Extended Foster Care In California

Why Are We Here?
Test Your Knowledge

How Did We Get Here?
Fostering Connections 2008

House Ways & Means Committee Chairman McDermott:

“...we displace [foster children] from their homes and from any meaningful financial support, and tell them, make it on your own...

“...our failure and the inconsistent effort to help foster children stay connected to their families.”

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
Fostering Connections 2008

What are other states doing to implement this Act?

See handout for links and citations

How can we keep children from growing up in the system?
KIDS GROW UP IN THE “SYSTEM”

- Some enter young and are never reunited
- Absent adherence to time lines and concurrent planning it is often too late for a truly permanent plan
- Some enter as pre-teens or teens and WILL grow up in group homes

“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

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
What are the Legal Permanency Options?

- Adoption
- Guardianship
- PPLA

Dependency (366.26) and Delinquency (727.3)

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)
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
VRA: Voluntary Reentry Agreement

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]
Placement

What is an APPROVED facility or placement?

TILP Vs. 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

Let’s talk TILP or TILCP

“Goals” in some TILPs (OK?)

- ILP Services- Youth will participate in ILP as deemed appropriate
- Education- Youth will attend school until graduation
- Remain in current placement EFC for support and Education – Agree to follow house rules. Attend school daily. Meets Criteria #1 EFC
- Receive ILP Services – Work with ILP coordinator
TILP or TILCP

- Receive 799/SILP Monies - Complete SILP forms once a year
- ILP Career/Job Guidance
- ILP Education Post Secondary
- Complete ILP Classes
- Contact ILP Coordinator
### Transitional Independent Living Plan & Agreement

**Youth:** John Campana  
**Date of Birth:** 11/14/92  
**Age:** 15  
**Ethnicity:** Hispanic  

**Case Worker Name:** Frank Richards  
**Case Worker Phone:** 800-555-1234  

**ILP Program name:** TILP  
**Program Start Date:** 3/1/99  
**Date Independent Living Needs Assessment completed:** 5/1/98  
**X:** I have not participated in the ILP program before.  
**X:** I agree to participate now.  
**X:** Based on the assessment of my level of functioning, the following transitional goals and activities meet my current needs.

<table>
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<th>Activity</th>
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<th>Planned Completion Date</th>
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<td>Take more responsibility for self care</td>
<td>John Campana, Lisa Evergreen</td>
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<td>Socialize and begin dating</td>
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This Agreement will be updated on: 6/1/98  

Update #  

Signing this agreement means we will all work to complete the steps necessary to help the youth reach his/her goals.

---

**Good 6 months later.....**

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**Good 6 months later.....**
**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?

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**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

What’s the 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
Minor Ward: Modification to Dependency or Transition Jurisdiction

Rule 5.812(a) Minor Ward-Hearing regarding Termination of Jurisdiction

3 Categories:
1. Any status review hearing for under 18 ward
2. Any hearing for under 18 ward in FC
3. Any hearing for under 18 ward w/FC order when declared a ward

RULE 5.812(a)

- Hearing on Termination cont’d
  - Court MUST consider modifying to dependency or transition jurisdiction
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

Additional Planning for Wards
Ways for Wards to be Eligible for EFC

1. Delinquency Juris and FC order
2. Transition Juris
3. Youth not eligible for Transition Juris

#1: Youth Under Delinquency Jurisdiction

To continue AFDC-FC eligibility, at the last review hearing before an eligible ward’s 18th birthday:

- The Court must be sure TILP shows meeting 1 of the 5 conditions.
- The Ward must indicate intent to sign agreement.

WIC 727.2(i)&(j)

*NOTE: Once the ward meets his/her rehabilitative goals, the court may assume transition jurisdiction over eligible youth.
# 2: Youth Under Transition Jurisdiction

New jurisdiction (WIC 450) for youth no longer on probation.

Designed to encourage youth to take advantage of extended benefits without forcing them to remain under “delinquency” supervision.

Eligible Youth Under Transition Jurisdiction

- Rehab goals met **AND**
  - Between 18 and 21 w/FC order on 18th birthday **OR**
  - Between 18 yrs 5 mo and no reunification services or permanent plan + return detrimental **AND**
    - Former dependent w/FC order **OR**
    - Current FC order
When to Consider Transition Jurisdiction

WIC §727.2 (i)

At the status review hearing held closest to the ward’s 18th b-day. Hearing must occur at least 90 days before the b-day:

The Court MUST consider W&IC § 450.

The Probation Department MUST address issue and make recommendation.

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 ______________.
Supervision of Youth in Transition Jurisdiction

Does Probation or Child Welfare Supervise Youth?
Develop County Protocols

WIC 241.1 (b) (3), 300.3, 450

#3: What About Youth Not Eligible For Transition Jurisdiction?

The delinquency judge decides if jurisdiction should be modified to dependency jurisdiction. WIC 607.2(b) & 727.2 (i)

What is procedural mechanism for modification?
241.1 process; WIC 607.2(b); 727.2 (i) (2)
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

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
ADULT ADOPTION

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

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 with a report and making the proper 391 findings and orders

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

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

In re Shannon M., 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.)

Notice Requirements
Re-Entry Hearing

No later than 5 court days before hearing
Date, time, place and purpose PLUS the JV-466 to whom?
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.)
Orders Served By Clerk
On All Noticed

If eligible and all requirements met:

now what?

Orders Served By Clerk
On All Noticed

If eligible but does not intend to satisfy at least one of the conditions or no VRA:

now what?
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?
SO THE QUESTION IS...

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