly from one

county to the next. While each county is technically providing the same services, the practice creates a patchwork of differing approaches and levels of service throughout the state. Additionally, the availability of services that are necessary, but not mandatory differs from one county to the next; sometimes this difference is quite substantial. One area where county differences are apparent is the willingness of some counties to participate in courtesy supervision of nonminor dependents that may reside in their county, but are under the jurisdiction of another. Some counties have been providing this courtesy supervision, others have not.

Each county is largely responsible to train its social workers, attorneys, and probation officers in the administration of new laws, such as AB 12 and the new programs and services available as a result of these laws. Though there are organizations such as CYC and CLC that have travelled around the state to do training, there is no uniform training that is available for all of the lawyers, probation workers, and judges across the state.

Youth between the ages of 18 and 21 are more transient, they may move for any number of reasons, to be closer to family, for school or for a job or career opportunity, for example. Given the patchwork that is California's foster care system, a nonminor dependent may, for example, have a far easier time accessing a THP-Plus-FC program in one county than another, including the county in which they were originally in foster care.

Finally, if California continues to struggle economically, this county to county difference threatens to become even more pronounced, as some counties may begin to cut programs for nonminor dependents and older foster youth that are necessary but are not mandatory.

L. Youth Participation

The major goal of the Federal Fostering Connections to Success Act as well as California's Fostering Connections legislation is to better prepare youth to successfully transition into adulthood after foster care. Thus, the guidance and regulations issued to implement these laws take into consideration more age-appropriate, independent living settings that will better serve to prepare youth to live independently as adults. The guidance and regulations additionally consider the realistic obstacles transition age youth come upon and provide flexibility appropriate to allow the youth room to navigate these obstacles without becoming ineligible for assistance at a time when it would be devastating to their transition and their future.

The problem that advocates, child welfare professionals, and policymakers encounter in creating regulations is how to balance the need to encourage youth to participate in the program that is designed to benefit them by adequately preparing them for adulthood with the need to ensure that the program actually does that which it is intended to do. Too many restrictions and requirements in a program may discourage the participation of youth who, at age 18–21, want their freedom and independence from a system of which they may have grown understandably wary. Additionally, advocates and policymakers understand that life for transition age youth and young adults can be, and often is, unpredictable. An illness or a family issue can cause a youth to have to drop out of school, a youth may choose to switch majors or may be experiencing trouble in school that causes a disruption in enrollment, a youth may lose a job or sustain an injury that prevents him/her from meeting criteria outlined in the federal Act requiring a specified number of hours employed or in school. Every youth and young adult is different; each may be at a different stage of development, maturity and independence. Thus, in crafting a law and regulations to address this population of transition aged youth and young adults, it is incumbent upon the advocates and policymakers to consider these issues and respond by including an appropriate level of flexibility into the legislation.

However, the legislation is intended to help prepare foster youth to live independently once they leave care. Hence, the services and placement options provided must have embedded in them a way to ensure to the extent reasonably possible, that the services and placement types provided to the youth is appropriate. Further, the law must require increasing responsibility, active involvement and significant effort by the nonminor dependents who are participating in the program. California's Fostering Connections is intended to avoid the negative outcomes experienced by former foster youth upon leaving the system, not simply to delay them. It is not enough simply to delay the otherwise inevitable homelessness, under-employment, and poverty for three years.

M. Youth Preparation

Several youth, attorneys, social workers, and advocates expressed frustration with the lack of preparation of nonminor dependents in several areas. By far, the largest concern was in the area of budgeting and handling finances in general. While this is an issue that their peers face at in their late teens and early 20s as well, some youth indicated that they felt very unprepared to handle the monthly foster care maintenance payments for which they were suddenly responsible. More readily available THP-Plus-FC placements may have helped to ease this transition for many youth and Independent Living classes the youth take in their Independent Living Program are meant to prepare the youth for budgeting and handling their finances, but it appears that they are not adequate at this point.

In addition, some youth expressed confusion about the program. Some youth were not sure if they were eligible, or for what, exactly they were eligible. They did not understand how, exactly, extended foster care worked and what was expected of them. Dependency attorneys and social workers work to ensure that their clients understand AB 12, but a gap in understanding may remain and should be addressed.

N. Federal Obstacles: 1996 AFDC Eligibility Standard & Asset Limits

The Federal Lookback: Federal law required California to protect children from harm and provide foster care services when necessary. However, because federal funding is tied to an eligibility standard known as the lookback. The lookback refers to the federal requirement that a child today is eligible for federal foster care support only if the family from which the child is removed would have been eligible for AFDC (Aid to Families with Dependent Children) in 1996²¹¹, more than 15 years ago. The standard has not been adjusted for inflation. This issue has become more problematic since California's most recent budget alignment in 2011. Prior to this realignment, the 1996 provision was problematic because, as fewer and fewer foster youth qualify for Federal IV-E payments, more and more of that burden falls to the state.²¹²

Now that California has realigned its budget, this increasing cost burden is moved to the counties. The problem is that, as counties assume more of this cost burden, they must find places from which they can take funding to pay for foster care, which is federally required to be funded. Thus, when counties begin to run out of funds for foster care, the danger is that they will begin to cut other programs which are essential for former foster youth; programs like THP-Plus. California cannot spend the time, effort, and money to assist foster children, our children, better prepare to live independently once they leave foster care and then pull the rug out from underneath those youth who may need an additional safety net at age 21. It is not unusual for an individual to remain very dependent upon his/her parents until age 25, our laws and policies that address foster children and youth need to recognize that reality.

Asset Limits²¹³: In 1999, the Congress increased the asset limit for Title IV-E foster care benefit eligibility from \$1,000 to \$10,000. If a child is Title IV-E eligible, the state can seek reimbursement from the federal government for a portion of foster care expenditures paid on behalf of that child or, in California after January 1, 2012, nonminor dependent. Title IV-E eligibility is also one of requirements that must be satisfied in order for a foster youth to participate in an ILP or Chafee Education Training Voucher (ETV) program. When Congress increased the asset limit from \$1,000 to \$10,000, the House Ways and Means Committee commented on the unique need that these youth have to accumulate resources to prepare for when they exit foster care:

Children in foster care have a special need for resources. Unlike children reared in families, these children often have little or no support from relatives. Thus, when they turn age 18 and are no longer eligible for government foster care payments, they are on their own. Under current law, these adolescents cannot accumulate more than \$1,000 in assets and still remain eligible for Federal foster care payments. The Committee believes children in foster care should be allowed to accumulate a much higher level of assets to prepare for the day when they must support themselves. Thus, we are increasing the asset limit to \$10,000.²¹⁴

The Committee was correct. As a 2007 Congressional Research Service report noted, the \$1,000 limit served as a “disincentive for youth to accumulate earnings or other resources to assist in their transition to independent living.”²¹⁵ Now that California and many other states are extending foster care to age 21, it is even more important for states to incentivize rather than discourage these youth to save their money and accumulate assets. It is not unreasonable to assume that a young adult could accumulate over \$10,000 in assets and savings in the years between age 18 and age 21. A young adult who can achieve this should be encouraged to do so without having to worry about losing housing or college assistance as a result of responsible behavior that will serve him or her well upon aging out of the system. The whole point of extending care is to help foster youth master skills they will need to live self-sufficiently upon leaving foster care; properly budgeting and saving money is paramount among these skills. Thus, there should not be a disincentive in place that would discourage this particular skill development.

VII. The Evolving Law

One of the most encouraging developments related to the implementation of California’s Fostering Connections is that for the most part, advocates and lawmakers around California have worked together to promptly address many issues as they arise. There is still much work to be done to ensure that California’s foster youth age out of care to successful outcomes, but legislation like AB 212, SB 1013, AB 1712 and the recently signed AB 787 demonstrate a determination to ensure the success of California’s Fostering Connections and the youth it is intended to benefit. These laws, which amend and expand upon AB 12, address issues that were unforeseen at the time that AB 12 was drafted or came to light as counties and advocates began the process of implementation.

For example, AB 787,²¹⁶ which was signed into law on October 2, 2013, addresses two problems which were impacting the eligibility of youth who should have been able to participate in Fostering Connections, the death of a permanent guardian and a glitch associated with voluntary re-entry agreements. AB 787 allows re-entry into foster care for nonminor dependents whose permanent guardian or adoptive parent died before their 21st birthday. Additionally, it ensures that minors participating in a voluntary placement agreement may become eligible for extended foster care.²¹⁷

VIII. Moving Forward: Where California and the Nation Should Go From Here

A. Additional Option: The Transition Life Coach

Even after AB 12's implementation, there remains a void in the continuum of options available to former foster youth who are young adults and nonminor dependents. What is missing is the option that mirrors most closely the supportive structure that is enjoyed by most young adults who have no history of foster care—one in which a trusted older adult provides one-on-one guidance and support, guides the young adult through life's challenges and difficulties, advises him/her on how to set and achieve career and life goals, and writes an occasional check as needed to help the young person proceed toward those goals.

A parent does not have a caseload. Parents have an existing relationship and a bond with their children that is beyond that which exists in most cases between a social worker and one of the children on his/her caseload. While a parent appropriately expects a child to assume more and more responsibility over his/her life as the child ages, parents also understand that there are obstacles and unexpected crisis along the way and a child, even as a young adult, may require assistance now and then. Thus, a model in which a consistent, caring adult in the life of a youth is able to provide emotional support and guidance as well as financial resources would be ideal.

The child welfare community has long expressed the importance of foster children and youth creating and maintaining permanent connections with caring adults in their lives. In fact, California's Fostering Connections and the rules of court and regulations associated therewith require the social worker and the courts to continually ensure that these connections are being made and maintained. If the courts and the child welfare departments are doing that which is required, every youth should have an adult in their lives that they can trust and with whom they have a permanent connection.²¹⁸

Under CAI's Transition Life Coach (TLC) option, that would be the case for nonminor dependents. Participating youth would, in consultation with his/her attorney, CASA, social worker, and others involved in his/her case, choose an adult with whom he/she has an existing relationship to be his/her "coach." After an appropriate and thorough background check, the court would then appoint the adult as trustee over a trust containing funds equivalent to those expended by the average parent on their child after age 18. The coach would distribute the funds to the youth, as needed, according a transition plan developed by the youth in consultation with his/her coach, attorney, CASA and any other appropriate individual. The plan would be flexible, and the coach, with no caseload, would assist the youth in much the same way that a parent does. If the youth has questions, concerns or issues with the coach, the youth would have the option of taking those concerns to the court.

The TLC model would address many of the issues the state and counties have been experiencing in implementing California's Fostering Connections. It provides both more flexibility and more support than the SILP model, so those youth who are not yet prepared for the level of independence required to be successful in an SILP would benefit. It is not structured and does not provide the level of supervision and services that the THP-Plus program provides, thus, it would be an option for nonminor dependents who want more independence than the THP-Plus-FC program provides. TLC would additionally provide another option for youth who are not able to access THP-Plus-FC because the program is not yet available in their county or has a long wait list.

The TLC would encourage and develop the youth's relationship with at least one supportive adult, help the youth to develop skills related to financial management, and give the youth the ability to make mistakes and get back on track with the guidance of a consistent, caring adult.

Like THP-Plus and THP-Plus-FC, the TLC program would also be available to youth, over the age of 18, who have left foster care. In fact, the TLC option would be available beyond the age of 21, and would serve as an additional safety net option for those youth for whom the THP-Plus program is too restrictive, unavailable or otherwise unsuitable, and who need some additional assistance to live independently. For youth who prefer to opt out of foster care, the TLC program would serve as an alternative to remaining in the traditional foster care system, while allowing the juvenile court to maintain some control over resources available to the youth.

B. Address Resources: Social Worker, Attorney and Judicial Caseloads

The caseloads issue is one that is often discussed. Many counties around California are experiencing increasing foster care caseloads. For most, is due to the increased population remaining in care following the implementation of AB 12. For others, like Los Angeles, there are a number of factors involved, including a small increase in the number of youth over the age of 18 who remain in the foster care system. Many counties were not expecting the large percentage of nonminor dependents that chose to remain in extended foster care. Thus, caseloads for professionals from social workers to dependency attorneys and dependency court judges in California increased, and increased substantially in many cases.

Caseloads of dependency attorneys and dependency court judges must be brought to within the standards recommended by the American Bar Association and the National Association of Counsel for Children. California's Fostering Connections will never reach its full potential if the professionals tasked with ensuring that it is properly utilized and applied are so overburdened that they cannot effectively represent their clients who are meant to benefit from this legislation. At the very least, caseloads must meet the standards set forth by California's Blue Ribbon Commission on Foster Care.

Caseloads for social workers who are properly trained and educated about AB 12 and can work with older foster youth and nonminor dependents must be brought to within acceptable standards.

C. Reinstate Dual Jurisdiction

AB 12 has transition jurisdiction in place so that eligible probation youth can benefit from AB 12 services. However, several of the issues that counties have been encountering with regard to probation youth could be rectified if California reinstated dual jurisdiction for all counties. Under dual jurisdiction, foster youth in the delinquency system could benefit from necessary services offered by the child welfare system and they could more seamlessly transition back into foster care and extended foster care. Too often, probation youth, though they are legally eligible for foster care services, do not benefit from them. Dual jurisdiction may facilitate more social worker involvement with older dual-status youth and would increase likelihood that these youth would receive the information, resources, and guidance they need to obtain and maintain eligibility for extended foster care.

D. Ensure the Adequacy of TILCPs

The Transition Independent Living Case Plan (TILCP) is the centerpiece of a nonminor dependent's participation in extended foster care. It lays out the means by which the nonminor is maintaining his/her eligibility for extended foster care. The TILCP cannot be a boilerplate document; it must be tailored to each individual youth, and reflect that youth's goals and needs. The youth must be meaningfully involved in creating his/her own TILCP and must be able to make modifications to the TILCP as plans change or problems arise. Social workers, attorneys and the

courts must take steps to ensure that the TILCP truly presents a plan for the nonminor to develop the skills and lay the foundation to live independently after foster care.

If the TILCP does not set forth an adequate plan for the nonminor to live independently upon leaving foster care, then California's Fostering Connections, for all of its promise, will simply serve to extend the cliff off of which foster youth fall after leaving care. The only difference being that they will fall off the cliff at age 21 instead of age 18. Likewise, if the nonminor dependent is not held responsible for meaningfully pursuing goals and the requirements set forth in the TILCP, then he/she will not be adequately prepared to live independently and again, will fall off the cliff, upon exiting foster care.

E. Address Issues Faced by Parenting Nonminor Dependents

California should enact legislation to help ensure that pregnant and parenting nonminor dependents are able to participate in the programs offered by AB 12 and do not fall through the cracks. SB 528 (Yee) (Chapter 338, Statutes of 2013) begins to address issues faced by parenting nonminor dependents. It is an important step in the right direction, but it does not go far enough.

As enacted, the bill allows for the provision of age appropriate reproductive health education for youth in foster care²¹⁹ and directs the Department of Social Services to collect data on pregnant and parenting youth in California's foster care system. The resulting information will help California advocates and lawmakers understand the scope of the problem and develop laws and policies that are sufficient to address it.

As initially introduced, however, SB 528 would have put in place several other vital supports and services for parenting nonminor dependents. First, the bill would have prioritized foster youth who are parents for subsidized child care, which would have helped to make available reliable, affordable child care for foster youth and nonminor dependents. Assisting parenting foster youth and nonminor dependents to find reliable and affordable child care would have helped these youth to finish their education and secure gainful employment. It would have helped to ensure that nonminor dependents got the most out of California's Fostering Connections and could progress toward independence. Unfortunately, the provision of SB 528 that would have provided this vital prioritization for parenting foster youth and nonminor dependents was amended out in the Assembly.

Parenting nonminor dependents must be prioritized for subsidized child care. This benefits not only the parenting youth, but it benefits their children. It allows the youth the support that is needed to complete their education or obtain necessary stability in a career so that they are better able to support their children independent of any system. Advocates and legislators must continue to pursue legislation to ensure that this prioritization is mandated. Without it, one of the populations that could most benefit from AB 12's Extended Foster Care may fall through the cracks, and the impact will be felt for generations.

Also as introduced, SB 528 would have required county agencies to hold specialized conferences for youth who are pregnant or parenting. The conferences are based on a successful pilot program from Los Angeles that utilizes specialized conferences to teach pregnant and parenting foster youth and nonminor dependents parenting skills and provides them with access to parenting resources. These conferences will help to stop the cycle of foster care by properly preparing parenting foster youth and nonminor dependents for the responsibilities associated with parenting and will provide parenting youth with resources to help them care for their children. This provision was amended to change it from a mandate to a local option in the enacted bill.

Advocates and legislators must continue to pursue legislation that would mandate this important approach. Again, it benefits not only the pregnant and parenting youth; it will benefit their children for a lifetime.

F. Address SILP Readiness Issue

Too many nonminor dependents have been placed in SILPs before they are ready for the level of independence that the placement provides. There may be several explanations for this, two of the most commonly cited follow: First, counties report that nonminors favor the SILP because it offers them the most independence, but if a nonminor is not ready and cannot in good faith, be determined to pass the readiness assessment, then that nonminor is not eligible for the SILP. If the nonminor opts out of foster care due to his/her ineligibility for the SILP, he/she may opt back in at any time prior to his/her 21st birthday. One of the strengths of AB 12 is that it allows nonminors the ability to opt out of foster care, and come back if they find that opting out is not working. If opting out is a mistake, AB 12 allows for the nonminor to learn from that mistake, and then offers programs that will help the nonminor be better prepared to live in a more independent setting.

Second, very frankly, the SILP is the least expensive placement. With realignment in place, counties may be tempted to utilize the California and its counties need to address this immediately. Placing a nonminor dependent in a SILP prior to their being ready for the level of independence a SILP affords, ultimately, may result in more harm than good to the nonminor dependents involved.

Finally, the payment structure associated with foster care maintenance payments has created an obstacle for nonminor dependents who may otherwise be prepared to live in an SILP. The nonminor will not receive his/her first SILP foster care maintenance payment until after the placement is approved and he/she has moved in.²²⁰ Thus, if the SILP is an apartment, the nonminor must have access to money for a deposit and their first month's rent prior to moving in.

There must be an adequate number of THP-Plus-FC placements to meet the demand for a more supported option available to nonminor dependents. The shortage of THP-Plus-FC programs may be one factor in the over-use of SILPs.

One of the most impressive features of Fostering Connections, both federally and as it has been enacted in California, is its flexibility. California and its counties should utilize this flexibility to continue to innovate and put in place programs, such as CAI's suggested TLC program, that offer youth more independence, while providing them with a higher level of services and support than the SILPs provide. In addition, the counties must be more innovative in their approach to engaging foster youth, well before they reach 18, to ensure that the youth have a fundamental understanding of the basic financial literacy skills they will need to succeed in more independent placements, like SILPs, and after foster care.

Counties must make it easier for youth who have entered a SILP, only to realize that they are not yet ready, to move into a more appropriate placement. The SILP should not be the default placement for nonminor dependents. The nonminor dependent's placement must be appropriately suited to the individual; even if that means that the county must spend more money on that youth's placement.

Finally, an adequate number of appropriately informed and trained professionals are a necessity. The attention required to ensure that a nonminor dependent is meeting his/her needs and objectives, and ensure the appropriateness of a placement to meet those needs and objectives, is not going to be possible without appropriate caseloads for the professionals tasked with serving the nonminor dependents.

G. Provide More Streamlined, Comprehensive Education and Training for the Professionals who Work with AB 12 Eligible Youth

Several of the advocacy organizations and county representatives who provided information for this report indicated that even though everyone knew that California's Fostering Connections was imminent and that it was going to take effect in January 2012, they were unprepared. For some, far more foster youth opted to participate in Fostering Connections than was originally anticipated and as a consequence, they had to scramble to keep up with the demand. This is evident in the lack of placements, in the high caseloads that exist for social workers, dependency attorneys and judges, and in the lack of proper training and education across the state.

For Fostering Connections to reach its full potential, it is important for all of the professionals who deal with older foster and probation youth to be aware of Fostering Connections, and to understand this complex law and its implications for their young clients. Advocates have worked hard to put together effective training materials and there is an abundance of information available. However, Fostering Connections is continuously evolving, and California needs to ensure that everyone who needs it is receiving accurate, up-to-date information on a regular basis. The state also needs to ensure that, while counties administer their own programs, they are doing so consistent with law and regulations. There should be regular, standard trainings for all professionals that come into contact with older foster and probation youth. This would help to mitigate the patchwork problem, it would help counties communicate and better cooperate with one another, and it would help professionals to better understand the law and how to use it to help their young clients succeed. Finally, it would help to prevent youth from falling through the cracks due to an avoidable oversight or error.

H. Provide More Education Related to Financial Self-Sufficiency to Foster Youth Before and After AB 12 Eligibility Becomes an Issue

Too many nonminor dependents are distressingly unprepared to handle their finances upon entering Extended Foster Care. They are unprepared to budget. They are too vulnerable to unscrupulous individuals and organizations and may become victims of identity theft. They may have funds saved on their behalf, be entitled to Supplemental Security Income or Survivor's benefits that they will need to manage. They need appropriate education and guidance related to postsecondary education and how to choose an appropriate college or vocational school that will provide them with the education promised. Foster youth and nonminor dependents are too often unaware of what AB 12 offers and what they need to do to maintain eligibility. These are issues that should be covered in ILP, however, they remain issues that many of the youth are facing upon reaching age 18 and for which they continue to be unprepared to handle appropriately at age 18.

Counties should look at approaches to better educate older foster youth about Extended Foster Care earlier in the process. Counties must approach education around issues of financial security and the fundamentals of budgeting as a priority and look for approaches that will better prepare foster youth for what they will face at age 18 and beyond. There should be some meaningful standard assessment of a youth's understanding of basic finances and budgeting prior to approval for an SILP.

Finally, counties must consider ways in which to assist older foster youth and nonminor dependents obtain the information they require to make decisions about postsecondary education should they choose to pursue it. California must pass legislation to stop private for profit postsecondary universities from being able to exploit foster youth and nonminor dependents who may need to be attending school as a requirement to maintain eligibility for extended foster care.

I. Counties Must Cooperate

Each county administers its own child welfare services program, thus, each county child welfare department may differ. Counties need to cooperate so that nonminor dependents are able to successfully maintain their eligibility and receive the intended benefits of extended foster care. Counties must communicate with regard to their policies and procedures so that nonminors do not lose eligibility, even for a small amount of time, due to confusion that could be avoided. Counties must cooperate with regard to courtesy supervision. As of this writing, some counties will provide courtesy supervision and others will not. The strain this issue places on the resources of the counties involved must be addressed. Ultimately, the nonminor dependents and children in the foster care system pay the price. The courtesy supervision issue must be resolved, and counties will have to cooperate with one another to do so. Finally, counties must work together to share information and innovations that may help to address funding issues, preserve programs, and extend the safety net for former foster youth after they leave care.

J. Fix the Federal Issues: Foster Care Lookback Provision and Asset Limits

“There is no policy reason that the federal government should ‘care’ (in monetary terms) more about children in imminent danger of maltreatment by parents who are poor than it does about children whose parents have higher incomes.”²²¹ The lookback provision that requires foster youth to meet an eligibility test based on standards that are over 15 years old is outdated and, given California’s budget realignment, this provision could ultimately threaten critical programs that provide a necessary safety net for youth who age out of care, whether they leave foster care at age 18 or at age 21.

The lookback provision will require a federal fix, but it needs to be addressed sooner rather than later. Abused, neglected, and abandoned children do not have monetary means, they do not have a well-funded lobby, and they are among the most vulnerable members of our society. The law must be changed to ensure that all foster youth are eligible for federal assistance. This will help ensure that counties can afford to continue essential services to foster youth before they age out of care and continue vital safety net supports after foster youth age out of care.

Additionally, imposing an asset limit of \$10,000 on youth who remain in care past age 18 is contrary to the fundamental purpose of extending foster care to age 21 — which is to help foster youth master skills they will need to live self-sufficiently upon leaving foster care. Learning how to budget and save money is paramount among these skills. The federal asset limit must be raised substantially — or removed entirely — *at a minimum* for foster youth over the age of 18.

Fostering Connections is an extraordinary step forward toward help foster youth become more prepared to age out of foster care and live successful, self-sufficient adult lives outside of the system that raised them. The officials, lawmakers, professionals and advocates who are responsible for implementing this legislation; however, continue to have a great deal of work to do to ensure that this legislative achievement lives up to its potential to help prepare foster youth for independence. Common sense changes to legislation and implementation are essential to that end.

ENDNOTES

¹ In Federalist No. 62, the author (Hamilton or Madison) argued that 30 was the appropriate minimum age for Senators because service requires “a greater extent of information or stability of character” than younger individuals possess. Twenty-five was

set as the minimum age requirement for eligibility to serve in the House or Representatives. Records of the Federal Convention of 1787 reflect the debate over whether or not to set the minimum age at 21 or age 25. The debate touched on ability of a 21-year-old to have maturity and information to merit influence on public measures. See *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1911), at Vol. 1: The Records of The Federal Convention of 1787.

² Jim Casey Youth Opportunities Initiative, *The Adolescent Brain: New Research and its Implications for Young People Transitioning from Foster Care* (2011) (available at <http://jimcaseyyouth.org/adolescent-brain%E2%80%94new-research-and-its-implications-young-people-transitioning-foster-care>).

³ Wald, M. & Martinez, T., William and Flora Hewlett Foundation Working Paper, *Connected by 25: Improving the Life Chances of the Country's Most Vulnerable 14–24 Year Olds* (Menlo Park, CA; 2003).

⁴ Nancy Anderson, FORBES, *Boomerang Children Living at Home May Not Be Such a Bad Thing* (August 16, 2012) (available at <http://onforb.es/166B7pi>). See also Janice D'Arcy, WASHINGTON POST, *More Adult Kids Living with Parents and in no Rush to Depart* (March 21, 2012) (available at <http://wapo.st/GDiFWI>).

⁵ Fry, R., Pew Research Center, *A Record 21.6 Million in 2012: A Rising Share of Young Adults Live in Their Parents' Home* (August 1, 2013) (available at <http://www.pewsocialtrends.org/files/2013/07/SDT-millennials-living-with-parents-07-2013.pdf>). The U.S. Census Bureau found that the number of men and women living with their parents has grown since 2009 (see <http://1.usa.gov/vUk8rB>). This phenomenon started before the recent recession and has outlasted it. See LOS ANGELES TIMES, *Census Bureau Agrees with Parents: Yes, Young Adults Still Home* (November 3, 2011).

⁶ Miriam Aroni Krinsky, *A Not So Happy Birthday: The Foster Youth Transition from Adolescence into Adulthood*, 48 Fam. Ct. Rev. 250, 251 (2010).

⁷ Robert F. Schoeni and Karen E. Ross, Chapter 12: *Material Assistance Received From Families During Transition to Adulthood. On the Frontier to Adulthood: Theory, Research and Public Policy*, edited by Richard A. Settersten, Jr., Frank F. Furstenberg, Jr., and Rubén G. Rumbaut. The average amount parents pay to assist their children post-18 is \$38,340 (this figure is in 2001 dollars, the figure is \$49,852 in 2013 dollars). The yearly average tends to be larger during the earlier years when the youth is in school and decreases over time.

⁸ 42 U.S.C. 300gg-14.

⁹ Anderson, *supra* note 4.

¹⁰ Fry, *supra* note 5.

¹¹ Schoeni and Ross, *supra* note 7.

¹² M.E. Courtney, A. Dworsky, & H. Pollack, Chapin Hall Center for Children at the University of Chicago, *When Should the State Stop Parenting? Evidence from the Midwest Study* (2007) (available at http://www.chapinhall.org/sites/default/files/publications/ChapinHallDocument_1.pdf).

¹³ M. William Sermons and Peter Witte, National Alliance to End Homelessness, *State of Homelessness in America: A Research Report on Homelessness* (January 2011) at 26 (available at <http://www.endhomelessness.org/library/entry/state-of-homelessness-in-america-2011>).

¹⁴ Anderson, *supra* note 4.

¹⁵ Amy Dworsky, Keri-Nicole Dillman, *et al.*, Prepared for U.S. Department of Housing and Urban Development, *Housing for Youth Aging Out of Foster Care: A Review of the Literature and Program Typology* (April 2012) (available at www.huduser.org/portal/publications/interim/hsg_foster_care.html).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Clark M. Peters, *Examining Regional Variation in Extending Foster Care Beyond 18: Evidence from Illinois*, Children and Youth Services Review Vol. 34, Issue 9 (Sept. 2012), pages 1709–1719 at 1710.

¹⁹ A. Dworsky, M. Courtney, *Assessing the Impact of Extending Care Beyond Age 18 on Homelessness: Emerging Findings from the Midwest Study* (2010) (available at www.chapinhall.org/sites/default/files/publications/Midwest_IB2_Homelessness.pdf).

²⁰ *Id.*

²¹ M.E. Courtney, A. Dworsky, J. Lee, & M. Raap, Chapin Hall at the University of Chicago, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 23 and 24* (Chicago; 2009).

²² *Id.*

²³ A. Dworsky, M. Courtney, Chapin Hall at the University of Chicago, *Does Extending Foster Care Beyond Age 18 Promote Postsecondary Educational Attainment?* (2010) (available at www.chapinhall.org/sites/default/files/publications/Midwest_IB1_Educational_Attainment.pdf).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ U.S. Senate, Health, Education, Labor and Pensions Committee, *For Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success* (July 30, 2012) at 54 (available at www.help.senate.gov/imo/media/for_profit_report/PartI-PartIII-SelectedAppendixes.pdf).

²⁸ *Id.*

²⁹ Courtney, *supra* note 21.

³⁰ Macomber, Jennifer Ehrle, Stephanie Cuccaro-Alamin, Dean Duncan, Daniel Kuehn, Marla McDaniel, Tracy Vericker, Mike Pergamit, Barbara Needell, Hye-Chung Kum, Joy Stewart, Chung-Kwon Lee, and Richard P. Barth, Urban Institute, *Coming of Age: Employment Outcomes for Youth Who Age Out of Foster Care Through Their Middle Twenties* (2008) (available at www.urban.org/publications/1001174.html).

³¹ *Id.*

³² J.L. Hook & M.E. Courtney, Chapin Hall at the University of Chicago, *Employment of Former Foster Youth as Young Adults: Evidence from the Midwest Study* (Chicago; 2010).

³³ May Shin, Note, *A Saving Grace? The Impact of the Fostering Connections to Success and Increasing Adoptions Act on America's Older Foster Youth*, 9 Hastings Race & Poverty L.J. 133 (2012).

³⁴ Peter J. Pecora, Ronald C. Kessler, Jason Williams, *et al.*, Casey Family Programs, *Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study* (2005) (available at www.casey.org/Resources/Publications/pdf/ImprovingFamilyFosterCare_FR.pdf). See also Maryanne Davis and Anne Vander Stoep, Prepared for the National Center on Homelessness and Mental Illness, *The Transition to Adulthood Among Adolescents Who ave Serious Emotional Disturbance* (1996).

³⁵ *Id.*

³⁶ Mark E. Courtney, Amy Dworsky, *et al.*, Chapin Hall at the University of Chicago, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26* (Chicago; 2011).

³⁷ Melanie Delgado, Robert Fellmeth, *et al.*, Children's Advocacy Institute, *Expanding Transitional Services for Emancipated Foster Youth: An Investment in California's Tomorrow* (2007) at Appendix A, p. 5 (the Report and Appendix are available at www.cachildlaw.org/TransServices/Transitional_Services_for_Emanicipated_Foster_Youth.FinalReport.pdf and www.cachildlaw.org/TransServices/Appendix_A_to_Master_Report_TCWF.pdf, respectively).

³⁸ P.L. 99-272 (April 7, 1986).

³⁹ *Id.* See also U.S. Department of Health and Human Services, Administration of Children and Families, *Independent Living Initiative Title IV-E*, ACYF-PI-87-01 (February 10, 1987) (available at www.acf.hhs.gov/sites/default/files/cb/pi8701.pdf).

⁴⁰ U.S. Department of Health and Human Services, Administration of Children and Families. *Independent Living Initiative Title IV-E*, ACYF-PI-87-01 (February 10, 1987) (available at www.acf.hhs.gov/sites/default/files/cb/pi8701.pdf).

⁴¹ *Id.*

⁴² P.L. 106-169 (113 Stat. 1822) (Dec. 12, 1999).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ See *supra* note 37 at 4.

⁴⁶ P.L. 107-133 (115 Stat. 2413) (Jan. 7, 2002).

⁴⁷ 42 U.S.C. §677(a)(6).

⁴⁸ 42 U.S.C §677(i).

⁴⁹ P. L. 110-351 (122 Stat. 3949) (Oct. 7, 2008).

⁵⁰ 42 U.S.C. §675(8).

⁵¹ *Id.*

⁵² 42 U.S.C. §672(c)(2).

⁵³ U.S. Department of Health and Human Services, Administration for Children and Families, *Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008*, ACYF-CB-PI-10-11 (July 9, 2010) at 4 (available at www.acf.hhs.gov/sites/default/files/cb/pi1011.pdf).

⁵⁴ *Id.*

⁵⁵ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children Youth and Families, *Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008*, ACYF-CB-PI-10-11 (July 9, 2010) at 4 (available at <http://www.acf.hhs.gov/sites/default/files/cb/pi1011.pdf>).

⁵⁶ *Id.* at 9.

⁵⁷ *Id.*

⁵⁸ See *supra* note 38.

⁵⁹ California Health and Human Services Agency, Department of Social Services, *Regulation Package #1002-24, CDSS Manual Letter CCL-03-09* (January 29, 2004) (available at www.dss.cahwnet.gov/ord/entres/getinfo/pdf/ccl0309.pdf).

⁶⁰ California AB 1772 (Chapter 873, Statutes of 1998) (available at www.leginfo.ca.gov/pub/97-98/bill/asm/ab_2751-2800/ab_2774_bill_19980928_chaptered.pdf).

⁶¹ See, *e.g.*, the California Senate Rules Committee Analysis of AB 2774 dated 7/6/98 which states "Because foster youth must 'emancipate' from the foster care system when they turn 18 or graduate from high school, they must manage housing, employment, and education with little or no support. This program affords 17 and 18 year old foster youth the opportunity to

prepare for emancipation by giving them first-hand experience in independent living”(available at www.leginfo.ca.gov/pub/97-98/bill/asm/ab_2751-2800/ab_2774_cfa_19980807_135814_sen_floor.html).

⁶² AB 427(Chapter 125, Statutes of 2001).

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ See California State Assembly, *Assembly Floor Analysis for AB 1119* (Aug. 27, 2002) (available at www.leginfo.ca.gov/pub/01-02/bill/asm/ab_1101-1150/ab_1119_cfa_20020828_023658_asm_floor.html).

⁶⁷ AB 1119 (Chapter 639, Statutes of 2002).

⁶⁸ AB 2877 (Chapter 93, Statutes of 2000).

⁶⁹ See *supra* note 47.

⁷⁰ John Kelly, *California Weighing Options to Expand Chafee Education Grants*, *Chronicle of Social Change* (August 15, 2013) (available at <https://chronicleofsocialchange.org/news/california-weighing-options-to-expand-chafee-education-grants/3752>).

⁷¹ AB 490 (Chapter 862, Statutes of 2003).

⁷² AB 408 (Chapter 813, Statutes of 2003).

⁷³ Administrative Office of the Courts, Judicial Council of California, *Resolution Blue Ribbon Commission on Children in Foster Care* (March 9, 2006) at 77 (available at www.courts.ca.gov/documents/brc-progress-0810.pdf).

⁷⁴ *Id.*

⁷⁵ Blue Ribbon Commission on Children in Foster Care, *Building a Brighter Future for California’s Children: Making Progress in Tough Economic Times* (2009) at 27 (available at www.courts.ca.gov/documents/brc-progress-0810.pdf).

⁷⁶ *Id.* at 28.

⁷⁷ *Id.*

⁷⁸ *Id.* at 66.

⁷⁹ *Id.* at 14.

⁸⁰ SB 1013 (Committee on Budget and Fiscal Review) (Chapter 35, Statutes of 2012).

⁸¹ Mark E. Courtney, Amy Dworski, et al. *The Midwest Study of the Adult Functioning of Foster Youth* (available at www.chapinhall.org/research/report/midwest-evaluation-adult-functioning-former-foster-youth).

⁸² Note that this improvement is also stimulated by guardian scholar programs, CalGrant priority, and by innovative programs such as the “academies” promoted by the First Star Foundation that acquaint foster youth in 9th and 10th grade with college campus life in summer programs and stimulate college expectations among attendees (see www.firststar.org/programs/foster-youth-academies.aspx).

⁸³ Letter from Michael N. Villines, California State Assemblyman, 29th District, to Arnold Schwarzenegger, Governor of California (September 23, 2010).

⁸⁴ Cal. Welf. & Inst. §11400(v).

⁸⁵ Cal. Welf. & Inst. §11403(b)(1).

⁸⁶ California Department of Social Services, *All County Letter 11-61* (2011) at 4.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Cal Welf. & Inst. §11403(b)(2).

⁹⁰ See *supra* note 86.

⁹¹ California Department of Social Services, *All County Letter 11-69* (2011), Attachment A at 2.

⁹² See *supra* note 86 at 4–5.

⁹³ *Id.* at 5.

⁹⁴ Cal Welf. & Inst. §11403(b)(3).

⁹⁵ See *supra* note 86 at 8.

⁹⁶ See *supra* note 91 at 10.

⁹⁷ See *supra* note 86 at Attachment A.

⁹⁸ Cal Welf. & Inst. §11403(b)(4).

⁹⁹ See *supra* note 86.

¹⁰⁰ *Id.* at 6.

¹⁰¹ Cal Welf. & Inst. §11403(b)(5).

¹⁰² *Id.*

¹⁰³ See *supra* note 91 at 7.

¹⁰⁴ 42 U.S.C. 472 (c)(2).

¹⁰⁵ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children Youth and Families, *Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008*, ACYF-CB-PI-10-11 (July 9, 2010) at 9 (available at www.acf.hhs.gov/sites/default/files/cb/pi1011.pdf).

¹⁰⁶ Cal. Welf. & Inst. Code §16501.1(c)(3).

¹⁰⁷ California Department of Social Services, *All County Letter* 11-77 (2011) at 6.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Administrative Office of the Courts, Center for Children, Family and the Courts, *California's Fostering Connections to Success Act: Court Procedures* (Jan. 27, 2012) at 3.

¹¹² *Id.*

¹¹³ *Id.* at 8. Note that each county can design its own readiness assessment tool. For an example of a model readiness assessment tool, see www.cafosteringconnections.org/pdfs/SILP%20Readiness%20Assessment_JBFtool.pdf.

¹¹⁴ *Id.* The standard form that is used to complete the checklist is the SOC 157B.

¹¹⁵ *Id.* at 10.

¹¹⁶ *Id.* at 8.

¹¹⁷ For more detailed information about THP-Plus, visit www.thpplus.org.

¹¹⁸ The John Burton Foundation for Children Without Homes, *Effective Practices in THP-Plus: Providing Affordable Housing and Supportive Services to Youth formerly in the Foster Care and Juvenile Probation Systems* (available at www.thpplus.org/pdfs/Effective%20Practices.pdf).

¹¹⁹ The Alliance for Children's Rights, Children's Law Center of California, and The John Burton Foundation, *California Fostering Connections to Success Act: Assembly Bill 12 Primer* (October 1, 2012).

¹²⁰ Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Williams, D., Yee, H., Hightower, L., Mason, F., Lou, C., Peng, C., King, B., & Lawson, J., *CCWIP Reports* (retrieved 10/7/2013 from University of California at Berkeley California Child Welfare Indicators Project, at http://cssr.berkeley.edu/ucb_childwelfare).

¹²¹ *California's Fostering Connections to Success Act (AB12/212) Beyond the Bench: Overview of the Legal Process: Dependency* (Dec. 14, 2011) at 20.

¹²² Cal. Welf. & Inst. Code §§ 224.1, 366(a)(1)(F), 366.3(l)-(n), 16501.1(f)(16); 2013 California Rules of Court Rule 5.707 (review hearing requirements for child approaching majority) (available at www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_707); Form for Findings and Orders JV-460 (available at www.courts.ca.gov/documents/jv460.pdf).

¹²³ California Rules of Court 2013, Rule 5.707(c).

¹²⁴ Cal. Welf. & Inst. Code §§ 224.1(b), 295, 366(f), 366.1, 366.3; [Cal. Rules of Court, Rule 5.903](http://www.courts.ca.gov/documents/jv462.pdf); Form for Findings and Orders JV-462 (available at www.courts.ca.gov/documents/jv462.pdf).

¹²⁵ Cal. Rules of Court, Rule 5.903.

¹²⁶ Cal. Welf. & Inst. Code § 391; note that as of this writing, there is currently pending legislation in California, SB 343, that would substantially alter § 391.

¹²⁷ *Id.*

¹²⁸ Cal. Welf. & Inst. Code § 391(b)(1).

¹²⁹ Cal. Welf. & Inst. Code § 391(b)(2).

¹³⁰ Cal. Welf. & Inst. Code § 391(b)(3).

¹³¹ Cal. Welf. & Inst. Code § 391(b)(4).

¹³² For a complete list of required documents, see Cal. Welf. & Inst. Code § 391(e)(2).

¹³³ Note that as of January 1, 2014, former foster youth who aged out of care in California will be eligible for Medicaid (in California, this is Medi-Cal) until age 26 under the Affordable Care Act (ACA) (42 USCS § 1396a(a)(10)(A)(i)(IX)).

¹³⁴ For a complete list, see Cal. Welf. & Inst. Code § 391(e)(3)–(9).

¹³⁵ Cal. Welf. & Inst. Code § 303(b).

¹³⁶ Cal. Welf. & Inst. Code § 303(b)–(c).

¹³⁷ Cal. Welf. & Inst. Code § 388(e), Cal. Welf. & Inst. Code § 11400(z), Cal. Rules of Court.

¹³⁸ Cal. Welf. & Inst. Code § 11400(z).

¹³⁹ Cal. Welf. & Inst. Code § 388(e).

¹⁴⁰ Cal. Welf. & Inst. Code § 16501.1(a)(1).

¹⁴¹ Cal. Welf. & Inst. Code § 16501.1(a)(2).

¹⁴² Cal. Welf. & Inst. Code § 16501.1.

¹⁴³ *Id.*

¹⁴⁴ Cal. Welf. & Inst. Code § 16501.1(f)(16)(a).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ See *supra* note 91.

¹⁴⁸ Cal. Welf. & Inst. Code § 16501.1(f)(16).

¹⁴⁹ Cal. Welf. & Inst. Code § 11400(y).

¹⁵⁰ See *supra* note 91.

¹⁵¹ Cal. Welf. & Inst. Code § 16501.1(f)(16)(B); see also *supra* note 91.

¹⁵² See *supra* note 91 at 7.

¹⁵³ Cal. Welf. & Inst. Code § 11400(u) (the form used for the Mutual Agreement is the SOC 162 and can be found at www.cdss.ca.gov/cdssweb/entres/forms/English/SOC162.pdf).

¹⁵⁴ See *supra* note 91 at 7.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.* at 9–10.

¹⁵⁸ *Id.* at 10.

¹⁵⁹ *Id.*

¹⁶⁰ California Department of Social Services, *All County Letter* 11-85 (2011).

¹⁶¹ *Id.* at 3.

¹⁶² Cal. Welf. & Inst. Code § 450 (a)(1)-(2).

¹⁶³ See *supra* note 160; Cal. Welf. & Inst. Code § 450(a).

¹⁶⁴ See *supra* note 160 at 4; Cal. Welf. & Inst. Code § 450.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* at 5.

¹⁶⁹ *Id.*

¹⁷⁰ Cal. Welf. & Inst. Code § 325: “A proceeding in the juvenile court to declare a child to be a dependent child of the court is commenced by the filing with the court, by the social worker, of a petition, in conformity with the requirements of this article.”

¹⁷¹ See *supra* note 160 at 5 and Cal. Welf. & Inst. Code § 607.2(b)(2).

¹⁷² See *supra* note 160 at 5 and Cal. Welf. & Inst. Code § 607.2(b)(3).

¹⁷³ See *supra* note 160 at 6.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ See, e.g., California Senate Appropriations Committee, *Fiscal Summary of AB 12* (Hearing Date 08/12/2010). This hearing bases estimated cost increase for case administration on an estimate that 50% of the population that ages out of foster care will participate in care (2,500/5,000) statewide.

¹⁷⁸ Schoeni, *supra* note 7.

¹⁷⁹ Anderson, *supra* note 4.

¹⁸⁰ Mark E. Courtney, Amy Dworsky, *et al.*, Chapin Hall at the University of Chicago, *Midwest Evaluation of the Adult Functioning of Former Foster Youth* (Chicago; 2004–2011) (available at www.chapinhall.org/research/report/midwest-evaluation-adult-functioning-former-foster-youth).

¹⁸¹ Mark E. Courtney, Amy Dworsky, and Harold Pollack, Chapin Hall at the University of Chicago, *When Should the State Cease Parenting?* (Chicago; 2007) (available at www.chapinhall.org/sites/default/files/publications/ChapinHallDocument_1.pdf).

¹⁸² Dworsky, A. & Courtney, M. E., Chapin Hall at the University of Chicago, *Assessing the Impact of Extending Care Beyond Age 18 on Homelessness: Emerging Findings from the Midwest Study* (Chicago; 2010) at 5 (available at www.chapinhall.org/sites/default/files/publications/Midwest_IB2_Homelessness.pdf); note that 16% of youth in Illinois were likely to ever have been homeless as compared with 20.8% in Iowa and Wisconsin.

¹⁸³ *Id.*

¹⁸⁴ Dworsky, A. & Courtney, M. E., Chapin Hall at the University of Chicago, *Does Extending Foster Care beyond Age 18 Promote Postsecondary Educational Attainment? Emerging Findings from the Midwest Study* (Chicago; 2010) at 4 (available at www.chapinhall.org/sites/default/files/publications/Midwest_IB1_Educational_Attainment.pdf); note that 5.3% of Illinois youth received their AA or BA degree compared with 7.7% in Iowa and Wisconsin.

¹⁸⁵ *Id.* at 4.

¹⁸⁶ *Id.* at 5; note that 45% of Illinois youth were the custodial parent by age 23 or 24 as compared to 34.4% of youth in Iowa and Wisconsin.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ Hook, J. L. & Courtney, M. E., Chapin Hall at the University of Chicago, *Employment of Former Foster Youth as Young Adults: Evidence from the Midwest Study* (Chicago; 2010) at 8. Youth with some college attendance or an associate’s degree are over three times as likely to be employed and earn about five percent higher wages.

¹⁹¹ *Id.* at 9.

¹⁹² Mac Taylor, Legislative Analyst's Office, *2011 Realignment: Addressing Issues to Promote Its Long-Term Success* (Aug. 19, 2011) (available at www.lao.ca.gov/laoapp/main.aspx).

¹⁹³ Judicial Council of California, Administrative Office of the Courts, *Dependency Counsel Caseload Standards: A Report to the California Legislature* (April 2008) at 7 (available at www.courts.ca.gov/documents/DependencyCounselCaseloadStandards2008.pdf).

¹⁹⁴ *Id.*

¹⁹⁵ National Association of Counsel for Children, *NACC Recommendations for Children in Abuse and Neglect Cases* (2001) at 7 (available at http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/docs/nacc_standards_and_recommend.pdf). American Bar Association, *ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* at §§L-1, L-2 (available at <http://apps.americanbar.org/child/rcji/repstandwhole.pdf>).

¹⁹⁶ California Blue Ribbon Commission on Children in Foster Care, *Fostering a New Future for California's Children Ensuring Every Child a Safe, Secure, and Permanent Home* (2009) at 4 (available at www.courts.ca.gov/documents/brc-finalreport.pdf).

¹⁹⁷ The John Burton Foundation for Children Without Homes, *Effective Practices in THP-Plus: Providing Affordable Housing and Supportive Services to Youth Formerly in the Foster Care and Juvenile Probation Systems* at 20 (available at www.thpplus.org/pdfs/THP-Plus%20Implementation%20Guide%20Revised-1.pdf or <http://bit.ly/W7agAL>).

¹⁹⁸ Sara Kimberlin and Amy Lemley, The John Burton Foundation for Children Without Homes, *Demographics and Outcomes of THP-Plus Participants: Implications for Extended Foster Care in California* (Jan. 2012) (available at www.thpplus.org/pdfs/THP-Plus%20Policy%20Brief_January%202012.pdf).

¹⁹⁹ *Id.* at 6.

²⁰⁰ Cal. Welf. & Inst. Code §10101(b).

²⁰¹ Summary of Results: THP-Plus Foster Care (THP+FC) from the John Burton Foundation in Email from Amy Lemley, received by CAI on 9/12/2013. For more information about THP-Plus Foster Care see <http://thpplus.org/thp-plus-foster-care-thptfc/>.

²⁰² Interview with Amy Lemley.

²⁰³ California Department of Social Services, *All County Letter 12-44* (2012) at (available at www.cdss.ca.gov/letters/notice/entres/getinfo/acl/2012/12-44.pdf).

²⁰⁴ See *supra* note 91 at Attachment A. Note that the ACL specifies that: "Courses taken at any institution which is licensed to operate in the State of California, or taken at a comparable institution located or licensed to operate in another state, shall count towards the participation requirement."

²⁰⁵ John Burton Foundation and Alliance for Children's Rights, *AB 12 Question of the Week* (Sept. 24, 2013) (available at <http://ab12questionoftheweek.wordpress.com/>).

²⁰⁶ M.E. Courtney, A. Dworsky, et al., *Executive Summary: Midwest Evaluation of the Adult Functioning of Former Foster Youth, Outcomes at 21* (Dec. 2007) at 10–11 (available at www.chapinhall.org/sites/default/files/ChapinHallDocument_1.pdf).

²⁰⁷ Cal. Welf. & Inst. Code § 317(e)(1).

²⁰⁸ Cal. Welf. & Inst. Code § 317(e)(2).

²⁰⁹ *Id.*

²¹⁰ Cal. Welf. & Inst. Code § 317(e)(1).

²¹¹ 42 U.S.C. § 672(a)(3).

²¹² Pew Charitable Trusts, *Kids are Waiting: Fix Foster Care Now* (2007) (available at www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Foster_care_reform/FixtheFosterCareLookback.pdf).

²¹³ 42 U.S.C. § 672(a)(3)(B).

²¹⁴ U.S. Congress, House Committee on Ways and Means, *Foster Care Independence Act of 1999, Report to Accompany H.R. 1802, 106th Cong., 1st Sess., H.Rept. 106–182* (Washington: GPO 1999) at 29.

²¹⁵ Adrienne Fernandes, Congressional Research Service, *Child Welfare: The Chafee Foster Care Independence Program* (Jan. 2007) at CRS-2 (available at http://assets.opencrs.org/rpts/RS22501_20070111.pdf).

²¹⁶ AB 787 (Chapter 487, Statutes of 2013) (available at http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0751-0800/ab_787_bill_20131002_chaptered.pdf).

²¹⁷ As provided in federal guidance; see U.S. Department of Health and Human Services, Administration for Children and Families, *Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008*, ACYF-CB-PI-10-11 (July 9, 2010) at 6 (available at <http://www.acf.hhs.gov/sites/default/files/cb/pi1011.pdf>).

²¹⁸ See, e.g., nonminor dependent status review hearing at Cal. Rules of Court, Rule 5.903(a) Purpose.

²¹⁹ See SB 528 (2013).

²²⁰ SILP payments are paid in arrears and do not arrive until the end of the month following the month that the NMD is placed in the SILP.

²²¹ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, *ASPE Issue Brief, Federal Foster Care Financing: How and Why the Current Funding Structure Fails to Meet the Needs of the Child Welfare Field* (2005) at 7 (available at <http://aspe.hhs.gov/hsp/05/fc-financing-ib/>).

APPENDIX A:

AN OVERVIEW OF CALIFORNIA'S CHILD WELFARE AND FOSTER CARE SYSTEM

In California, the Department of Social Services (DSS) is the primary entity responsible for overseeing the state's child welfare system. However, each of the state's 58 counties administers its own program, and recently each county was given even more responsibility in that regard following California's 2011 budget realignment (discussed in further detail below).

Not every child who is the subject of a child abuse report is removed from his/her home and made a dependent of the court. Reports are investigated, and if abuse is substantiated, the county social services agency may provide voluntary family maintenance services in an attempt to help the parents learn better skills and avoid further abuse while child in the home and the family intact. This is often called "family preservation." In the most serious cases, where severe abuse, neglect, and/or abandonment are substantiated and/or family maintenance services fail, the child will become a dependent of the court. In such cases, the court supplants parental authority. Federal and state law require "reasonable efforts" not to remove a child, and an increasing proportion of abuse reports result in "family preservation," with the child in the home and parental authority intact, or result in no action. In 2012, only about 6% of all child abuse allegations in California resulted in the child entering the dependency system.¹

A child who enters California's child welfare system may be placed in one of several different placement types. By law, the child must be placed in the least restrictive, most family-like setting and, if possible, kept in the same community. The major placement types are as follows:

Foster Family Home (FFH). Foster family homes are licensed by CDSS' Community Care Licensing Division. An FFH is a family residence that provides care to no more than six children.² It is generally one of the least restrictive placement types. Relatives who are caregivers and non-related extended family members are a subset of foster family homes (Kin-GAP, a different program, is discussed below.)

Foster Family Agency (FFA). An FFA is an organization engaged in the recruiting, certifying, training, and providing professional support to foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private FFAs shall be organized and operated on a nonprofit basis.³ FFAs were created to be used for hard-to-place children who would otherwise need to be placed in a group home.⁴

Group Home. A group home is a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity.⁵ Group homes are structured, residential facilities that have a treatment component. They are theoretically meant for children with serious special needs.⁶

Community Treatment Facility (CTF). CTFs are the most restrictive foster care placement option. These facilities have secure environments and serve seriously emotionally disturbed children who cannot be appropriately treated in a group home, but need a less restrictive setting than a psychiatric hospital.⁷

Transitional Housing Placement Program (THPP). THPPs are available to youth ages 16–18 who are participating in an Independent Living Program (ILP). The goal of the THPP is to provide a safe environment for youth to practice the skills they learned in the ILP.⁸

Supervised Independent Living Placement (SILP). An SILP is an independent supervised setting, as specified in a nonminor dependent's transitional independent living case plan, in which the youth is living independently.⁹ SILPs were created by AB 12 and will be discussed in detail below.

Transitional Housing Placement Plus (THP-Plus). THP-Plus is a housing program created in 2001 to assist youth who age out of California's foster care and juvenile probation systems. The program is available to youth who age out of foster care or opt out of AB 12; it is available from age 18–24 for a cumulative total of 24 months. THP-Plus provides housing and several other supportive services including case management, job readiness training and support, food and necessity allowance, educational advocacy and support, an emancipation fund, mentoring and several other services.¹⁰ THP-Plus programs are approved by the county in which they operate.

Transitional Housing Placement-Plus Foster Care (THP-Plus-FC). The THP-Plus-FC program is a transitional housing program created by AB 12 for nonminor dependents (individuals in foster care age 18–21). THP-Plus-FC is based on the THP-Plus model, but differs in several respects. First, it is available only to nonminor dependents. Second, THP-Plus-FC is a licensed placement that must comply with rules set by Community Care Licensing. Finally, because it is a foster care placement, the requirements that govern foster care placements apply to nonminor dependents who are participating in THP-Plus-FC, such as required monthly visits with their case manager and six-month court review hearings.¹¹

Kin-GAP. Kin-GAP is a voluntary program that provides financial assistance to relative caregivers who assume legal guardianship of their related foster children at a rate equal to that received for foster care. Kin-GAP allows foster children to exit the traditional foster care system and live with family.¹² The program was implemented in California in 2000 and has been credited with helping to reduce foster care caseloads by allowing more children and youth to exit foster care. Until recently, Kin-GAP was entirely state and county funded. With the implementation of the Federal Fostering Connections to Success Act and California's AB 12, Kin-GAP now receives federal funding as well. In addition, like extended foster care, Kin-GAP will be available for youth up to age 21 beginning in January 2014, provided that the guardianship was established when the youth was 16 or older.

Placement	Description	Monthly Cost per Youth	Age	Juvenile Court Jurisdiction?
Foster Family Home	<ul style="list-style-type: none"> Licensed by the California Department of Social Services Community Care Licensing Division (CCL). This is a family residence that provides care to no more than six children. Generally considered one of the least restrictive placement types. 	Varies by age	0 – 21	Yes
Foster Family Agency (FFA)	<ul style="list-style-type: none"> Run by organizations engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care FFAs were created to be used for hard-to-place children who would otherwise need to be placed in a group home. 	Varies by age and child's special needs	0-21	Yes
Group Home	<ul style="list-style-type: none"> Non-detention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity. Structured, residential facilities that have 	Varies by age and child's special needs	Up to age 19; Under AB 12, a youth may remain in a group home after age 19 or until high	Yes

	<p>a treatment component.</p> <ul style="list-style-type: none"> Intended for children and youth with serious special needs. 		school graduation <u>only if</u> it is necessary due to a medical condition.	
Kin-GAP	<ul style="list-style-type: none"> Voluntary program provides financial assistance to relative caregivers who assume legal guardianship of their related foster children – allows children to exit traditional foster care Allows foster children to exit the traditional foster care system 	Varies: Equal to the foster care rate	0-21; Youth are eligible to age 21 <u>if</u> the guardianship was established <u>after</u> the youth reaches age 16.	No
SILP	<ul style="list-style-type: none"> Provides nonminor dependents with the opportunity for an independent living experience Nonminors receive monthly payment directly Intended for only those nonminors who have demonstrated that they are ready to handle the high level of independence Counties have discretion with this placement Nonminor dependent is responsible for finding his or her own SILP SILPs can include apartments (alone or with roommates), single-room occupancy hotels with shared bathrooms and/or kitchens, rooms for rent in a house or apartment, and college dormitories 	\$820 directly to the nonminor dependent (Sept. 2013)	18 – 21	Yes
THP-Plus FC: Single Site	<ul style="list-style-type: none"> Transitional housing program which provides supportive services such as job readiness training, case management, a food and necessity allowance, mentoring and other required services. One apartment building or complex, owned or leased by the THP-Plus provider where all THP-Plus FC participants Nonminor MUST be in Foster Care, meet monthly with social worker, continue to meet eligibility requirements, and continue 6-month review hearings. 	\$2,797	18-21	Yes
THP-Plus FC: Scattered Site	<ul style="list-style-type: none"> Transitional housing program which provides supportive services such as job readiness training, case management, a food and necessity allowance, mentoring and other required services. THP-Plus provider leases apartments in various locations throughout the community, often in small clusters. Nonminor MUST be in Foster Care, meet monthly with social worker, continue to meet eligibility requirements, and continue 6-month review hearings 	\$2,797	18-21	Yes
THP-Plus FC: Host Family	<ul style="list-style-type: none"> Transitional housing program which provides supportive services such as job readiness training, case management, a food and necessity allowance, mentoring Nonminor dependents continue to live in their foster family placement or with 	\$2,225	18-21	Yes

	another caring adult with whom they have a permanent connection. <ul style="list-style-type: none"> • The adult with whom the youth resides receives a monthly THP-Plus subsidy • Nonminor MUST be in Foster Care, meet monthly with social worker, continue to meet eligibility requirements, and continue 6-month review hearings 			
THP-Plus Single Site	<ul style="list-style-type: none"> • Available for FORMER foster youth, not youth who are currently participating in Extended Foster Care • Transitional housing program which provides supportive services such as job readiness training, case management, a food and necessity allowance, mentoring and other required services. • One apartment building or complex, owned or leased by the THP-Plus provider where all THP-Plus FC participants 	\$2,580	18-24 (for 24 months cumulatively)	No
THP-Plus: Scattered Site	<ul style="list-style-type: none"> • Available for FORMER foster youth, not youth who are currently participating in Extended Foster Care • Transitional housing program which provides supportive services such as job readiness training, case management, a food and necessity allowance, mentoring and other required services. • THP-Plus provider leases apartments in various locations throughout the community, often in small clusters. 	\$2,289	18-24 (for 24 months cumulatively)	No
THP-Plus: Host Family	<ul style="list-style-type: none"> • Available for FORMER foster youth, not youth who are currently participating in Extended Foster Care • Transitional housing program which provides supportive services such as job readiness training, case management, a food and necessity allowance, mentoring, and other required services • Youth continue to live in their foster family placement or with another caring adult with whom they have a permanent connection – the adult receives a subsidy 	\$1,798	18-24 (for 24 months cumulatively)	No

Regardless of which type of placement is provided, the child's family must meet eligibility standards that were in place in 1996 for the now defunct Aid to Families with Dependent Children (AFDC) program in order to qualify for federal Title IV-E foster care maintenance payments. California is required by federal law to protect children from harm and must make up the difference between what the federal government will pay, using eligibility standards that have not been adjusted in well over a decade, and the cost of providing foster care to all the children who need protection. Fewer and fewer families are qualifying under the outdated AFDC standard, thus increasing the financial burden that states must shoulder to maintain their foster care systems.¹³

Each year, nearly 30,000 children enter California’s foster care system—and, unfortunately, too many children languish in care for years. Foster children and youth experience more instability the longer they are in foster care. Among youth who are in foster care for over two years, 62% have been in two or more placements. When this happens, foster homes, foster parents, foster siblings, friends, neighborhoods, schools — everything in a child’s life — may change overnight with little or no warning. A foster child’s social worker and attorney often change as well, and the child is forced to adapt.

There are over 57,000 children and youth in foster care in California.¹⁴ Among foster children and youth ages 11–17, 40% have been in care for three years or more; among youth aged 18 in foster care, nearly 55% have been in foster care for three years or more.¹⁵ Until recently, California expected foster youth to live independently immediately after aging out of care (typically at age 18) —after living in the foster care system for years and without familial support or a safety net. However, with the federal enactment of the Fostering Connections to Success Act and the state’s enactment of AB 12 (Beall), California law now allows youth to remain in foster care to age 21, with the intent of giving the state more time to help these youth better prepare to live independently after leaving foster care.

APPENDIX A ENDNOTES

¹ Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Williams, D., Yee, H., Hightower, L., Mason, F., Lou, C., Peng, C., King, B., & Lawson, J., *CCWIP Reports* (retrieved 8/5/2013 from University of California at Berkeley California Child Welfare Indicators Project, at http://cssr.berkeley.edu/ucb_childwelfare).

² Dianne F. Reed, Kate Karpilow, *Understanding the Child Welfare System in California: A Primer for Service Providers and Policy Makers*, 2nd ed. (2009) at 28 (available at http://www.ccrwf.org/wp-content/uploads/2009/03/final_web_pdf.pdf).

³ Cal. Welf. & Inst. Code § 11400(g).

⁴ Caroline Danielson, Helen Lee, Public Policy Institute of California, *Foster Care in California: Achievements and Challenges* (2010) at 6 (available at http://www.ppic.org/content/pubs/report/R_510CDR.pdf).

⁵ Cal. Welf. & Inst. Code § 11400(h).

⁶ Danielson, *supra* note 4 at 6.

⁷ Reed, *supra* note 2 at 28.

⁸ *Id.* at 19.

⁹ Cal. Welf. & Inst. Code § 11400(w).

¹⁰ For more information about THP-Plus in California, go to www.thp-plus.org.

¹¹ Cal. Welf. & Inst. Code § 16522.1. See also <http://ab12questionoftheweek.wordpress.com/2012/10/08/the-difference-between-thp-plus-and-thp-plus-foster-care/>.

¹² Reed, *supra* note 2 at 27.

¹³ Pew Charitable Trusts, *Time for Reform: Fix the Foster Care Lookback* (2007) (available at www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Foster_care_reform/FixtheFosterCareLookback.pdf).

¹⁴ Needell, *supra* note 1.

¹⁵ *Id.*



APPENDIX B:

COUNTY IMPLEMENTATION

CAI has examined the implementation of AB 12 in ten of California's counties to obtain information regarding the progress to date and challenges the counties are facing in implementing this important **new law**. **The selected ten counties represent a cross-section of factors— urban and rural, large and small, from northern, central and southern California.** The implementation processes CAI analyzed are from the following counties: Alameda, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, and San Joaquin. The following section will discuss the progress the state has made in implementing AB 12 as well as the issues and the concerns that have arisen during the year and a half since it took effect. This will be discussed first from the perspective of the courts and attorneys, and then from the perspective of the child welfare agency and social workers.

Alameda County

In July 2013, there were 1,612 children and nonminor dependents in foster care in Alameda County¹—fewer youth than were in foster care in July 2011, six months prior to the county's implementation of AB 12. However, the proportion of youth ages 18–20, youth who would be eligible for extended foster care under AB 12 as nonminor dependents, increased substantially. In 2011, there were 1,625 children and youth in foster care and 148 (about 9%) were ages 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in Alameda County had dropped to 1,504, but the number of youth between the ages of 18–20 had grown to 209 (nearly 14% of the foster care population as a whole).² In July 2013, there were 363 youth between the ages of 18–20 in foster care in Alameda County (22.5% of the foster care population in the county); this is an increase of over 145% in two years.

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	1,625	148	9.1%	
July 2012	1,504	209	13.9%	
July 2013	1,612	363	22.5%	145.3%

Alameda County, Changes in FC Population aged 18–20, 2011–2013

After the implementation of AB 12, Alameda County saw a significant decrease in the number of emancipations, as youth became eligible for AB 12's extended foster care. Between July 2010 and June, 2011, 196 youth emancipated from foster care in Alameda County; between July 2011 and June 2012, 146 youth emancipated from foster care; and between July 2012 and June 2013, only 45 youth emancipated from foster care.³

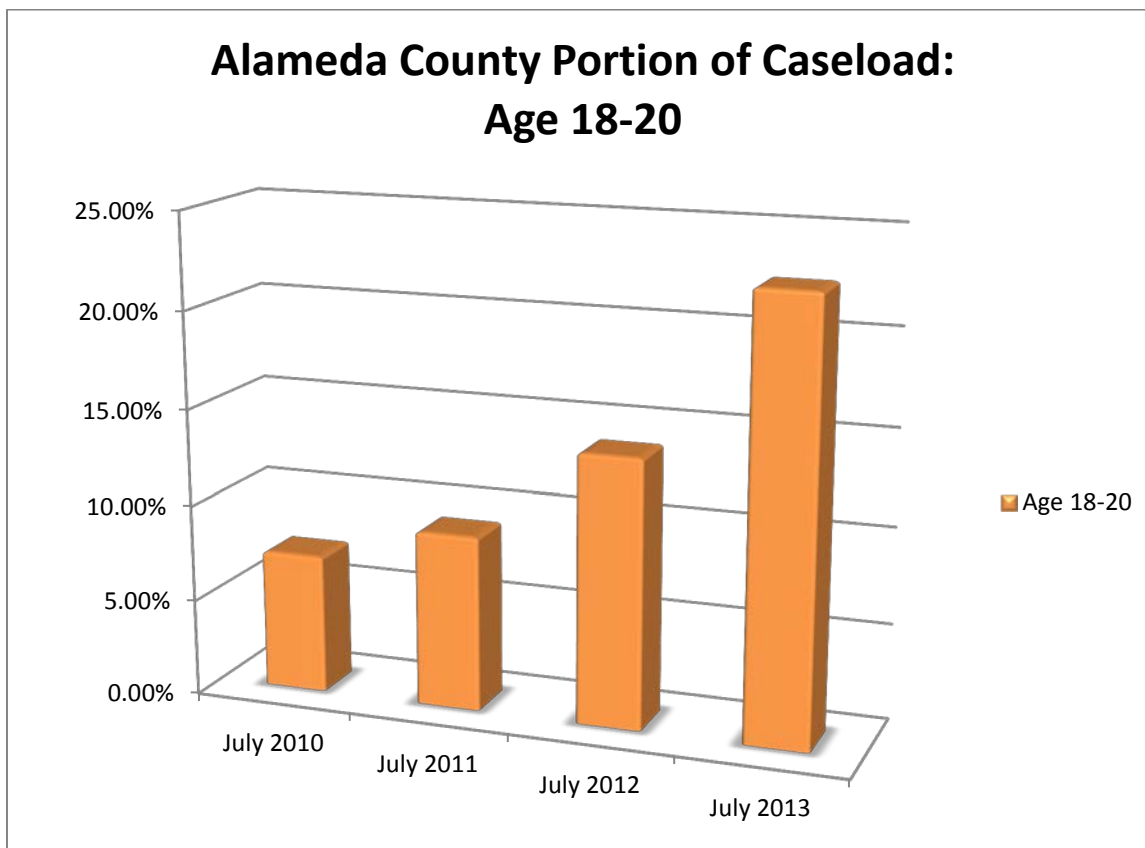
This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was

¹ Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Williams, D., Yee, H., Hightower, L., Mason, F., Lou, C., Peng, C., King, B., & Lawson, J., *CCWIP Reports* (retrieved 9/27/2013 from University of California at Berkeley California Child Welfare Indicators Project, at http://cssr.berkeley.edu/ucb_childwelfare).

² *Id.*

³ *Id.*

raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.



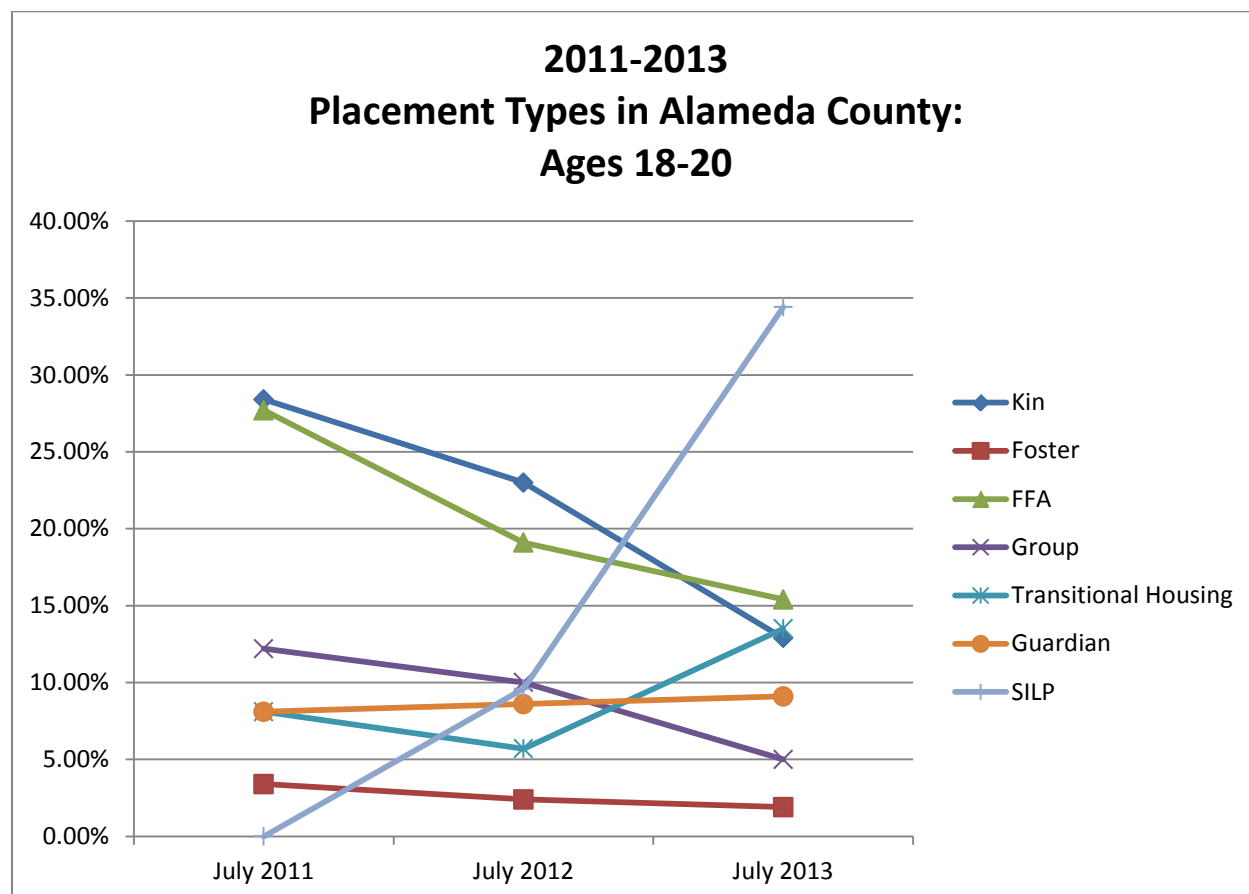
Foster Care Placements for 18–20 year-olds in Alameda County 2011–2013

Traditional supervised foster care placements continue to be available for nonminor dependents. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC. These placement types were created to provide nonminor dependents with a less restrictive environment and more independence. Both are discussed in detail above.

In Alameda County, the most popular placement type for nonminor dependents has been the SILP. On July 1, 2012 (six months after the implementation of AB 12), 9.6% of the youth ages 18–20 were placed in SILPs;⁴ one year later, on July 1, 2013, 34.4% of youth ages 18–20 were placed in SILPs. FFAs and Kin placements were also utilized frequently, though both of these placement types decreased substantially as a portion of placements between July 1, 2011, six months prior to the implementation of AB 12 and July 1, 2013, eighteen months after AB 12's implementation. FFA placements went from representing 27.7% of the foster care placements for the 18–20 age group to representing 15.4% of those placements. Kin placements went from representing 28.4% of the foster care placements for the 18–20 age group to representing 12.9% of those placements over the same time period. Transitional housing placements for 18–20-year-olds in Alameda County decreased slightly from 8.1% of the placements on July 1, 2011 to 5.7% of placements on July 1, 2012, but increased again to 13.5% of placements on July 1, 2013. This may be due to the increasing availability of THP-Plus-FC placements. In fact, between April 1,

⁴ *Id.*

2012 and July 1, 2012 transitional housing placements in Alameda County increased from 8.9% of placements for the 18-20 age group to 13.5% of those placements over just three months. Other placements include guardian placements, foster home placements, and group home placements. Group home placements represent a decreasing proportion of placements in Alameda County. Group homes continue to be available up to age 19. However, under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.⁵



Alameda County Dependency Attorneys

Alameda County foster youth are represented by the East Bay Children's Law Office (EBCLO). The law office does not have a separate division dedicated to working with nonminor dependents and older foster youth; this allows more opportunity for youth to have the consistency of the same attorney through the duration of their time in foster care. The advantage to this approach is that the attorney knows the youth and his/her history; the youth is familiar with the attorney and has often established a relationship with the attorney.

However, issues arise that are unique to older foster youth and to nonminor dependents. EBCLO has a program to address these issues. Though every attorney in the office is educated on the applicable laws and knowledgeable about AB 12, one attorney, Liz Aleman, works exclusively on issues related to nonminor dependents. Ms. Aleman is an Equal Justice Works Fellow, sponsored by the Morrison Foerster Foundation. She follows developments in the

⁵ Cal. Welf. & Inst. Code § 16501.1(c)(3).

law related to AB 12 and nondependent minors. She educates the other attorneys in the office about these issues and she handles many of the issues that arise for nonminor dependents who EBCLO represents.

Attorneys in Alameda are grappling with the question of when a guardian ad litem should be appointed for a nonminor dependent. The law says lawyers are “charged with representing the wishes of the nonminor dependent except when advocating for those wishes conflicts with the protection or safety of the nonminor dependent. If the court finds that a nonminor dependent is not competent to direct counsel, the court shall appoint a guardian ad litem for the nonminor dependent.”⁶ One concern involves the question, particularly with youth who have cognitive and/or emotional issues, of when to allow a youth to terminate his/her case. The other issue is what definition of competency should be applied to this determination, and when EBCLO attorneys should ask the court to appoint a guardian ad litem. EBCLO has convened a working group to address this problem and come up with an internal protocol.

Finally, EBCLO has been concerned that there are not enough appropriate placements for nonminor dependents with high mental health needs and/or cognitive disabilities. Many of the transitional housing programs will not accept young people who cannot take care of themselves. Additionally, foster homes are not equipped to handle young adults with high needs. EBCLO has seen many of its nonminor dependent clients jumping from group home to group home, or foster home to foster home, without any stability. Alameda County is having conversations with housing providers to try and create housing options for all nonminor dependents.

Alameda County Child Welfare Agency and Social Workers

Like many other counties, one of the most significant problems Alameda County has encountered is a lack of placements for nonminor dependents. As mentioned elsewhere in this report, the THP-Plus-FC program has taken some time to develop and these placements have only recently begun to become available. This was a problem because there are many nonminor dependents for whom a Supervised Independent Living Placement is not appropriate and for whom THP-Plus-FC placement would be appropriate. Many of these youth have had to remain in group home settings, which are not ideal. However, as of this writing, in September 2013, there are five THP-Plus-FC programs up and running in the county. As Alameda County has a very high number of youth opting to participate in Extended Foster Care (a promising development), the adequate supply of available placements continues to be a challenge.

Aside from the availability of THP-Plus-FC placements, the most prevalent issue in Alameda County has been ensuring that social workers are educated about AB 12 and its implications and they understand how to best serve their clients who are approaching age 18 and those who are nonminor dependents. To help to ensure that social workers, attorneys, and other stakeholders remain informed about the changes in the law related to nonminor dependents and AB 12 issues, the County holds a monthly stakeholder meeting, convened by the Foster Youth Alliance.

The County Child Welfare Agency in Alameda appears to have been inconsistent with regard to the assistance it offers to youth who are searching for an SILP. In some instances, agency staff have stated that the youth should find these placements on their own because they are adults and should not depend on the agency; in other instances, however, County workers have assisted youth to find appropriate SILPs, which in itself has proven challenging to Alameda and other counties around California.

Humboldt County

⁶ Cal. Welf. & Inst. Code § 317(e)(1).

In July 2013, there were 302 children and nonminor dependents in foster care in Humboldt County.⁷ This is more youth than were in foster care in July 2011, six months prior to the county's implementation of AB 12. As is the case with other counties around California, the number of youth between the ages of 18–20 and the proportion of the foster youth population between age 18–20 — youth who would be eligible for extended foster care under AB 12 as nonminor dependents — has increased substantially, with the number of youth ages 18–20 in foster care increasing from 1 in July 2011 to 19 in July 2013.

In July 2011, there were 292 children and youth in foster care in Humboldt County and only 1 was between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in Humboldt County had dropped slightly to 264, and the number of youth between the ages of 18–20 had risen to 8.⁸ By July 2013, eighteen months after the implementation of AB 12, the foster care population in Humboldt County had risen to 302, an increase of 3.3% over 2011, while the number of foster youth between the ages of 18–20 had grown to 19 — an increase of 1800% from July 2011. Youth between the ages of 18–20 represented less than 1% of Humboldt County's foster care population prior to the implementation of AB 12; 18 months after the implementation of AB 12, the 18–20 age group represent nearly 6% of the County's foster care population.⁹

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	292	1	0.4%	
July 2012	264	8	3.0%	
July 2013	302	19	6.3%	1800%

Humboldt County, Changes in FC Population aged 18–20, 2011–2013

This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.

Foster Care Placements for 18–20 year-olds in Humboldt County 2011–2013

Traditional supervised foster care placements continue to be available for nonminor dependents. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC. These placement types were created to provide nonminor dependents with a less restrictive environment and more independence. Both are discussed in detail above.

In Humboldt County, the most popular placement type for nonminor dependents, as of July 2013, is the SILP. Prior to the implementation of AB 12, in July 2011, 100% of the placements for youth age 18–20 in Humboldt County were Foster Home placements. On July 1, 2012, three months after the implementation of AB 12, Kin placements were the most used placements, with 37.5% of foster youth ages 18–20 placed with kin. One year later, on July 1, 2013, 21.1% of youth ages 18–20 were in Kin placements. SILPs were the most common placement among this age group with 41.1% of youth placed in SILPs.¹⁰

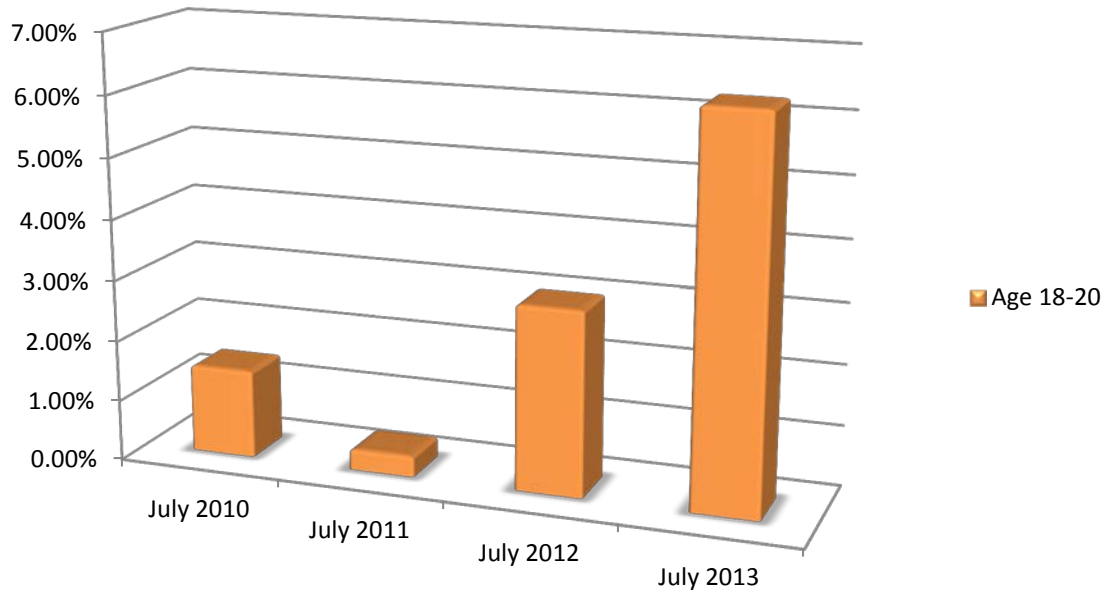
⁷ Needel, *supra* note 1.

⁸ *Id.*

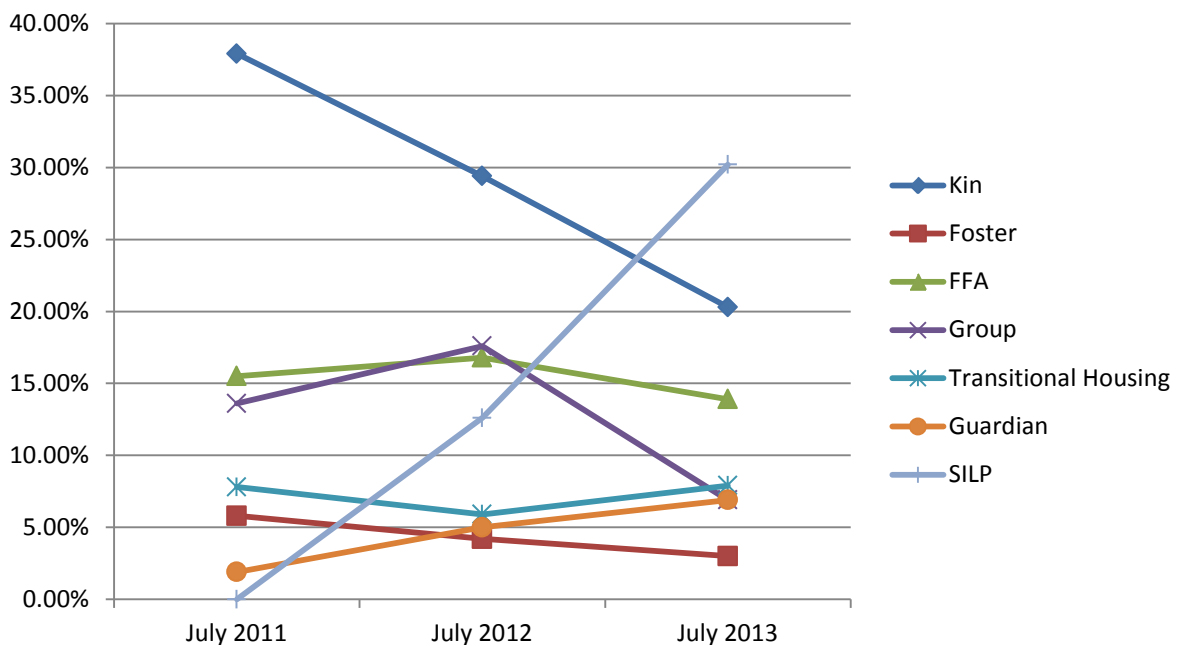
⁹ *Id.*

¹⁰ *Id.*

Humboldt County Portion of Caseload: Age 18-20



2011-2013 Placement Types in Humboldt County: Ages 18-20



Humboldt County Dependency Attorneys

Humboldt County is a small county and there are only three Deputy County Counsels representing Child Welfare Services in dependency court. Four other dependency attorneys under contract with the Court represent parents and children and a fifth handles any conflict that may arise or if a fifth party needs to have an attorney appointed. There are also private attorneys who are certified to practice dependency law in Humboldt County.

Because of its size, many older teens in the County have known their social worker and their attorney for quite some time. This has been beneficial and has resulted in a relatively seamless implementation of AB 12 in the County. Additionally, Humboldt County has a vocal and active chapter of the California Youth Connection and the Humboldt County Transition Age Youth Collaborative. The combination of an active, vocal youth population and the continuity of connection between the social workers, the lawyers, and the youth have resulted in the availability of appropriate placements for nonminor dependents and adequate, effective TILCPs — both important components of AB 12 and both important to the success of the youth.

A minor issue that the Deputy County Counsels in Humboldt County have encountered with the implementation of AB 12 involves the procedural paperwork. After a youth reaches the age of 18 and becomes a nonminor dependent, only the nonminor dependent can access his/her file (the nonminor's parents are no longer able to access the file). Thus, the clerk's office needs to be notified when a foster youth becomes a nonminor dependent, so that the clerk can make a new file and prevent unauthorized parties from accessing the youth's file. This issue came to light soon after AB 12 was implemented, and the County is currently putting in place a system for ensuring that the clerks are notified and new files are created for nonminor dependents. They are currently noting an "A" on the files to ensure that the court clerks are aware of the client's status as a nonminor and to prevent any issues from arising. Finally, the County is currently ironing out the procedural steps required for a youth to transfer from delinquency to dependency, so that the transition proceeds more smoothly.

Humboldt County Child Welfare Agency and Social Workers¹¹

The Humboldt County Child Welfare Services agency has experienced a smoother implementation of AB 12 than many counties. The implementation process was aided by Child Welfare Services' partnership with the Transition Age Youth division of the County's Mental Health Services Act programing. The County utilizes the Transition to Independence model to assist transition age youth and nonminor dependents. Humboldt County Child Welfare Services has noted that the youth see AB 12's extended foster care as a benefit, want to participate in it, and have even helped to improve the program in the county. The County has yet to see an AB 12-eligible foster care youth opt out of the program.¹²

Further aiding in the implementation of AB 12, Humboldt County has a Transition Age Youth Collaborative (HCTAYC), which is an offshoot of the statewide California Youth Connection (CYC). HCTAYC has been vocal in advising the county's Child Welfare Services on issues surrounding the implementation of AB 12. For example, HCTAYC developed forms for the County that are more youth-friendly and that help each youth better understand AB 12 and what is happening with his/her case plan.

Some AB 12-eligible probation youth have opted out and chosen not to participate in AB 12 extended foster care. However, several eligible probation youth have opted to remain in AB 12's extended foster care. In fact, more

¹¹ Information from Allison Phonsavath, Child Welfare Supervisor, Transition Age Youth Division, Humboldt County (phone interview conducted on 8/7/2013).

¹² *Id.*

probation youth have opted into the program than the county originally anticipated. As a result, the County will need to hire at least one more worker to cover the expanding caseload. Humboldt County is taking a bit of a different approach toward its AB 12-eligible probation youth. Probation youth who are eligible for transition jurisdiction move to the dependency (foster care) side. This is because most probation youth do not wish to continue to check in with a probation officer. The practice encourages more AB 12-eligible probation youth who may benefit from AB 12 extended foster care to participate in the program. Because they approach this matter slightly differently than most counties, Humboldt County has encountered some issues, but it is currently pursuing solutions, and has sought counsel from the Administrative Office of the Courts with regard to how best to approach this transition.

Humboldt County has experienced other challenges in implementation as well. Finding appropriate housing for nonminor dependents has proven to be difficult. The County TAY coordinators work with nonminor dependents who have SILPs to find housing. All of the youth in SILPs ultimately have been able to find housing, but it has been a challenge.

Humboldt County is one of only a few counties in California that has a community college with dorms. This has made Humboldt County popular with nonminor dependents who wish to begin their education at a community college because the dorms are approved SILPs. As a result, Humboldt County does courtesy supervision of a number of nonminor dependents who are from counties outside of Humboldt. Courtesy supervision occurs when the social services agency in one county preforms the required monthly social worker visits for the county with jurisdiction over the youth's case. Unfortunately, Humboldt County has had some problems finding counties outside of Humboldt that will provide courtesy supervision of nonminor dependents from Humboldt County. This has resulted in social workers in Humboldt County having to travel to other counties on a regular basis to do their monthly visits. The other issue related to the required monthly visits that Humboldt County has encountered is that the County has not been able to contract with agencies in other states to provide supervision for nonminor dependents who choose to live outside of California. This creates the necessity for social workers to travel out of state monthly to conduct the required site visits. The County has been able to enter into contracts with some states, but there are still a few where this has not been possible.¹³

Kern County

In July 2013, there were 1,671 children and nonminor dependents in foster care in Kern County.¹⁴ This is fewer youth than were in foster care in July 2011, six months prior to the county's implementation of AB 12. However, as is the case with other counties around California, the proportion of youth ages 18–20 — youth who would be eligible for extended foster care under AB 12 as nonminor dependents — increased substantially.

In July 2011, there were 1,835 children and youth in foster care in Kern County and 27 (1.5%) were between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in Kern County had dropped slightly to 1,809, and the number of youth between the ages of 18–20 had risen to 71 (representing 4% of the foster care population as a whole).¹⁵ By July 2013, eighteen months after the implementation of AB 12, the foster care population in Kern County had dropped to 1,671, but the number of youth between the ages of 18–20 had grown to 150, which accounts for 9% of the foster care population in the County. Overall, the County's foster care population aged 18–20 increased almost 137% between 2011 and 2013.

¹³ *Id.*

¹⁴ Needel, *supra* note 1.

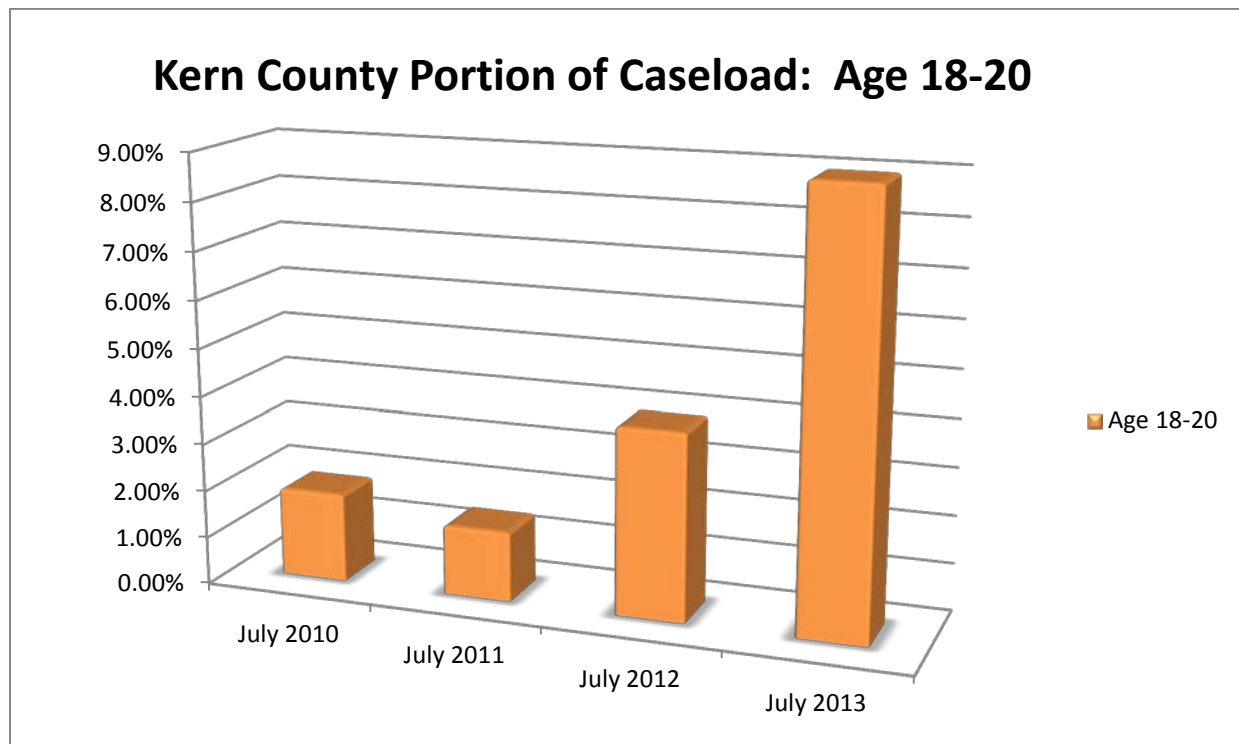
¹⁵ *Id.*

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	1,835	27	1.5%	
July 2012	1,809	71	4.0%	
July 2013	1,671	150	9.0%	455.6%

Kern County, Changes in FC Population aged 18–20, 2011–2013

After the implementation of AB 12, Kern County also saw a decrease in the number of emancipations, as youth became eligible for AB 12's extended foster care. Between July 2010 and June 2011, 143 youth emancipated from foster care in Kern County; between July 2011 and June 2012, 83 youth emancipated from foster care in the County; and between July 2012 and June 2013, only 42 youth emancipated from foster care.¹⁶

This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.



Foster Care Placements for 18–20-year-olds in Kern County 2011–2013

Traditional supervised foster care placements continue to be available for nonminor dependents. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC. These placement types were created to provide nonminor dependents with a less restrictive environment and more independence. Both are discussed in detail above.

¹⁶ *Id.*

In Kern County, the most popular placement type for nonminor dependents has been the SILP. While 7% of youth ages 18–20 were placed in SILPs on July 1, 2012,¹⁷ one year later, on July 1, 2013, 45.3% of youth ages 18–20 were placed in SILPs. FFAs and guardian placements were also utilized frequently, though FFA placements decreased substantially and guardian placements remained about the same as a portion of placements for 18–20 year-olds between July 1, 2011, six months prior to the implementation of AB 12 and July 1, 2013, eighteen months after AB 12's implementation. FFA placements went from representing 33.3% of the foster care placements for the 18–20-year-old age group to representing 15.6% of those placements. Guardian placements¹⁸ went from representing 28.1% of the foster care placements for the 18–20-year-old age group to representing 22.3% of those placements over the same time period. There were no transitional housing placements reflected in Kern County data from April 1, 2011 to April 1, 2013. Other placements include kin placements, foster home placements, and group home placements. Group home placements represent a decreasing proportion of placements in Kern County. On April 1, 2011, group home placements represented 8.8% of the placements, on April 1, 2013, that proportion had dropped to 2.2%. Group homes continue to be available up to age 19. However, under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.¹⁹

Kern County Dependency Attorneys

Dependency attorneys in Kern County report that the process to implement AB 12 has moved fairly smoothly, with a few bumps related to the higher-than-anticipated numbers of nonminor dependents opting to remain in care. The office is adapting to this. To this point, there have not been very many re-entries.

TILPs have been an issue in Kern County in the past, with the plans tending toward boilerplate plans that are not appropriately individualized to each youth. This is an area where the attorneys are seeing some improvement, but there is more room for these plans to continue to improve.

Kern County Child Welfare Agency and Social Workers

Kern County offers a one-stop shop, the Dream Center, which was established by partnering agencies in the community. The Dream Center is a resource center and coffee shop that employs some of the foster youth from the County. The Center provides access to emancipation social workers, probation, mental health, and the Kern High School career department. The Center is widely publicized by word of mouth and through other media such as the ILP newsletter. Social workers are informed about the Center and encouraged to utilize it as a resource for older youth who are entering EFC.

Kern County's greatest obstacle has been the workload associated with implementing the expansive service requirements of AB 12. A County representative stressed that, while the bill is a great idea in theory, and that youth need a supportive safety net, the resources are not there to support its execution in the way it is needed, especially in counties with smaller populations, like Kern.

Similarly, Kern County is having a difficult time accessing adequate resources to implement AB 12. The County has a THP-Plus program that will accommodate up to 50 emancipated youth, and it is in the process of developing a THP-Plus-FC program but, as of this writing, there are no THP-Plus-FC placements available in Kern County.

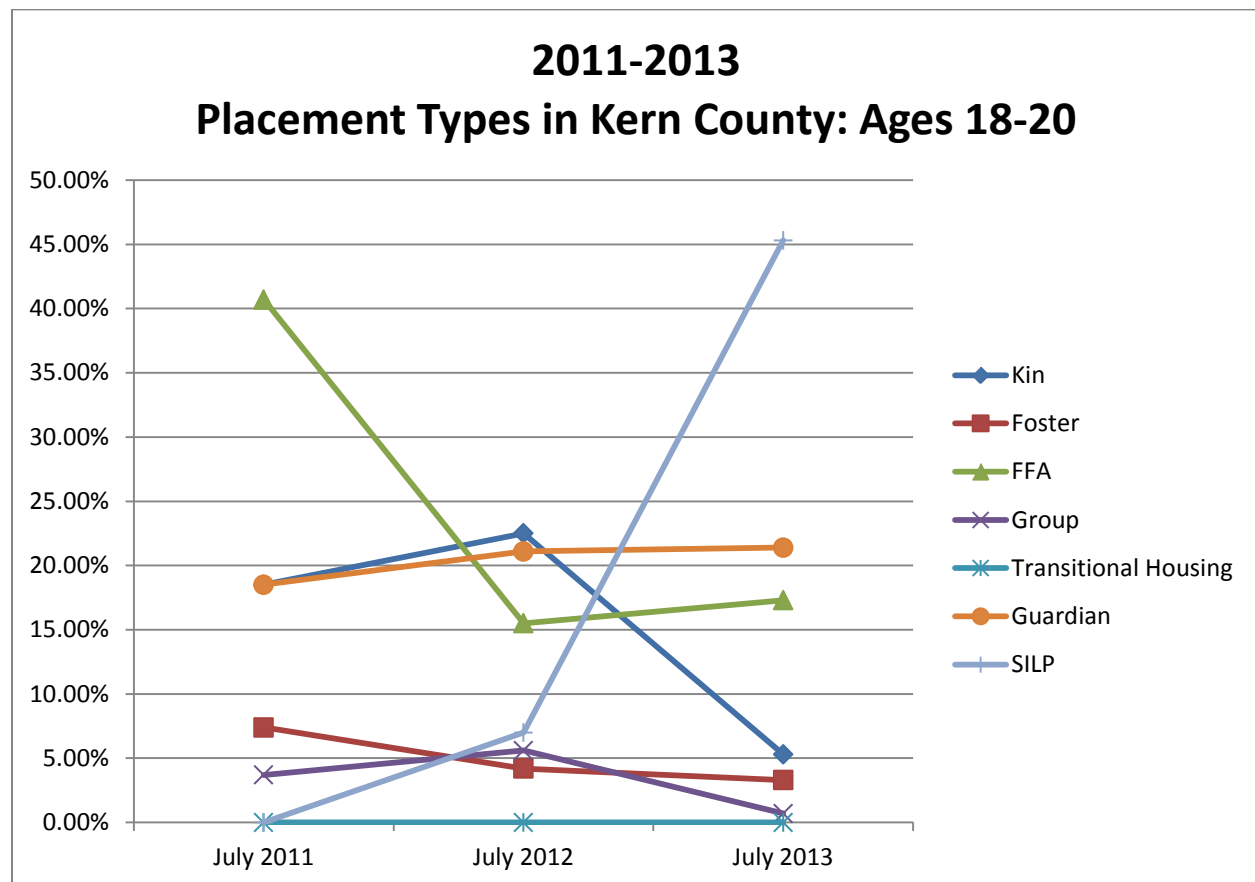
The County is working on its re-entry procedure, but there have not been many re-entries as of this writing. The Dream Center is the point of contact for youth who would like to re-enter.

¹⁷ *Id.*

¹⁸ This includes all guardian placements (guardians–dependent and guardians–other).

¹⁹ Cal. Welf. & Inst. Code § 16501.1(c)(3).

To this point, Kern County has been conducting staff meetings to keep the staff up to date on Fostering Connections implementation and developments.



Los Angeles County

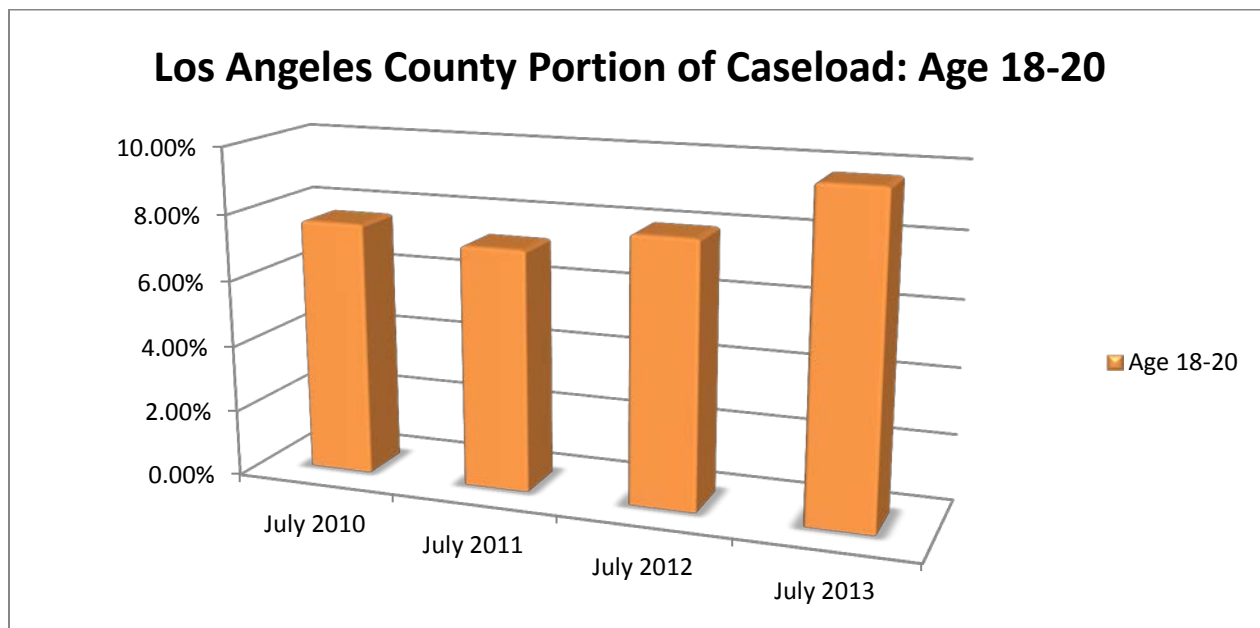
Los Angeles County is unique among California's counties. First, it is the largest county in California, and as such, it has the largest foster care population. As of July 2013, there were 20,130 children, youth and nonminor dependents in Los Angeles' foster care system. Second, Los Angeles County had been trending toward allowing more youth to remain in care past the age of 18 for several years prior to the implementation of AB 12 in California. For example, in July 2007, Los Angeles County had 1,558 youth between the ages of 18–20 in foster care, representing 6.3% of the 24,655 children and youth in foster care in the County at the time—a higher proportion of 18–20-year-olds than were represented in other counties around the state at that time.

Until 2012, Los Angeles' foster care population has been decreasing for over a decade, in 1998, there were 50,816 children and youth in foster care in Los Angeles County; in 2003, there were 34,955 children and youth in Los Angeles County foster care. The proportion of 18–20 year-olds, however, had been slowly increasing. After the implementation of AB 12, the 18–20 year-old population increased more substantially than in previous years. In July 2011, six months prior to AB 12's extended foster care implementation, 18–20-year-olds represented just over 7% of L.A.'s total foster care population (1,355 of the total 18,637 children and youth in foster care). In July 2012, six months after the implementation of AB 12's extended foster care, 18–20-year-olds represented nearly 8% of

Los Angeles' total foster care population (1,477 of the total 18,532 children and youth in foster care). In July 2013, fifteen months after the implementation of AB 12 extended foster care, 18–20-year-olds represented 9.7% (1,957 of the total 20,130) of Los Angeles' foster care population. After over a decade of declining, the total foster care population in Los Angeles grew by 8% from July 2012 to July 2013; the number of 18–20-year-olds in care grew by 32% over the same one-year period (the number increased 44% over the two-year period of 2011 to 2013).

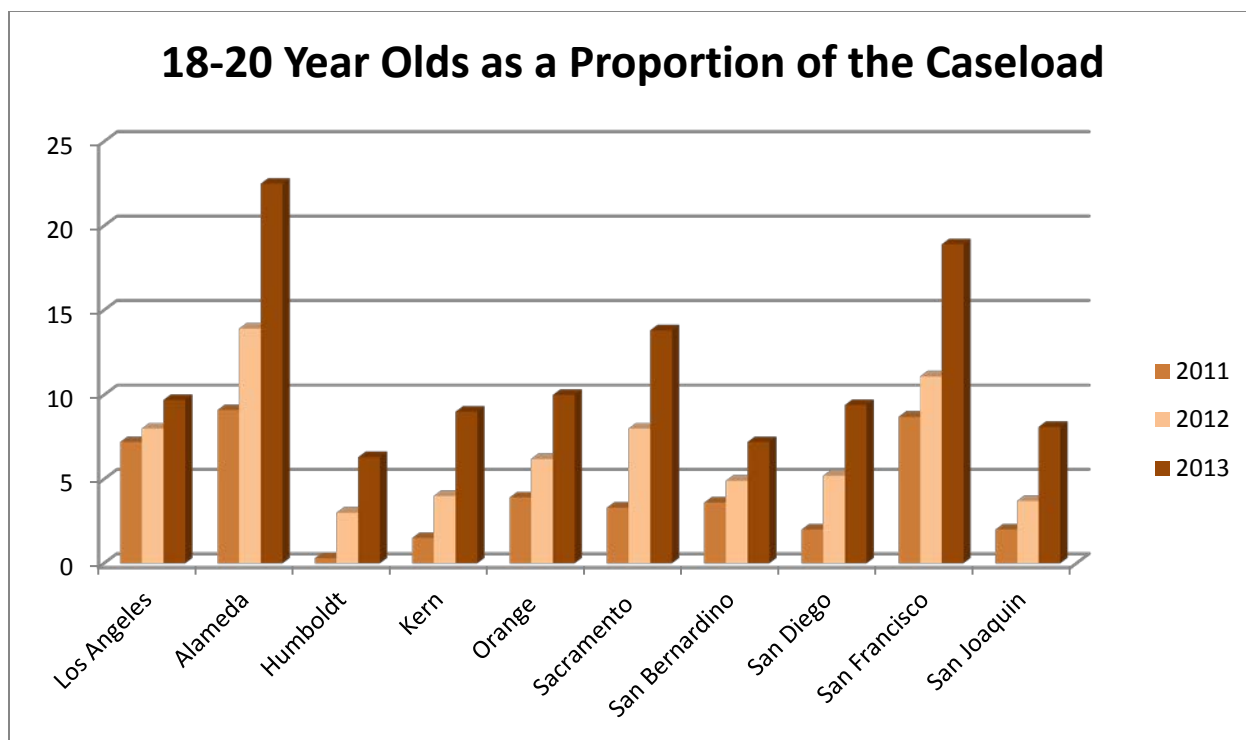
DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	18,637	1,355	7.3%	
July 2012	18,532	1,477	8%	
July 2013	20,130	1,957	9.7%	44.4%

Los Angeles County, Changes in FC Population aged 18–20, 2011–2013²⁰



As noted above, Los Angeles County had been maintaining foster care jurisdiction beyond the age of 18 as a practice for several years prior to the implementation of AB 12, which is reflected in the difference in the proportion of the population of youth ages 18–20 represented and the comparatively smaller proportional increase in Los Angeles County when compared with the others here examined. See the chart below for a comparison:

²⁰ Needell, *supra* note 1.



Foster Care Placements for 18–20-year-olds in Los Angeles County 2011–2013²¹

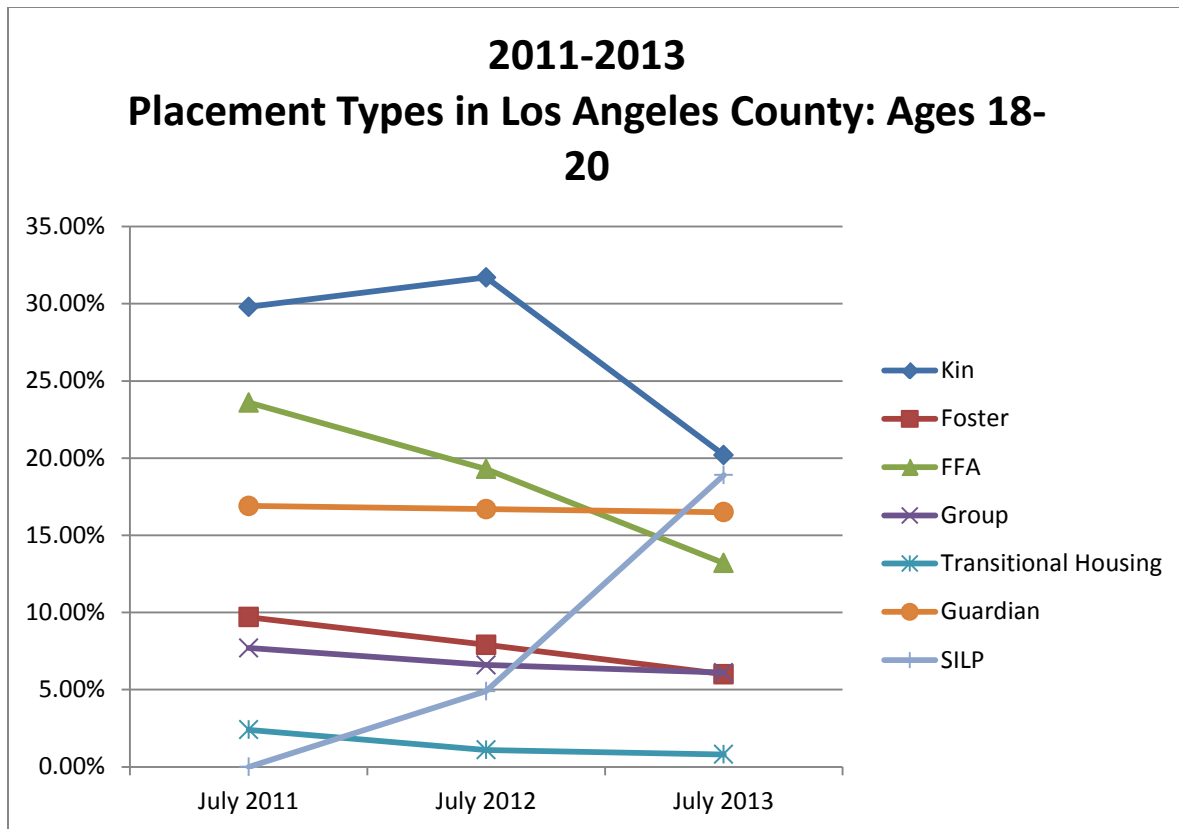
Traditional supervised foster care placements continue to be available for nonminor dependents in Los Angeles County. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC.

The most common foster care placement for youth ages 18–20 in Los Angeles County as of July 1, 2013, remained the Kin placement, with 20.2% of 18–20-year-olds in a Kin placement. On July 1, 2011, prior to the implementation of AB 12, Kin placements were the most utilized foster care placement for 18–20-year-old foster youth, representing nearly 30% of those placements in Los Angeles County.²² The newly-created SILPs are the next most common placement among the County’s 18–20-year old foster youth; on July 1, 2013, SILPs represented nearly 19% of the placements for this age group. Guardianships remain a common placement as well, representing 16.5% of all nonminor dependent placements in Los Angeles County. Transitional housing placements actually dropped from 2.4% of placements in July 2011 to just 0.8% in July 2013. Group home placements for 18–20-year-old foster youth in Los Angeles County have dropped slightly, from 7.7% in July 2011 to 6.1% in July 2013. Under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.²³

²¹ *Id.*

²² *Id.*

²³ Cal. Welf. & Inst. Code § 16501.1(c)(3) .



Los Angeles County Dependency Attorneys²⁴

The Children’s Law Center of California (CLCCAL) was instrumental in the passage of the California Fostering Connections to Success Act (AB 12), as well as related legislation and rulemaking. CLCCAL is the largest dependency law firm in the country and is responsible for representing all of the foster children in Los Angeles County and Sacramento County.

Attorneys at CLCCAL undergo training in the area of dependency representation and have been trained on the changes in California law related to Fostering Connections. They receive regular updates and ongoing training as new legislation passes and as new rules are developed and released. In addition, CLCCAL has experts on California’s Fostering Connections and extended foster care on its staff, these experts are versed in the most recent changes to the law as they happen, and how these changes may impact CLCCAL’s clients.

The experts at CLCCAL, who work with foster youth as they approach age 18 and nonminor dependents, are not all attorneys. CLCCA, in Los Angeles County, has an innovative program that also employs peer advocates, former foster youth who are themselves experts on Fostering Connections and related transitional supportive services. The peer advocates do trainings, outreach and workshops for foster youth, group homes, and Court Appointed Special Advocates (CASAs) among others. They are proving to be a valuable resource for foster youth who are approaching age 18 and beyond, because they can answer questions from the perspective of one who has travelled the same road. The peer advocates are an available resource for the foster youth clients at CLCCAL by providing direct one-on-one consultations with youth, supporting and facilitating youth with community and

²⁴ Information in this section comes from CLCLA’s website at www.clcla.org and from an interview with Lindsey Elliott, JD, M.S.W., Attorney, Children’s Law Center, Los Angeles.

educational opportunities and attending court hearings in an effort to improve the court experience for the youth. The goal of this collaboration between the attorney, client and peer advocate is to identify goals, barriers, and services needed to further prepare foster youth to be self-supporting adults. The Peer Advocates are so effective that the judges have realized the benefit of Peer Advocates and their role in court, and have requested their assistance on cases involving older foster youth and nonminor dependents.

CLCCAL was one of the sponsors of AB 12 and has since worked with other advocates and legislators and regulators to improve the law as issues arise. The organization conducts extensive trainings on California's Fostering Connections Act and has facilitated trainings for judges, attorneys, probation officers, other services providers, and youth throughout California. CLCCAL has worked with 28 counties around California to provide training and resources related to California's Fostering Connections implementation.

When a foster youth reaches the age of 18, the attorney's role, as clarified in California's AB 1712,²⁵ is to represent the nonminor dependent's expressed interest except when so advocating conflicts with protection and safety.²⁶ This is an area that has caused some confusion among dependency attorneys in California. Some nonminors may have an emotional disturbance or mental health issue that could lead them to make decisions which will lead to bad outcomes, but does not rise to the level that would bring into question the nonminor's competence. Some nonminors may have profound mental or emotional health issues that clearly impact their competence. There is, however, a spectrum of possible scenarios that fall in between these two clear areas. CLCCAL has approached this problem with an array of approaches for these youth and their attorneys. If competency is an issue, a guardian ad litem (GAL) is appointed.²⁷ However, in situations that are not as clear, other options exist, depending upon the nonminor and the issues involved. A few examples include the appointment of a developmental decision maker like a Court Appointed Special Advocate (CASA) or an educational representative, or, in the most severe cases, the appointment of a conservator.

Another issue that has arisen in connection with representation of nonminor dependents in Los Angeles and Sacramento is the increased interaction with other systems. Nonminors are adults, and as such, they encounter adult issues. Nonminors experience issues related to family law, landlord-tenant issues, and a broad variety of other adult legal issues that are not generally within the scope of dependency representation.

The attorney's role, as a dependent approaches age 18 and after, is to advise his/her client regarding the benefits of extended foster care, given each client's specific circumstances and in which procedural stage the client's case is. The timing of these discussions is tailored to each client's specific circumstances. Attorneys in Los Angeles and Sacramento, as in the other counties around California, treat each of their foster youth clients on a case-by-case basis. The attorneys begin discussing the youth's transition plan and goals as early as age 14. Nonminor dependents must have a Transitional Independent Living Case Plan (case plan) as well as a Transitional Independent Living Plan (TILP), which is attached to the case plan. There are required timelines for these documents with which the attorneys, the caseworkers, and the court must ensure compliance. There is increased focus and attention on the importance of this document in order to ensure that it is adequate, individualized, and that the youth has been involved in its creation. In the past, prior to California's Fostering Connections Act there were too many instances when TILPs were "boilerplate," and not at all suited to the individual needs of the young clients in foster care. This is still an issue and a concern now with the TILCPs, but the noted improvement is encouraging.

²⁵ AB 1712 (Chapter 846, Statutes of 2012).

²⁶ Cal. Welf. & Inst. Code § 317(e)(1).

²⁷ *Id.*

To learn more about CLCCAL, its peer advocate program, and to access other useful Fostering Connections resources, go to its website, www.CLCCAL.org. The website also includes resources for current or former foster youth who may have questions about their eligibility for California's Fostering Connections.

Los Angeles County Child Welfare Agency and Social Workers

In Los Angeles County, nonminor dependents deciding to reenter the dependency system are directed to Los Angeles County's Youth Development Services, where service coordinators assist the nonminor dependents to find resources. Additionally, the County's child abuse hotline acts as a resource for nonminors wishing to learn about reentry, and the John Burton Foundation also mails a weekly newsletter with extended foster care resource information to professionals, advocates, and youth who are subscribed. The County has an innovative plan to release a smart phone app to connect foster youth to available local resources.

Regular Transition Housing Placement Program (THPP) placements were available previously only to foster youth age 16–18, but extended foster care youth are now permitted to remain in this housing until age 19. To address the issue of limited SILPs, the County is working on a "bridge beds" program for extended foster care youth, but for now the only option is for nonminor dependents to remain in a foster home or find a SILP.

As was the case in other counties throughout California, more youth opted into AB 12's Extended Foster Care in Los Angeles County than the County anticipated. When the County was preparing for the implementation of AB 12, it relied upon the experiences of states that had implemented similar legislation extending foster care, such as New York and Illinois. In these states, approximately 60% of eligible foster youth opted to remain in care after reaching age 18. In Los Angeles County, estimates are that 80% of youth who reach age 18 are choosing to remain in care. In other counties, this creates an issue, but in Los Angeles County, which has the largest foster care population in the nation, the additional 20% of youth who were opting into care created quite a challenge. Social worker caseloads grew quickly, and the new law created complexity due to the increasing number of nonminor dependents, who are adults, on their caseload. The shift in the approach social workers must take when they are working with a nonminor dependent as opposed to a minor also created some angst among social workers. The workers need to shift from a focus on safety with minor clients to a focus on self-sufficiency with their nonminor dependent clients.

Los Angeles County has been able to approach this challenge by hiring more staff and, as of this writing, is creating specialty caseloads which should be in place by the end of the year. In addition, the County conducted a training on the nuts and bolts of AB 12 in 2012 when the law first went into effect; it has done a training on TILPs; and, as of this writing it is planning an additional training later in 2013 to provide updated information to County social workers. Even given L.A. County's planned implementation of a specialty unit, County social workers must be familiar with the law so that they can guide and advise their younger clients appropriately.

Placements in L.A. County have been challenging. Youth often want to participate in an SILP, and the County completes a SILP readiness assessment to determine if a youth is ready for the independence that the SILPs provide.²⁸ One of the major stumbling blocks with regard to the SILPs is how these placements are paid. The nonminor dependent does not receive the first monthly foster care maintenance payment until he/she has already been in the placement for a month. The payment does not come until the 15th of the month, making the payment of first month's rent a challenge that needs to be addressed prior to placement. The timing of the payment also

²⁸ According to Harvey Kawasaki of the Los Angeles County Department of Child and Family Services, the County modeled its readiness assessment after the template created by the John Burton Foundation, available at www.cafosteringconnections.org/pdfs/SILP%20Readiness%20Assessment_JBftool.pdf.

adds to the issues that many youth have with budgeting appropriately. Many nonminor dependents, like their similarly aged peers, lack an adequate understanding of budgeting and how much money is actually required to be self-sufficient, pay rent, buy food, pay for transportation, pay utilities and so on.

As of this writing, Los Angeles does not have any THP-Plus-FC placements. The THP-Plus-FC programs would provide a “step-down” placement that would benefit many nonminor dependents. It would provide them with a placement that is more independent than a group home or a foster home, and would provide the youth with practice in matters such as budgeting prior to entering a more independent, more demanding SILP. The County is currently in the process of working with existing THP-Plus providers with the goal of creating 100 THP-Plus-FC placement slots by the end of 2013. The County will continue to build its capacity by contracting with other providers and plans to have 900 THP-Plus-FC placements available in two years.

Orange County

In July 2013, there were 2,393 children and nonminor dependents in foster care in Orange County.²⁹ This is fewer youth than were in foster care in July 2011, six months prior to the County’s implementation of AB 12. However, as is the case with other counties around California, the number of youth between the ages of 18–20 and the proportion of the foster youth population between ages 18–20 — youth who would be eligible for extended foster care under AB 12 as nonminor dependents — increased substantially. Between 2010 and 2013, the number of youth in foster care between 18–20 years of age more than doubled in Orange County.

In July 2011, there were 2,409 children and youth in foster care in Orange County and 95 (3.9%) were between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the total foster care population in Orange County had risen slightly to 2,420, and the number of youth between the ages of 18–20 had risen to 150 (6.2% of the County’s foster care population as a whole).³⁰ By July 2013, eighteen months after the implementation of AB 12, the foster care population in Orange County had dropped slightly to 2,393, while the number of foster youth between the ages of 18–20 had grown to 240 — accounting for 10% of the County’s foster care population.

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	2,409	95	3.9%	
July 2012	2,420	150	6.2%	
July 2013	2,393	240	10%	152.6%

Orange County, Changes in FC Population aged 18–20, 2011–2013

After the implementation of AB 12, Orange County also saw a decrease in the number of emancipations, as youth became eligible for AB 12’s extended foster care and opted to participate in extended care rather than emancipate. Between April 2010 and March 2011, 182 youth emancipated from foster care in Orange County; between April 2011 and March 2012, 142 youth emancipated; and between April 2012 and March 2013, only 81 youth emancipated from foster care, a decrease of about 56% from 2011 to 2013.³¹

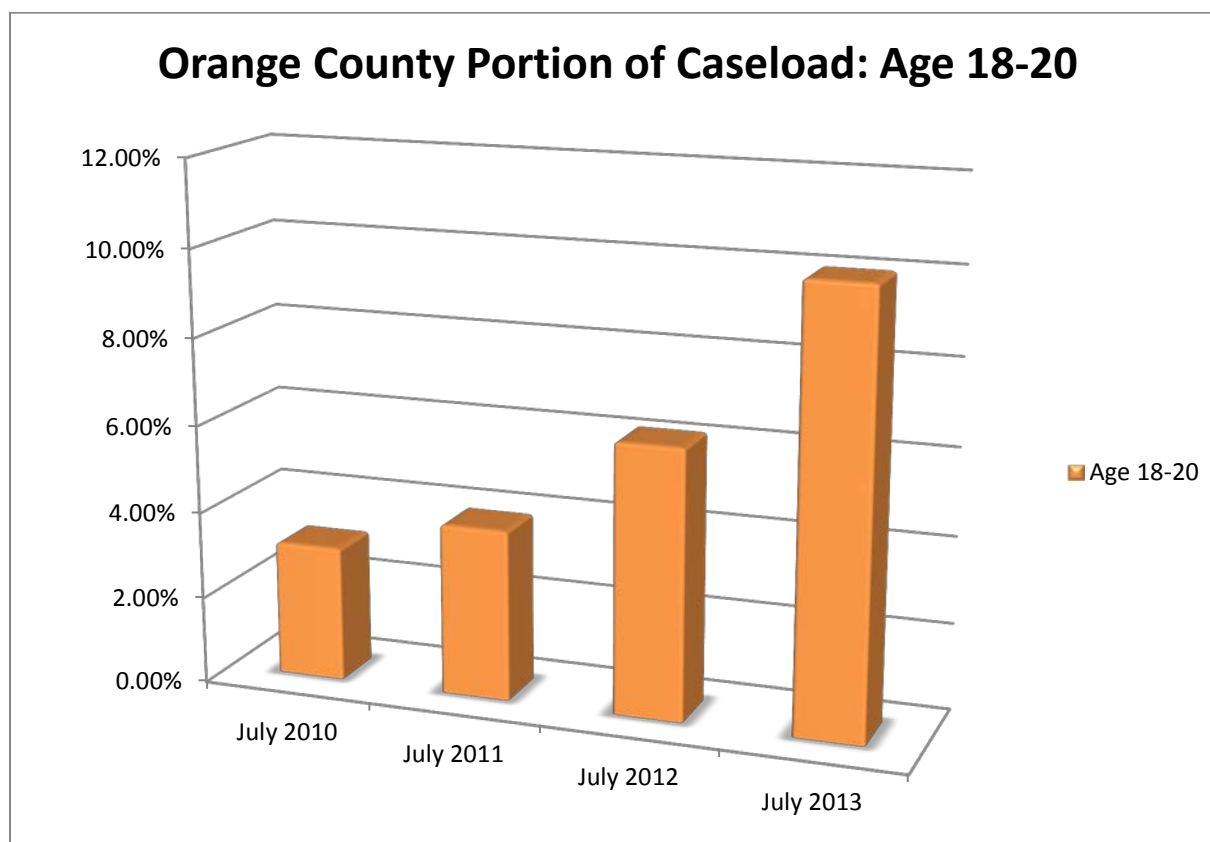
This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was

²⁹ Needel, *supra* note 1.

³⁰ *Id.*

³¹ *Id.*

raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.



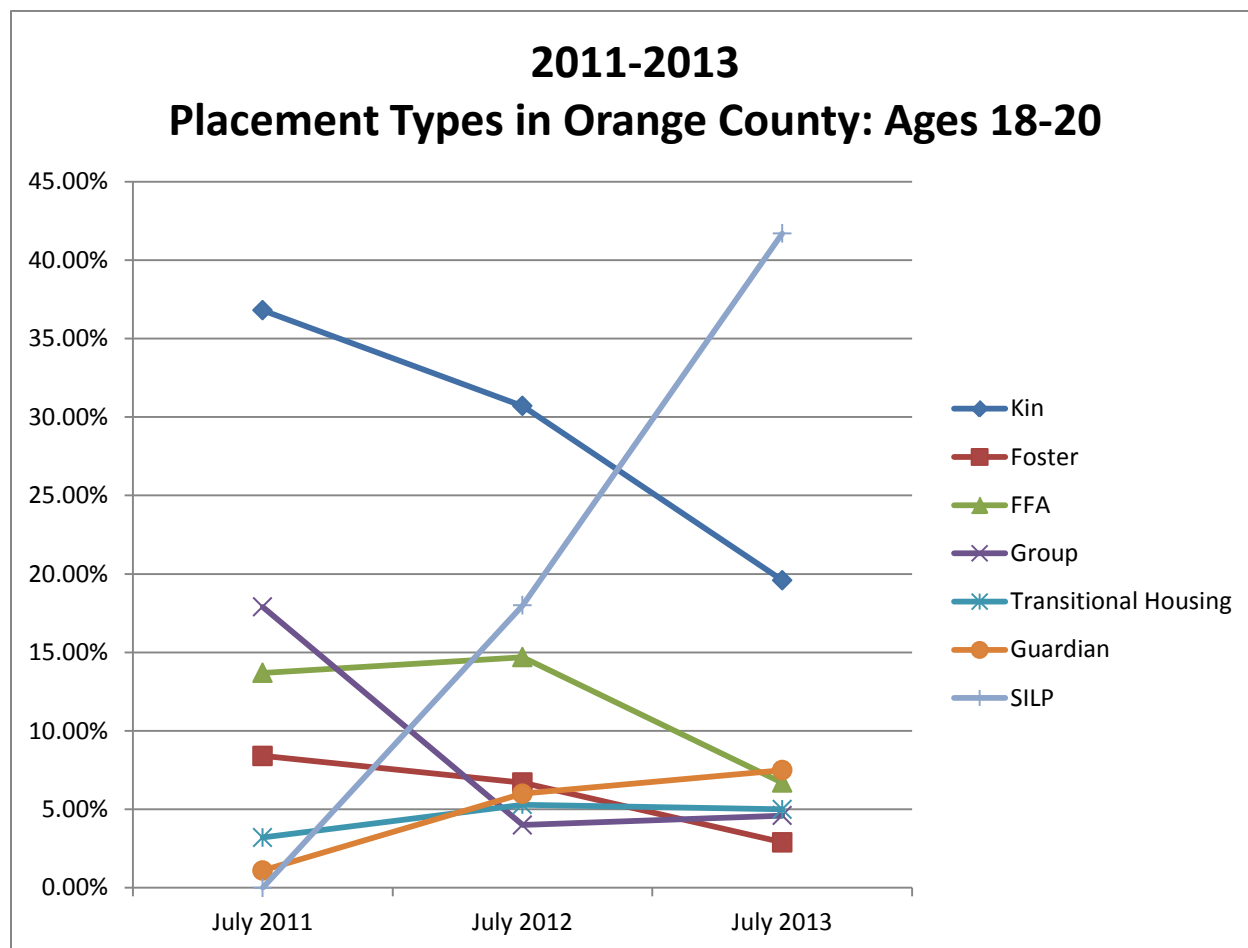
Foster Care Placements for 18–20-year-olds in Orange County 2011–2013

Traditional supervised foster care placements continue to be available for nonminor dependents in Orange County. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC.

By far, the most popular placement type for nonminor dependents in Orange County is the SILP. In Orange County, 18% of the youth ages 18–20 were placed in SILPs on July 1, 2012, six months after the implementation of AB 12.³² On July 1, 2013, 41.7% of foster youth aged 18–20 were placed in SILPs. Kin placements were also utilized frequently, though Kin placements for 18–20-year-olds decreased substantially as a portion of placements between July 1, 2011, and July 1, 2013, eighteen months after AB 12's implementation. Kin placements dropped as a proportion of placements from representing 36.8% of the foster care placements for the 18–20-year-old age group to representing 19.6% of those placements over the same time period. Transitional housing placements for 18–20-year-olds in Orange County also rose from 3.2% on July 1, 2011 to 5% of 18-20 year old placements on April 1, 2013, though transitional housing placements rose to 5.3% of placements in the intervening year (July 1, 2012). Other placements include guardian placements, foster home placements, FFAs and group home placements. Group home placements represent a decreasing proportion of placements in Orange County. Group home

³² *Id.*

placements decreased from 17.9% of the placements on July 1, 2011 to 4.6% of the placements for this age group on July 1, 2013. Group homes continue to be available up to age 19. However, under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.³³



Orange County Dependency Attorneys³⁴

Dependency attorneys in Orange County report that there has been a relatively smooth transition to AB 12. The law was badly needed because, until the implementation of AB 12, foster care was like a moving sidewalk that stopped abruptly at age 18. AB 12 gives the youth an opportunity to learn from their mistakes without falling off.

The attorneys still represent the wishes of their nonminor dependent clients, thus their role has not changed as drastically as that of the social workers who move from a supervisory role in their minor client's life to an advisory role when that client is a nonminor dependent and an adult.

One area in which the dependency attorneys in Orange County can see a need for improvement is in the area of preparation and structure. Many of the youth who enter extended foster care, and particularly SILPs, are not prepared for the level of independence with which they must live. There is a strong need to improve the Independent Living Services for foster youth both prior to and following their 18th birthday. The youth need to

³³ Cal. Welf. & Inst. Code § 16501.1(c)(3).

³⁴ Information taken from an interview with Linda O'Neill, attorney at the Law Office of Harold LaFlamme in Orange County.

understand how to perform fundamental, practical tasks that many of their peers have learned from their parents. For example, the youth need to know how to make a call to the doctor to set an appointment, how to make a grocery list, how to budget and how to apply for a job. One dependency attorney noted that these are skills youth should learn in ILP, but often the youth do not fully absorb the lessons, given the age at which these things are presented to them. They are also skills that can be attained in a good THP-Plus or THP-Plus-FC program and the county is working to address the issue.

Another area that has caused some confusion in Orange County is the issue of who should be allowed into an SILP. This is of particular concern given the differences in individuals and the different learning curves of the participating nonminor dependents. Thus, issues arise with implementing the SILP program consistently.

Orange County has had a shortage of THP-Plus placements for years, and, with the implementation of AB 12, there is a shortage of THP-Plus-FC placements. However, the County has been making efforts to alleviate the situation and there are increasing numbers of programs and placements available for nonminor dependents as well as for former foster youth who have aged out of the system.

Finally, the re-entry process in Orange County has gone smoothly for most youth who would like to re-enter care after having opted out. The County, in Ms. O'Neill's opinion, has done an exceptional job at preparing youth who opt out of AB 12 to be able to re-enter, if necessary. The youth are given a flash drive with all of the information that they need on it, Orange County has one go-to person for the youth to easily contact if they would like to opt back in, and they are advised by both their social worker and their dependency attorney as to the implications of opting out and of staying in extended care. The process has been seamless to this point and it moves very quickly.

Orange County Child Welfare Agency and Social Workers³⁵

AB 12 implementation has gone fairly smoothly for Orange County's Child Welfare Agency. The provisions of AB 12 that allow a full array of housing options have been particularly effective for nonminor dependents in Orange County. The availability of the THP-Plus-FC model and the SILPs, both created by AB 12, allow the youth to progress to independence and move toward more independent living settings as they are ready to do so. In addition, the re-entry provision of AB 12 allows youth to learn in the way that their peers do, if the youth wants to leave the foster care system, he/she can do so. If that youth subsequently encounters difficulty or realizes that he/she needs the support and resources that AB 12 offers, that youth can re-enter the program easily. AB 12 in Orange County has received a positive response from nonminor dependents. It has allowed several nonminor dependents to complete high school and to go on to college at rates higher than would have been expected absent AB 12's extended foster care.

Orange County has faced some challenges and is working to overcome them. First, emergency housing has been a challenging issue for the county. When a youth wants to re-enter care, that youth is often in immediate need of housing. The County has a plan in place for these situations and, though it has been challenging, it has been able to provide housing to youth in these emergency situations.

A second challenge is one that many counties around California have experienced, dealing with the cultural shift that is required to work with nonminor dependents as adults rather than as children. This requires the social workers to shift their perspective from that of protecting the child to one that is more permissive and will allow the nonminor dependent to learn from his/her mistakes. This issue also extends to housing. An SILP readiness

³⁵ Information from an interview with Anne Bloxom, Deputy Director, Planning and Permanency Services, Orange County Social Services Agency.

assessment is required for youth to live in the very independent SILP setting. Some youth are not ready for this level of independence and would be better served by a THP-Plus-FC placement where there are more supports offered, but there is also more structure and, consequently, less independence. Like most 18-year-olds, the youth in AB 12 most often would prefer the more independent SILPs. The County has undertaken an effort to educate foster youth approaching their 18th birthdays and nonminor dependents about the advantages of the THP-Plus-FC placement where they can hone their independent living skills and increase the likelihood of succeeding when do eventually move to the more independent SILP setting. However, the long process of getting THP-Plus-FC in Orange County up and running has also impacted the County's ability to place nonminors in this intermediate placement setting. The delayed development of the THP-Plus-FC placement resulted in some youth opting out of AB 12 to participate in the THP-Plus (not THP-Plus-FC) program with the understanding that they could opt back into AB 12 if they need to and meet the requirements.

Third, the County has been wrestling with the issue of how to assign social workers to nonminor dependents. It has enlisted the opinions of former foster youth on this issue. The youth would prefer to maintain the connection with the social worker with whom they have dealt for the years leading up to their 18th birthday. However, because AB 12 requires a very different approach to the youth and a great deal of training and specialized knowledge, the County has found that using social workers who specialize in AB 12 may actually be a better service to the youth. Currently, the County has social workers who are experts in AB 12 matters. These social workers can serve as a resource to others and they are assigned any nonminor dependents that re-enter the program. Nonminors who continue with extended foster care upon reaching age 18 and do not opt out, currently remain with the social worker they have had.

Finally, the fact that the law and the regulations continued to evolve significantly after the January 2012 implementation date caused some issues and confusion in the County social workers would have benefitted from more information and training several months in advance of AB 12's implementation.

Orange County brought together several community members to facilitate the implementation of AB 12. This group continues to serve to update and educate each other about AB 12, and it facilitates communication among the many members of the community who work with nonminor dependents. The County has a foster youth outcome strategy group, which existed prior to AB 12 and has been instrumental in addressing issues of housing and education since the implementation of AB 12. There are also regular meetings of the planning council and the Orange County Blue Ribbon Commission, and regular meetings between the presiding judge of the Dependency Court and the heads of child welfare services and probation to discuss the progress of AB 12 implementation and any challenges that arise. Finally, Orange County is one of several counties that participates in the internal steering committee of the California Welfare Directors Association, which meets regularly to exchange ideas, information, and updates between counties to help improve implementation and ensure the best possible outcomes for the nonminor dependents who participate.

Sacramento County

In July 2013, there were 2,584 children and nonminor dependents in foster care in Sacramento County.³⁶ This is fewer youth than were in foster care in July 2011, six months prior to the county's implementation of AB 12. However, as is the case with other counties around California, the proportion of youth ages 18–20 — youth who would be eligible for extended foster care under AB 12 as nonminor dependents — increased substantially. Between 2010 and 2013, the number of youth in foster care between ages 18–20 more than tripled.

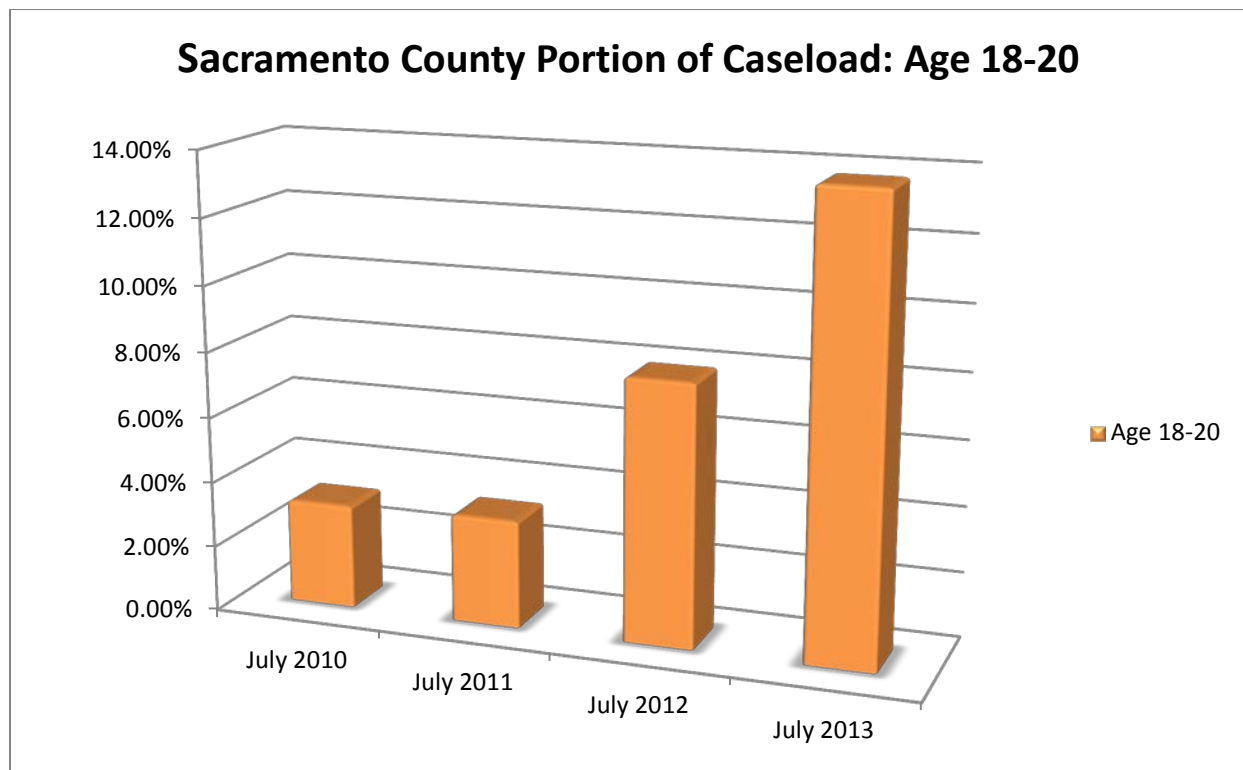
³⁶ Needel, *supra* note 1.

In July 2011, there were 2,789 children and youth in foster care in Sacramento County and 92 (3.3%) were between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in Sacramento County had dropped to 2,448, but the number of youth between the ages of 18–20 had risen to 195 (nearly 8% of the County’s foster care population as a whole).³⁷ By July 2013, eighteen months after the implementation of AB 12, the foster care population in Sacramento County had risen to 2,584, and the number of that population between the ages of 18–20 had grown to 356, which accounts for 13.78% of the foster care population in the County.

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	2,789	92	3.3%	
July 2012	2,448	195	8%	
July 2013	2,584	356	13.78%	287%

Sacramento County, Changes in FC Population aged 18–20, 2011–2013

After the implementation of AB 12, Sacramento County also saw a decrease in the number of emancipations, as youth became eligible for AB 12’s extended foster care and opted to participate in extended care rather than emancipate. Between July 2010 and June 2011, 292 youth emancipated from foster care in Sacramento County; between July 2011 and June 2012, 177 youth emancipated from foster care in the County; and between July 2012 and June 2013, only 90 youth emancipated from foster care, a decrease of 202 or about 69% from the year prior to the implementation of AB 12.³⁸



³⁷ *Id.*

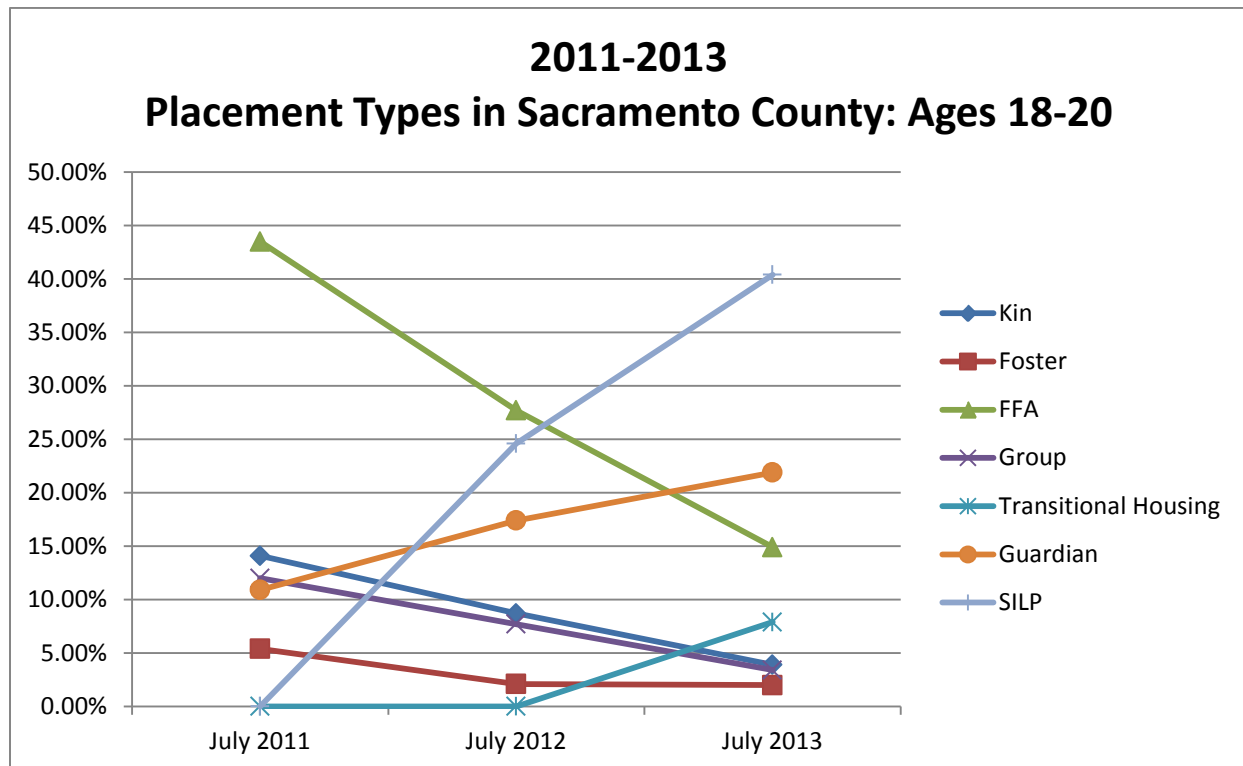
³⁸ *Id.*

This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.

Foster Care Placements for 18–20-year-olds in Sacramento County 2011–2013³⁹

Traditional supervised foster care placements continue to be available for nonminor dependents in Sacramento County. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC. These placement types were created to provide nonminor dependents with a less restrictive environment and more independence. Both are discussed in detail above.

By far, the most popular placement type for nonminor dependents in Sacramento County is the SILP; 24.6% of the youth ages 18–20 were placed in SILPs on July 1, 2012, six months after the implementation of AB 12.⁴⁰ One year later, on July 1, 2013, 40.4% of youth ages 18–20 were placed in SILPs. There were no transitional housing placements for 18–20-year-olds in Sacramento County until 2013, when, on July 1, they represented 7.9% of the County’s placements. Other placements include guardian placements, foster home placements, FFAs and group home placements. The proportions of Kin placements, FFA placements, and group home placements all have decreased sharply since the implementation of AB 12 in Sacramento County. Group home placements decreased from 12% of the placements on July 1, 2011 to 3.4% of the placements for this age group on July 1, 2013. Group homes continue to be available up to age 19. However, under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.⁴¹



³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Cal. Welf. & Inst. Code § 16501.1(c)(3).

Sacramento County Dependency Attorneys

Sacramento County's foster children, like the foster children in Los Angeles County, are represented by the Children's Law Center of California (CLCCAL). As in Los Angeles, Sacramento has experts on Fostering Connections and extended foster care on staff. They do not yet have peer advocates, but when they are needed, peer advocates in Los Angeles can be available to Sacramento clients by phone.

CLC Sacramento has point people who work with the County to address issues related to Fostering Connections as they arise. Both Sacramento and Los Angeles counties have working groups that bring together professionals, experts, and advocates from the different fields that are impacted by California's Fostering Connections to address issues as they arise. The counties consider the working group to be important to the successful implementation of Fostering Connections in these counties, in fact, even Sacramento County juvenile court judges participate in the County's working group.

Attorneys in Sacramento have encountered several hurdles in the implementation of California's Fostering Connections to Success. As noted above, Sacramento has a working group to address these issues as they arise, and has been working toward developing solutions.

Sacramento, as well as some other counties around California, has experienced a higher rate of nonminor dependent participation in extended foster care than was anticipated when the law was passed. As a result, workers at the County agency were initially overwhelmed and had to increase their AB 12 staff much more quickly than they anticipated. Sacramento had planned to have three social workers to serve all of the nonminor dependents in Sacramento County. However, the three social workers tasked with assisting nonminor dependents had full caseloads almost immediately. Consequently, County social workers who had not received training on the requirements of California's Fostering Connections and extended foster care were obligated to maintain nonminor dependents on their regular caseloads. The issue is currently being addressed.

Some nonminor dependents have been experiencing difficulty receiving their SILP payments. This has the potential to lead to disastrous consequences, given the precarious and vulnerable situation in which many of these youth find themselves. The nonminors are experiencing delays in payment that cause difficulty in their ability to find and maintain housing. The system in place, as of this writing, is as follows: The youth is issued a letter with a code in it. The youth then must call in the code to authorize the payment. Thus, if there is any delay or issue with the nonminor dependent's receiving the letter, or calling to authorize the payment, the payment will not issue. The nonminor dependent, who needs the SILP payment for rent and other necessities, must contact an eligibility worker at the County when the payment does not issue. Another problem that has arisen is that some nonminors have experienced a stop in their SILP payments after their birthday. Again, when these payments stop, the nonminor must contact an eligibility worker at the County. Meanwhile, they have rent and other payments due. Late payments can lead to issues with landlords, eviction, loss of utilities, or a shortage of groceries and other necessities.

In Sacramento County, the Transition Independent Living Plans and Transition Independent Living Case Plans have, historically, been problematic. They have frequently been of low quality and were developed without the appropriate and required youth participation; this issue has been improving over time with training.

Initially, the professionals who are tasked with interacting with nonminors had difficulties understanding eligibility criteria. Some of the professionals receiving contacts from nonminors who wanted to re-enter care believed the eligibility requirements to be more restrictive than they actually are. Most of these issues have been resolved as the professionals who interact with nonminors are better trained and have more complete information about

eligibility for re-entry and extended foster care. Unfortunately, as a result of misinformation and misunderstandings about eligibility for extended foster care and re-entry, some misinformation was provided to youth by the County and other service providers with regard to eligibility requirements.

As of this writing, Sacramento does not have any available THP-Plus-FC programs. This is an issue for several counties. The roll out of THP-Plus-FC has been slower than anticipated, and it has caused a number of issues. If a nonminor dependent in Sacramento wants to participate in THP-Plus, he/she must opt out of foster care and participate in non-foster care THP-Plus because that is the only program that is available. Non-foster care THP-Plus is only available for 24 months cumulatively, and there is often a wait list to get into these popular programs. One of the consequences of the THP-Plus-FC delay appears to be that some nonminor dependents who are not yet prepared for the level of independence that an SILP provides are approved for SILP placement.

SILPs have been approved and utilized at a much higher rate than was originally anticipated. This is due in part to the lack of THP-Plus-FC programs and in part to the desire of nonminors to live independently. Again, many nonminor dependents who are inadequately prepared have entered SILPs and have experienced serious difficulties as a result. Unfortunately, once a nonminor enters an SILP, it has proven to be challenging to place them back into a more traditional foster care setting. Again, this is in part because of the lack of THP-Plus-FC programs.

A few nonminor dependents in Sacramento experienced difficulties with the regional center. The regional center appears, in some cases, to have been slow to provide placements and supports for nonminors that qualify for their services. To this point, the County has had a difficult time coordinating services with regional center. There is not clarity between the two agencies regarding which is responsible to provide the services. The unfortunate result is that the nonminor dependent in need has necessary services and support delayed or interrupted.

Sacramento County Child Welfare Agency and Social Workers⁴²

In implementing Extended Foster Care, Sacramento County developed a collaborative team which included former foster youth, the court, eligibility staff, Child Protective Services, probation, county counsel and children's attorneys. This team developed an implementation plan that looked at how to implement extended foster care. This group:

- developed a specialized unit for this population,
- created an ongoing joint partnership with probation and CPS that colocated staff,
- determined court processes, templates and timelines that included addressing reentry
- addressed placement processes, including payment for new placement types
- developed training plans for internal staff as well as community partners , templates and timelines that included addressing reentry

The team met weekly beginning the end of September 2011 and was prepared for implementation on January 1, 2012. The team continued to meet in 2012 to troubleshoot any implementation issues and address ongoing operational processes. The team concluded its work in early March 2012 and a monthly meeting was set with legal and community partners facilitated by a judge to discuss any ongoing issues.

During implementation, some challenges that were identified included:

- Counties had short time frames to implement AB 12

⁴² Information provided by Niku Mohanty-Campbell, Program Planner, Child Protective Services in Sacramento County.

- There was a delay in the release of guidelines
- There were staffing challenges because more youth opted in than were anticipated
- There were insufficient placement options, particularly for youth with special needs

Despite these remaining challenges, County staff believe that Sacramento County has successfully implemented its Extended Foster Care program. As with any ongoing program, the County continues to monitor and adapt practice as needed to meet the needs of the youth.

San Bernardino County

In July 2013, there were 4,696 children and nonminor dependents in foster care in San Bernardino County.⁴³ This is more youth than were in foster care in July 2011, six months prior to the County's implementation of AB 12. However, as is the case with other counties around California, the number of youth between the ages of 18–20 and the proportion of the foster youth population between age 18–20 — youth who would be eligible for extended foster care under AB 12 as nonminor dependents — increased more substantially than the foster care population as a whole. Between July 2011 and July 2013, the number of youth in foster care between ages 18–20 in San Bernardino County increased by over 126%, while the total population of all children and nonminor dependents in foster care in the County grew by just 13.3%.

In July 2011, there were 4,144 children and youth in foster care in San Bernardino County and 164 (4%) were between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in San Bernardino County had dropped slightly to 4,098, but the number of youth between the ages of 18–20 had risen to 201 (nearly 5% of the County's foster care population as a whole).⁴⁴ By July 2013, eighteen months after the implementation of AB 12, the foster care population in San Bernardino County had grown fairly significantly to 4,696, and the number of that population between the ages of 18–20 had grown to 339, which accounts for 7.2% of the foster care population in the County.

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	4,144	150	3.6%	
July 2012	4,098	201	4.9%	
July 2013	4,696	339	7.2%	126%

San Bernardino County, Changes in FC Population aged 18–20, 2011–2013

After the implementation of AB 12, San Bernardino County also saw a decrease in the number of emancipations, as youth became eligible for AB 12's extended foster care and opted to participate in extended care rather than emancipate. However, this decrease was not as stark as it was in other California counties. Between July 2010 and June 2011, 256 youth emancipated from foster care in San Bernardino County; this number actually rose to 259 between July 2011 and June 2012; and between July 2012 and June 2013, the number dropped to 168 — a decrease of 34.3% from 2011, the year prior to the implementation of AB 12.⁴⁵

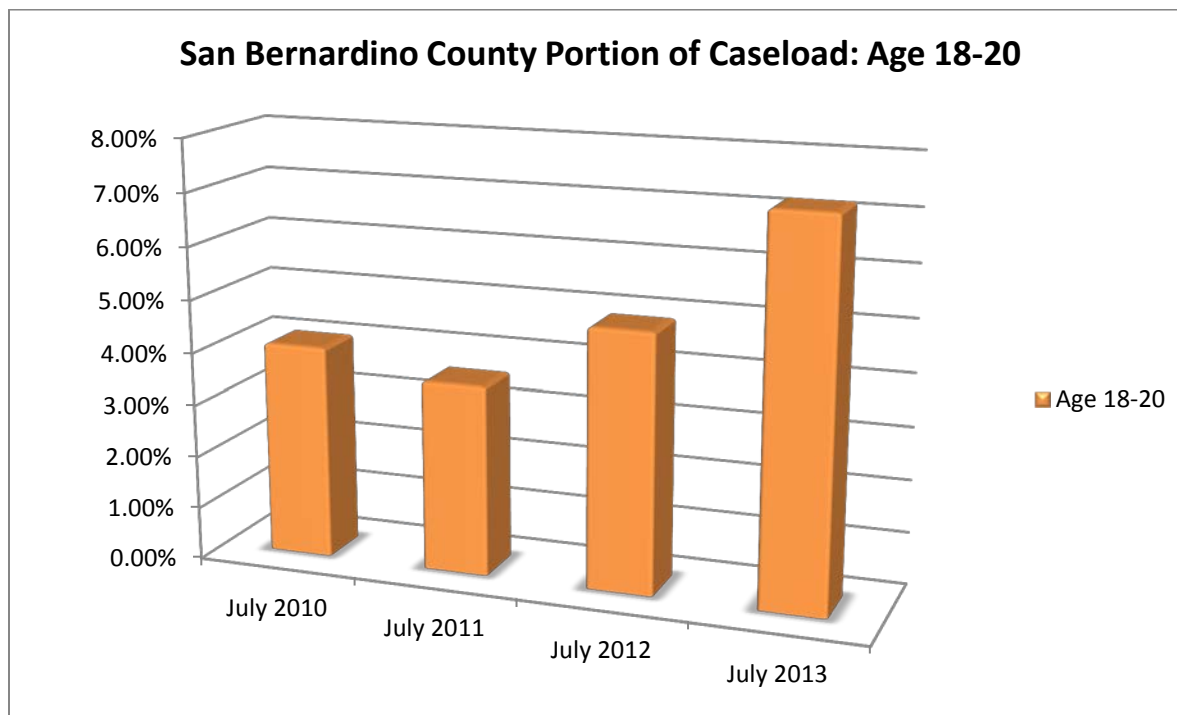
This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was

⁴³ Needel, *supra* note 1.

⁴⁴ *Id.*

⁴⁵ *Id.*

raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.



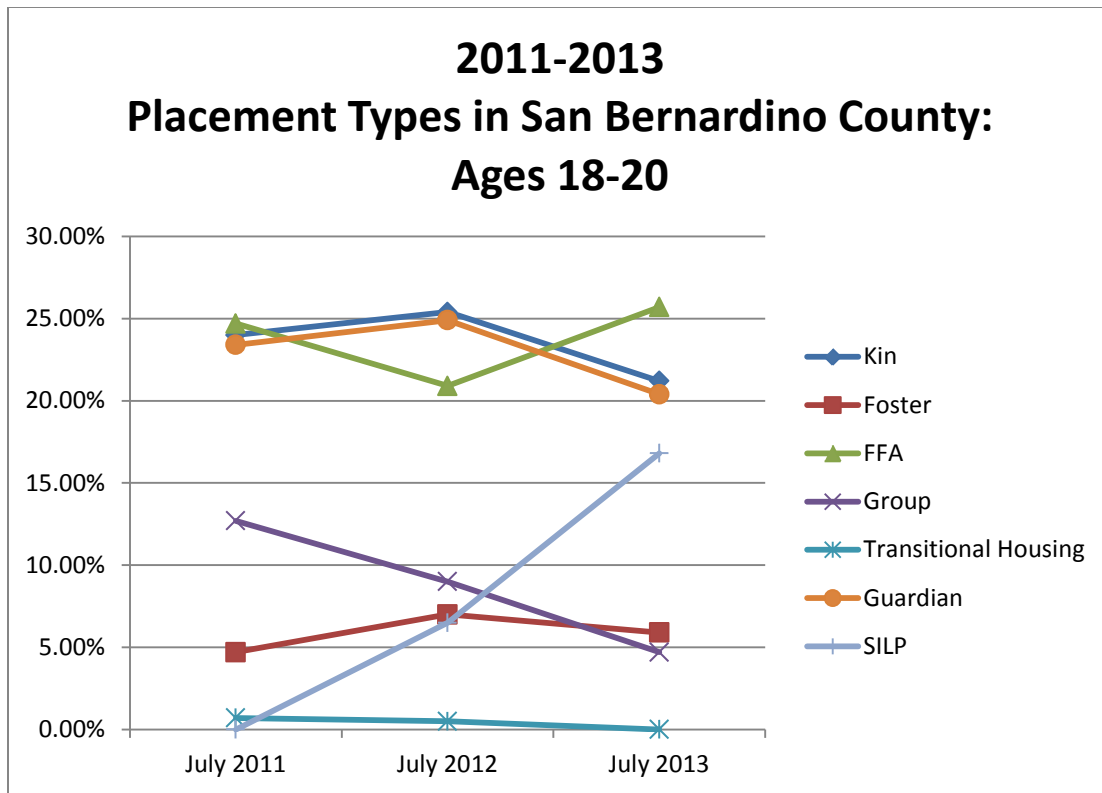
Foster Care Placements for 18–20-year-olds in San Bernardino County 2011–2013⁴⁶

Traditional supervised foster care placements continue to be available for nonminor dependents in San Bernardino County. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC. These placement types were created to provide nonminor dependents with a less restrictive environment and more independence. Both are discussed in detail above.

San Bernardino’s placement of foster youth ages 18–20 looks slightly different than that of other counties examined in this report. While the use of SILPs has increased substantially (up to 16.8% of placements were SILPs on July 1, 2013), they were not the most commonly utilized placement — or even in the top three — on July 1, 2013. Rather, they were the fourth most commonly utilized placement after FFAs, Kin placements, and guardian placements, most of which have remained fairly consistent placements for 18–20-year-olds since the implementation of AB 12. Guardianship placements appear to have dropped off, but on July 1, 2013, FFA placements were used at nearly the same rate that they were used on July 1, 2011, prior to the implementation of AB 12. Kin placements decreased slightly, they represented 24% of the placements for foster youth ages 18–20 on July 1, 2011 and 21.2% of placements for foster youth ages 18–20 on July 1, 2013. There were no transitional housing placements for 18–20-year-olds in San Bernardino County in July 2013; this represents a drop in the use of transitional housing placements, which represented 0.7% of 19–20-year-old placements on July 1, 2011.⁴⁷

⁴⁶ Needel, *supra* note 1.

⁴⁷ Welf. & Inst. Code § 16501.1(c)(3).



San Bernardino County Dependency Attorneys

Information from the San Bernardino Dependency attorneys is not available as of this writing.

San Bernardino County Child Welfare Agency and Social Workers

San Bernardino County has seen 84% of eligible youth opt into AB 12 extended foster care. As with other counties, this level of participation was far greater than expected. Social workers in the County already carried large caseloads, and the influx of older foster youth has strained the caseloads farther because California has not allocated enough funding to hire the case workers necessary to maintain the 1:30 ratio of caseworker to foster youth that is the standard. One County official noted that it is vitally important for the state to do an organizational assessment to determine what is already in place, what is being done, and what the needs are and will be prior to passing legislation like AB 12. This organizational assessment was not adequately done in California and the result in many counties, like San Bernardino, has been that the social workers are left with enormous caseloads. These large caseloads are a disservice to the workers and to the children and youth they serve.

Unlike some of the other larger counties in California, San Bernardino has not had an issue finding Supervised Independent Living Placements for the nonminor dependents who choose to participate in AB 12 extended foster care. Most nonminor dependents have chosen to stay with their foster families, with their relative placement, or other foster care placement. Only 25% of youth are in SILPs. The THP-Plus-FC placements in San Bernardino are operated through San Bernardino County's THP-Plus contractors, but the placements were not up and running until Spring 2013, over a year after AB 12 took effect. The reason for the delay in San Bernardino County, as with other counties across the state, was that there were no procedures clearly in place for THP-Plus-FC when AB 12 took effect. The delay in the development of procedures led to a delay in implementation of needed THP-Plus-FC placements.

California's failure to clearly communicate procedures in San Bernardino County also led to confusion about eligibility requirements. The county spent several hundred thousand dollars paying for youth over the age of 18 that the courts ordered into extended foster care prior to AB 12's implementation.

San Diego County

In July 2013, there were 3,410 children and nonminor dependents in foster care in San Diego County.⁴⁸ This is fewer youth than were in foster care in July 2011, six months prior to the County's implementation of AB 12. However, as is the case with other counties around California, the number of youth between the ages of 18–20 and the proportion of the foster youth population between age 18–20 — youth who would be eligible for extended foster care under AB 12 as nonminor dependents — increased substantially. Between July 2011 and July 2013, the number of foster youth in San Diego County between ages 18–20 increased by 373.5%.

In July 2011, there were 3,474 children and youth in foster care in San Diego County and 68 (2%) were between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in San Diego County had risen slightly to 3,514, and the number of youth between the ages of 18–20 had risen to 183 (5.2% of the County's foster care population as a whole).⁴⁹ By July 2013, eighteen months after the implementation of AB 12, the foster care population in San Diego County had dropped to 3,410, while the number of that population between the ages of 18–20 had grown significantly to 322, which accounts for 9.4% of the foster care population in the County.

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	3,474	68	2%	
July 2012	3,514	183	5.2%	
July 2013	3,410	322	9.4%	373.5%

San Diego County, Changes in FC Population aged 18–20, 2011–2013

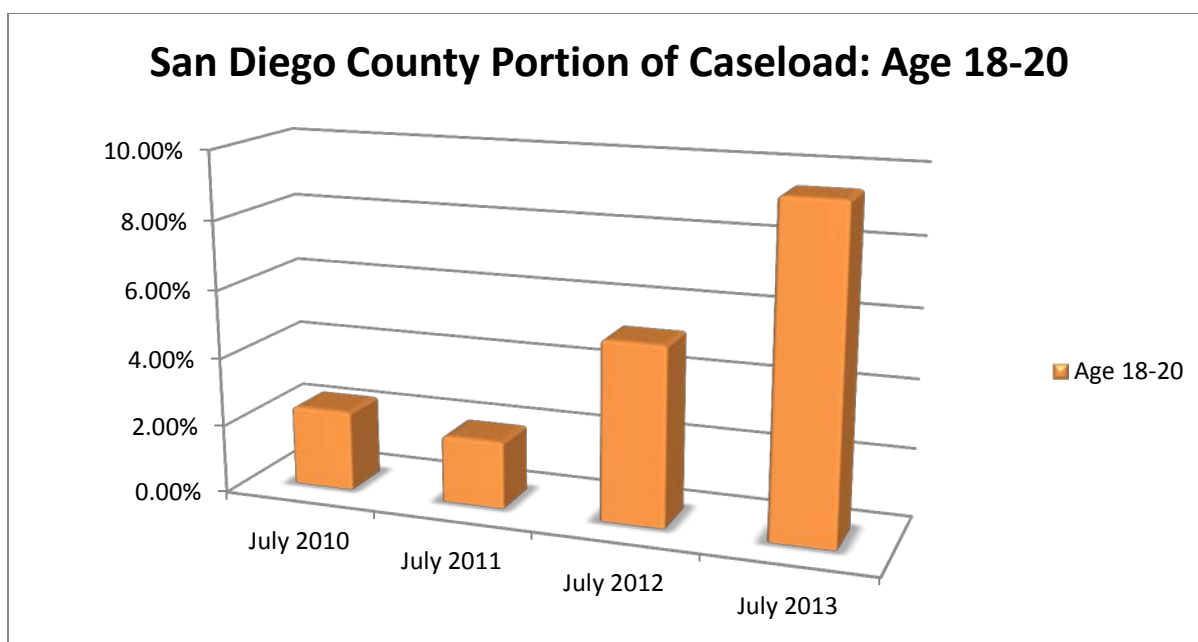
After the implementation of AB 12, San Diego County also saw a decrease in the number of emancipations, as youth became eligible for AB 12's extended foster care and opted to participate in extended care rather than emancipate. Between July 2010 and June 2011, 306 youth emancipated from foster care in San Diego County; this number dropped to 157 from July 2011 to June 2012 and to 111 from July 2012 to June 2013. Thus, the number of youth emancipating in San Diego County decreased by about 63.7% from the year prior to AB 12's implementation.⁵⁰

This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.

⁴⁸ Needel, *supra* note 1.

⁴⁹ *Id.*

⁵⁰ *Id.*



Foster Care Placements for 18–20-year-olds in San Diego County 2011–2013⁵¹

Traditional supervised foster care placements continue to be available for nonminor dependents in San Diego County. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC (transitional housing). On July 1, 2013, SILPs in San Diego County accounted for 52% of the placements for foster youth ages 18–20. Thus, SILPs are the most common placement for foster youth in this age group, and San Diego utilizes the SILPs at a higher rate than other counties in this report. Interestingly, prior to the implementation of AB 12, San Diego County had a much higher rate of group home placements than the other counties in this report. Group home placements as a proportion of placements for foster youth ages 18–20 have since dropped from 29.4% on July 1, 2011 to 14.3% on July 1, 2013 (still fairly high for this age group).⁵² Group homes continue to be available up to age 19. However, under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.⁵³ With the exception of transitional housing, which saw a very slight uptick from zero to 0.7% of placements for foster youth ages 18–20, all other placement types dropped as a proportion of placements for this age group.

San Diego County Dependency Attorneys⁵⁴

San Diego County's foster children are represented by the Dependency Law Group of San Diego (DLG). DLG reported the AB 12 implementation in San Diego is going fairly smoothly from the perspective of the attorneys. Dependency attorneys in San Diego expected that there may be some issues with the new SILPs, but have not seen those concerns realized as of this writing. San Diego County has approved several SILPs to this point and there has not been a major issue with shortages, as in other counties. However, some youth are failing out of their SILPs because they fail to participate in one of the required activities or because they do not keep in touch.

⁵¹ *Id.*

⁵² *Id.*

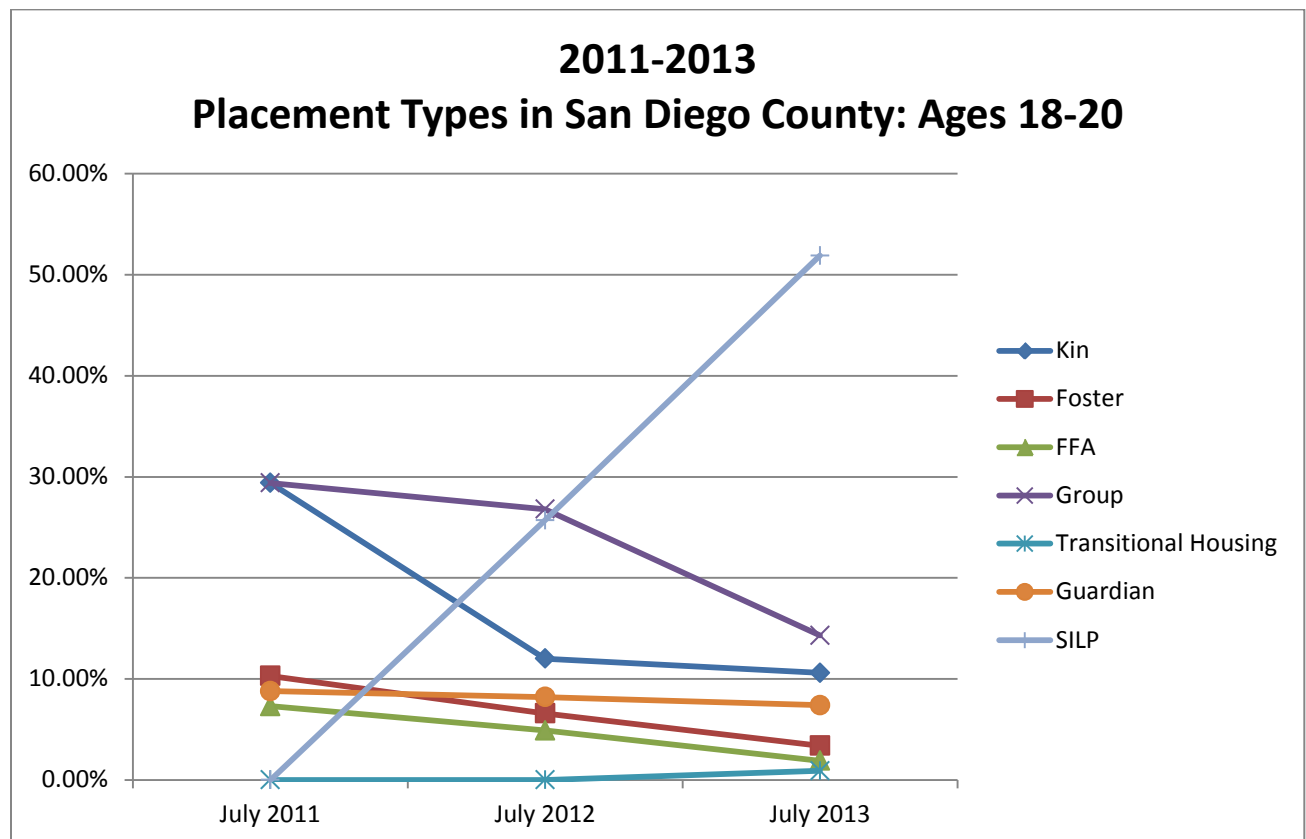
⁵³ Cal. Welf. & Inst. Code § 16501.1(c)(3).

⁵⁴ Information in this section is from an interview with Carolyn Levenberg, Assistant Supervisor, Minor's Counsel Office.

San Diego is also making a concerted effort to work with cross-over youth. These are older youth, approaching their 18th birthday, who have involvement in both the dependency and the delinquency systems. A youth in probation is eligible to participate in AB 12 if there is an order of foster care in place at the time of his/her 18th birthday. San Diego is working with a program out of Georgetown University to improve outcomes and better serve this group of youth.

Carolyn Levenberg, Assistant Supervisor, Minor's Counsel Office at DLG, noted that the Transitional Living Case Plan required for participation in AB 12 extended foster care has improved communication between social workers, attorneys, and their youth clients with regard to the client's goals and future plans in many cases. The plan forces the youth and the professionals in the child welfare system with whom the youth is working to put together a thoughtful, practical plan with the youth's goals in mind. The plan is more tailored to the needs of each individual youth because he/she must be able to comply and to take part in the activities outlined in the plan to maintain their eligibility for AB 12. According to Ms. Levenberg, this has been a very positive development related to the implementation of AB 12 in San Diego County.

San Diego's implementation of AB 12 has been aided by regular meetings attended by the different professionals and departments in the County that are responsible for its implementation. The attorneys who practice in dependency court, the probation officers, social workers, and sometimes dependency court judges meet on a regular basis to discuss San Diego County's progress and to work through any problems that begin to arise.⁵⁵



⁵⁵ *Id.*

The San Diego County Child Welfare Agency and Social Workers⁵⁶

San Diego is unique in its implementation of California's Fostering Connections programs because the County developed two social worker units (currently growing to four units) designed to focus on extended foster care (EFC) cases exclusively. Rather than having a nonminor dependent remain under the supervision of his/her initial social worker, foster youth begin discussing transition planning at age 16, and cases are transferred to the EFC unit at age 17, allowing time for the youth to develop a trusting relationship with the new social worker and determine whether to remain in foster care after reaching the age of maturity. All youth at the age of 18 are automatically considered a nonminor dependent and are in EFC unless they choose to opt out. EFC social workers focus on all the needs and challenges for nonminor dependents and, because of their focus and expertise, can communicate more effectively both with youth and transition agencies. In addition, a County ILP worker is embedded into each EFC unit of social workers.

The County social worker becomes the go-to resource for the youth. Education liaisons are also available to speak to youth about grants and other academic resources, and to advocate for nonminor dependents in schools. Separate ILP contracted programs are used for skills training and healthy relationship programs. The goal of these programs is to provide guidance and resources to nonminor dependents outside of the academic and training area. When nonminor dependents choose to enroll in academic programs out-of-state, the supervising social worker attempts to contact EFC partners in the transferring state, but the youth's dependency status within San Diego County is retained, as is required by California's Fostering Connections, and the social worker makes monthly visits for the required regular check-ins with the youth.

San Diego is using several strategies such as Transitions to Independence (TIP) model and San Diego's Safety Organized Practice (SOP) as engagement strategies for workers to address challenges that nonminor dependents are having with new obligations and responsibilities placed on them. The EFC social workers spend a fair amount of their time redirecting and counseling the nonminor dependent regarding appropriate choices and unintended consequences.

San Diego County has had success in assisting youth in securing SILP placements. Approximately 60% of youth over 18 years of age are in this type of living arrangement. THP-Plus-FC housing has recently become available and the number of licensed THP-Plus-FC options will increase through the end of 2013. Resources are limited for pregnant or parenting youth and nonminor dependents with severe mental health needs.

San Francisco County

In July 2013, there were 1,068 children and nonminor dependents in foster care in San Francisco County.⁵⁷ This is fewer youth than were in foster care in July 2011, six months prior to the County's implementation of AB 12. However, as is the case with other counties around California, the number of youth between the ages of 18–20 and the proportion of the foster youth population between age 18–20 — youth who would be eligible for extended foster care under AB 12 as nonminor dependents — increased by 96.1%% between 2010 and 2013 in San Francisco County.⁵⁸

In July 2011, there were 1,181 children and youth in foster care in San Francisco County; 103 (8.7%) were between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in San

⁵⁶ Information on San Diego County Programs provided by Walfredo Don.

⁵⁷ Needel, *supra* note 1.

⁵⁸ *Id.*

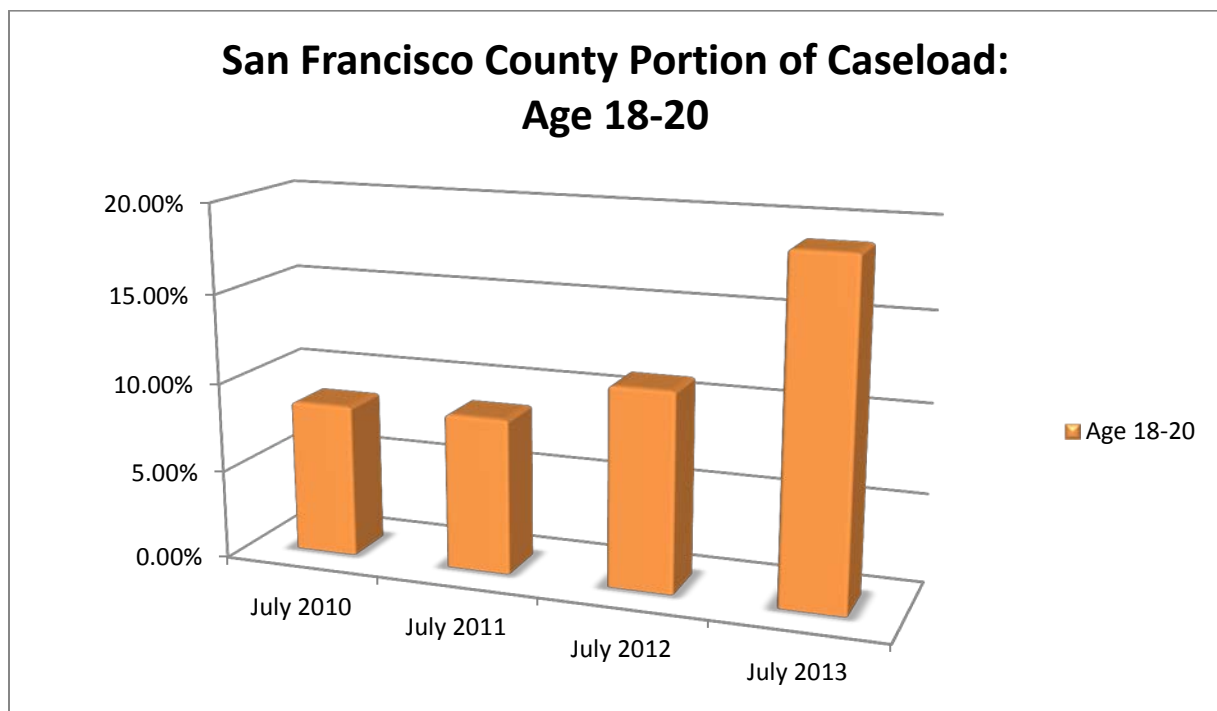
Francisco County had dropped slightly to 1,069. The number of youth between the ages of 18–20 rose as well, to 119 (representing 11.1% of the County’s foster care population).⁵⁹ By July 2013, eighteen months after the implementation of AB 12, the foster care population in San Francisco County had remained virtually the same, at to 1,068, while the number of that population between the ages of 18 and 20 had risen again. In July 2013, there were 202 youth between the ages of 18–20 in foster care in San Francisco County, accounting for nearly 19% of the foster care population in the County.

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	1,181	103	8.7%	
July 2012	1,069	119	11.1%	
July 2013	1,068	202	18.9%	96.1%

San Francisco County, Changes in FC Population aged 18–20, 2011–2013

After the implementation of AB 12, San Francisco County saw a decrease in the number of emancipations, as youth became eligible for AB 12’s extended foster care and opted to participate in extended care rather than emancipate. Between July 2010 and June 2011, 162 youth emancipated from foster care in San Francisco County; this number dropped to 99 from July 2011 to June 2012, and to 42 from July 2012 to June 2013 — an overall decrease of 120 or about 74% from the year prior to the implementation of AB 12.⁶⁰

This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.



⁵⁹ *Id.*

⁶⁰ *Id.*

Foster Care Placements for 18–20-year-olds in San Francisco County 2011–2013⁶¹

Traditional supervised foster care placements continue to be available for nonminor dependents in San Francisco County. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC (transitional housing). These placement types were created to provide nonminor dependents with a less restrictive environment and more independence. Both are discussed in detail above.

The most common placement type for nonminor dependents in San Francisco County is the SILP, which, as of July 1, 2013, accounted for 30.2% of placements for foster youth ages 18–20.⁶² Kin placements are also commonly used, though their usage as a proportion of placements dropped from 37.9% on July 1, 2011, prior to the implementation of AB 12, to 20.3% of placements on July 1, 2013.⁶³ Transitional housing in San Francisco County accounts for a higher percentage of placements than in many other counties. It fell off a bit from 7.8% of 18–20-year-old placements on July 1, 2011 to 5.9% of those placements on July 1, 2012, but picked back up and represented 7.9% of placements on July 1, 2013. This may be due to more THP-Plus-FC placements becoming available. As of July 1, 2013, group home placements had dropped to 6.9% of the placements for this age group from 13.6% of the placements on July 1, 2011 (and 17.6% of placements on July 1, 2012).⁶⁴ Group homes continue to be available up to age 19. However, under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.⁶⁵

San Francisco County Dependency Attorneys⁶⁶

From the dependency attorney's perspective, AB 12 has had a bit of a bumpy start in San Francisco County. First, the amount of information and training that is required for the professionals dealing with AB 12 cases has been a hurdle. There has been quite a bit of confusion related to the implementation, and a resulting lack of consistency and continuity, particularly at the beginning of the implementation process.

Second, housing in San Francisco County has been an issue, both with the SILPs and with THP-Plus-FC. Nonminor dependents who are participating in SILPs have had issues with continuity and consistency in their placements. Many of the nonminor dependents who are staying in SILPs are living in dorms. There are several THP-Plus-FC placements that are in the process of getting licensed, but there are not a sufficient amount of these placements to meet the demand as of this writing in September 2013, more than a year and a half after the beginning of AB 12 implementation. As a result, some nonminors choose to opt out of AB 12 so that they can take part in a transitional housing program offered by the Salvation Army.

The re-entry provision of AB 12, however, has been going smoothly. When youth opt out of foster care and would like to return, the process has been quick and easy, the dependency attorneys have not had any major issues implementing this piece of AB 12, and it has been to the benefit of the nonminors who re-enter the system.

⁶¹ *Id.*

⁶² *Id.*

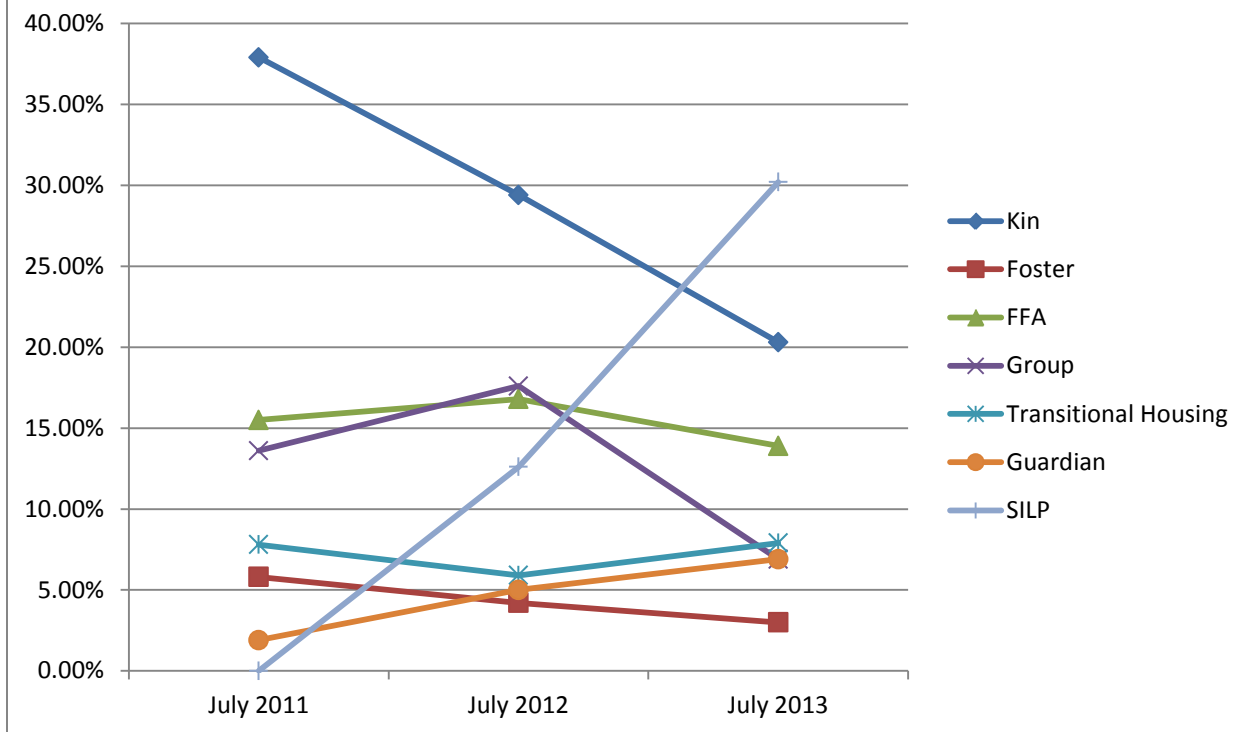
⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Cal. Welf. & Inst. Code § 16501.1(c)(3).

⁶⁶ Information from interview with Patricia Fitzsimmons, Attorney, San Francisco County Juvenile Dependency Panel.

2011-2013 Placement Types in San Francisco County: Ages 18-20



San Francisco County Child Welfare Agency and Social Workers

Like other California counties, San Francisco County social workers are experiencing high case loads and the inclusion of AB 12 youth on those caseloads adds complexity to an already challenging undertaking. Again, more youth opted into the program than the County anticipated. The County would benefit from a specialized unit to address AB 12 issues and work with AB 12-eligible youth and nonminor dependents.

One social worker in San Francisco County suggested that more collaboration with adult systems in the County would be helpful. Training not only on AB 12 requirements, but also on the adult services that are available for their clients would be ideal. Nonminor dependents are adults and often need their social worker's assistance to navigate these services, particularly youth with mental health concerns. These young people will need to be able to navigate the systems when they exit care.

An additional concern expressed by one San Francisco social worker was that the youth are not prepared for AB 12. They do not understand what is expected of them. They need to understand how to prepare to live on their own if they want to participate in an SILP, and they need to understand how to manage their money, as most do not. AB 12 is very easy to qualify for, and these youth need to be prepared to live independently at age 21. There is some concern that they won't be if they are allowed to easily maintain eligibility without putting in enough effort. It is important for nonminor dependents to realize the implications of being an adult.

The social workers who provided information about San Francisco County noted that other counties had been cooperating with them to provide courtesy supervision of their clients who reached age 18 and moved out of county. Social workers in San Francisco have been providing courtesy supervision for other counties as well. However, they noted that this differs from one county to the next and not all counties are willing to provide courtesy supervision, which results in some social workers having to travel long distances to do the required monthly, in-person visit. Some have to fly to other states, because at this point, not every state will provide supervision for a nonminor dependent. This also adds time and burden to the social workers' caseloads.

San Joaquin County

In July 2013, there were 1,411 children and nonminor dependents in foster care in San Joaquin County.⁶⁷ This is more youth than were in foster care in San Joaquin County in April 2011, nine months prior to the County's implementation of AB 12. However, the number of youth between the ages of 18–20 increased far more substantially, and the proportion of the foster youth population between age 18–20, youth who would be eligible for extended foster care under AB 12 as nonminor dependents, increased significantly in San Joaquin, as it had in other counties throughout the state. Between July 2010 and July 2013, the number of youth in foster care between ages 18–20 more than tripled in San Joaquin County.

In 2011, there were 1,177 children and youth in foster care in San Joaquin County and 23 (2%) were between the ages of 18–20. In July 2012, six months after the implementation of AB 12, the foster care population in San Joaquin County had risen slightly to 1,211, and the number of youth between the ages of 18–20 had risen to 45 (3.7% of the County's foster care population).⁶⁸ In July 2013, eighteen months after the implementation of AB 12, the foster care population in San Joaquin County had risen to 1,411, and the number of youth the ages of 18–20 had grown significantly to 114, accounting for 8.1% of the foster care population in the County.

DATE	Total FC population	FC population aged 18–20	% of total FC population aged 18–20	Increase in FC population aged 18–20 from 2011 to 2013
July 2011	1,177	23	2%	
July 2012	1,211	45	3.7%	
July 2013	1,411	114	8.1%	395.7%

San Joaquin County, Changes in FC Population aged 18–20, 2011–2013

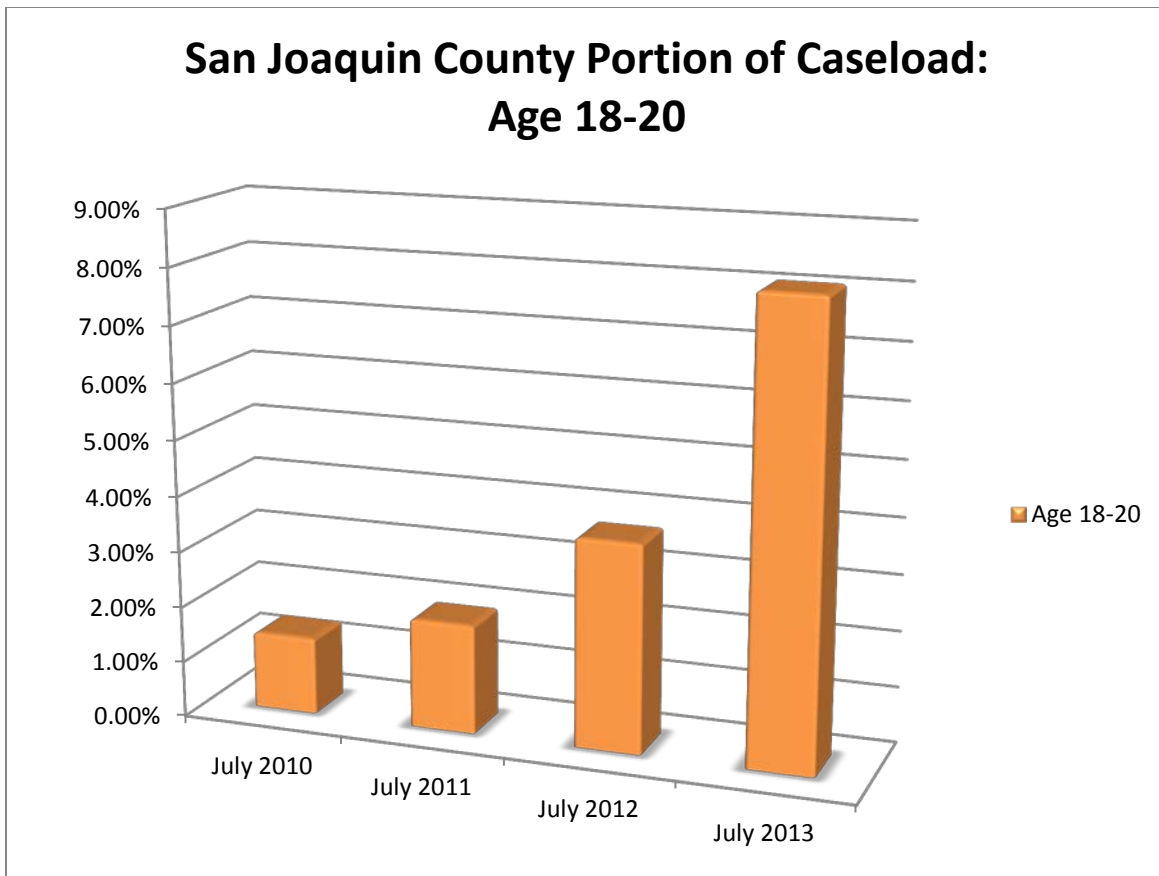
After the implementation of AB 12, San Joaquin County also saw a decrease in the number of emancipations, as youth became eligible for AB 12's extended foster care and opted to participate in extended care rather than emancipate. Between July 2010 and June 2011, 85 youth emancipated from foster care in San Joaquin County; this number dropped to 52 from July 2011 to June 2012 and to 51 from July 2012 to June 2013, decreasing about 40% from the year prior to the implementation of AB 12.⁶⁹

This trend of increasing numbers of foster youth aged 18–20 and decreasing emancipation numbers will likely continue, at least for another year. As of January 1, 2013, the age of eligibility for AB 12 extended foster care was raised from 19 to 20 and on January 1, 2014, the age of eligibility will be raised again, to 21, allowing more nonminor dependents to participate.

⁶⁷ Needel, *supra* note 1.

⁶⁸ *Id.*

⁶⁹ *Id.*



Foster Care Placements for 18–20-year-olds in San Joaquin County 2011–2013⁷⁰

Traditional supervised foster care placements continue to be available for nonminor dependents in San Joaquin County. In addition, AB 12 created two new, more age-appropriate placement types for nonminor dependents, the SILP and THP-Plus-FC (transitional housing). These placement types were created to provide nonminor dependents with a less restrictive environment and more independence. Both are discussed in detail above.

The most common placement type for nonminor dependents in San Francisco County is the SILP, which, as of July 1, 2013, accounted for 43% of placements for foster youth ages 18–20.⁷¹ FFA placements are also commonly used, though their usage as a proportion of placements dropped from 43.5% on July 1, 2011, prior to the implementation of AB 12, to 20.2% of placements on July 1, 2013.⁷² Transitional housing had not been utilized as of July 1, 2013 in San Joaquin County; this may be due to the lack of THP-Plus-FC placements in the area until very recently. As of July 1, 2013, group home placements had dropped to 3.5% of the placements for this age group from 21.7% of the placements on July 1, 2011.⁷³ Group homes continue to be available up to age 19. However, under AB 12, a youth may remain in a group home after age 19 or until high school graduation only if it is necessary due to a medical condition.⁷⁴

⁷⁰ *Id.*

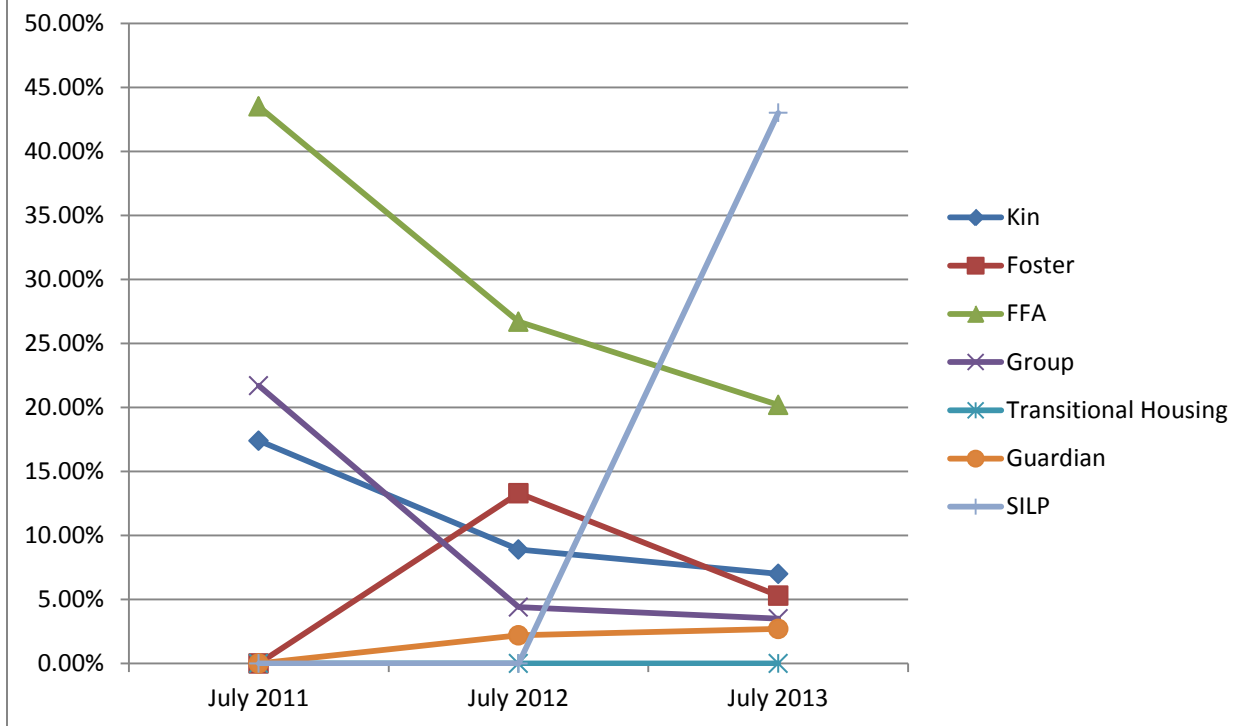
⁷¹ *Id.*

⁷² *Id.* Note that San Joaquin has several more “other” placements than other counties covered in this report (e.g., on July 1, 2011, 17.4% were “other”; on July 1, 2012, 28.9% were “other”; and on July 1, 2013, 12.3% were classified as “other”).

⁷³ *Id.*

⁷⁴ Cal. Welf. & Inst. Code § 16501.1(c)(3).

2011-2013 Placement Types in San Joaquin County: Ages 18-20



San Joaquin County Dependency Attorneys⁷⁵

AB 12 has been implemented with little problem for the dependency attorneys in San Joaquin County. San Joaquin County attorneys have reasonable caseloads, and the influx of nonminor dependents under AB 12 did not cause any serious issues. The court process has proceeded smoothly. Youth who have opted out of foster care and would like to re-enter are able to do so quickly and easily, if they contact their social worker. The County opens a new file for nonminor dependents upon reaching age 18.

There are some issues that could be improved, however, such as finding youth appropriate and stable SILPs. Most nonminor dependents want to live on their own and receive the monthly foster care maintenance payment directly. Unfortunately, most of these youth do not have a realistic grasp on how much money they are receiving, and they do not possess the budgeting skills to properly manage their finances, this leads to issues paying rent and bills and it causes problems with placements.

Second, there have been some issues in the County around nonminor dependents seamlessly maintaining eligibility for Medi-Cal and, where necessary, continuing to take prescribed medication and attend doctor's appointments. Problems with access to healthcare can be particularly devastating for nonminor dependents who have mental health issues and may go off of their medication.

⁷⁵ Information from phone interview with Darla Westgate, Attorney representing children, youth and nonminor dependents in San Joaquin County dependency court.

Finally, some nonminors do not fully understand the structure and requirements of AB 12. Some will fail to show for the monthly meetings. Others fall out of contact with their social worker regarding important changes to their circumstances which may impact their eligibility for AB 12. The social workers have developed a Facebook page through which the nonminor dependent clients can contact them as one way to help facilitate communication with their older clients.

The transition in San Joaquin County, from the dependency attorney's perspective, has gone fairly smoothly. However, the nonminor dependents would greatly benefit from more training regarding budgeting as well as training regarding the rules and expectations surrounding their participation in AB 12 and how to maintain their eligibility for vital programs prior to their 18th birthday.

San Joaquin County Child Welfare Agency and Social Workers⁷⁶

San Joaquin County Child Welfare Services staff repeated the experience of other counties throughout California, there were far more youth who opted to participate in AB 12 extended foster care than the County had anticipated. San Joaquin is not a large county; only two social workers were assigned to handle the AB 12 caseload, which quickly exploded. Many caseworkers who had not been trained in AB 12 continued to handle the cases of youth on their caseloads who had reached 18 and were participating in AB 12. The head of the AB 12 unit in San Joaquin County began training workers to handle AB 12 cases shortly after AB 12 took effect, when it became clear that the number of cases was going to far exceed that for which the County had prepared.

There are THP-Plus-FC programs available to nonminor dependents in San Joaquin County, but until recently, they were out of county and difficult to get into. Aspiranet is an organization that operates a variety of different foster care programs throughout the state of California. In San Joaquin County, Aspiranet operates two THP-Plus-FC programs and as of this writing, houses 12 nonminor dependents.⁷⁷ Environmental Alternatives is another organization that operates several THP-Plus-FC programs throughout northern California.⁷⁸ In San Joaquin County, nonminor dependents participating in AB 12 extended foster care have two options for THP-Plus-FC placements. They can live in a THP-Plus-FC host home, which is like a foster family home. The youth basically rents a room from a family, which is often the foster family with which the youth was placed as a minor. The nonminor dependent may also choose to live in a remote site THP-Plus-FC home. The remote site is an apartment that the nonminor rents. The nonminor dependent is provided with supportive services through Environmental Alternatives, and is provided with a mentor. The mentor visits the nonminor at least once a week to ensure that the nonminor is okay and is able to pay bills, buy groceries, access transportation, and so on. In both THP-Plus-FC placements, the nonminor dependent's social worker visits once a month.⁷⁹

San Joaquin social workers in the AB 12 unit have had a few issues with the TILCPs. Most notably that the forms and guidance that the County currently uses are designed for minors. The plans need more definition, and they need to be more tailored to the specific needs of the nonminor dependents. It has been challenging to address the specific needs and goals of nonminor dependents, who continue to be wards of the court, yet are adults. The approach, the goals, and the needs of these nonminor dependents are starkly different from those of youth who are under 18 and the planning tools, such as the TILCPs need to reflect that reality.

⁷⁶ Information taken from an interview with Catherine Johnson, supervisor of the AB 12 unit in San Joaquin County.

⁷⁷ Information verified with Aspiranet's San Joaquin County office (www.aspiranet.org) on August 2, 2013.

⁷⁸ Information provided by Environmental Alternatives (www.ea.org) on August 2, 2013.

⁷⁹ *Id.*

Finally, nonminor dependents that are not living in San Joaquin County have experienced issues accessing appropriate mental health services. Nonminor dependents who are living out of state have reported issues accessing Medicaid. However, nonminor dependents who need them and are participating in AB 12 in San Joaquin County have been able to access very effective wrap around services in San Joaquin County.

The County is continuing to improve AB 12 services where it can. The social workers are getting training, and there are more THP-Plus-FC programs that should be available soon.



APPENDIX C:

PROCEDURAL REQUIREMENTS

Last Review Hearing Prior to a Foster Youth's 18th Birthday.¹

The procedures put in place for required juvenile court hearings help ensure that a youth who is approaching the age of 18 is aware of his or her options and has in place, at minimum, a plan for independent living. The procedures at the last review hearing prior to a foster youth's 18th birthday, and throughout the remainder of the youth's involvement with the foster care system and the juvenile court, are meant to further the objective of preparing foster youth to live successfully and independently once they exit the system.

At the last review hearing prior to a foster youth's 18th birthday, the youth's social worker's report must be submitted to the court. The report must detail when and how the youth was informed of his or her right to have juvenile court jurisdiction terminated when he or she attains 18 years of age; when and how the child was provided with information about the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent and the social worker's assessment of the child's understanding of those benefits; and when and how the child was informed that if juvenile court jurisdiction is terminated, he or she has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over him or her as a nonminor dependent.² Further, the report must include information regarding whether the youth has applied for Supplemental Security Income benefits or has a pending application for Special Immigrant Juvenile Status, the status of any of these applications, and whether it is in the best interest of the youth to remain under juvenile court jurisdiction given the status of these pending applications.³ Finally, for this hearing and every review hearing subsequent to it, the agency report must include, in addition to that which is otherwise statutorily required,⁴ a description of the youth's plans to remain under juvenile court jurisdiction as a nonminor dependent including the participation conditions⁵ that he or she plans to meet; the efforts made and the assistance provided to the youth by the social worker or probation officer, so that the youth will be able to meet the participation conditions,⁶ and a description of efforts toward providing the information and documentation specified in Welfare and Institutions Code §391(e)(2).⁷

The court must make several findings at the last review hearing prior to a foster youth's 18th birthday. The court's findings on the record and in the written, signed orders, must include:⁸

- (1) Whether the youth's Transition Independent Living Case Plan(TILCP) includes a plan for the youth to satisfy one of the five participation conditions for extended foster care, and which specific condition the youth plans to meet;

¹ Cal. Welf. & Inst. Code §§ 224.1, 366(a)(1)(F), 366.3(l)-(n), 16501.1(f)(16); 2013 California Rules of Court Rule 5.707 Review hearing requirements for child approaching majority available at www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_707; Form for Findings and Orders JV-460 available at <http://www.courts.ca.gov/documents/jv460.pdf>.

² 2013 California Rules of Court Rule 5.707(a).

³ *Id.*

⁴ See Cal. Welf. & Inst. Code § 366.3(g).

⁵ Cal. Welf. & Inst. Code § 11403(b) describes the list of participation conditions herein referenced.

⁶ Cal. Welf. & Inst. Code § 366.31(b).

⁷ *Id.* Note that the required information and documents include the youth's social security card, certified copy of birth certificate, health and education summary pursuant to Welf. & Inst. § 16010(a), driver's license, letter prepared by the county welfare department (including the nonminor's name at birth, the date the nonminor was under the jurisdiction of the juvenile court, and a statement that the nonminor was a foster youth in compliance with state and federal financial aid documentation requirements), death certificate of parent or parents if applicable, proof of nonminor's citizenship or legal residence if applicable, advance healthcare directive form, Judicial Council form necessary to file a petition to resume dependency jurisdiction, and the nonminor's written 90-day transition plan.

⁸ California Rules of Court 2013, Rule 5.707(c).

- (2) whether the youth's TILCP includes an alternative plan for his or her transition to independence in the event the youth does not remain under juvenile court jurisdiction after attaining 18 years of age;
- (3) For a child to whom the Indian Child Welfare Act applies, whether he or she intends to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to him or her as a nonminor dependent;
- (4) whether the youth has an in-progress application pending Supplemental Security;
- (5) whether the youth has an in-progress application pending for Special Immigrant Juvenile Status;
- (6) whether all the information, documents, and services in Welfare and Institutions code §391(e) were provided to the youth;
- (7) whether the youth has been informed of his or her right to have juvenile court jurisdiction terminated at age 18;
- (8) whether the youth understands the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent; and
- (9) whether the youth has been informed that if juvenile court jurisdiction is terminated at age 18, he or she has the right to file a request to return to foster care as a nonminor dependent.⁹

At the final review hearing before the minor turns 18, the court must make the following orders:

- For a minor who intends to remain in foster care as a nonminor dependent after age 18, the court must set a nonminor dependent status review hearing within six months from the date of the current hearing.
- For a youth who does not qualify for nonminor dependent status, but will remain in care, the court must set a hearing no more than six months from the date of the current hearing.¹⁰

Nonminor Dependent Review Hearings.¹¹ The primary objectives of the nonminor dependent review hearings are to focus on the goals and services set out for a nonminor dependent in his or her TILP and TILCP, and check in on his or her progress toward achieving independence. These hearings monitor a young adult's (nonminor dependent's) progress toward goals that will help him or her successfully live independently upon his or her exit from the foster care system and should result in avoidance of the negative outcomes long associated with aging out of the foster care system. The nonminor dependent review hearings place an emphasis not only on the youth's efforts and progress toward achieving goals set forth in his or her TILP and TILCP, but also progress in the area of establishing lifelong connections with committed adults. These individuals help to provide the kind of social safety net and connections that nonminor dependents' peers, outside of the foster care system, enjoy upon leaving home.

Importantly, the nonminor dependent review hearings must proceed in a way that recognizes and respects the individual's status as an adult. In this way, the hearings are distinguished from the review hearings required prior to the youth's 18th birthday. The review hearings must be conducted every six months by the court or by a local

⁹ *Id.*

¹⁰ *Id.*

¹¹ Cal. Welf. and Inst. Code §§ 224.1(b), 295, 366(f), 366.1, 366.3; [Cal Rules of Court, Rule 5.903](#); Form for Findings and Orders JV-462 available at <http://www.courts.ca.gov/documents/jv462.pdf>.

administrative review panel. The nonminor dependent may appear by telephone, and the hearing may be attended by participants invited by the nonminor dependent.¹²

At the nonminor dependent review hearings, the social worker or probation officer must submit a report that includes the following information:

- the continuing necessity for the nonminor's placement;
- the appropriateness of the current placement;
- the nonminor dependent's plans to remain under juvenile court jurisdiction and the participation condition that has been met;
- the efforts made by the social worker or the probation officer to help the nonminor dependent meet the required participation conditions;
- verification that the nonminor dependent was provided with the information required by Welfare and Institutions Code §391(e);
- how and when the nonminor dependent's TILCP was developed;
- efforts made by the social worker or probation officer to comply with the nonminor dependent's TILCP;
- progress toward meeting the TILCP's goals and any need for modification to assist the nonminor dependent in achieving the goals;
- efforts made by the social worker or probation officer to maintain relationships between the nonminor dependent and individuals who are important to him or her; and
- efforts made to establish or maintain the nonminor dependent's relationship with his or her siblings who are under the juvenile court's jurisdiction.¹³

The findings required at the review hearings for nonminor dependents are reflective of the overall objectives of California's Fostering Connections to Success Act and, of course, in line with the goals set forth for the hearing. The findings focus on the youth's progress in achieving the goals set forth in his or her TILCP, the assistance provided to the youth in so doing, and the connections the youth is making with committed, caring adults. In addition, the findings include a requirement that the court inquire into whether or not the nonminor dependent has been involved in the development of his or her case plan and that the court seek out the minor's opinion with regard to what he or she needs to gain independence and which benchmarks need to be reached for the nonminor dependent to reach that objective.¹⁴ Other required judicial determinations of note related to the nonminor dependent review hearings include whether the nonminor dependent is meeting one of the required participation conditions and which condition he or she is meeting; the appropriateness of the nonminor dependent's placement, whether the nonminor dependent has been provided with the documents required by Welfare and Institutions Code §391; and several findings related to the progress and efforts the nonminor dependent is making with regard to his or her TILCP, whether any modifications need to be made, and the efforts of the social worker or probation officer in assisting the nonminor dependent to achieve the goals set forth in the TILCP.¹⁵

The court then orders the continuation of juvenile court jurisdiction and sets a nonminor dependent review hearing within six months, or orders the continuation of juvenile court jurisdiction and sets a hearing to consider

¹² Cal. Rules of Court, Rule 5.903.

¹³ Cal. Rules of Court, Rule 5.903(d).

¹⁴ Cal. Rules of Court, Rule 5.903(e)(1)(I).

¹⁵ Cal. Rules of Court, Rule 5.903(e).

termination of juvenile court jurisdiction over a nonminor within 30 days, or orders termination of juvenile court jurisdiction.¹⁶

Welfare and Institutions Code §391 Hearing to Terminate Jurisdiction.¹⁷ The law as it exists at this writing requires the dependency court to conduct a hearing pursuant to Welfare and Institutions Code §391.¹⁸ At a hearing in which the court is considering termination of jurisdiction over a nonminor dependent, the court and the county welfare department must meet several requirements. First, it must ensure that the nonminor is present in court unless he or she does not want to be, and has elected to appear by telephone, or it must document reasonable efforts to locate the nonminor when the nonminor is not available.¹⁹ Second, the county welfare agency must submit a report describing whether it is in the nonminor's best interests to remain under the court's dependency jurisdiction.²⁰ Third, if the county welfare department recommends termination of the court's dependency jurisdiction, it must submit documentation of the reasonable efforts made to provide the assistance necessary for the youth to meet or maintain eligibility as a nonminor dependent.²¹ Finally, if the nonminor has indicated that he or she does not want dependency jurisdiction to continue, the county welfare department's report must address the manner in which the nonminor was advised of his or her options and of his or her right to re-enter care prior to age 21.²²

The court cannot terminate dependency jurisdiction over a nonminor dependent until a hearing is conducted and the county welfare department has submitted a report verifying that the information, documents, and services specified in Welfare and Institutions code §391(e) have been provided to the nonminor. Such information, documents and services include those vital to the nonminor's ability to live independently upon exiting the foster care system. For example, the documents that must be provided to the nonminor are those necessary to obtain housing, apply for a job, and obtain other necessities such as financing for school or a vehicle, and include the youth's social security card, a certified copy of his or her birth certificate, a driver's license or identification card, the Judicial Council form necessary to resume dependency jurisdiction (discussed below) and a letter prepared by the county welfare department that includes the nonminor's name, date of birth, the dates during which the nonminor was under the jurisdiction of the juvenile court and a statement that the nonminor was a foster youth in compliance with state and federal financial aid documentation requirements.²³ The required information and assistance include, for example, assistance completing an application for Medi-Cal or obtaining other health care insurance,²⁴ assistance applying for admission to college, a vocational program or other educational instruction, assistance obtaining employment or other financial support, assistance maintaining relationships with individuals who are important to the nonminor, and referrals to transitional housing, if it is available, or assistance in securing other housing.²⁵

The court must make several findings at a §391 hearing to terminate dependency jurisdiction, such as whether the nonminor dependent had an opportunity to confer with his or her attorney about the issues before the court, whether remaining under the juvenile court's jurisdiction is in the nonminor's best interest, whether the nonminor meets one of the participation requirements, whether the nonminor understands the potential benefits of

¹⁶ Cal. Rules of Court, Rule 5.903(f).

¹⁷ Cal. Welf. & Inst. Code § 391; as of this writing, legislation currently pending (SB 343) would substantially alter § 391.

¹⁸ *Id.*

¹⁹ Cal. Welf. & Inst. Code § 391(b)(1).

²⁰ Cal. Welf. & Inst. Code § 391(b)(2).

²¹ Cal. Welf. & Inst. Code § 391(b)(3).

²² Cal. Welf. & Inst. Code § 391(b)(4).

²³ For a complete list of required documents, see Cal. Welf. & Inst. Code § 391(e)(2).

²⁴ As of January 1, 2014, former foster youth who aged out of care in California will be eligible for Medicaid (in California, this is Medi-Cal) until age 26 under the Affordable Care Act (ACA) (42 USCS § 1396a(a)(10)(A)(i)(IX)).

²⁵ For a complete list, see Cal. Welf. & Inst. Code § 391(e)(3)–(9).

remaining in foster care, and findings related to the required components of the TILCP, TILP, and 90-day transition plan.²⁶

If a nonminor dependent meets one of more of the participation conditions in Welf. & Inst. Code §11403(b), the court must order continuation of juvenile court jurisdiction unless the nonminor does not wish to remain under juvenile court jurisdiction, or the nonminor is not participating in a reasonable and appropriate TILCP, or reasonable efforts were made to locate the nonminor whose location is unknown.²⁷

When the court orders continued jurisdiction for the nonminor dependent, it must order a permanent plan consistent with the nonminor's TILP or TILCP, and set a status review hearing within six months of the date of the nonminor's most recent status review hearing.²⁸

If the court orders termination of jurisdiction over the nonminor dependent, it must first make the following orders:²⁹

- (1) The nonminor was provided with the information, documents, and services as required under section 391(e).
- (2) The nonminor was informed of the options available to him or her to assist with the transition from foster care to independence.
- (3) The nonminor was informed that if juvenile court jurisdiction is terminated, he or she has the right to return to foster care and to file a request to have the juvenile court resume jurisdiction over him or her as a nonminor dependent until he or she has attained the age of 21 years.
- (4) The nonminor was provided with a copy of *How to Return to Juvenile Court Jurisdiction and Foster Care, Request to Return to Juvenile Court Jurisdiction and Foster Care, Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care*, and an endorsed filed copy of the *Termination of Juvenile Court Jurisdiction—Nonminor* form.³⁰

Request to Return to Juvenile Court Jurisdiction and Foster Care (Reentry). A unique and necessary feature of California's Fostering Connections is that it allows youth who have opted to exit the foster care system and the juvenile court's jurisdiction to apply for reentry into the system prior to age 21. This gives the youth the opportunity to leave the system and attempt to live independently without removing entirely the safety net that the system provides. If a nonminor leaves the system and encounters difficulties, he or she has the option to reenter foster care and receive assistance to help achieve stability.

The juvenile court accomplishes this by maintaining general jurisdiction over the nonminor when it terminates dependency jurisdiction.³¹ Thus, the court is able to reassert dependency jurisdiction over a nonminor without a new finding of abuse or neglect if the nonminor petitions for reentry.³² A nonminor is not limited in the number of times that he or she is permitted to reenter foster care prior to age 21.

²⁶ See Cal. Rules of Court, Rule 5.555(d)(1) for a complete listing of required findings.

²⁷ Cal. Rules of Court, Rule 5.555(2)(A), Cal Wel & Inst Code § 391(c).

²⁸ Cal. Rules of Court, Rule 5.555(2)(B).

²⁹ Cal. Rules of Court, Rule 5.555 (2)(E).

³⁰ *Id.*

³¹ Cal. Welf. & Inst. Code § 303(b).

³² Cal. Welf. & Inst. Code § 303(b)–(c).

If a nonminor who has not yet reached age 21 decides that he or she would like to reenter foster care, the process is initiated in one of two ways. The first way in which a nonminor can initiate the process is to contact the county welfare agency, the probation department, or the Tribal placing entity (placing agency) and sign a Voluntary Reentry Agreement (VRA).³³ The VRA is the voluntary agreement into which a former dependent or a former nonminor dependent enters with the county welfare agency, probation department or Tribal placing agency if juvenile court jurisdiction has been terminated and the former dependent/nonminor dependent wishes to return to foster care. The VRA is a written agreement that documents the nonminor's desire and willingness to reenter foster care, to be placed in a supervised setting under the placement and care responsibility of the placing agency, the nonminor's willingness and ability to immediately participate in at least one of the participation conditions required for extended foster care eligibility.³⁴

If the youth initiates the process by signing a VRA, the appropriate placing agency must file a Request to Return to Juvenile Jurisdiction and Foster Care pursuant to California Welfare and Institutions Code §388(e), also known as the 388(e) petition,³⁵ on the youth's behalf within 15 court days of the date the VRA was signed, unless the youth does so prior to the expiration of the 15 court days.³⁶ The petition is filed in the same action in which the nonminor, as a child, was found to be a dependent or delinquent child under the jurisdiction of the juvenile court.³⁷ The law takes into account that a nonminor may move between counties for any number of reasons after leaving foster care, therefore, the 388(e) petition can be filed in the court that retains general jurisdiction over the nonminor dependent, or it can be filed in the juvenile court in the county where the nonminor resides and forwarded to the court that holds general jurisdiction.³⁸

The second way in which reentry can be initiated is that the nonminor, the county welfare agency, the county probation department or Indian Tribe can file a 388(e) petition (see appendix A for a detailed explanation of the 388(e) petition).³⁹

³³ Cal. Welf. & Inst. Code § 388(e); Cal. Welf. & Inst. Code § 11400(z); Cal Rules of Court.

³⁴ Cal. Welf. & Inst. Code § 11400(z).

³⁵ The form used to file a 388(e) petition in California is the California Judicial Council Juvenile Court Forms, Form JV-466 (or Form JV-468, if the youth wants his or her information kept confidential).

³⁶ Cal. Rules of Court, Rule 5.906(c)(4).

³⁷ Cal. Welf. & Inst. Code § 388(e)(1).

³⁸ Cal. Welf. & Inst. Code § 388(e)(2)(A).

³⁹ Cal. Welf. & Inst. Code § 388(e).

Appendix D:

The 388 Petition

Because reentry is meant to provide a safety net for nonminors who may have encountered a crisis or who find that they need the assistance that extended foster care provides, state law enables nonminors to reenter extended foster care quickly and easily via the 388(e) petition and the VRA are the vehicles through which this is done. The 388(e) petition, or the *Request to Return to Juvenile Court Jurisdiction and Foster Care*¹ must be liberally construed in favor of its sufficiency² and must include specified information with regard the nonminor. The petition must include information specifying which participation condition³ the nonminor intends to satisfy to be eligible for extended foster care and whether the nonminor needs assistance in securing an appropriate supervised living placement.⁴ The petition must be verified by the nonminor, or the nonminor's representative in cases where the nonminor is nonminor is unable to provide verification due to a medical condition.⁵

Within two court days of the 388(e) petition's filing with the clerk of the court in the county of general jurisdiction, the clerk of that court must notify the placing agency that was supervising the nonminor when juvenile court jurisdiction was terminated that the nonminor has filed it and provide the placing agency with the nonminor's contact information. The notification must be by a method that will ensure prompt notification and inform the placing agency.⁶ If the 388(e) petition has not been filed when the nonminor signs the VRA, then the placing agency must file one on the nonminor's behalf within 15 court days of the date on which the VRA was signed.

Within three court days of the 388(e) petition's filing, the Court must review it and determine whether there is a prima facie showing (on its face, the evidence is sufficient to prove) that the nonminor (a) was under juvenile court jurisdiction with an order for foster care placement on his or her 18th birthday (b) has not attained the age limit specified in section §388(e)(1), (c) needs assistance to secure or maintain an appropriate supervised placement, and agrees to a supervised placement under a VRA and (d) intends to satisfy one of the required participation conditions for extended foster care eligibility.⁷ If a prima facie showing has not been made, the court must enter a written order denying the request, listing the issues that resulted in the denial and informing the nonminor that a new petition may be filed when those issues are resolved.⁸ If a prima facie showing has been made, the judicial officer must issue a written order directing the court clerk to set a hearing and appointing the nonminor an attorney solely for the hearing on the request.⁹ A hearing must be set within 15 court days of the date that the petition was filed with the court of general jurisdiction.¹⁰ If the nonminor included on the petition a request for the appointment of the court-appointed attorney who represented the nonminor during the period of time he or she was a ward or dependent or nonminor dependent, that attorney must be appointed solely for the hearing on the request, if available; otherwise, the court will appoint an attorney to represent the nonminor solely for the hearing on the request.¹¹

¹ California Judicial Council Juvenile Court Forms, Form JV-466 (Form JV-468 if to be kept confidential).

² Cal. Rules of Court, Rule 5.906(b)(2).

³ Participation conditions listed in Cal. Welf. & Inst. § 11403(b).

⁴ Cal. Rules of Court, Rule 5.906(b)(2).

⁵ *Id.*

⁶ Cal. Rules of Court, Rule 5.906.

⁷ Cal. Rules of Court, Rule 5.906(d)(1).

⁸ Cal. Rules of Court, Rule 5.906(d)(2).

⁹ Cal. Rules of Court, Rule 5.906(d)(3).

¹⁰ Cal. Rules of Court, Rule 5.906(f).

¹¹ *Id.*

The Hearing. Two days prior to the hearing to resume juvenile court jurisdiction, the social worker, probation officer, or tribal agency case worker must submit a report containing information that the nonminor was under juvenile court jurisdiction with an order of foster care placement on his or her 18th birthday and has not attained the age specified in Welf. & Inst. Code §388(e)(1). The report must specify the participation condition(s) that the nonminor intends to satisfy to be eligible for extended foster care and the social worker's (or probation officer's or tribal case worker's) opinion as to whether continuing in care is in the best interest of the nonminor.¹² The report must also include whether the agency and the nonminor have entered into a reentry placement agreement and a recommended placement should the request to return to juvenile court jurisdiction and foster care be granted.¹³

At this hearing, the court must make the following findings (from California Rules of Court, Rule 5.906): (1) Whether notice was given as required by law; (2) whether the nonminor was under juvenile court jurisdiction subject to an order of foster care placement when he or she reached 18 years of age; (3) whether the nonminor has attained the age limit specified in Welf. & Inst. Code §388(e)(1); (4) whether the nonminor intends to satisfy one (or more) of the required participation conditions and (5) which condition(s) the nonminor intends to satisfy; (6) whether continuing in foster care is in the nonminor's best interests; (7) whether the nonminor and the placing agency have entered into a reentry agreement for placement in a supervised setting under the placement and care of the placing agency; and (8) whether a nonminor who is an Indian child chooses to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.¹⁴

If the court finds that the nonminor comes within the age requirements, intends to satisfy at least one participation condition, and has entered into a reentry agreement with the placing agency, the court must make several orders.¹⁵ First, the court must grant the request and issue an order resuming juvenile court jurisdiction over the nonminor as a nonminor dependent. The court must order the social worker, probation officer, or tribal case worker to work with the nonminor to develop a new TILCP and file it with the court within 60 days. For the nonminor who decides to have the Indian Child Welfare Act apply to him or her as a nonminor dependent, the court must order the social worker or probation officer to consult with a tribal representative regarding a new TILCP. The court must set a nonminor dependent status review hearing within six months. Finally, the court must make findings and orders regarding the appointment of an attorney for the nonminor dependent.¹⁶

If the court finds that the nonminor comes within the age requirements, does not intend to satisfy at least one of the required participation conditions for eligibility for extended foster care and/or the nonminor and placing agency have not entered into a reentry agreement, the court must take the following steps:¹⁷ (1) enter an order denying the request, listing the reasons for the denial, and informing the nonminor that a new petition may be filed if the listed circumstances should change; (2) enter an order terminating the appointment of the nonminor's attorney, effective seven days after the hearing; (3) in addition to the service of the copy of the written order, the court clerk must have the nonminor served with blank copies of the forms required to file another request to return to juvenile court jurisdiction and foster care, and a copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care*.¹⁸

¹² Cal. Rules of Court, Rule 5.906(h).

¹³ *Id.*

¹⁴ Cal. Rules of Court, Rule 5.906(i)(1).

¹⁵ Cal. Rules of Court, Rule 5.906(i)(2).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* The forms with which the youth must be served are the JV-466 (*Request to Return to Juvenile Court Jurisdiction and Foster Care*), the JV-468 (*Confidential Information--Request to Return to Juvenile Court Jurisdiction and Foster Care*) and the JV-464-INFO (*How to Ask to Return to Juvenile Court Jurisdiction and Foster Care*).

APPENDIX E:

ASSISTANCE AVAILABLE TO CALIFORNIA'S TRANSITION AGE FOSTER YOUTH

EDUCATION

Program	Eligibility	Benefit	More Information
Chafee Education and Training Vouchers (Chafee ETV)	<p>Current or former foster youth</p> <p>New Grants: youth who have not have reached your 22nd birthday as of July 1 of the award year.</p> <p>Renewal Grants: Youth who have not reached their 23rd birthday</p> <p>Dependency established between the ages of 16 and 18.</p>	<p>Provides up to \$5,000 per academic year – not to exceed the cost of attendance.</p> <p>Not a loan – no need to repay</p>	<p>https://www.chafee.csac.ca.gov/</p> <p>http://www.cacollegepathways.org/</p>
Cal Grant A	<p>Entitlement</p> <p>Cal Grant A is not specifically designed for foster youth, but foster youth and former foster youth often qualify for these entitlements due to their financial need. This is because if a youth was in foster care or was a ward of the court at any point after the age of 13 or if he or she was in a legal guardianship that youth is considered independent for the purposes of financial aid.*</p> <p>More on Cal Grant A Eligibility requirements can be found at: http://www.calgrants.org/index.cfm?navid=12</p>	<p>Covers system-wide fees up to \$5,472 at CSU schools and \$12,192 at UC schools.</p> <p>Covers up to \$9,084 toward tuition and fees at Private nonprofit college or a for-profit college accredited by the Western Association of Schools and Colleges</p> <p>Covers up to \$4,000 at most other career colleges</p> <p>Not a loan, no need to repay</p>	<p>http://www.calgrants.org/</p> <p>http://www.cacollegepathways.org/</p> <p>*Note that Extended Foster Care payments are exempt under financial aid calculations (they do not count as income for the purposes of financial aid)</p>
Cal Grant B	<p>Coursework must be for at least one academic year</p> <p>Entitlement</p> <p>Cal Grant B is not specifically designed for foster youth, but foster youth and former foster youth often qualify for these entitlements due to their financial need. This is because if a youth was in foster care or was a ward of the court at any point after the age of 13 or if he or she was in a legal guardianship that youth is considered independent for the purposes of financial aid.*</p> <p>More on Cal Grant B Eligibility requirements can be found at: http://www.calgrants.org/index.cfm?navid=12</p>	<p>First-year students: Allowance of up to \$1,473 for books & living expenses</p> <p>After the freshman year, Cal Grant B also helps pay tuition and fees in the same amount as a Cal Grant A.</p> <p>Not a loan, no need to repay</p>	<p>http://www.calgrants.org/</p> <p>http://www.cacollegepathways.org/</p> <p>*Note that Extended Foster Care payments are exempt under financial aid calculations (they do not count as income for the purposes of financial aid)</p>

Cal Grant C	<p>Cal Grant C is not specifically designed for foster youth, but foster youth and former foster youth often qualify for these entitlements due to their financial need. This is because if a youth was in foster care or was a ward of the court at any point after the age of 13 or if he or she was in a legal guardianship that youth is considered independent for the purposes of financial aid.*</p> <p>More on Cal Grant C Eligibility requirements can be found at: http://www.calgrants.org/index.cfm?navId=12</p>	<p>Helps pay for tuition and training costs at occupational or career technical schools</p> <p>\$547 for books, tools and equipment</p> <p>Up to \$2,462 for tuition at a school other than a CA Community College</p> <p>Funding is available for up to 2 years depending upon length of program.</p>	<p>http://www.calgrants.org/ http://www.cacollegepathways.org/</p> <p>*Note that Extended Foster Care payments are exempt under financial aid calculations (they do not count as income for the purposes of financial aid)</p>
Board of Governor's Waiver	<p>Foster youth will generally qualify for this based on income because if a youth was in foster care or was a ward of the court at any point after the age of 13 or if the youth was in a legal guardianship that youth is considered independent for the purposes of financial aid.*</p>	<p>State-funded program that waives the enrollment fee for all eligible students at Community Colleges</p>	<p>http://www.cacollegepathways.org/</p> <p>*Note that Extended Foster Care payments are exempt under financial aid calculations (they do not count as income for the purposes of financial aid)</p>
Guardian Scholars	<p>Current and former foster youth</p>	<p>Several Colleges around California have Guardian Scholars or similar programs.</p> <p>Benefits and services provided by these programs vary.</p> <p>Services may include: financial aid assistance, housing assistance, mentoring, and academic assistance.</p> <p>These programs generally have a point of contact that provides assistance and information for foster youth on campus.</p>	<p>http://www.cacollegepathways.org/explore-campus-support-programs</p>
Foster Youth Success Initiative Liaisons	<p>Current and former foster youth</p>	<p>Required designated point of contact for foster youth at all California Community Colleges</p>	<p>http://www.cacollegepathways.org/explore-campus-support-programs</p>
Educational Opportunity Programs (EOP) or Extended Opportunity Programs and Services	<p>Students with social and economic barriers</p>	<p>On campus support available at all publicly funded colleges and universities in California</p>	<p>http://www.cacollegepathways.org/explore-campus-support-programs</p>

Various Private Scholarships			Casey: http://www.fc2success.org/programs/scholarships-and-grants/
	Foster youth, students with financial need, merit-based...	Financial aid that does not need to be repaid.	United Friends of the Children: http://www.unitedfriends.org/resources/links-resources/foster-youth-scholarships
			California College Pathways: http://www.cacollegepathways.org/what-other-resources-or-scholarships-are-available-foster-youth

HEALTH CARE

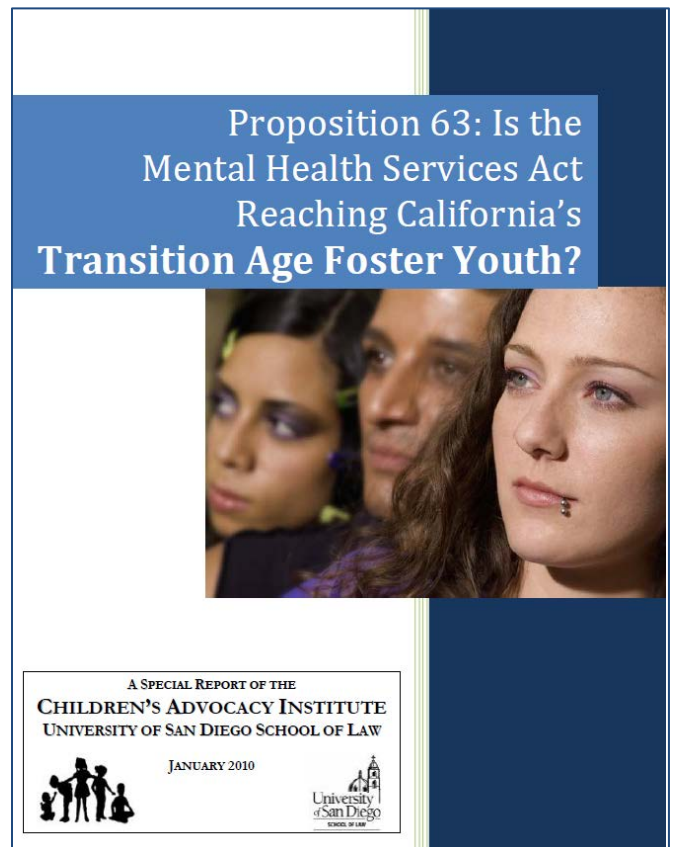
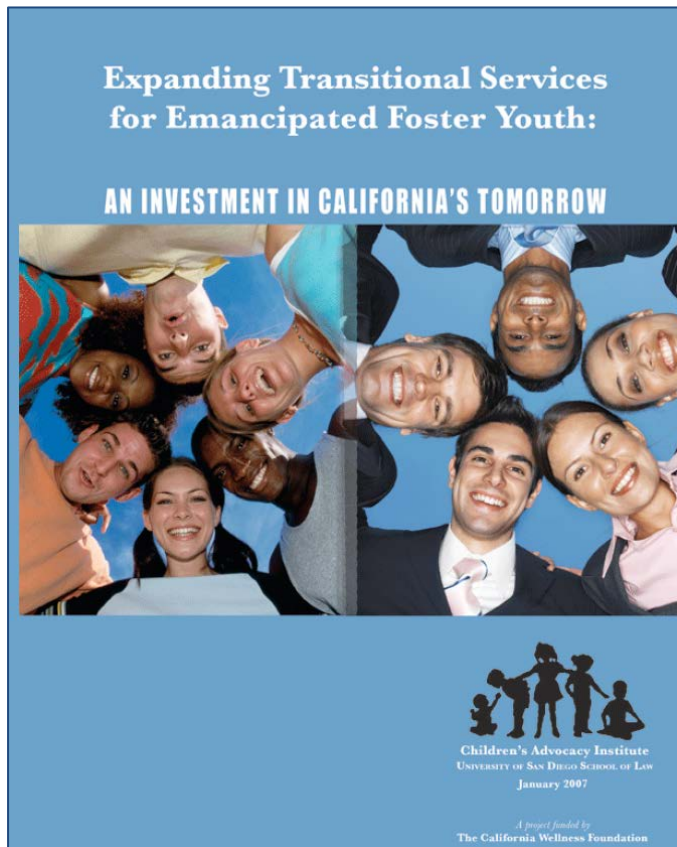
Program	Eligibility	Benefit	More Information
Medi-Cal	Former foster youth who were in foster care and receiving Medi-Cal at age 18.	Medi-Cal eligibility continues to age 26.	
Mental Health Services	Transition age foster youth	Mental health services	The Mental Health Services Act in California requires counties to create programs for transition age youth and to consider the needs of transition age foster youth when they are designing these programs. See the state MHSA website at http://www.dmh.ca.gov/pr op_63/mhsa/ or check your county's mental health department's website for more information on services in your area.

INDEPENDENT LIVING SERVICES

Program	Eligibility	Benefit	More Information
Independent Living Program	Current and former foster youth up to age 21 Youth who were in foster care any time from their 16 to their 19 th birthday	Provides a variety of services meant to prepare youth for self-sufficiency such as: living skills, money management, educational resources, housing, and employment assistance	California: http://www.childsworld.ca.gov/PG1350.htm County-specific information often available on County ILP websites.



Related Reports from the Children's Advocacy Institute



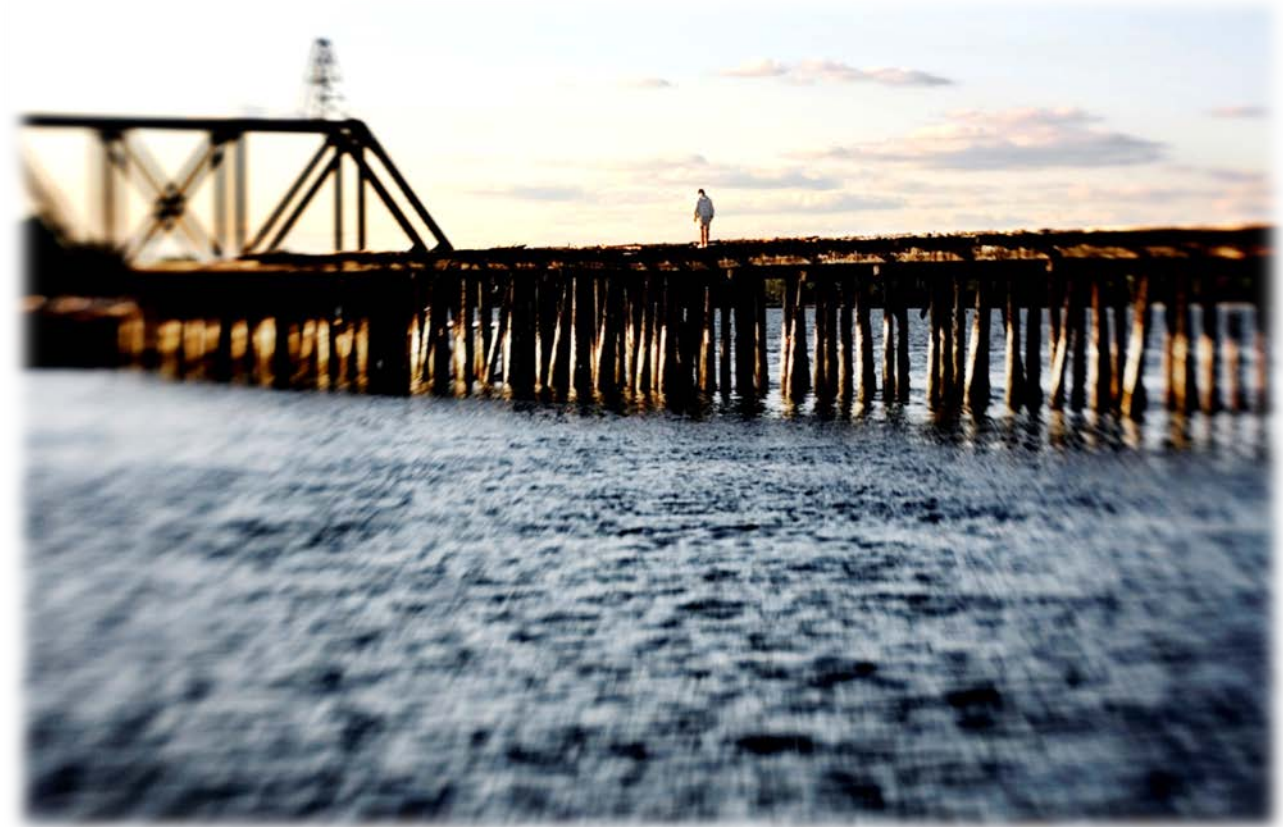
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