

Extended Foster Care In California



Why Are We Here?



Fostering Connections 2008

Improve Oversight of Foster Children:

- Health Care Needs
- Educational Stability
- Connection to Family Members

Establishment and Support of Intensive Family Finding

Re-establish Relationships and Explore Permanent Placements and Connections

"Emancipated" Youth

- 75% work below grade level
- 50% do not complete h.s.
- 45% are unemployed
- 33% are arrested
- 30% are on welfare
- 25% are homeless

www.chapinhall.org

Let's Look at the Basics...



CONCURRENT PLANNING


Adoption or Legal Guardianship

(for "ATTACHED" and "UNATTACHED" youth)

- Starts immediately
- It is the plan put in place in case Family Reunification fails



CONCURRENT PLANNING
FUNDAMENTAL-
Applies to every dependent or ward in out-of-home placement



THROUGHOUT-
Important as the youth nears 18
Even after 18

FAMILY FINDING

- **WHAT?**
 - Search for relatives as defined in statute...
- **WHY?**
 - Information
 - Placement
 - Connections
- **WHEN?**
 - From the beginning and throughout the case

FAMILY FINDING

- **WHERE?**
 - No limit
- **HOW?**
 - Diligently and repeatedly
- **FOR HOW LONG?**
 - As long as it takes



IMPLICATIONS OF FAMILY FINDING

- Prepare for emotional regression and regression
- Barriers and blessing of finding biological parents



What About Emotional Permanence?

- Lifelong connections
- For a child out of home for 6 months or more: Review Hearing report MUST contain _____?

W&IC § 16501.1(i)

What Forms Can Permanency Take?

- Biological permanency: Reunification with family
- Legal permanency: Adoption
- Legal connection: Guardianship
- Emotional permanency: supportive commitment long-term

WHAT IS...

- A NON MINOR DEPENDENT?



Four Types of Jurisdiction for NMDs

1. Dependency Jurisdiction
2. Transition Jurisdiction
3. Delinquency Jurisdiction
4. General Jurisdiction

Program Eligibility

Extended foster care applies to Non-Minor Dependents (NMDs)

A NMD is defined as a dependent or ward who meets what 3 criteria?

** Youth must also agree to placement in a supervised placement in an eligible facility.*

3 CRITERIA

- 1. 18 but not too OLD
- 2. Under FC order on 18th birthday
- 3. Participating in 1 of the 5 eligibility conditions

Participation Requirements

Youth must satisfy 1 of 5 requirements as documented in the youth's TILCP

WIC 11400 [Amended] & WIC 11403 [New]

1 of 5...

- 1. High School or GED
- 2. College or vocational school
- 3. Working at least 80 hours @ month
- 4. Working to overcome barriers
- 5. Unable to participate; medical or mental health issues

Placement

What is an APPROVED facility or placement?



TILP v. TILCP

These are two separate, yet closely related documents.

The Transitional Independent Living Plan (**TILP**) is a 2 page form **attached** to the Transitional Independent Living Case Plan (**TILCP**)

TILP v. TILCP

The **TILP** identifies the NMD current level of functioning, emancipation goals and specific skills needed to prepare living independently. It describes **shared responsibilities**.

TILP is *forward looking* and **TILCP** is what is happening *currently*.

WIC 11400(y), ACL 11-69, Rule of Court 5.502

TILP v. TILPC

• WHAT'S THE DIFFERENCE?

- Scope
- Purpose
- Updating

• WHY BOTH?



STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Transitional Independent Living Plan & Agreement

Youth: _____ Date of Birth: _____ Ethnicity: Hispanic
 Case Worker Name: _____ Case Worker phone: _____

TILP is a monthly document. It is updated on the 15th of each month. Date Independent Living Needs Assessment completed: 8/1/08
 If I have not participated in the TILP program before, I agree to participate now.
 Based on the assessment of my level of functioning, the following transitional goals and activities meet my current needs.

Goal	Activity	Responsible Parties	Planned Completion Date	Progress Update
Goal #1: Obtainting necessary documents (Social Security, Birth Certificate, etc.)	UPAS to obtain necessary documents	Youth & DCFS	next 6 months	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification
Goal #2: Obtainning clearance permit	UPAS to obtain necessary documents	Youth & DCFS	next 6 months	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification
Goal #3: Obtainning job	Job search	Youth & DCFS	next 6 months	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification
Goal #4: Enroll in school	UPAS to obtain necessary documents	Youth & DCFS	next 6 months	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification

This Agreement will be updated on: 9/10/08 Update # _____
 Signature of Case Worker: _____ Date: 9-10-08
 Signature of Youth: _____ Date: 9-10-08
 Signature of Supervisor: _____ Date: 9-10-08

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Transitional Independent Living Plan & Agreement

Youth: John Compton Date of Birth: 11/24/92 Age: 15 Ethnicity: Hispanic
 Case Worker Name: Frank Marlow Date of Birth: 11/14/68
 TILP is a monthly document. It is updated on the 15th of each month. Date Independent Living Needs Assessment completed: 8/1/08
 If I have not participated in the TILP program before, I agree to participate now.
 Based on the assessment of my level of functioning, the following transitional goals and activities meet my current needs.

Goal	Activity	Responsible Parties	Planned Completion Date	Progress Review
Goal #1: Take on more responsibility for self care	With the assistance of the caregiver I will be doing my own laundry with three months	John Compton Lisa Ferguson (DCFS parent)	10/1/08	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification
Goal #2: Acquire my state in Algebra	(I.P. Home Management) I will work with my sister at algebra three times a week for one hour	John Compton Scott Mason (DCFS)	11/30/08	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification
Goal #3: Work in a retail business to a job	(I.P. Education) I would like to work part time in a retail store to help me to become a responsible person. I will meet with my school counselor about what I can do to become a responsible person.	John Compton Lisa Ferguson (DCFS) Frank Marlow (DCFS) Celia Vasquez (School Counselor)	10/15/08	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification
Goal #4: Acquire and begin driving	(I.P. Career/Job Guidance) I would like to go on a group date to the drivers and to ask questions if the would like to come with me by 11/1/08	John Compton Lisa Ferguson (DCFS)	8/1/08	<input type="checkbox"/> Met Goal <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Needs more time/assistance <input type="checkbox"/> Goal needs modification

This Agreement will be updated on: 11/16/08 Update # _____
 Signature of Case Worker: _____ Date: 11-16-08
 Signature of Youth: _____ Date: 11-16-08
 Signature of Supervisor: _____ Date: 11-16-08

**Mutual Agreement
(SOC 162)
WIC 303(d), 11400(u)**



Agreement between the youth and the county welfare agency...

What does the NMD agree to?

What does the agency agree to?

Important to Remember...

Participation in extended foster care is voluntary

If they do not opt out, do NMD's have the same rights as any other adult?

Does Child Welfare/Probation "have custody" of a NMD? *WIC 303(d)*

Planning For Extended Foster Care in the Juvenile Court



Acronyms

EFC: Extended Foster Care

NMD: Non Minor Dependent

SILP: Supervised Independent Living Placement

THP+FC: Transitional Housing Program Plus Foster Care

TILP: Transitional Independent Living Plan

TILCP: Transitional Independent Living CASE Plan

Last Status Review Hearing Before a Youth Turns 18

Court Report Must Include:

Transitional Independent Living Case Plan (TILCP)

Transitional Independent Living Plan (TILP) as an attachment.

OR

90 Day Transition Plan

Last Status Review Hearing Before a Youth Turns 18

Rules of Court

Rule 5.707 (Chart)

Planning for transition to independence, benefits, rights

Form JV-460

Findings and Orders-Child Approaching Majority

**Last Status Review Hearing
Before a Youth Turns 18**

Rules of Court

Rule 5.812 (Chart)

Availability of Dependency or Transition
Jurisdiction

Form JV-680

Findings and Orders-Child Approaching
Majority

**Options After Hearing
Rule 5.812 (WARDS)**

1. Dual Status: Go to DEPENDENCY if:

Rehab goals met

Return home detrimental

2. Non-Dual Status: Go to TRANSITION

JURIS IF:

Rehab goals met

Detrimental to return

Options After Hearing

**3. Not dependent when
adjudged ward w/Current FC
order**

Not w/in Transition Juris

Looks like a dependent....

Follow §329 procedure per rule
5.812(e)(4)

Options After Hearing

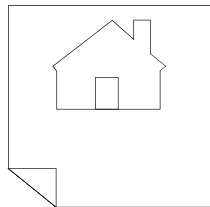
4. Ward not within transition jurisdiction who under foster care order when adjudged ward:
Dependency Juris if rehab done and home detrimental
5. Under FC order and older than 17 yrs 5 mo. and less than 18 OR under FC order and less than 17yrs 5 mo.:
Delinquency jurisdiction not modified to transition or dependency

Assuming Transition Jurisdiction

For eligible youth age 17 years, 5 months, or older, the court can modify youth's status to transition jurisdiction *when* _____.

The court may *also* assume transition jurisdiction at re-entry for eligible former wards who _____.

What Does Extended Foster Care Look Like?



Meetings With Social Workers/Probation Officers

- Monthly, face-to-face meetings
- Collaborative case planning
- The Transitional Independent Living Case Plan and the TILP will be updated every 6 months.

WIC 11400 (y), 16501.1 (f) (16)

Review Hearings for Non Minor Dependents



Review Hearings for Non Minor Dependents

- 1) NMD Review Hearings in PPLA
- 2) NMD Participating in Family Reunification Services
- 3) NMD/Adult Adoption
- 4) Modification to Transition Jurisdiction after 18

NMD Review Hearings CRC 5.9000

Anyone under FC placement at
the age of 18 under every
jurisdiction type

How are these hearings different?

At Each Review Hearing:

Court must address:

Participation conditions;

Reasonable efforts;

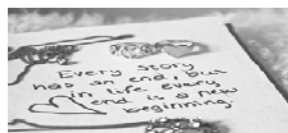
Permanent connections;

Right to have jurisdiction terminated

Note: if FR efforts continuing, additional findings required

NMD ADOPTION

- Great Permanency Option!
- Can live separately
- Report required
- Adoption Agreement Signed
- W&IC 366.31(f)



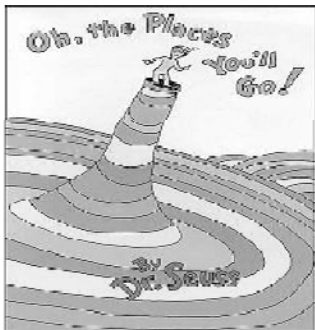
ADOPTIONS for Probation Foster Youth

- There have been 7 adoptions in Delinquency in the State of California—and the nation
- Adoptions take approximately 2 years to finalize-terminating FR services
- Older youth adoptions becoming more attractive—less red tape
- More successful with someone the child knows; however, when developed slowly with services in place, recruitment is just as effective

Media Based Recruitment

- This option is for “unattached youth”; youth that have no family or extended family available or willing
- Requires Termination of Family Reunification Services and a court order
- Kidsave, Recruitment Videos, Calendars, Sports games, Carnival/Park events, etc.

Termination of Jurisdiction



Hearing to Terminate Jurisdiction For Nonminor

* Social worker must provide a 391 report to a NMD case being dismissed. The court cannot terminate jurisdiction without a report and making the proper 391 findings and orders

In re Nadia G., (2013) 216 Cal.App.4th 1110

* WIC 391 applies to all nonminors regardless of their placement or status.

In re Shannon M., (2013) 221 Cal. App. 4th 482

Termination Hearing Requirements

Court shall continue jurisdiction, unless _____

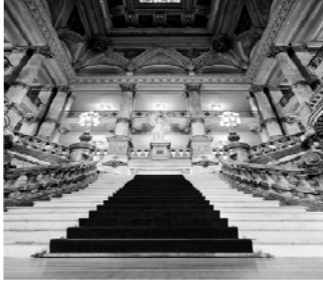
Prior to the Court terminating jurisdiction, the court must find that youth was informed of _____

Necessary Documentation At Termination

- TILCP - *WIC 11400 (y)*;
- TILP;
- Completed 90-day Exit Transition Plan. *WIC 16501.1(f)(16)*;
- 391 (e) Documents;
- Lifelong connections!



Reentry



Resume Jurisdiction

What are the **3** Musts?



Filing The Request

If youth contacts agency, VRA signed, agency must file §388(e)-JV-466.

JV-466 and JV-468 (*Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care*)

Prima Facie Showing

Court to review JV-466 w/in 3 court days of filing to determine prima facie showing of _____

Findings and Orders re Prima Facie Showing

If court finds prima facie:
What must court do?
If prima facie not made:
What must court do?

Findings and Orders re Prima Facie Showing

If request denied:
• Can attorneys consult with nonminors?
• Can Nonminor file new request?

Attorneys



Appointment

Does court appoint same attorney?

What if no request for attorney?

Timeline?

Is there a cost to nonminor?

Same standards as Rule 5.660(b.)

Findings At Hearing

- Notice
- Nonminor had FC order at 18
- Court retained general jurisdiction (automatic)
- Not yet 19 in 2012, or 20 in 2013 or 21 in 2014

Findings at Hearing

- Nonminor INTENDS to satisfy 1 or more conditions
- Specify conditions
- Reentry agreement between nonminor and agency

BEST INTERESTS OF NMD (JV-472)

ICWA (NMD choice.)

SOOOO.....

Back to square one...



The goals of the legislation?

- BETTER PREPARE YOUTH FOR INDEPENDENCE
- SUPPORT YOUTH DURING TRANSITION TO ADULTHOOD
- ESTABLISH LIFELONG CONNECTIONS
- PERMANENCE

Studies of 23 & 24 Year Olds

- 79% of women and 75% of men had a GED or diploma
- BUT only 7% of women and 5% of men had even an AA degree
- At the time of the Midwest study, only 17% were still enrolled in school
- Fewer than half had a job, and most did not earn a living wage
- Almost 30% faced food insecurity
- Rates of incarceration and single motherhood still high

How Are We Doing?

- Are we missing anything?
- Are youth electing to opt in?
- Are youth receiving benefits?
- Are youth receiving services?
- Are youth completing their education?
- Are youth finding employment?
- Are youth prepared to live independently?
- Are youth forming lifelong connections?
- Are youth finding permanence?

2014 GAO STUDY

- Surveyed welfare practices in all 50 states
- Found that HHS in D.C. has NOT yet monitored implementation of 2008 legislation.
- All states reported challenges.

GAO

- No update to data reporting requirements.
- e.g. Only 21 states reported data on savings from federal adoption assistance income eligibility for 2012 despite Act's requirement that states spend the savings on child welfare programs.

GAO www.gao.gov

- Recommendations:
 - HHS Secretary provide guidance
 - HHS Secretary should finalize plans to:
 - Monitor state practices
 - Update AFCARS to include data on Fostering Connections Act

SO THE QUESTION IS...

How do we best implement Extended Foster Care to achieve the goals?