
Assembly Bill 12:

Web Seminar Question & Answer Session

Informational Web Seminar

Tuesday, October 19, 2010

9:30 to 11:00 a.m.



Your Questions....

- Quick Facts
- Extension to Age 21 Provision
 - Eligibility
 - Placement
 - Benefits
 - Special Topics
- Kin-GAP Provision
- Next Steps



Today's Presenters

- Amy Lemley, John Burton Foundation
- Angie Schwartz, Alliance for Children's Rights
- Cathy Senderling, CWDA
- Jackie Rutheiser, California Alliance for Child & Family Services
- Jennifer Rodriguez, Youth Law Center
- Kathy Watkins, San Bernardino County & CWDA
- Paula Ensele, California Department of Social Services



Quick Facts



AB 12: California Fostering Connections to Success Act

- Began with passage of federal Fostering Connections to Success and Increasing Adoptions Act on October 7, 2008 (P.L. 110-351)
- Introduced by Assembly Members Beall & Bass on December 13, 2008
- Passed in State Legislature on August 30, 2010
- Signed by Governor on September 30, 2010
- Implementation will be led by the California Department of Social Services



What will AB 12 do?

- Convert California's Kin-GAP into nearly identical state-funded and a federally subsidized programs.
- Extend benefits to age 21 for youth who are:
 - In foster care
 - Receiving Kin-GAP or AAP, provided the youth entered guardianship or adoption at age 16 or later
 - Placed by juvenile court with a nonrelated legal guardian and
 - Placed by juvenile court with an approved CalWORKs relative.



Foster Care After Age 18- Eligibility



Are foster youth ages 18-21 required to continue in foster care?

- Participation in foster care after age 18 under AB 12 is voluntary
- Youth may decide to exit at anytime before they turn age 21
- Youth have the option to return before they turn 21 through trial independence



What about youth who are currently age 18, 19 or 20? Do they benefit from extended foster care in any way?

- No, AB 12 does not retroactively apply to these youth. They are not eligible for extended care.



What are the basic eligibility requirements for foster youth to receive benefits after age 18 under AB 12?

The youth must:

- (1) sign a mutual agreement with the county child welfare or probation agency or tribe that has a IV-E agreement with the state for supervision and support;
- (2) continue under the jurisdiction of the juvenile court as a dependent or a ward,
- (3) meet one of the five participation conditions, and
- (4) agree to live in a supervised placement that is licensed or approved under new standards for 18 to 21 year olds.



What does it mean for a youth over 18 to be in foster care under the jurisdiction of the court?

- Youth continues to have a six-month review hearing in court or an administrative review
- Court will ensure the youth continues to meet one of the participation conditions
- Case reviews shall be conducted in a manner that respects the youth's status as a legal adult
 - Parents are not noticed, nor parties to the hearing



What does a youth have to do to meet the participation conditions of AB 12?

- (1) Completing secondary education or a program leading to an equivalent credential,
- (2) Enrolled in an institution which provides post-secondary 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.
- (5) Unable to do one of the above requirements because of a medical condition.



Foster Care After Age 18- Placement



Are there any limitations on where a youth can live in order to receive foster care benefits under AB 12?

Yes, the supervised placements available to youth after age 18 include:

- Approved home of a relative or NREFM (approved);
- Foster family home (licensed);
- Foster Family Agency certified home (licensed);
- Group home, subject to new limitations (licensed);
- Home of a non-related legal guardianship (approved by the juvenile court);
- THP-Plus Foster Care (approved);
- Supervised Independent Living setting (approved).



What is the goal of the Transitional Independent Living plan for youth 18 to 21?

- Develop a permanent connection with a caring and committed adult
- Develop independent living skills and have opportunities for incremental responsibility
- Live in the least restrictive placement



What is THP-Plus Foster Care and how is it different than the current THP-Plus program?

- Modeled after the existing THP-Plus program for non-dependents
- Remains approved by county, not licensed
- Differs from the current THP-Plus program in two ways:
 - Child welfare, probation or tribal supervision
 - Juvenile court dependency or delinquency jurisdiction



What is a Supervised Independent Living setting and how is it different than the other placement options available to youth 18 to 21?

- New placement option for youth age 18 to 21
- Is a supervised setting as specified in TILP
- Must meet health and safety standards (TBD)
- May receive all or part of the foster care benefit directly
- Basic rate paid
- Not eligible for specialized care increment



How does AB 12 affect group home placements for youth age 18 to 21?

- AB 12 specifies that 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.
- Medical condition will be defined by CDSS in ACL's and state regulation



Foster Care After Age 18- Benefits



What are foster care rates paid for youth age 18 to 21?

- Foster care benefit is set according to the youth's placement and, in some cases, the youth's special needs
- Different rates available for relatives, guardians, foster family homes, group homes, and foster family agencies
- Youth in SIL get age specific basic rate of \$627
- THP-Plus Foster Care rate, to be determined



Can a youth receive the foster care benefits directly?

- Yes, youth in SIL may receive all or part of the foster care benefit directly pursuant to the mutual agreement



Foster Care After Age 18- Special Topics



How does AB 12 impact youth on probation or youth who are under the supervision of the delinquency court?

- “Wards” are eligible for extended foster care services in the same manner as dependent youth
- AB 12 provides mechanisms for certain wards to become dependents prior to their 18th birthday
- Requires that the delinquency court consider whether to transfer the youth’s case over to the dependency court at the status review hearing closest to the time when the youth turns 18 and at any hearing to terminate delinquency jurisdiction



What about the case of youth who are custodial parents. How does AB 12 provide for them?

- Same rights to participate in foster care after age 18 as all other youth
- Caregiver of nonminor parent eligible to receive an “infant supplement”
- Youth living in SIL would receive this directly
- If the nonminor parent lives in a Whole Family Home, the caregiver may be eligible for the \$200 for the Shared Responsibility Plan



Under AB 12, the extension from age 20 to 21 is subject to budget appropriation by the state legislature. When and how would it happen?

- The final year of extension (from age 20 to 21) is subject to a budget appropriation by the State Legislature
- Could happen at any time
- Action would need to be taken once



If the youth is a consumer of Regional Center Services, will the youth continue to receive dual agency rates and the supplemental rate for extraordinary care and supervision?

- Yes, the dual agency and supplemental rates will apply to youths who are otherwise eligible for extended foster care and remain a dual agency consumer.



Kin-GAP Provision



How does AB 12 change California's current Kin-GAP program?

- Child only has to be residing with the relative for 6 months prior to exiting
- Kin-GAP benefits are determined and adjusted based on changed needs pursuant to a negotiated agreement
- Kin-GAP may continue up to age 21 if certain conditions are met
- Kin-GAP now can be paid out of state
- A child can enter Kin-GAP via the voluntary placement agreement process



What are the basic eligibility requirements for a youth to receive Kin-GAP under AB 12?

- (1) Removed from his home and placed into foster care with his foster care case supervised by either the dependency or the delinquency court;
- (2) Reside with an approved relative guardian for at least 6 consecutive months,
- (3) Have a kinship guardianship established by juvenile court with that relative, and
- (4) Have his or her foster care case dismissed by either the dependency court or the delinquency court at the same time or subsequent to the establishment of the guardianship



How is the amount of the Kin-GAP benefit determined?

- Negotiation between the relative guardian and the county child welfare agency, probation department or Indian tribe
- Set forth in an agreement that can be adjusted periodically, as the needs of the child change
- If the youth is a parent of a child placed in the same home, the teen parent rates apply.
- If the youth is a regional center consumer, the dual agency rates apply



How will the conversion to the new federally-subsidized Kin-GAP program occur?

- Process is being developed by CDSS
- Scheduled to begin January 1, 2011
- Federal cases will be transitioned to new federal program
- Non-federal cases will be transitioned to new state program
- Process intended to be seamless



Next Steps



When will CDSS develop ACL's and regulations for AB 12?

- An ACL on Kin-GAP will be released by December 2010.
- An ACIN about extended foster care will be released by December 2010.
- ACL's will be released around October 1, 2011
- Both ACL's and regulations will be developed through a process using multiple workgroups.
- The projected release of regulations will be around July 1, 2012.



What's your advice for people to provide input or stay informed about the process?

- Updates will be provided through the CWDA/ILP subcommittee and CWDA/THP-Plus committee meetings.
- We invite/encourage counties to participate in the implementation workgroups.
- Please email questions to ILPpolicy@dss.ca.gov



More Questions?

Contact information for each presenter is provided on the AB 12 website at www.cafosteringconnections.org

Web seminar recording and presentation will be posted on website

Full Q&A posted on October 29, 2010

THP-Plus Institute will be held on Monday, November 8th in Oakland

Stay tuned for trainings and publications

