



Children's Law Center of California

CA Fostering Connections to Success Act (AB 12/212) Fact Sheet

Overview: The CA Fostering Connections to Success Act (AB12) was signed into law September 30, 2010 and then modified by AB212. AB12/212 align California with the Federal Fostering Connections to Success Act, which allows states to access federal funds for extended foster care and Kin-GAP.

Extended Foster Care

Goals/Benefits

- Recognizes need for better outcomes for youth entering adulthood from the foster care system.
- Youth are provided with increased levels of responsibility and independence while still afforded support.

Basics of Eligibility

- Extended foster care applies to **non-minor dependents** ("NMD"). On or after January 1, 2012, a NMD is defined as a foster dependent or ward who: (a) has attained age 18; and (b) is/was under a *foster care placement order* at age 18 or has WIC 450 status (eligible former ward); and (c) is participating in one of the five eligibility conditions as described in his/her Transitional Independent Living Plan. *WIC 366.31 [New] & WIC 11400 (v) [Amended]*.
- **Eligibility Conditions:** youth must satisfy at least ONE of the following participation requirements:
 1. Completing high school or equivalent program (e.g. GED); or
 2. Enrolling in college, community college, or a vocational education program; or
 3. Employed at least 80 hours/month; or
 4. Participating in a program designed to promote or remove barriers to employment; or
 5. Unable to do one of the above requirements because of a medical condition.
- In addition to meeting the eligibility conditions, a youth must also:
 - Sign a **mutual agreement** with Child Welfare/Probation for supervision and support; and
 - Agree to continue as an NMD of the Juvenile Court; and
 - Agree to live in a **supervised placement** that is licensed or approved. *WIC 11400 (u) & 11403 [Amended], 11405*

Implementation Timeline *WIC 11403 (k)*

- Beginning in 2012, benefits will extend to youth up to 19 years old.
- Beginning in 2013, benefits will extend to youth up to 20 years old.
- Beginning in 2014, benefits may be extended to youth up to 21 years old subject to a budget appropriation by the state Legislature.

In 2012 youth are eligible for federal extended foster care benefits until their 19th birthday. However, courts still maintain discretion to keep any case open pursuant to WIC 303 until the youth's 21st birthday. Historically, in Los Angeles, county dollars have been used to fund the cost of care for these older youth.

Because of the implementation timeline, there will be a subset of youth – those who turn 18 in 2011 – who will go in and out of federal eligibility in 2012 and 2013. This relates only to their eligibility for federal benefits, not their eligibility to remain in foster care. Courts can provide for continuation of extended foster care for this population pursuant to WIC 303.

Placement Options WIC 11402

- Traditional placement options are still available to youth, including:
 - Approved home of relative or NREFM
 - FFA or Foster Family Home
 - Group Home (with limitations)
 - Home of a Nonrelated Legal Guardian
 - Small Family Home/Dual Agency Regional Center Homes
 - THPP (with limitations)
- 2 NEW Placement Options:
 - **THP-Plus Foster Care:** modeled after existing THP-Plus but allows for cases to remain open.
 - **Supervised Independent Living (“SILP”):** the most “independent” placement option. Can include apartments (with or without roommates), room & board arrangements or college dorms. The placements will be approved and supervised. NMDs may be able to receive payments directly under this option.

Re-Entry

- A **WIC 391 hearing** must be held prior to termination of a case, whether it is because the youth opts-out (extended foster care is voluntary) or because the youth is deemed ineligible to receive services.
- Upon termination of jurisdiction, the court will assume **general jurisdiction** until the young adult no longer meets the age eligibility requirements. For all purposes, the case will be closed; accordingly, no future court dates are set. General jurisdiction allows the youth to **re-enter** when s/he needs to in order to access services.
- Re-entry can be achieved by filing a **388(e)** directly with the court or by signing a **Voluntary Re-Entry Agreement** with the supervising child welfare or probation agency.

It is in dispute whether an otherwise eligible youth will be able to re-enter if his/her case was closed in 2011. In order to ensure eligibility, it is best practice for cases to remain open until January 1, 2012.

Court Hearings

- NMD will continue to have review hearings every six months.
- Unless invited by youth, parents will not be notified of the hearings and will not be entitled to counsel.
- Because the youth is a legal adult, there will be no reunification, termination of parental rights or guardianship. The focus will be on the goals and services of the TILP and efforts to achieve permanence.
- NMD has the same rights as any other adult. Child Welfare/Probation does not have *custody* of the NMD. *WIC 303*

Additional Information

- Youth who are parents have the same rights to participate in extended foster care.
- Youth who have been charged/convicted of a crime have the same rights to participate.

Changes to Kin-GAP/AAP/Non-Relative Guardianships

- If youth is disabled, benefits extended up to age 21 (extension began 01/01/11).
- If youth is ordered into relative guardianship at age 16 or older, Kin-GAP benefits extended up to age 20, or 21 with budget approval (extension begins 01/01/12). *This also applies to AAP for youth adopted at age 16 or older.*
- If youth is ordered into non-relative legal guardianship at *any* age, benefits extended up to age 20, or 21 with budget approval.
- Waiting period reduced from 12 months to 6 months with approved relative.
- Kin-GAP benefits now payable out of state.