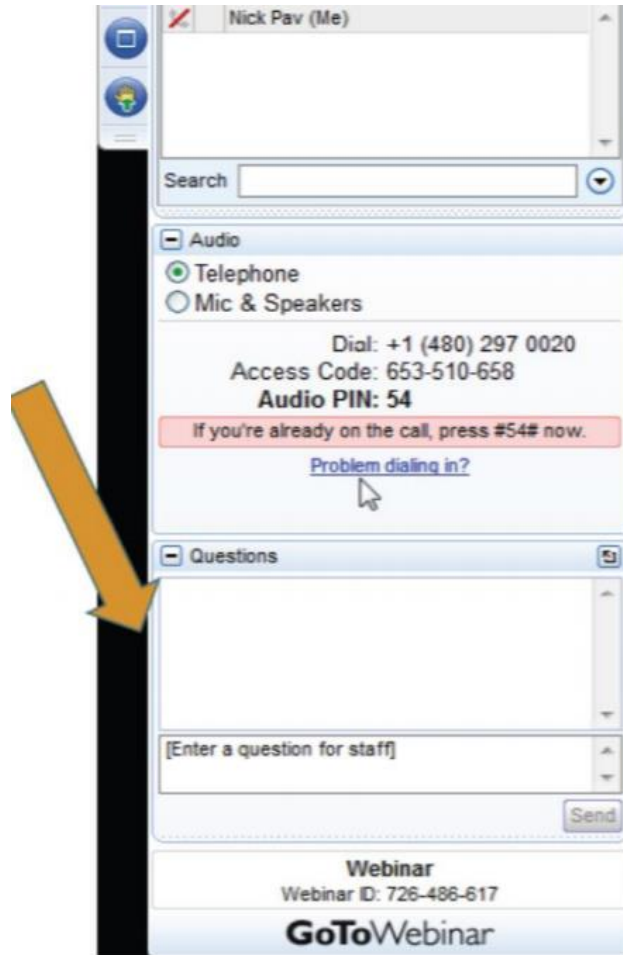


POLICY WEBINAR | NOVEMBER 2020

# Modifications to Extended Foster Care in Response to COVID-19

ALLIANCE  
*for* CHILDREN'S  
RIGHTS





# LOGISTICS

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- Slides and webinar recording will be available at <https://allianceforchildrensrights.org/resources/>
- All attendees are muted during webinar.
- Please submit questions using the “Questions” function on your GotoWebinar dashboard.
- Email Ines Rosales at [i.rosales@kids-alliance.org](mailto:i.rosales@kids-alliance.org) if you experience technical difficulties.



# AGENDA

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- Extended Foster Care Overview
- Supporting Youth in Foster Care During COVID-19
  - Continued Eligibility for EFC When a NMD Cannot Meet Participation Conditions
  - Extended Financial Support for Former NMDs After Age 21
- Other New Laws Supporting Transition Aged Youth
- Best Practices and Frequently Asked Questions
- Transition Planning

**ALLIANCE**  
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**RIGHTS**



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of California  
Excellence In Advocacy  
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## PRESENTERS

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- Julie McCormick, Senior Policy Attorney,  
Children's Law Center of California
- Cindy Vatalaro, Bureau Chief, CDSS,  
Child, Youth and Permanency Branch
- Tina Vartanian, Senior Policy Associate,  
Alliance for Children's Rights

# EXTENDED FOSTER CARE

- As of 2012, any youth who turned 18 and who had an order for foster care placement on their 18<sup>th</sup> birthday is eligible to participate in EFC until they reach 21 years of age.
- In order to receive benefits and services of Extended Foster Care, the youth must meet one of the following participation criteria:



Completing high school or equivalent program; OR



Enrolled in college, community college or a vocational educational program; OR



Employed at least 80 hours a month; OR



Participating in a program or activity designed to remove barriers to employment; OR



Unable to do one of the above requirements because of a medical condition.

# Impact of Pandemic on Transition Age Youth

[Foster Club Poll](#)

## **Employment:**

- Nearly 65 percent of transition-age youth from foster care who were working before the pandemic lost their employment
- Half of those who applied for unemployment benefits did not receive assistance

## **Food Insecurity:**

- Nearly 1 in 5 young, or 19% of those questioned, reported they had run out of food

## **Housing Stability:**

- 23% of young people reported that they were being forced to move or feared being forced to leave their current living situation
- Many young people in this age group indicated that their housing was tied to their schooling, and worried where they will go if school does not reopen in the fall

## **Guidance from Adults:**

- Just 37% of the transition aged youth from foster care have family members (legal or chosen) to rely on during the crisis
- One in 5 youth reported that they are entirely on their own



# Budget Action to Support Current NMDs and Those Who Turned 21 During the Pandemic

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- \$28,629,000 to support transition age youth in Extended Foster Care during the pandemic
- Funding to support provisions, to:
  - 1) Allow a nonminor dependent (18-21) to remain in Extended Foster Care even if they are not meeting participation criteria, and
  - 2) Extend foster care benefits beyond 21 for any nonminor dependent who turned 21 between April 17, 2020 through June 30, 2021

Senate Bill 115, Section 50, Provision 13  
ACL 20-112



# SUPPORTING YOUTH IN EXTENDED FOSTER CARE DURING COVID-19

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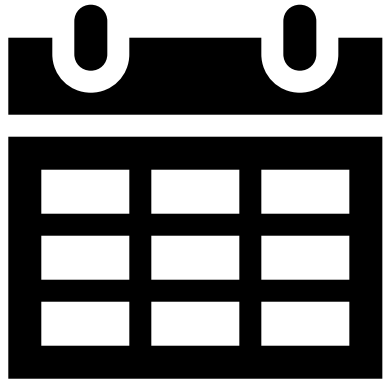




Extended Foster Care benefit assistance payment for:

1. Any nonminor dependent who met eligibility requirements for the Extended Foster Care program,
2. But who lost their employment or experienced a disruption in their education program resulting from COVID-19, AND
3. Who cannot otherwise meet any of the participation requirements

*SB 115, also see All County Letter 20-45 and federal letter ACYF-CB-PI-20-10 for further guidance*



Ability to waive participation criteria will be in effect until June 30, 2021 unless federal Stafford Act rescinded prior to June 30, 2021

# If the Stafford Act Flexibilities expire, will youth who are not meeting participation criteria lose eligibility immediately?

ACL 11-61 and ACL 20-112

- **No. Current law provides ample flexibility to meet a participation condition and verification of participation conditions is done prospectively and youth should maintain eligibility during periods of transition.**
  - “The SOC 161 is prospective in nature and certifies that the NMD is currently in compliance and is expected to continue with compliance for the following six months as described in the youth’s TILP.”
  - “The NMD is considered to be continuously participating in his or her six-month TILP during periods of transition from one activity to another.”
  - “Under current law, NMDs who cannot meet the EFC participation conditions through employment or education, including distance learning, continue to be eligible for the EFC program when they are participating in programs or activities designed to promote, or reduce barriers to, employment, or when a short or long-term medical condition renders them incapable of participating in any eligible activity. Written verification of a medical condition may be received electronically, or can be obtained after physical distancing or stay-at-home orders end.”



# Extended Financial Support for Former NMDs After Age 21

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# Temporary Extension of EFC Beyond 21<sup>st</sup> Birthday

From the Budget Bill:

“...to assist with housing stability, the funds shall be used to make monthly payments to, or on behalf of, any individual who attained 21 years of age while in Extended Foster Care on or after April 17, 2020, through June 30, 2021. Payments shall be consistent with applicable rates for existing foster care placement settings.”

# Continued Assistance for Young Adults in Extended Foster Care Upon Turning 21 Years of Age on or After April 17, 2020

ACL 20-117

- Non-Minor Dependents (NMD) in EFC who turned 21 years old on or after April 17, 2020 are eligible to receive continued financial assistance to assist with housing stability through June 30, 2021 – their **funding should not be terminated**.
- If a county discontinued payment for a young adult who was in EFC when they turned 21 years old, on or after April 17, 2020, then the county must contact the young adult within **10 days** to resume assistance payments and make retroactive payments back to the date of the discontinuance.
- Young adults who are eligible to receive continued assistance, may reside in any type of eligible foster care placement. A young **adult is not required to be in an approved placement to receive funding prospectively or retroactively**.

Did the VETO on  
SB 912 impact the  
COVID-19  
extension of  
foster care for  
youth who turned  
21 on or after  
April 17, 2020?

Assembly Bill 89 ; Senate Bill 115

**No, the veto on SB 912 didn't impact the existing extension to June 30, 2021.**

- SB 912 would have made additional changes to this extension, including changing the date range of eligibility and making the extension automatic for any future states of emergency.



# Obligation to Provide Retroactive Payments

- The county shall issue retroactive payments to all eligible young adults, or the provider that they were living with, for the period of payment discontinuance.
- The retroactive payment amount shall be based on the applicable rates for existing foster care placement settings that the young adult was living in during the period of payment discontinuance.
  - For example, if the young adult was living in a transitional housing placement setting, retroactive payments shall be made to providers consistent with the applicable rates for transitional housing placement programs and the period that the youth was living in the program.



# Parenting Young Adult Infant Supplement

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If a parenting young adult was receiving an infant supplement pursuant to WIC section 11465 immediately prior to turning 21 years of age, the infant supplement shall continue to be paid to the provider or to the young adult so long as the nondependent child continues to live with the parent. After a young adult turns 21 years of age, a new infant supplement may be approved based on a change of circumstances, as applicable. No other types of rate supplements may newly be granted after the young adult turns 21 years of age, but rate supplements granted and in effect when the young adult turned or turns 21 years old may continue to the same provider.

“Young adults who were in extended foster care upon turning 21 years of age and are receiving extended assistance and support through the 2020-21 State Budget (SB 115) are not in extended foster care and are not NMDs, and therefore **do not have the participation requirements or the same housing or placement approval requirements for those under 21 years of age (NMDs) who are in EFC.** Payments may not be terminated due to the young adult not participating in employment or education activities, or for living in unapproved housing.”

## No Participation Requirements Beyond Age 21

# Court Jurisdiction

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“Per Welfare and Institutions Code (WIC) sections 303 and 450, nonminor dependent and transition court jurisdiction both terminate as a matter of law when the youth turns 21 years of age. For individuals turning 21 years of age on or after April 17, 2020 under dependency or transition jurisdiction, such jurisdiction is terminated as under current law and shall not be required for the continued access to assistance payments and case management support described in this ACL. Counties are required to provide the standard termination of jurisdiction report to the court, including all required information, documents, and services. “

# Caseworker Visits & Support

- Monthly contact visits between regular caseworkers and young adults, 21 years old and over, may occur through other remote methods, such as emails, texts, telephonic calls, or videoconferencing.
- Caseworkers should also attempt an in-person contact with the young adult at least quarterly. Generally, caseworkers are to make best efforts to contact the young adult, document efforts, and note the result of the contact.
- Lack of contact from the young adult is **not** a reason to discontinue assistance. Caseworkers must continue to offer referrals to support services, including but not limited to CalWORKS, CalFresh, employment support, and postsecondary education support resources, including financial aid and campus support programs.

- A young adult receiving assistance may **continue to reside in any type of eligible foster care placement** as a client, or the young adult may receive a payment equivalent to the Supervised Independent Living Placement (SILP) rate.
- If the young adult wants to change their living arrangement, **the caseworker must accept the change and ensure payment is made to a provider**, equivalent to the comparable foster care rate payment, or that a payment equivalent to the SILP rate is made to the young adult directly.
- If a young adult transitions to other independent housing, they are responsible for locating their new housing; however, caseworkers should provide them with assistance and support upon their request.
- **The limited circumstances under which an assistance payment should be terminated prior to June 30, 2021 are upon a young adult's request.**

## Types of Housing and Assistance Payments for Youth After Age 21

# Right to Notice and Hearing

“Recipients of extended financial assistance must be provided adequate notice before any county action denying, changing, or terminating payments, including termination of aid after an eligible young adult affirmatively opts out of receiving extended assistance.”





# OTHER NEW LAWS SUPPORTING TRANSITION AGE YOUTH

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# Expansion of Definition of “Supervised Independent Placement” to Include Temporary Housing

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Supervised Independent Placement includes:

- SILP
- THP-NMD
- *A transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements.*
- ***The short-term independent living setting shall not include a youth homelessness prevention center or an adult homeless shelter. A transitional living setting approved by the county for purposes of this paragraph is not subject to licensing pursuant to paragraph (4) of subdivision (I) of Section 1505 of the Health and Safety Code.***



*“A county may elect to certify that a supervised independent living placement meets health and safety standards once every 12 months, as long as the county has no reason to believe that the health and safety conditions of the housing option have changed. This subdivision does not require that individual placements be certified every 12 months if the same youth remains continuously in the placement.”*

## SILP Approval Maintained for 12 Months

# SILP Approval: Waivers of In Person Inspection in FY20-21

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“A county may elect to complete an inspection of a supervised independent living placement to ensure that it meets health and safety standards through methods other than an in-person visit, including, but not limited to, videoconferencing and telephone calls that include pictures of the living space, and may, for the 2020–21 fiscal year, temporarily approve the supervised independent living placement pending the submission of required forms by the nonminor dependent, based on the nonminor dependent’s agreement that the forms will be submitted.”

Welf. and Inst. Code 11402.2(b)

# Re-Entry into Extended Foster Care

Nonminors ages 18 to 21 requesting entry or re-entry into EFC must continue to be served

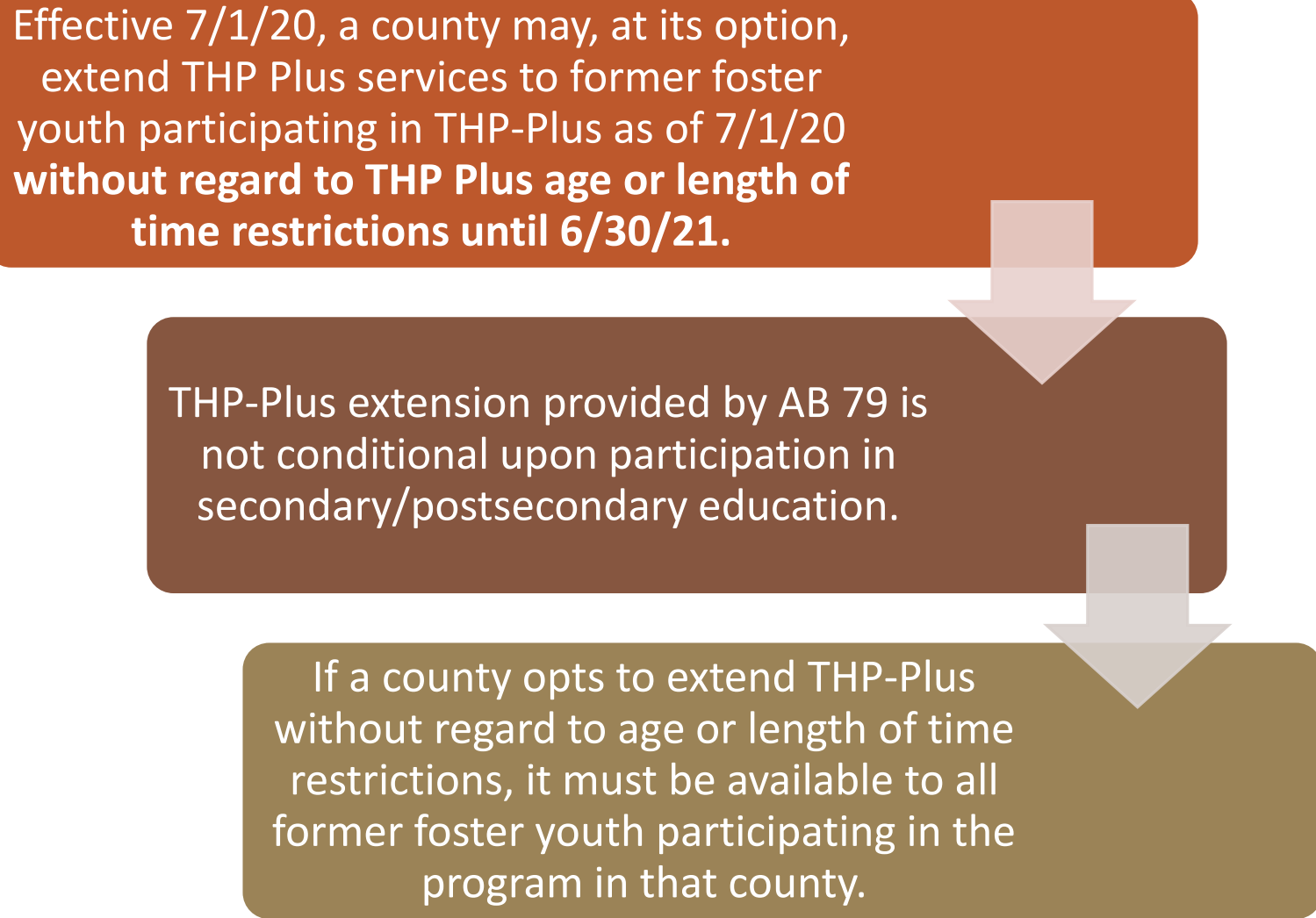
A nonminor's inability to immediately satisfy the participation criteria for the program due to the COVID-19 pandemic is not grounds to deny entry or re-entry into EFC, because only the nonminor's intent to satisfy at least one of the participation criteria is required

Assessment regarding the youth's eligibility may be initially conducted through video conferencing, telephone, or other technology

Mutual Agreement for Extended Foster Care (SOC 162) and the Voluntary ReEntry Agreement for Extended Foster Care (SOC 163) must still be completed with the nonminor; however, these may temporarily be completed without a face-to-face meeting.

CDSS reminds county placing agencies and Title IV-E tribes that placement and care responsibility starts when the agreement with the NMD is signed (or agreed upon) and counties may not postpone housing and services in order to file or hear an entry or re-entry petition in the juvenile court.

Effective 7/1/20, a county may, at its option, extend THP Plus services to former foster youth participating in THP-Plus as of 7/1/20 **without regard to THP Plus age or length of time restrictions until 6/30/21.**



THP-Plus extension provided by AB 79 is not conditional upon participation in secondary/postsecondary education.

If a county opts to extend THP-Plus without regard to age or length of time restrictions, it must be available to all former foster youth participating in the program in that county.

## Extension of THP-Plus

# Extension of THP-Plus

A county that extends THP-Plus services should notify THP-Plus providers in their county, as the contracts with these providers may have to be amended.

Providers should notify child welfare and probation departments of their intent to extend THP-Plus services until 6/30/21, without regard to age or length of time restrictions.

Providers should work with youth in the THP-Plus program to update their TILP to reflect the new timeline for services.



# Right to Notice and State Hearing

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“Any county decision to grant, deny, change, or terminate payments to an NMD **must be communicated by providing adequate written notice to the provider and/or NMD.** The notice shall... **inform the individual of the right to a state fair hearing if they disagree with the county’s action.** There is no right to a state hearing when the law requires automatic grant adjustments for classes of recipients.”



# Best Practices to Support TAY Through the Pandemic

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# PRACTICE TIPS FOR ATTORNEYS

- Ensure youth over 21 are aware of temporary extension and are receiving benefits if eligible
- Work with counties, community-based organizations, and other advocates to reach out to youth who have been exited but remain eligible for continued supports
- Advocate that requirements of WIC 391 are being met before court jurisdiction is terminated

# TERMINATING COURT JURISDICTION



- To close a court case over any nonminor in foster care Court must hold a hearing pursuant to Welfare & Institutions Code 391:
  - ✓ Social worker/probation officer must provide a 391 report
  - ✓ The court cannot terminate jurisdiction without a report and making the proper 391 findings and orders (*In re Nadia G.*, 216 Cal.App.4th 1110)
  - ✓ WIC 391 addresses important documents such as driver's license and social security card
  - ✓ Must also include a completed 90-day transition plan



## MEANINGFUL TRANSITION PLANNING

### 90-day Transition Plan

- Should be developed with the youth and as personalized and detailed as the youth directs
- Must discuss:
  - ✓ Options for housing, health insurance, education, local opportunities for mentors and continuing support services & workforce and employment services
  - ✓ Information regarding the advance health care directive form
  - ✓ Information regarding any current applications for SSI and Special Juvenile Immigration Status

*WIC 16501.1(f)(16)*

# BEST PRACTICES FOR COUNTIES

## LOCATING & ENGAGEMENT

- Calling, emailing, young adults at their last known contact information
- Sending notices to a young adult's last known address
- Contacting relatives and other programs that they have previously been referred to
- Assigning one caseworker to locate and contact the eligible young adult and
- Collaborating with Cal Works/CalFresh/Eligibility workers to locate young adults
- Maintaining regular contacts with these young adults once engagement has begun

# Self Advocacy for Youth

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1	2	3	4	5	6
Contact caseworker as soon as possible	Request extension	Ensure financial assistance payments and retroactive payment are resumed	Confirm that the retroactive payment is based on the rates of the young adult's EFC placement during the time payment was discontinued or terminated	Notify your housing provider and let them know that payment is coming	If you run into any trouble or have questions, contact the Transition Aged Youth Policy Unit within the Children and Family Services Division of CDSS at (916) 651-7465 or <a href="mailto:TAYPolicy@dss.ca.gov">TAYPolicy@dss.ca.gov</a>





# Frequently Asked Questions

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## IS THE EXTENSION OF FUNDING AVAILABLE TO SUPPORT ALL PLACEMENT TYPES?

Yes. If the young adult is eligible for the extension, all placement types are acceptable. The payment amount shall be based on the applicable rates for existing foster care placement settings that the young adult is living in.

If the young adult did not remain in a provider-based setting after discontinuance, the young adult is eligible for payment equivalent to the rate for a supervised independent living placement, even if a housing location was not approved.

WHAT IF THE  
YOUTH WAS NOT  
IN AN APPROVED  
PLACEMENT  
DURING THE TIME  
THAT FUNDING  
WAS  
DISCONTINUED?

Per ACL 20-117, if a young adult is incarcerated, any assistance payments made to a provider may be suspended after 14 days, and payments equivalent to the SILP rate may be suspended after 30 days.

ACL 20-117

- When does the 14- and 30-day period begin?
  - The 14- and 30-day period begins on the date of the incarceration.
- How long will the young adult's case be suspended if the incarceration is for an extended period?
  - If the young adult is incarcerated, the payment shall be suspended during the entire time. If the young adult is later released, he/she may be eligible for retroactive payments.

WHAT IF A YOUTH IS ONLY INTERESTED IN THE PAYMENT AND NOT THE CASE MANAGEMENT?

ARE CASE WORKERS REQUIRED TO KEEP UP WITH TILP AGREEMENTS AND CASE PLANS EVERY SIX MONTHS DURING THIS PERIOD?

The young adults shall continue to receive payments if they are interested in remaining in the program, as case management is not a condition of the funding.

Counties should continue to provide case management support to these young adults, along with financial benefits. TILPs and case plans can be used; however, they are not required.

IF A YOUTH INITIALLY  
REJECTS PAYMENT, BUT  
LATER DECIDES THEY  
MADE A MISTAKE OR IF A  
YOUTH DOESN'T APPEAR  
UNTIL AFTER JUNE 30<sup>TH</sup>,  
2020, ARE THEY STILL  
ENTITLED TO  
RETROACTIVE  
ASSISTANCE PAYMENTS?

Yes, young adults are entitled to retro payments going back to April 17, 2020, even if they initially declined the assistance payments.

Counties should document attempts made to reach the young adult and provide details to these attempts.

Can a youth who turned 21 years old, within the affected timeframe, exit EFC and then re-enter?

The youth can receive funding and can opt to resume funding that was discontinued (and receive retroactive funding for the period of discontinuance). However, there is no court re-entry process with this extension. If the young adults meets the eligibility criteria and was in an EFC program during the specified period, then they are eligible to receive assistance.

Will CDSS provide counties a Notice of Action (NOA), to provide notice when denying, changing, or terminating payment?

Counties may use their current NOA practice.

For more information, please refer to County Fiscal Letter No. 19/20-89 or contact [fiscal.systems@dss.ca.gov](mailto:fiscal.systems@dss.ca.gov)



# Key Takeaways

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- Non-Minor Dependents (NMD) in EFC who turned 21 years old on or after April 17, 2020 are eligible to receive continued financial assistance to assist with housing stability through June 30, 2021 – their **funding should not be terminated**.
- If a county discontinued payment for a young adult who was in EFC when they turned 21 years old, on or after April 17, 2020, then **the county must contact the young adult to resume assistance payments and make retroactive payments** back to the date of the discontinuance.
- Young adults who are eligible to receive continued assistance, may reside in any type of eligible foster care placement. A **young adult is not required to be in an approved placement to receive funding prospectively or retroactively**.
- Caseworkers should provide young adults with **assistance and support upon their request**.



# Transition Planning

# Recommendations

- Increase Measure H Funds dedicated to housing TAY and foster youth
- Effectuate the collaboration of housing authorities to apply for available Foster Youth Initiative (FYI) housing vouchers
- Alternate placement options
  - Short term solutions:
    - Project Roomkey
    - Project Homekey
    - Extend Host Home Program
  - Long term solution:
    - Prioritize foster youth exiting EFC by placing them in low income/affordable housing units



# Project Roomkey – Emergency Housing for Immediate Protection

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- California is the first state in the nation to secure FEMA approval of Public Assistance funding costs related to **emergency, non-congregate sheltering (NCS) for people experiencing homelessness** in order to protect them from COVID-19.
- FEMA will reimburse Emergency NCS costs incurred for:
  - Individuals who test positive for COVID-19 that do not require hospitalization, but need isolation or quarantine (including those exiting from hospitals);
  - Individuals who have been exposed to COVID-19 (as documented by a state or local public health official, or medical health professional) that do not require hospitalization, but need isolation or quarantine; and
  - Individuals who are asymptomatic, but are at “high-risk,” such as people over 65 or who have certain underlying health conditions (respiratory, compromised immunities, chronic disease), and who require Emergency NCS as a social distancing measure.
- **California procured 15,679 hotel and motels rooms and 1,345 trailers and served an estimated 14,200 individuals in 52 counties in the first three months.**

- Homekey has the financial backing of \$1.3 billion in funds available through the 2020-21 Budget Act and will facilitate **local jurisdictions' efforts in acquiring and rehabilitating hotels, motels, vacant apartment buildings, residential care facilities, and other tiny homes.**
- Under the Homekey program, counties will partner with the state to **acquire and rehabilitate a variety of housing types:** hotels, motels, vacant apartment buildings, residential care facilities, and other tiny homes. All these new placements will serve people experiencing homelessness.
- Acquisitions and conversions undertaken as part of Homekey will benefit from new legislation that the Governor signed, providing a **CEQA exemption and automatic zoning compliance to new homeless housing** utilizing newly available state and federal funding.

# Project Homekey/ Homekey

THANK YOU!

Webinar slides and recording will be posted at  
<https://allianceforchildrensrights.org/resources/>

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