

**EMPLOYMENT AND HUMAN SERVICES
CONTRA COSTA COUNTY**

TO: Family and Human Services
Committee Members
David Twa

DATE: November 5, 2012

FROM: Terry Speiker, Interim Director, Employment and Human
Services Department
Valerie Earley, Director, Children and Family Services Bureau

SUBJECT: Assembly Bill 12 – California Fostering Connections to Success Act

Recommendation

Accept this report from the Employment and Human Services Department regarding the AB12 Fostering Connections to Success Act implementation in the Children & Family Services Bureau.

Background

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 made extensive policy and program changes to improve the well-being and outcomes for children in the foster care system including changes related to the extension of federal funding for foster care services for non-minors from ages 18-21, if they meet certain participation criteria. Participation by states is optional. California chose to participate in the optional federal program and enacted Assembly Bill 12 ("AB 12"), which was amended by Assembly Bill 212 (in 2011) and further amended by AB 1712 (in 2012). AB 12 was authored by Assembly Member Jim Beall, Jr. and Speaker Emeritus Karen Bass, and is also known as the California Fostering Connections to Success Act. AB 12 was signed into law by Governor Arnold Schwarzenegger on September 30, 2010 and AB 212 was signed on October 4, 2011 as an urgency measure (meaning its provisions took immediate effect). AB 1712 was signed on September 30, 2012 and the provisions in AB 1712 will take effect on January 1, 2013.

Components of AB12

The California Fostering Connections to Success Act allows California to take advantage of several components of the federal Fostering Connections to Success and Increasing Adoptions Act to:

1. Convert California's Kinship Guardianship Assistance Program (Kin-GAP) into a federally subsidized program. By doing so, the federal government will now pay a 50% share of cost for federally eligible participants, saving the state tens of millions of dollars in state general funds
2. Provide foster care benefits (also known as AFDC FC benefits) for eligible youth beyond age 18 and, at full implementation, up until the age of 21. These youth would be known as "Non-minor Dependents" (NMD) ;
3. Provide extended Kin-GAP assistance or Aid to Adoptive Parents (AAP) assistance to eligible youth up to age 21, provided the Kin-GAP payments began, or the initial AAP agreement was signed when the youth was age 16 or older;
4. Provide CalWORKs benefits to eligible foster youth beyond age 18 and, at full implementation, up to the age of 21 when the foster youth is placed with an approved relative and is not eligible for federal AFDC-FC benefits.
5. Provide extended foster care benefits up to age 21 to youth living with a non-related legal guardian when the guardianship was created by the juvenile court (regardless of the age of the youth when guardianship was ordered).

Under the AB 12 legislation, starting January 1, 2012, youth could continue to participate in extended foster care until age 19. Beginning January 1, 2013, youth could continue to participate in extended foster care until age 20. Beginning January 1, 2014, youth could participate in extended foster care until age 21. On June 27, 2012, the governor passed SB1013 a Budget Trailer bill, which closed the gap for those youth who would have had to exit foster care at age 19. This bill allowed those youth who exited solely because they were 19 to re-enter foster care after July 1, 2012, and removed the phase-in process.

On June 27, 2012, Governor Jerry Brown signed the California State Budget Bill for 2012-2013 which guaranteed the extension of foster care to age 21. Prior to the budget bill being passed, the final extension to 21 required additional legislative appropriation, but because of this bill, that legislative action has now occurred and the extension to 21 is guaranteed. The extension to age 21 takes effect January 1, 2014.

Eligibility for AB12 Participation

In addition to meeting the age requirements of turning 18 on or after January 1, 2012, the youth must agree to reside in an approved or licensed placement, meet with the social worker or probation officer monthly, participate in a Transitional Independent Living Plan (TILP) and participate in one or more of the following:

1. Completing high school (secondary education) or an equivalent program (i.e. GED);
2. Enrolled in college, community college or a vocational education program;
3. Participating in a program or activity designed to remove barriers to employment;
4. Employed at least 80 hours a month;
5. If they are unable to do one of the above requirements because of a medical condition they are still eligible.

Re-entry

Participation in AB12 is voluntary for foster youth. Some youth may chose to exit at 18 or any point after 18. However, each NMD who has opted out of extended foster care has the option to re-enter foster care at a later date prior to reaching the maximum age limit. A NMD can re-enter by signing a Voluntary Re-entry Agreement with the county child welfare agency or by petitioning the juvenile court (through a 388(e) petition) to have the court resume dependency or transition jurisdiction.

Placement Options

The non-minor must agree to reside in an approved or licensed placement. The placements available to youth participating in extended foster care after age 18 include:

1. Home of a relative or NREFM (approved);
2. Foster family home (licensed) – including whole family foster homes and regional center homes;
3. Foster Family Agency certified home (licensed);
4. Home of a non-related legal guardian (approved by the juvenile court);
5. Group home, (licensed) subject to new limitations discussed further below;
6. THP+Plus Foster Care (licensed);
7. Supervised Independent Living setting (SILP) (approved).

In general, a youth may continue living in the same setting that s/he was living in prior to turning 18 or the NMD can live in another placement. The goal is for the NMD to transition to the least restrictive placement in preparation for exiting foster care. As was true before the youth turned 18, the setting where the youth lives must continue to be either an approved or licensed foster care setting, depending on the type of placement or facility.

SILP

The Supervised Independent Living Placement (SILP) is a new placement option for youth age 18 -21. A SILP is a supervised setting as specified in a NMD's Transitional Independent Living Plan (TILP). This may include apartment living, room and board arrangements, college dorms and shared roommate settings. There are two steps in approving a SILP placement for an individual NMD. First, the NMD must undergo a readiness assessment prior to being approved to live in a SILP. Second, the actual SILP placement itself must be approved by the county as meeting health and safety standards appropriate for legal adults. A youth placed in a SILP may receive the foster care benefit directly. The payment for a youth living in a Supervised Independent Living Placement is equal to the basic foster care rate for 15 – 21 year olds, currently \$799 per month (rate is based on the California Necessity Index (CNI) which is reviewed annually on July 1). NMD's who are parents will receive additional funding support for their child/ren.

Out of County/Out of State

A NMD has the right to reside out of county or out of state and still qualify for extended foster care benefits. For NMDs who reside in a different county or state, the county of jurisdiction retains case management and financial responsibility for the NMDs, but the county of jurisdiction may request that the host county provide courtesy supervision or the host state provides supervision under the Interstate Compact for the Placement of Children. The host counties or states are not required to provide such supervision. Monthly visits still need to occur between the social worker and the NMD.

Demographics

As of October 19, 2012, there are 68 NMDs. Of those, 33% are residing in Supervised Independent Living Placements. Approximately half are African American (48%) and approximately 40% have been in foster care over 10 years.

Challenges

AB 12, 212, 1712 and SB 1013 have wide spread implications to the Child Welfare system and is challenging how the system serves older youth.

- ✓ One of those challenges is regarding the funding for the program. The addition of funds has only been to cover the federal portion of the youth's foster care payment. The program was designed to move the State funds for the previously emancipated youth, ages 18 -24 in the THP+ program to the new AB 12 population. Those funds combined with the newly authorized Federal IV-E dollars were intended to cover the county and state share for youth in this program. For counties like Contra Costa County who had established THP+ programs, the youth in the THP+ program would need to leave the THP+ housing at the same rate as new youth entering extended foster care. This was not the case for us as many of our youth in the THP+ program were not eligible (they were too old) for extended foster care and still had a year or two of eligibility in their THP+ program. Given those realities Contra Costa County continues to have a group of youth in THP+ housing and a 99% rate of youth who are choosing to remain in care; therefore there has been no offset of cost between the two programs at this time.
- ✓ Foster care caseloads have been decreasing over the past five+ years. We anticipate an additional 100 NMDs by the end of 2012 and 100 more youth each year for the next 2 years who will choose to remain in care. This will continue to be a challenge as this population is a change in who child welfare has primarily served in the past. Additional concerns with serving this population is the lack of permanent connections that the youth are being encouraged to forgo because they will get more (financial support) if they remain in care. While AB 1712 attempted to ensure that reunification with parents and adoptions continue to be the most desirable option for these youth; at this time the focus for many are on the resources that are available. We will continue to be challenged to ensure that older youth don't remain in care because of these incentives and are returned to the care of parents or find permanence before becoming AB 12 young adults. The program was intended to be a support for those youth who could not find permanence through reunification, guardianship or adoption; it has the unintended potential to grow the foster care population for older youth.
- ✓ A final challenge has been the slow release of All County Letters to counties from the State which provide policy guidance and continuing modifications to the program through legislative fixes.

Anticipated Benefits

- ✓ Increased time for youth to find permanent adult connections or find permanency. AB1712 allows for adult adoption, so some adults may find permanency after 18.
- ✓ Increased safety net. It's anticipated that fewer young adults from foster care will be homeless, a decreased risk for incarceration and pregnancy/early parenting and increased rate of high school completion and higher education attendance.
- ✓ Increased time for teaching of living skills. ILSP remains available for NMDs and those living with caregivers will have more time to practice practical living skills such as budgeting, shopping, laundry, etc.

Conclusion

The passage of AB12 has had a significant impact on the Child Welfare system. Contra Costa County has worked steadily to stay on top of the implementation of AB12. Internally, an AB12 workgroup has met monthly, sometimes bi-monthly, since the Fall of 2010 when the bill was passed. It has also met with community partners and provided overview training to the community, which it anticipates continuing.

The learning curve is steep with AB12. The child welfare agency, probation department, courts and community are challenged to keep up with the ever changing regulations and set in place policies and protocols that inform our staff, how to serve this new population.

CFS has no desire to grow the number of youth who are eligible for AB 12. We will continue to focus on finding permanence for youth with their parents, family or other adults who are willing to commit to the children that we serve.