

**County of Orange Social Services Agency
Family Self-Sufficiency & Adult Services Division**

Program/Area: Foster Care
Title: Extended Foster Care - Probation
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PURPOSE

The purpose of this policy is to provide information regarding probation youth's access to the Extended Foster Care (EFC) Program. In order for probation wards to participate in the EFC Program, the probation ward must be in one of the three jurisdictional statuses and meet the eligibility criteria for EFC.

This policy is to be used in conjunction with policy 701 Extended FC as the EFC Program for eligible probation wards follow the same rules and documentation that is needed for non-minor dependents under the jurisdiction or care of Children & Family Services (CFS). Probation wards remain under the jurisdiction of the court, supervision of the county, and must reside in eligible licensed or approved placements to receive benefits.

BACKGROUND

AB 212 allows and defines how eligible wards of the court can participate in the EFC program up to the day before the youth turns 21 years of age. Eligible minor wards can transition to dependency status or transition jurisdiction status at the time his/her delinquency jurisdiction is being terminated to allow him/her to remain in foster care and participate in the EFC Program after reaching age 18.

DEFINITIONS

Minor Ward (also referred to as a Transition Dependent)

A minor who is subject to the court's transition jurisdiction and is no longer subject to the terms of their probation.

Non-minor Ward (also referred to as a Non-Minor Dependent)

A non-minor who is subject to the court's transition jurisdiction who is 18 years of age or older.

Transition Jurisdiction

A status that allows older probation wards who have met the rehabilitative goals in his/her case plan and meet the criteria to remain in foster care.

Dependency Jurisdiction (New or Resumed)

An alternative path for probation wards that do not meet the criteria for transition jurisdiction and are unable to return home safely to have delinquency status modified to dependency status.

Continued Delinquency Jurisdiction

A status for probation wards who are still subject to the terms and conditions of probation.

JURISDICTIONAL STATUSES

Probation wards may be eligible to participate in EFC if he/she is in one of the following jurisdictional statuses:

- Transition Jurisdiction
- Dependency Jurisdiction (New or Resumed)
- Continued Delinquency Jurisdiction

Note: The court minute order will indicate the case type as one of the three jurisdictional statuses.

CRITERIA FOR ELIGIBLE WARDS AND JURISDICTIONAL STATUSES

A ward must meet the eligible ward criteria to be eligible for one of the three jurisdictional statuses for the purpose of participating in the EFC Program.

Eligible ward criteria for a **minor ward**:

- Older than 17 years and 5 months, but not yet 18 years old, **AND**
- Was subject to an order for foster care placement as a dependent of the court at the time the court made them a ward who had not previously been subject to the jurisdiction of the court as a result of a petition filed by CFS **OR**
- Was subject to an order for foster care placement as a dependent of the court at the time the court made them a ward of the court under the supervision of probation **OR**
- Was subject to an order for foster care placement as a ward that had not been under court jurisdiction as a result of a petition filed by CFS

Eligible ward criteria for a **non-minor ward**:

- Age 18 and older **AND**
- Was subject to an order for foster care placement as a ward on the day of turning age 18

Generally, when a ward completes his/her formal probation, his/her delinquency status may be terminated by the court. However, the court may consider continuing juvenile court jurisdiction over an eligible ward for the purpose of participation in EFC.

When the criteria for a minor or non-minor ward above has been met, the ward is eligible for one of the three jurisdictional statuses below.

1. Eligibility for Transition Jurisdiction

When the court is considering terminating jurisdiction over a ward, the court has the option to modify its delinquency jurisdiction status to transition jurisdiction status.

Transition Jurisdiction Criteria for a minor ward:

- Older than 17 years and 5 months, but not yet 18 years old and in foster care placement
- Was removed from the physical custody of the parent(s) or legal guardian and was either:
 - Declared a ward and ordered into foster care placement
OR
 - Removed from the parent(s) as a dependent of the court with an order for foster care placement as a dependent in effect at the time the court declared him/her a ward, where:
 - Rehabilitative goals have been met and jurisdiction over the youth as a ward is no longer required
 - Reunification services have been terminated
 - Parental rights have not been terminated or guardianship has not been established
 - There is substantial risk to the minor if returned to the parent(s) or legal guardian
 - The minor has expressed intent to sign a Mutual Agreement for Extended Foster Care (SOC 162) and agree to meet one of the five participation criteria

Note: These minors are referred to as Transition Dependents and are no longer subject to the terms of their probation. Upon reaching age 18, Transition Dependents are referred to as NMDs.

Transition Jurisdiction Criteria for a non-minor ward:

- At the age of 18 was under a foster care placement order and has not reached age 21
- Was removed from the physical custody of the parent(s) or legal guardian and was either:
 - Declared a ward and ordered into foster care placement
OR

- A dependent of the court with an order for foster care placement in effect at the time the court declared him/her a ward and pursuant to a probation/wardship proceeding, where:
 - Rehabilitation goals have been met and delinquency status no longer applies
 - Ward has signed the Mutual Agreement for Extended Foster Care (SOC 162) or the Voluntary Reentry Agreement for Extended Foster Care (SOC 163), as a NMD, and meets one of the five participation criteria

2. Eligibility for Dependency Jurisdiction (New or Resumed)

For wards who do not meet the criteria for transition jurisdiction, the court has the option to modify their delinquency jurisdiction status to dependency jurisdiction status.

To be eligible to the dependency jurisdiction status, an eligible ward must meet all of the following:

- Has met his/her rehabilitative goals per case plan.
- Is younger than age 18 and not eligible to Transition Jurisdiction.
- Cannot be returned home safely.

For eligible minor wards who were never dependents, the court may either:

- Order the probation department or ward's attorney to submit an application to the child welfare services department to modify jurisdiction from delinquency to dependency if all of the following criteria listed below has been met:
 - Was not previously subject to court jurisdiction as a result of a dependency proceeding
 - Is not eligible to transition jurisdiction

OR

For eligible minor wards who were prior dependents and who meet the criteria under dependency jurisdiction, the court may either:

- Render void the previous court order that terminated dependency and resume jurisdiction based on the prior

dependency petition if the minor was subject to a foster care placement order as a dependent at the time he/she was declared a ward pursuant to a probation/wardship proceeding. Delinquency jurisdiction would then be terminated.

3. Maintaining Delinquency Jurisdiction

A ward can participate in the EFC Program while remaining under delinquency jurisdiction.

To be eligible to the delinquency jurisdiction status, a ward must meet the specific criteria below:

- Are subject to a foster care placement order on or before age 18 and have not reached age 21

AND

- Are currently participating in, or there is an agreement, to meet one of the five education and employment participation criteria which must be documented in the Transition Independent Living Plan (TILP)

Probation NMDs with delinquency status are not required to complete the Mutual Agreement for Extended Foster Care (SOC 162) since they are still subject to the terms of their probation and are not voluntarily remaining in Foster Care.

NMDs under delinquency jurisdiction who are meeting participation criteria for the EFC Program must report changes in eligibility. The Six-Month Certification of Extended Foster Care Participation (SOC 161) is completed by the Probation Officer and sent to eligibility staff to authorize the EFC payment.

After they have met their rehabilitative goals and if they choose to voluntarily participate in EFC, at such time, they will be required to complete and sign the Mutual Agreement for Extended Foster Care (SOC 162).

EDUCATION AND EMPLOYMENT PARTICIPATION CONDITIONS

In addition to meeting the specific criteria for one of the three jurisdictions above, the ward must also meet or agree to meet one of the five education and employment participation conditions outlined below in order to participate in EFC.

Education and Employment Participation Conditions:

1. Attending high school or an equivalency program
2. Enrolled in post-secondary education or vocational school
3. Participating in a program or activity that promotes or removes barriers to employment
4. Employed at least 80 hours per month
5. Is incapable of participating in any activity as described above due to a documented medical condition

EXITING EFC

A Probation ward under transition or dependency jurisdiction may exit the EFC Program at any time prior to reaching the age limit. In order to terminate delinquency jurisdiction, the NMD must have completed the rehabilitative goals per his/her case plan. If jurisdiction is terminated, the court will retain general jurisdiction over the NMD up to age 21 upon his/her exiting EFC. This is to allow for re-entry to EFC at a later date if the NMD is still under the age limit for EFC.

RE-ENTRY INTO EFC

The re-entry for wards is the same as for dependents. Refer to 701 Extended FC.

PROCEDURE

Refer to Extended Foster Care Processing Guide.

FORMS

[Six-Month Certification of Extended Foster Care Participation SOC 161](#)
[Mutual Agreement for Extended Foster Care SOC 162](#)
[Statement of Facts Supporting Eligibility for AFDC- Extended Foster Care FC2 NM](#)
[Voluntary Placement Agreement Placement Request SOC 155](#)
Voluntary Re-Entry Agreement for Extended Foster Care SOC 163
[Foster Child's Data Record and AFDC-FC Certification SOC 158A](#)
School Attendance Verification (Generated in CalWIN) CSF 37
[Child Support – Good Cause Claim For Non Cooperation CW 51](#)
[Supervised Independent Living Placement Approval and Placement Agreement SOC 157A](#)
[SILP Inspection: Checklist of Facility Health and Safety Standards SOC 157B](#)
Transitional Independent Living Plan (Provided by DPO)
Placement Information Change Notice

REFERENCES

ACL 11-85, 12-12, 18-113
ACIN I-07-19
701 Extended FC
Extended Foster Care Processing Guide