

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

Program/Area: Foster Care Program

Title: **Extended Foster Care**

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PURPOSE

The purpose of this policy is to provide guidelines for the Extended Foster Care (EFC) Program which is the extension of Aid to Families with Dependent Children - Foster Care (AFDC-FC) benefits without a break in aid to youths who voluntarily remain in Foster Care (FC) after the age of 18. These youths are referred to as non-minor dependents (NMDs). This policy also addresses youth who choose to re-enter EFC.

BACKGROUND

Prior to AB 12 implementation, Foster Care children were eligible to receive benefits and services until the age of 18 and could have continued to receive benefits and services if he/she was attending high school on a full-time basis, a vocational or technical training program, **and** was expected to graduate before reaching age 19. Under AB 12, the continuing education rule does not apply to NMDs. Instead, NMDs will need to meet one of the five participation requirements in order to be eligible to EFC up to the day before the youth turns 21 years of age.

JURISDICTION

A NMD remains under the authority of the juvenile court as a dependent or ward and/or under the placement and care responsibility of the county child welfare or probation department or a Title IV-E tribe.

Unlike a NMD, a former foster youth in non-dependent non-related legal guardian (NRLG) established in juvenile court is not under the juvenile court jurisdiction, as there is no ongoing court involvement in these cases. These youths can be eligible for extended **state-only** FC payment if he/she meets eligibility requirements and at least one of the EFC participation criteria.

**ELIGIBILITY
REQUIREMENTS**

The following outlines the criteria that must be met in order for the NMD to be eligible for EFC. The eligibility criteria are the same for the federal and state EFC program.

Eligibility Criteria:

- Age 18 and under 21
- Are **dependents/wards** of the juvenile court or a Title IV-E Indian tribe on his/her 18th birthday
- Authority for placement
- Placed in an eligible facility
- Meet one of the five education and employment participation conditions

- A Transitional Independent Living Case Plan including the Transitional Independent Living Plan (TILP) updated every six months

Examples of non-minors **eligible** to EFC include:

- Pregnant and/or parenting
- Residing out-of-county
- Residing out-of-state
- Married
- Enlisted in the military, in the military reserve or Reserve Officer Training Corps (ROTC) but not on active duty
- Are in NRLG established through juvenile court and sign a mutual agreement to remain in EFC

Examples of non-minor's **ineligible** to EFC include:

- Are 21 years of age
- Enlisted in the military and are on active duty status
- Enlisted in the military and are not available for the required monthly caseworker visitation
- Enlisted in the military and attending basic training
- Are incarcerated
- Are otherwise not eligible to AFDC-FC/CalWORKs-FC
- Are in a NRLG through a probate court

Note: The NMD enlisted in the military would be eligible to EFC as soon as caseworker visitation can resume.

EDUCATION AND EMPLOYMENT PARTICIPATION CONDITIONS

The NMD must participate in one of the five education and employment participation conditions outlined below in order to receive 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.

DOCUMENTATION REQUIRED FOR EDUCATION AND EMPLOYMENT PARTICIPATION CONDITIONS

The Social Worker (SW) assigned to the dependency of the non-minor's case will document the NMD's intent to participate in EFC and also which of the five participation requirements on the [Six-Month Certification of Extended Foster Care Participation](#) (SOC 161) form. This required form is prospective in nature and certifies that the NMD is currently in compliance and is expected to continue with compliance in meeting participation requirements for the following six months. Prior to issuing EFC payment, the (SOC 161) form is required.

The [Mutual Agreement for Extended Foster Care](#) (SOC 162) is the document that the NMD must sign specifying his/her intention to voluntarily remain in EFC and comply with program requirements and eligibility conditions.

The Mutual Agreement **must be signed at or after attaining age 18, but no later than six months after turning age 18**. The Mutual Agreement is a required condition for participation in EFC. A copy of the Mutual Agreement must be sent to eligibility to be filed in the eligibility case folder. This form is only needed once.

For a non-minor, non-dependent living with a NRLG, the [Mutual Agreement for Extended Foster Care](#) (SOC 162) is an eligibility and benefit criteria and must be signed by the youth prior to or in the month the youth turns age 18 for benefits to continue.

For probation non-minor ward in delinquency status, the [Mutual Agreement for Extended Foster Care](#) (SOC 162) is not required since he/she are still subject to the terms of their probation.

Transition Independent Living Plan (TILP)

The TILP, which describes the activities and services the NMD is receiving to support his/her case plan goals, is required for EFC and should include a back-up activity plan to ensure continuous EFC participation.

Both the TILP and the (SOC 161) must be updated every six months and provided to eligibility. The (SOC 161) is considered to be received timely as long as it is received by the end of the month following the month the next update was due.

Note: For NRLGs, if no TILP exists one will be initiated at age 18.

COURT REQUIREMENTS

For NMDs who choose to remain in EFC, placement authority and placement and care court order remain in effect upon the youth turning 18 years old unless the court terminates jurisdiction.

Additionally, six-month court hearings or administrative reviews continues to be required.

CHILD SUPPORT For a NMD between ages 18 – 19 a Child Support referral is required unless he/she meets one of the following conditions:

- County determines good cause exists (CW 51)
- Parental rights have been terminated
- NMD is over age 19

FUNDING

NMDs that were receiving FC (Federal or State) and are determined to meet the EFC eligibility requirements will remain eligible to the same funding stream as long as dependency continues.

Example: If the youth received Federal AFDC-FC prior to turning age 18, he/she will continue to receive Federal EFC as a NMD as long as dependency continues

and the eligibility requirements noted above are met. The same funding rules apply to State AFDC-FC and CalWORKs-FC payments.

MEDI-CAL

A NMD receiving EFC benefits will continue to be eligible for Zero Share-of-Cost Medi-Cal up to the age of 21. If the NMD exits EFC or ages out, he/she is eligible to receive Medi-Cal as a Former Foster Youth (FFY) up to the age of 26. Refer to [Former Foster Youth \(FFY\)](#).

PLACEMENT OPTIONS

The following placement options are available for NMDs.

- Resource Families
 - Relative
 - Non-Related Extended Family Member (NREFM)
 - Licensed Foster Family Home (FFH)
 - Non-Related Legal Guardian with Dependency
 - Foster Family Agency (FFA)
- Intensive Services Foster Care (ISFC)
- Group Home (GH) - under limited circumstances
- Short Term Residential Therapeutic Program (STRTP)
- Regional Center
- Out-of-county / Out-of-State

Note: GHs are facilities that have not been converted to STRTP. The placement type, GH, is limited up to age 19 and for the completion of high school. However, if the non-minor meets participation condition #5 (qualifying medical condition exists), a GH placement can be considered.

Transitional Housing Program Plus-Non-Minor Dependent (THP-NMD)

- This EFC-specific placement option offers similar housing models as those in THP-Plus program (for former foster youth). The provider must be certified by the county according to health and safety standards in order to serve NMD population.

Supervised Independent Living Placement (SILP)

- This EFC-specific placement option is a flexible, least restrictive and is intended for NMDs who are ready to live independently. In order to place a youth in a SILP, the county must complete a SILP readiness assessment, as well as facility inspection **prior** to the youth moving into a SILP. Documentation required for a SILP placement are [Supervised Independent Living Placement Approval and Placement Agreement](#) (SOC 157A) and [SILP Inspection: Checklist of Facility Health and Safety Standards](#) (SOC 157B). The county must complete an annual reassessment of the SILP unit to ensure the unit remains safe for the NMD to occupy. A SILP placement may include the following, but not limited to:
 - Apartments (alone or with roommates)
 - Single Room Occupancies
 - Renting a room (including from a former caregiver)

- College Dorms/University Housing (Not required to be approved by the county)
- In the same home as a biological/adoptive parent or guardian, including the parent or guardian from whom the child was removed
- STAY
- Job Corps
- AmeriCorps
- Adult Residential Treatment Facility
- Sober Living Facility

College dorms, or other designated university housing, are not required to be pre-approved by the county as they are already approved by the post-secondary institution for safety standards. In addition, a readiness assessment prior to the NMD residing in a college dorm is also not required. With **these exceptions**, Foster Care payment may be issued to pay for placement prior to the signed date of the ([SOC 157A](#)). Additionally, if the NMD moves from one dorm room to another, the ([SOC 157A](#)) and ([SOC 157B](#)) does not need to be completed.

Only in a SILP placement, the NMD may be his/her own payee or can elect to have the payment be issued to another party such as a landlord.

NRLG (established through juvenile court):

Non-minor former dependent in a NRLG established in juvenile court is eligible for **extended-state** only if he/she meets eligibility requirements and one of the five EFC participation criteria. Documentation requirements are the same as the NMD participating in EFC (([SOC 161](#)) ([SOC 162](#)), and TILP). The non-minor must sign SOC 162 **prior to or in the month the youth attains age 18** in order for benefits to continue beyond age 18. The ([SOC 162](#)) serves as the placement authority for the non-minors as there is no ongoing court involvement for these cases. EFC placement options, listed above, are not available to these non-minors, as he/she are not dependents. A NMD must continue to reside with the NRLG caretaker in order to be eligible to extended NRLG benefit up to age 21. The only exception is when the NMD is attending college and living in a dorm setting, as long as the guardian continues to support the non-minor. These youths cannot directly receive AFDC-FC payment; it must be issued to the guardian as the payee.

Out-of-State Placements

A NMD may be placed out-of-state. Refer to [Out of State Policy](#) for additional information.

PAYMENT

A NMD will continue to receive the same rate established for the placement type prior to EFC. Refer to [Foster Care Payment and Rates Policy 707](#).

A NMD is also eligible for the following:

- Specialized Care Increments (SCI)
- Regional Center Rates
- Dual Agency Rates
- County Clothing Allowance (court-ordered only)

- Infant Supplements

NMD in SILP

A non-minor dependent parent living in a SILP is **not** eligible to SCI, but is eligible to receive infant supplement, and an additional payment of \$200 when he/she enter into a Parenting Support Plan (PSP) [F063-25-769](#) with an identified responsible adult mentor. The NMD parent becomes eligible for the \$200 payment increase when all of the criteria are met.

- The Children and Family Services (CFS) Social Worker or Probation Officer must submit a [PIC](#), ([SOC 158A](#)) and [PSP](#).
- [PSP](#) must be signed by the NMD, Adult Mentor, CFS Social Worker or Probation Officer. If the NMD parent changes their adult mentor for any reason, a new [PSP](#) must be created.
- NMD parents with more than one child may be eligible to receive separate parenting support payments if each child requires different adult mentors and different [PSPs](#) to account for their individual supports and needs.
- [PSPs](#) for more than one child must be approved by the CFS Social Worker or Probation Officer and submit the documents listed above for each child. If the children are removed or no longer reside in the NMD parent's home, the NMD parent would no longer be eligible for the \$200 increase.
- A SILP NMD is also eligible to receive the education travel reimbursement (ETR) when attending high school at their school of origin. The ETR payment must go directly to the NMD.

Only NMD in a SILP is authorized to be his/her own payee.

NRLG

For non-minor former dependent living with NRLG, the payment must continue to be paid to the NRLG.

Note: Temporary Absence rule is also applicable to NMDs. Refer to [WT 22 - Bed Hold - Temp Absence Guide](#).

TERMINATION OF PAYMENT

NMD Requests Termination

If the NMD participating in EFC no longer wishes to continue with participation, a hearing will be scheduled to terminate court jurisdiction/dependency. Eligibility for EFC benefits will end the same day of the court ordered termination of jurisdiction/dependency.

NMD Ages Out

Payment shall terminate the day before the non-minors 21st birthday or if the court terminates dependency prior to the non-minors 21st birthday, the case would be terminated effective the date the court hearing or the date that is specified by the court.

When informed by the SW that dependency has terminated, obtain the minute order with the court ruling and issue discontinuance NOA.

Termination due to the NMD not meeting one of the five participation conditions

In the event there is a dispute between the SW and the NMD with regard to whether the NMD is meeting one of the five participation conditions, the court must make a finding as to whether or not the NMD is participating. If court finds that the NMD is not meeting any of the five participation conditions, the ET must issue a discontinuance NOA.

Payment shall terminate at the end of the month when court orders termination due to not meeting one of the five participation conditions.

When terminating payment on the basis of not meeting participation requirement, send NOA [Form F063-29-140](#) to the following:

- The NMD
- The case payee (if other than the NMD)
- The Assigned SW

AID CODES **43** - AFDC - State
 49 - AFDC - Federal

SUPPLEMENTAL SECURITY INCOME (SSI) NMDs receiving SSI are eligible to participate in EFC. The NMD has the option of choosing between receiving the Foster Care payment or the SSI payment.

Refer to the [Social Security Benefits for Foster Care Children Processing Guide](#) and to [SSI Policy 704](#).

CalFresh NMD in a SILP placement can apply for CalFresh.

RE-ENTRY INTO EFC A non-minor former dependent under the age 21 who agrees to meet EFC participation requirement may voluntarily re-enter the foster care program. These non-minors may include youths from the following categories, but not limited to:

- Former dependent/ward who had a placement order on his or her 18th birthday prior to exiting Foster Care
- Non-minor former dependent whose adoptive parent or legal guardian (established through juvenile court), is receiving extended Adoption Assistance Program (AAP) or Kinship Guardianship Assistance Payment Program (Kin-GAP), and would have otherwise been eligible to continue to receive extended benefit, but no longer providing support for the non-minor
- Non-minor former dependent whose adoptive parent or legal guardian (established through juvenile court) died

- Non-minors who entered into legal guardianship that was established by juvenile court, or were adopted, but did not receive AAP or Kin-GAP because he/she was receiving SSI or other benefit from Social Security Administration

The county that had dependency jurisdiction prior to the youth leaving foster care or currently retaining general jurisdiction over the non-minor will have the responsibility in maintaining payment for the youth upon re-entry.

Requirements for Re-entering Youth

Below are the eligibility criteria for re-entry, which is the same for both Federal and State AFDC-FC programs and includes:

1. Age between 18 and 21
2. Was under foster care placement order on his/her 18th birthday (this requirement is not applicable to youths who were in AAP or Kin-GAP at age 18)
3. Agree to meet the education and employment participation conditions
4. Authority for placement (completing the Voluntary Re-entry Agreement

(SOC 163), followed by resumption of juvenile court jurisdiction within 180 days of signing SOC 163)

5. Placement in an eligible facility

Required documentation for Re-entering Youth

The [Voluntary Re-Entry Agreement for Extended Foster Care](#) (SOC 163) represents a valid authority for placement for 180 days. The [Voluntary Re-Entry Agreement for Extended Foster Care](#) (SOC 163) is a condition of payment and must be received with the re-entry application.

The court must find that re-entry and remaining in foster care is in the youth's best interest within 180 days of the signing of the [Voluntary Re-Entry Agreement for Extended Foster Care](#) (SOC 163) in order for federal or state to continue beyond the 180th day.

If the court does not make the best interest finding within 180 days of the signing of the [Voluntary Re-Entry Agreement for Extended Foster Care](#) (SOC 163), Federal or State EFC eligibility will end.

Transitional Independent Living Plan (TILP)

The County SW is required to complete a case plan and a TILP within 60 days of the reinstatement of jurisdiction/dependency. The SW will also complete the [Six-Month Certification of Extended Foster Care Participation](#) (SOC 161) and will forward a copy along with the TILP to Eligibility.

Additionally, the SW will complete the [Six-Month Certification of Extended Foster Care Participation](#) (SOC 161) and will forward to Eligibility no later than the month following the month in which the TILP was completed.

If the non-minor has reported earned income upon re-entry to EFC, the eligibility staff must review it to determine if the earned income can be exempt. The earned income is exempt if it is documented and described in the TILP.

Eligibility Determination

A non-minor re-entering foster care after turning age 18, regardless of the reason for the reentry, is considered to be entering a new foster care episode. Therefore, a new eligibility determination is required.

Linkage for Federal AFDC-FC still needs to be met:

- Only the income and property of the youth is considered
- The earned income of the NMD is to be exempt when it is documented in the TILP
- The property limit is \$10,000
- As long as the youth is not residing with the biological or adoptive parent, the deprivation is considered met

Note: Establishing linkage to a parent/relative/legal guardian is not required for a re-entering former foster care youth to be eligible to Federal AFDC-FC. The linkage will be based on the youth's status as an adult.

For NRLG, the funding must remain State funded; however, eligibility must confirm the following:

- The NMD was in receipt of NRLG AFDC-FC on their 18th birthday
- The NMD is currently living with their former NRLG
- The [Voluntary Re-Entry Agreement for Extended Foster Care](#) (SOC 163) has been signed
- Only the income and property of the youth is considered

Note: The NMD is responsible for completing the [Statement of Facts Supporting Eligibility for AFDC- Extended Foster Care](#) (FC 2) NM annually.

Eligible Facilities

A non-minor dependent re-entering foster care has the same placement options available under the existing FC regulations except for placement in a Transitional Housing Placement Program or in a Group Home. These two placement types are limited up to age 19 and for the completion of high school. However, if the non-minor has a qualifying medical condition, a Group Home placement can be considered.

Note: NMD may reside in a THP-NMD placement up to the age 21.

For placements requiring background clearance checks for adults, NMDs are exempt from this requirement. However, if the NMD is placed in a facility with dependent minors, the County has the option to complete a background check on the NMD.

In addition, spouses of NMDs in the Transitional Housing Program for non-minor dependents (THP-NMD), previously known as THP+FC program, can be accommodated under the same rule for other roommates provided there are no concerns regarding the safety and wellbeing of the NMD or other participants and are subject to criminal background check.

Beginning Date of Aid

The beginning date of aid (BDOA) is the date the [Voluntary Re-Entry Agreement for Extended Foster Care](#) (SOC 163) was signed or the date of placement into an eligible facility, whichever occurred later, provided all other eligibility criteria is met, even if dependency is established at a later date.

Example #1 - NMD re-enters and is placed with NREFM on 1/15/19:

- The SOC 163 is dated 1/1/19
- RFA is approved 1/15/19
- BDOA is 1/15/19

Example #2 - NMD re-enters and is placed in SILP on 1/1/19:

- The SOC 163 is dated 1/1/19
- The SILP approval is 1/1/19
- BDOA is 1/1/19

Example #3 - NMD re-enters and is placed with RELATIVE on 1/2/19:

- The SOC 163 is dated 1/15/19
- RFA is approved 1/2/19
- BDOA is 1/15/19

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 SSW)

[Placement Information Change \(PIC\) F063-28-301](#)
[Parenting Support Plan F063-25-769](#)

REFERENCES ACL 11-61, 11-69, 11-77, 12-12, 12-13, 12-27, 12-32, 12-44, 12-48, 12-48E, 13-03, 13-10, 13-82, 13-82E, 13-91, 14-33, 15-67, 16-50, 17-83, 18-15, 18-101

ACIN I-40-11, I-29-13, I-1-15, I-76-15, I-76-15E

[WT 22 - Bed Hold - Temp Absence Guide](#)
[Social Security Benefits for Foster Care Children Processing Guide](#)
[SSI Policy 704](#)
[Foster Care Payment and Rates Policy 707](#)
[Former Foster Youth \(FFY\)](#)

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