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# Assembly Bill 12 Stakeholder Meeting



**July 14, 2011**

**The California Endowment's  
Center for Healthy Communities  
Los Angeles, CA**

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# Meeting Goals

- Provide an update on the status of AB 12 implementation
- Share documents and policy proposals that have been developed
- Answer questions and receive feedback on documents and issues still in flux
- Engage in more in-depth conversation during breakout sessions throughout the day

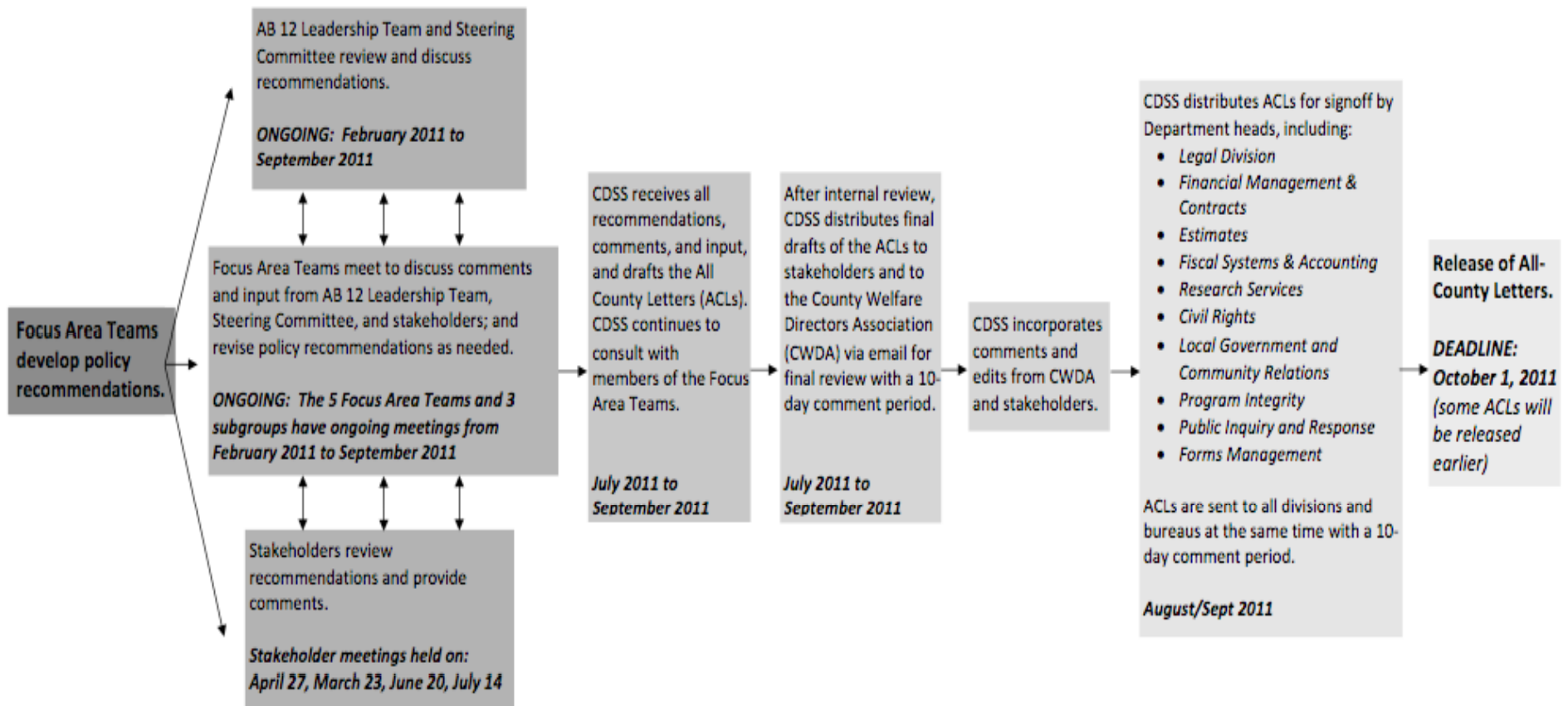




# AB 12 Implementation Process and Timeline

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# AB 12 IMPLEMENTATION PROCESS AND TIMELINE



## CONTENT OF ALL COUNTY LETTERS (ACLs)

### The *Program Information* ACL(s) to be released by October 1, 2011, will cover:

- Description of extended foster care
- Participation criteria definitions
- Program Implementation
- Mutual agreement
- Placement options and approval standards
- Placement agreements
- Case planning
- Caseload standards
- Supervision and visitation
- Court process
- Re-entry

### The *THP-Plus and THP-Plus Foster Care* ACL(s) will cover:

- County Plans
- Health and safety standards
- Approval standards
- Oversight process
- 70/30 bed split
- Contingency plan for moving funds between programs
- Letter of Intent
- IV-E federal audit standards
- Rates

### The *Eligibility and Rates* ACL(s) will cover:

- Five eligibility criteria
- Requirements for entry and re-entry
- Mutual agreement
- Certification
- IV-E eligible placements
- Documentation/verification of documentation
- Aid codes

### The County Fiscal Letter(s) will cover, as appropriate for, EFC, THP-Plus, THP-Plus Foster Care, Kin-GAP, AAP:

- Aid codes
- Sharing ratios
- Claiming
- Fiscal tracking
- Federal audit standards
- Allocation planning
- Allocation (after budget is signed)



**AB 212:**

**Overview of New Delinquency and  
Reentry Provisions**

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# AB 212: “Clean-Up” Legislation

- Assembly Bill 212 (“AB 212”) is the “clean-up” bill to AB 12 that aims to:
  - ❑ Provide consistency
  - ❑ Address issues that were not addressed in AB 12
  - ❑ Clarify provisions
  - ❑ Amend AB 12 in order to ensure that our program meets federal standards
- AB 212 is an urgency bill and therefore – once signed -- takes effect immediately.
- AB 212 includes some substantive changes particularly with regard to:
  - ❑ Delinquency youth
  - ❑ Re-entry



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# How are probation youth treated under AB 12?

- Two groups of probation youth are impacted:
  - Delinquent minors and nonminors in a foster care placement
  - Delinquent minors who were dependent youth in foster care when they became delinquents
- What is different for delinquent youth?
  - For delinquent minors not in care, court must examine whether youth can return home safely after termination, and if not, must consider modification of jurisdiction
  - For delinquent minors in care, court must offer extended foster care & re-entry on same basis as for dependent youth



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# Problems with this approach

- Forces youth over 18 to remain delinquent in order to access extended foster care
- Requires a youth who exits foster care as a delinquent to re-enter as a delinquent when accessing extended foster care
- Does not adequately protect parent's right of due process when a delinquent who has never been a dependent is alleged to be a dependent child (requires allegations against a parent)



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# AB 212 Proposed Amendments

- Creates new jurisdictional status for transition youth that:
  - Treats as dependents, but does not require 300 allegations
  - Is based on same findings for removal in a delinquency matter
- Eligibility for new status:
  - Delinquent youth 17.5 to 18 who are in the AB 12 groups and are not receiving reunification services or have a permanent plan of adoption or guardianship & who cannot be returned home
  - Delinquent youth 18 and over who are in foster care and want to participate in AB 12 services and meet eligibility requirements



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# When can transition jurisdiction be taken?

- On two occasions:
  - For eligible youth, the court can modify youth's status when it is prepared to terminate delinquency jurisdiction
  - As a re-entry status for youth who exited foster care as nonminor delinquents, and wish to re-enter foster care



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# Who supervises youth under transition jurisdiction?

- According to AB 12, supervision of a youth who exits delinquency to dependency would be determined by the county 241.1 protocol – meaning it could be either probation or child welfare
- AB 212 keeps with this approach by allowing counties to determine who should be the supervising agency for transition jurisdiction youth based on the needs of the youth



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# These changes solve the key issues

- Provides a non-delinquent status for youth who are ready to exit delinquent supervision but cannot go home
- Provides a non-delinquent status for re-entry of eligible delinquent youth
- Does not require a 300 petition or allegations against parents



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# What about youth who are not eligible for transition jurisdiction?

- Their cases would be handled consistent with the intent of AB 12:
  - Upon termination, court would look at whether jurisdiction should be modified to dependency
  - Procedural mechanism would depend on whether child was a prior dependent
    - If yes, court would re-open that petition
    - If no, need a petition consistent with 300 petition



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# AB 212: New Re-entry Provisions

- Goals for re-entry
  - Allow youth to opt-out of extended foster care at any time before they turn 21
  - No limit on number of exits and re-entries
  - No obligations on the youth to meet with social worker, attend hearings, or do anything else related to extended foster care during an opt-out period
  
- Old concept of “trial independence” (that was mechanism for re-entry under AB 12) was not going to allow us to achieve these goals



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# AB 212: New Re-entry Provisions

- AB 212 replaces “trial independence” with a new mechanism for allowing for re-entry
- This allows youth who opt out of extended care to re-enter by signing a ***Voluntary Re-entry Agreement*** with the child welfare agency



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# Definition: Voluntary Re-entry Agreement

- A written voluntary agreement documents:
  - ❑ Desire and willingness to re-enter foster care
  - ❑ Desire and willingness to be placed in a supervised setting
  - ❑ Desire, willingness and ability to immediately participate in one or more of the five participation conditions
  - ❑ Agreement to work collaboratively with the placing agency to develop transitional independent living case plan within **60 days of re-entry**
  - ❑ Agreement to report any changes of circumstances relevant to continued eligibility for foster care payments,
  - ❑ Agreement to participate in the filing of a petition for juvenile court jurisdiction within **15 judicial days** of the signing of the agreement;
  - ❑ Placing agency's efforts and supportive services to assist the nonminor in the re-entry process.



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# Mechanics of re-entry with a Voluntary Re-Entry Agreement

- Aid may be resumed at request of the nonminor by completing a **voluntary re-entry agreement** followed by or concurrently with a petition filed with juvenile court to resume dependency jurisdiction
  - Child welfare agency required to file petition to resume dependency jurisdiction within 15 days of the signing of the Voluntary Re-entry Agreement
- The child welfare agency is required to “complete the voluntary re-entry agreement with the nonminor who agrees to meet the criteria of the agreement as described in subdivision (z) of Section 11400.”



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# Payment of benefits

- Eligibility for federal foster care is a new determination
  - Based on nonminor's income/resources (NOT income/resource of parent(s))
- If a nonminor is not eligible for federal foster care funding, he/she would be eligible for state foster care funding (unless placed with a relative)
- Beginning date of payment is the date the Voluntary Re-entry Agreement is signed





# **THP-Plus and THP-Plus Foster Care: Overview of County Letter of Intent and Plan**

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# THP Plus/THP Plus Foster Care

- ACL currently under development with an anticipated release of mid-July
  - It will describe requirements for County Letter of Intent (LOI) and County Plan for THPP, THP+ and THP+ FC
- Anticipated due date of LOI and County Plans is October 1
- Future ACLs to cover program and placement, approval standards and rates



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# County Plan Requirements

- Will include THPP, THP+ and THP+ FC
- General info including program purpose, target population, program model, provider certification process, and continuum of care
- Admission process, monitoring procedures and appeals process for each program
- Process describing movement between THP+ and THP+ FC towards 70/30 split and reallocation if insufficient demand in either program



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# Letter of Intent

- Implementation date for each program
- Estimated number of THPP, THP+ and THP+ FC placements
- Breakdown of type for each placement (single site, scattered site, host home, college dorm)
- Estimate of number of youth who will be eligible for THP+ FC or THP+ placement in 2012
- Does not require rate info for THP+ and THP+ FC as new rate structure under development





# **Eligibility and Rates: Update and Feedback Session**

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# Eligibility and Rates Focus Area Team

- Meetings on May 18<sup>th</sup>, June 15<sup>th</sup>, and June 29<sup>th</sup>
- Representative from Region IX was at all meetings to provide federal perspective/advice on policies being developed
- Draft All County Letter for youth **remaining** in care is out for public comment – ***comments due July 16<sup>th</sup>***.
  - There will be a separate ACL on reentry
- Framework/Landscape of Draft ACL:
  - Define the role of the eligibility worker (as opposed to social worker/probation officer)
  - Goal is clear responsibilities
  - Goal is to not duplicate work



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# Eligibility FAT: Areas of Consensus

- Basic Eligibility Requirements
  - Under order for foster care placement on 18<sup>th</sup> birthday
  - Responsibility of county now, authority for placement
    - Court order
    - Voluntary reentry agreement
  - Meets one of the five participation conditions (as certified by the social worker on Six-Month Certification Form)
  - Placement in licensed or approved setting
  - Federal criteria for federal cases only
    - AFDC link at time of removal
    - Reentry – new IVE determination - youth's income only



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# Eligibility FAT:

## Areas of Discussion/Feedback

- Role of the Eligibility Worker
  - Six-Month Certification of Participation Form
    - Social workers obtain verification of participation and complete the Certification Form.
    - Eligibility workers maintain the Certification Form in the eligibility file
    - The Certification Form certifies the youth is currently in compliance and is prospective for the next 6 months.
    - If the youth fails to remain in compliance, social worker will notify the eligibility worker to terminate benefits.
  - Other documentation for audit
    - CDSS strongly recommends a copy of the participation documentation be kept in the Eligibility Worker's file for audit purposes



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# Eligibility FAT:

## Areas of Discussion/Feedback

- Separate documents for
    - Mutual Agreement for youth remaining in care (not necessary for payment)
    - Voluntary Re-entry Agreement for youth re-entering
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# Eligibility FAT:

## Areas of Discussion/Feedback

### ■ Termination of Payments

- If the youth no longer wishes to participate:
    - A court hearing is scheduled in order to terminate court jurisdiction
    - If the court terminates jurisdiction, then eligibility for AFDC-FC benefits ends as of the date of the court order terminating jurisdiction
  
  - If there is a dispute between the youth and the county regarding whether the youth is meeting a participation condition, then:
    - The dependency court must make a finding as to whether the NMD is participating or not
    - If the dependency court makes a finding that the NMD is not participating, the social worker directs the eligibility worker to issue a Notice of Action to terminate AFDC-FC benefits
    - If the NMD wishes to request an administrative hearing to challenge the termination of AFDC-FC benefits, he is afforded all the usual rights to an administrative hearing and aid paid pending
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# Eligibility FAT:

## Areas of Discussion/Feedback

- Roles and responsibilities of eligibility and social workers
- Certification Form
- Voluntary Reentry Agreement
- Termination of Payments



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# *Lunch Break*

Please return to your seats by  
1:05 for our lunch-time speaker,  
Mark Courtney





# **Program Criteria: Update and Feedback Session**

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# Program Criteria Subgroup

- The program criteria subgroup met on May 2<sup>nd</sup> and May 9<sup>th</sup>
- Focus of these discussions was the new Supervised Independent Living Placement (SILP)
- Program criteria subgroup has not met since May 9<sup>th</sup> because CDSS has been drafting the Program ACL



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# Program Criteria: Summary of Decisions

- 5 Eligibility Conditions
  - *Secondary Education*
  - *Post-Secondary Education*
  - *Employed 80 hours a month*
  - *Barriers to Employment*
  - *Medical Condition*



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# Program Criteria: Summary of Decisions

- Age questions
  - Youth who turn 18 on or after January 1, 2012 and meet one of the eligibility criteria are eligible to continue in foster care until reaching age 20 or 21.
  - Youth who turn 18 during calendar year 2011 AND meet the current eligibility requirement (aka the completion rule) are eligible to remain in foster care until they turn 19 in 2012
  
- NOTE: Several age questions are not resolved
  - Youth who turn 18 in 2011 and do not meet the completion rule
  - Whether youth who are eligible for AB 12 and receiving AB 12 benefits turn 19 in 2012 – can they resume benefits in 2013?



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# Program Criteria: Summary of Decisions

- Supervised Independent Living Placement
    - No need to have additional approval standards for settings that have health and safety standards (eg university or college housing)
    - Roommates do not need to be assessed – this is an opportunity for training/conversation between youth and social worker
    - Each new SILP placement must be approved (the site itself)
    - Payment can go directly to youth or to a payee – but cannot be split among multiple payees (this is a pending amendment in AB 212)
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# Program Criteria: Discussion Areas

## Supervised Independent Living Placements (SILP)

- ❑ Assessing youth readiness to live in a SILP
  - Review readiness form
  - Use of tool
  - Resolution of disagreements
- ❑ SILP Approval Document
  - Roommate information
  - Youth presence at inspections
- ❑ Guidelines for direct payment to youth





# Licensing and Approval: Update and Feedback Session

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# Licensing & Approval Subgroup

- Meeting on June 14, 2011
- CCL has identified 16 “big ticket” sections in the regulations that need to be changed for nonminor dependents
  1. Safeguards for cash, resources, personal property and valuables
  2. Deficiencies in compliance
  3. Reporting requirements
  4. Admissions procedures
  5. Needs and services plan and transitional independent living case plan
  6. Removal and discharge procedures
  7. Nonminor dependent’s records
  8. Personal rights
  9. Expectations, alternatives and consequences
  10. Telephone
  11. Transportation
  12. Health related services
  13. Food services
  14. Responsibility for providing care and supervision
  15. Activities
  16. Buildings and grounds



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# Licensing & Approval Subgroup

## Six of the 16 items discussed on June 14th:

- ❑ Safeguards for cash resources, personal property & valuables
  - Giving control to the nonminor (no longer the caregiver)
- ❑ Reporting requirements
  - NMD has right to leave at own will – but may need to be reporting at some point
- ❑ Expectations, Alternatives and Consequences
  - Move away from concept of discipline
- ❑ Admission procedures
  - Greater involvement and appraisal of the NMD for new placements
- ❑ Personal rights
  - Greater personal rights for NMD as an adult
- ❑ Responsibility for providing care and supervision
  - Longer period of time on own, ability to supervise other children in the home



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# Licensing & Approval:

## Areas of Consensus

- Change in role from caregiver who does things on behalf of a minor to caregiver who *mentors* and *assists* a NMD in meeting their own needs
- Family-setting approach with *mutual agreement*, *respect* and *shared responsibility* between the caregiver and the NMD
- Respecting the *privacy* and *autonomy* of NMDs



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# Licensing & Approval:

## Areas of Discussion/Feedback

- Expectation that assistance will be provided by the caregiver/provider
- Shared Living Agreements (SLAs)
- Reporting requirements on health and safety issues
- Requirement that caregivers report and get approval for extended absences from the home
- When the regulations should allow for the collection of fines or for reimbursement for damages



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# Licensing & Approval: Breakout Groups

- *Please go to the room that corresponds with the colored dot on your folder according to the room assignments below:*

*Red dot – Yosemite A*

*Blue dot – Yosemite A*

*Yellow dot – Yosemite A*

*Green dot – Big Sur*

*Double red dot – Tahoe*

*Double blue dot – Cabrillo*

*Double yellow dot - Joshua Tree*





# Rules of Court Focus Area Update

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# Update: Rules of Court

- **Work Group Structure**

- **Co-Chairs:**

- **Co-Sponsor Rep- CLC, Executive Director: Leslie Heimov**
- **Administrative Office of the Courts: Aleta Beaupied**

- **Current Status of Proposed Rules & Forms**

- Public comment was received on the proposed Rules of Court and Forms from April 20<sup>th</sup> through June 20<sup>th</sup>. AOC staff is reviewing the comments received.

- **What Next?**

- Currently, AB212 is pending in the Assembly, which if passed, will require modifications to some of the rules and forms in order to adjust for the changes in the new legislation.
- These amended rules and forms will be presented to the Judicial Council for its approval and thereafter will be circulated for public comment.
- ***Stay Tuned.... We will know more by the AB 12 Summit this fall!***

To be added to the working group email: Jody Green at [greenj@clcla.org](mailto:greenj@clcla.org)



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# Next Steps

- Meeting materials and summary of feedback from the breakout sessions will be available within one week at [www.cafosteringconnections.org](http://www.cafosteringconnections.org)
- Stakeholder input is shared with CDSS on a weekly basis
- AB 12 cosponsors will continue to report back and solicit input
- **SAVE THE DATE – November 9 – 10, 2011 --**  
Training on AB 12 at the California Endowment



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## More Questions?

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