

California's Fostering Connections to Success Act (AB 12/212)

Overview of the Legal Process

Overview of the California Fostering Connections to Success Act

- AB 12: signed into law October 2010.
- AB 212 (clean up legislation): signed into law October 2011.
- Extends foster care funding, Kin-GAP & AAP until age:
 - 19 in 2012
 - 20 in 2013
 - 21 in 2014 (subject to budget approval)
- Makes additional changes to California's Kin-GAP program.
- *Key Provisions: WIC 241.1, 303, 366.3, 388(e), 391, 450, 11400, 11402 & 11403*

Outline of Today's Training

- Basics of Eligibility
- Roles/Responsibilities
- Court Hearings and Process
- Termination of Jurisdiction
- Reentry

The Basics of Extended Foster Care in the Juvenile Court

Eligibility Overview

- Extended foster care benefits available to:
 - **Non-Minor Dependents (NMD's)** – as defined in the next slide.
- Additional benefits available to:
 - Youth who entered **Kin-GAP** at age 16 or older.
 - Youth who entered **AAP**, as long as the adoption agreement was signed when the youth was age 16 or older.
 - Former dependents/wards in **non-related legal guardianships** created in juvenile court (not probate court), regardless of the age of the youth when the guardianship was created.

Non-Minor Dependents

- On or after January 1, 2012, a NMD is defined as a dependent, transition status or ward who is all of the following:
 - Is within the age eligibility criteria **and**
 - Was under a foster care placement order on day turned 18 years old, **and**
 - Is participating in one of the five eligibility conditions.

WIC 366.31 & WIC 14000(v)

Age Criteria and Phase-In: Who Is Eligible This Year?

- Youth under age 19 as of January 1, 2012 who have an open case. This includes:
 - All youth who turn 18 on or after January 1, 2012.
 - Youth who turned 18 during 2011 (until they turn 19 in 2012).

WIC 11403(a)

Age Criteria Issue During Phase-In

- Because of the age requirement, youth who turned 18 in 2011 will be *partially eligible*, meaning they will be federally eligible for part of the year in 2012 (when they are 18) and part of the year in 2013 (when they are 19).
- This does NOT mean the case needs to close during the periods of ineligibility. The court still has discretion to maintain jurisdiction pursuant to WIC 303.

Summary of NMD Eligibility Requirements

According to definition of NMD, youth must:

1. Satisfy the age criteria.
2. Be under an order for a foster care placement on day turned 18 years old.
3. Satisfy at least 1 of 5 participation requirements.

Youth must also:

4. Agree to live in an approved/licensed supervised placement.
5. Agree to remain under the jurisdiction of the court as a NMD by signing a mutual agreement.

WIC 11403

Who is NOT Eligible?

- Youth placed in out of home placements for educational reasons under the authority of an IEP who are not in foster care (often referred to as AB 3632).
- Youth who are married.
- Youth in the military.
- Youth who enter[ed] into guardianships with a relative (Kin-GAP) prior to age 16.
- AAP cases in which the adoption agreement is signed prior to the youth turning age 16.
- Youth in guardianships created in Probate Court.
- Youth who are age 19 or older as of 2011.

Youth Who Are Not Eligible/WIC 303

- There likely will be youth over 18 with open cases who wish to remain in care, but cannot access AB 12 because they do not meet the definition of a NMD. Examples:
 - Do not meet the age eligibility requirements because they are 19 or 20 years old.
 - Do not meet the participation requirements but would like the case to remain open.
- **Jurisdiction can continue for these youth until the youth reaches 21.** Courts continue to have discretion to maintain jurisdiction pursuant to WIC 303.

**Youth Responsibility Under
AB 12/212**

Participation Requirements

- Youth must satisfy 1 of the following 5 requirements as documented in the youth's TILP:
 - Be enrolled in high school or equivalent
 - Be enrolled in college/vocational school
 - Work at least 80 hours/month
 - Participate in a program/activity that helps the NMD find a job or removes barriers to employment
 - Be unable to do one of the above because of a medical or mental health condition

WIC 11400 & WIC 11403

Mutual Agreement

- In order to receive extended foster care, in addition to meeting the definition of a NMD and participating in 1 of the 5 eligibility requirements, the youth must sign a mutual agreement [SOC 162, available online] within six months of turning 18.
- A **Mutual Agreement** is an agreement between the NMD and the agency specifying the youth's willingness to:
 - Remain under the juvenile court's jurisdiction as a NMD,
 - Remain in a "supervised placement,"
 - Report changes relevant to eligibility and placement, and
 - Work with the Agency on the implementation of the TILP participation activities.
- This is NOT a condition of payment, however it is a condition of participation and must be completed within six months...ACL 11-69

WIC11400,11403

Roles/Responsibilities

NMD's Responsibilities

- Work with the social worker/probation officer to ensure ongoing participation in the TILP
- Report changes of eligibility and placement.
- Demonstrate incremental responsibility.
- Participate in hearings in person or telephonically.
- Make health care decisions, including decisions regarding medications.
- Participate in placement decisions/responsibilities (i.e. Shared Living Agreement).

Social Worker/Probation Officer Responsibilities

- Continued monthly in person contact with NMD.
- Supervise placement.
- Certify initial and ongoing eligibility.
 - A Certification of Participation must be completed (SOC 161 – available online) every 6 months.
- Submit court reports.
- Case planning – all case planning should be collaborative with NMD.
- Foster increasing levels of responsibility.

Meetings with Social Workers/Probation Officers

- Youth will continue to have monthly, face-to-face meetings.
- There will be collaborative case planning focusing on the TILCP, which should include:
 - Services that ensure meaningful participation to maintain eligibility, including a back-up plan.
 - A plan for NMD's supervised placement setting.
 - A permanent plan for transitioning to living independently.
 - A plan for obtaining and maintaining permanent connections with caring, committed adults.
- The Transitional Independent Living Case Plan and the TILP will be updated every 6 months.

WIC 11400 (j), 16501.1 (f) (16)

Role of NMD's Attorney

- NMDs continue to have legal counsel.
- Traditional role maintained except:
 - NMD's counsel in dependency will now work on behalf of the NMD's stated interest, no longer "hybrid model" as defined in WIC 317.
- NMD can designate attorney to appear on behalf of NMD. *Rule 5.900(d)(3)*
- Upon reentry, youth can request former attorney to represent him/her for reentry. *Rule 5.90(b)(2)(F)*

Caregiver's Role

- Discuss extended foster care options with youth prior to age 18.
- Support youth in TILP activities.
- Work with young adult to develop house rules/Shared Living Agreements.
- Respect privacy and autonomy of NMD (i.e. HIPPA, etc.).
- Encourage incremental responsibility.

Other Services for NMDs

- In addition to case management, court oversight and access to counsel, NMDs are entitled to:
 - County Clothing allowance *WIC 11461*
 - ILP services *WIC 10609.4*
 - Wraparound Services *WIC 18251*
 - Earned Income per TILP disregarded *WIC 11008.15*
 - Savings up to \$10,000 exempt *WIC 11155.5*

Court Process/Hearings

- Overview of Hearings**
- Minor Dependent
 - Last status review hearing before turn 18
 - Minor Ward
 - Last status review hearing before turn 18
 - Any hearing re termination of jurisdiction
 - Nonminor
 - Termination of juvenile court jurisdiction
 - Status review hearing
 - Request to return to juvenile court jurisdiction and foster care

**Last Status Review hearing
Before a Dependent/Ward
Turns 18**

**Report Requirements: Last Status Review
Hearing Before a Dependent Turns 18**

(Rule 5.707)

**Transitional Independent Living Case Plan
(TILCP)**

In addition to other requirements (see CHART A), SW must submit the youth's TILCP, which must include

➤ Individualized plan for the youth to satisfy the extended care participation criteria AND the anticipated placement,

AND

➤ **An alternate plan for transition** in the event the youth does not remain under court jurisdiction after turning 18.

***Form for Findings and Orders: JV-460

**Findings: Last Status Review Hearing
Before a Dependent Turns 18**

(Rule 5.707)

In addition to other requirements (see CHART A), findings must include whether:

1. TILP includes a plan and back-up plan for youth to satisfy 1 of the 5 participation requirements.
2. Youth has an application pending for SSI
3. Youth has an application pending for Special Immigrant Juvenile Status, SIJS
4. Youth has been informed of his/her right to have juvenile court jurisdiction terminated
5. Youth understands the benefits of remaining under court jurisdiction as a NMD
6. Youth has been informed of his/her right to re-entry

***Form for Findings and Orders: JV-460

**Orders: Last Status Review Hearing Before a
Dependent Turns 18**

(Rule 5.707)

In addition to other requirements (see CHART A):

- **For youth who intends to remain in care as NMD:**
 - The court must set a nonminor dependent review hearing within six months from the date of the current hearing.
- **For youth who does not intend to remain in care as NMD and requests that jurisdiction be terminated:**
 - The court must set a hearing for termination of jurisdiction pursuant to WIC 391 within one month after the youth's 18th birthday.
- **For youth who will remain in care but will not be eligible for status as NMD:**
 - The court must set a regular status review hearing within six months from the date of the current hearing.

***Form for Findings and Orders: JV-460

Last Status Review Hearing Before a Ward Turns 18
(Rule 5.812)

- Court must hold this hearing
 - At least 90 days before the child turns 18, AND
 - Within 6 months of the previous hearing.

Hearing to Terminate Jurisdiction Over Ward Approaching Majority
(Rule 5.812)

- Court must hold this hearing when considering termination of jurisdiction over ward more than 17 years, 5 months and less than 18

Report Requirements:

- In addition to other requirements (see CHART E), the court report must include:
 - A **Transitional Independent Living Case Plan (TILP)** addressing:
 1. A plan for the youth to satisfy the extended care participation criteria, AND
 2. Anticipated placement. *WIC 11400(y), 11402 & 11403 (b)*AND
 - An **Alternative Transition Plan**: this is the plan for transition to independence if a youth is expressing she or he does NOT plan to remain under court jurisdiction after turning 18.
- AND
- The PO's recommendation regarding modification of the juvenile court's jurisdiction over the child from that of a ward to that of a transition dependent under section 450.

***Form for Findings and Orders: JV-680

Findings:

In addition to other requirements (see CHART E), findings must include whether:

1. Rehabilitative goals have been met
2. Return home would be detrimental (for dual status youth only) OR child is at risk of abuse or neglect (for all youth other than dual status youth)
3. Youth has an application pending for SSI
4. Youth has an application pending for Special Juvenile Immigration Status
5. Youth understands the benefits of remaining under court jurisdiction as a NMD
6. Youth has been informed of his/her right to reentry

***Form for Findings and Orders: JV-680

Orders

Court must either(see CHART E):

- Return child home and set a progress report
 - Return child home and terminate jurisdiction
 - Continue foster care placement and:
 - If the child intends to meet 1 of the 5 participation requirements – set a nonminor dependent review hearing,
- OR
- If the child does not intend to meet 1 of the 5 participation requirements – set a hearing to terminate delinquency jurisdiction pursuant to 607.2 within one month after the child's 18th birthday,
- OR
- If the child will remain under delinquency jurisdiction in a foster care placement – set a review hearing no more than 6 months from the date of the most recent review hearing

**Additional
Considerations for
Wards**

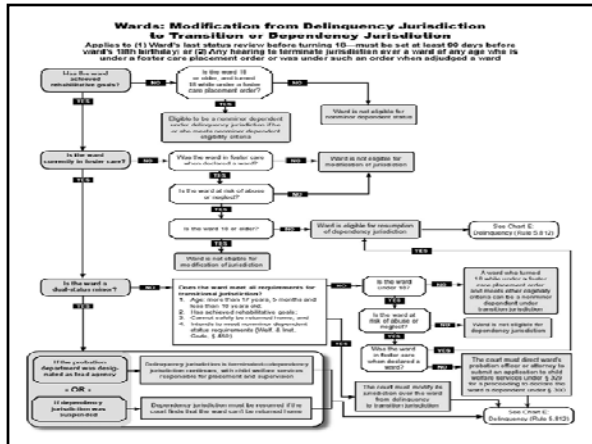
Three Ways for Wards to Become Eligible for Extended Benefits

- Youth under the jurisdiction of the Delinquency Court pursuant to WIC 602 (who are still on probation) with an order for foster care placement at age 18.
- OR
- Youth more than 17 years, 5 months *no longer* requiring delinquency jurisdiction because their rehabilitative goals as set forth in the case plan have been met. Those youth, who also meet age and placement criteria, are eligible to have their status modified to **transition jurisdiction** by the Delinquency Court.
- OR
- Eligible youth under 17 years, 5 months old may resume or assume 300 dependency status.

WIC 450, 607.2, 607.3

Hypothetical 1

Julia was declared a ward of the court under WIC 602. On her 18th birthday, she attends a delinquency court hearing. Because she has not completed her community service and her grades are terrible, the delinquency court finds she has not met her rehabilitative goals. She has an order for a foster care placement, remains on probation, and is ordered to remain in her group home. Is Julia eligible to become a nonminor dependent?



Group #1-Delinquency jurisdiction

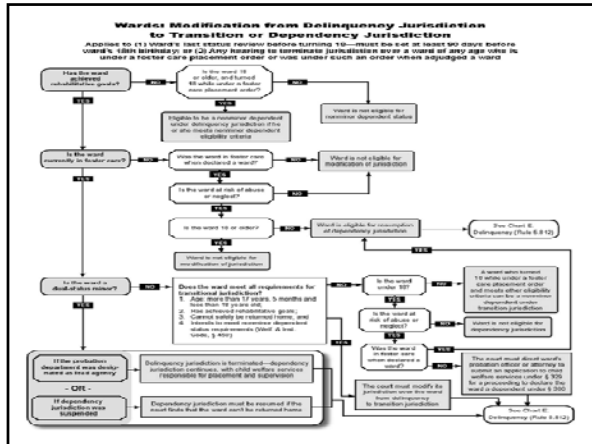
- If a ward has NOT met his/her rehabilitative goals at age 18 and the Delinquency Court maintains jurisdiction, the youth can receive AB 12/212 benefits if the youth meets the definition of a Non-Minor Dependent:
 - Order for foster care placement that occurred no later than their 18th
 - Not yet 19 years old/20 years old in 2013/possibly 21 years old in 2014 **AND;**
 - Participating in or planning to participate in one of the five participation requirements.

Delinquency jurisdiction, cont'd

- NOTE: NMDs under **delinquency jurisdiction** continue to be subject to the terms of their probation.
- Mutual Agreement (SOC 162) not required because not voluntarily staying in foster care

Hypothetical 2

Alex is a ward of the court. One month before his 18th birthday, he attends a hearing in delinquency court. He has not completed his terms of probation, and the court finds that he has not met his rehabilitative goals, and orders him into a Camp Community Placement. Is Alex eligible to become a non minor dependent?

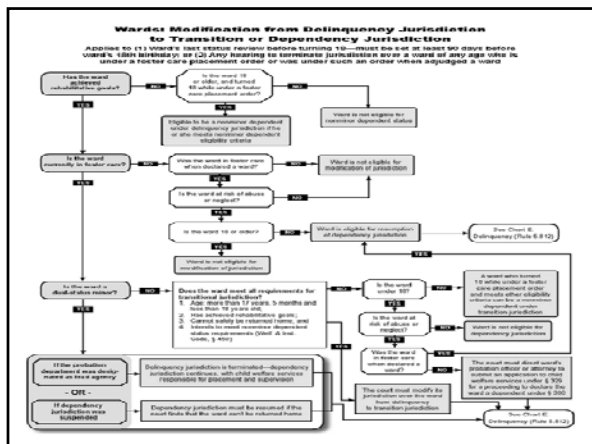


Modification to Transition or Dependency Jurisdiction

- Rule 5.812
- Last status review before ward turns 18
- Any hearing to terminate jurisdiction over minor (any age)
 - Child is under order for foster care placement as a delinquent
 - Child was under order for foster care placement as a dependent when declared a ward

Hypothetical 3

Jon was declared a ward of the court pursuant to WIC 602. He is 17 years, 8 months old, has now met his rehabilitative goals and the delinquency court is ready to terminate jurisdiction. He currently resides in a Group Home. A return to the home would create a substantial risk of detriment. Is he eligible to become a nonminor dependent?



Eligibility for Transition Jurisdiction

- Delinquent youth whose rehabilitative goals *have been met*.

AND

- Were removed from the custody of his/her parent or legal guardian by the dependency or delinquency court.

AND

- Are between ages 18 - 20* AND had a foster care placement order on the day they attained 18 years old

OR

- Are older than 17 years, 5 months and younger than 18 AND have a current foster care placement order

AND (1) are not receiving reunification services, (2) do not have a permanent plan of adoption or guardianship & (3) return home is a substantial risk.

WIC 450

Group # 2: Youth Under Transition Jurisdiction

- New jurisdiction (WIC 450) for youth no longer on probation.

- Designed to encourage youth to take advantage of extended benefits without forcing them to remain under “delinquency” supervision.

**When to Consider Transition Jurisdiction
(Rule 5.812)**

- At the status review hearing held closest to the ward attaining 18 years of age, which must occur at least 90 days before the ward's 18th birthday:
 - The Court **MUST** consider whether to assume transition jurisdiction over the ward pursuant to WIC §450.
 - The Probation Department must address this issue in its report to the court and make a recommendation as to whether transition jurisdiction is appropriate for the ward.

WIC §727.2 (i)

***Form for Findings and Orders: JV-680

Assuming Transition Jurisdiction

- For eligible youth more than 17 years, 5 months, the court can modify youth's status to transition jurisdiction *when it is prepared to terminate delinquency jurisdiction.* (Rule 5.812(e))
WIC 450, 451 607.2 & 727.2(i)
- The court can *also* assume transition jurisdiction at re-entry for eligible former wards who exited foster care and wish to re-enter. *WIC 450 & 607.2, 388 (e)*

Transition Jurisdiction for 18 year olds

- Youth who are 18 on January 1, 2012 and have met their rehabilitative goals are eligible for transition jurisdiction
- Probation officer should request a hearing before the court to modify delinquency jurisdiction to transition jurisdiction
- Probation should file a report for that hearing that discusses
 - The youth's eligibility for NMD status and the youth's foster care placement status
 - Rehabilitative goals have been met
 - Mutual agreement has been signed
 - Youth meets 1 of the 5 requirements
 - How and when the youth was informed of options of NMD status

Supervision of Youth in Transition Jurisdiction

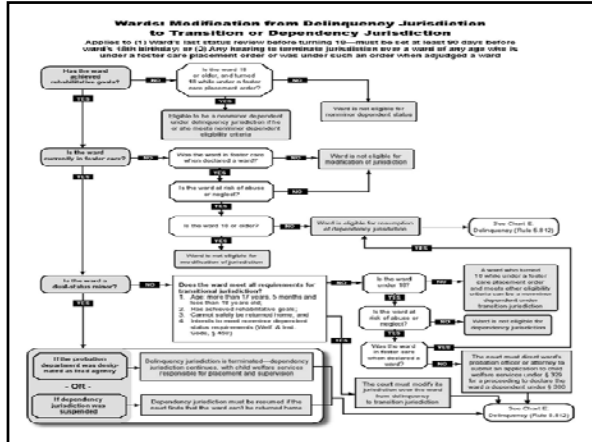
- Counties will decide whether **Probation or Child Welfare** will be charged with supervising a NMD under transition jurisdiction. *WIC 451(c)*
- It will be the county’s responsibility to modify its protocol for Section 241.1 to include a provision for determining which agency and which court must supervise the NMD.
- The protocol must also address specifically what to do when a 300, 602, or 450 NMD is also under adult probation.
WIC 241.1 (b) (3), 300.3, 450

Remember Jon? He is 17 years, 8 months old, has met his rehabilitative goals and the delinquency court is ready to terminate jurisdiction. He resides in a Group Home and can not safely be returned home. We determined he was eligible to be an NMD under transition jurisdiction

- Would your determination be different if he was over 18 years old but turned 18 while in a Group Home?

Hypothetical

- Lisa was declared a ward of the court pursuant to WIC 602 and was ordered into a foster care placement. She is 17 years, 3 months old, has now met her rehabilitative goals and the delinquency judge is ready to terminate jurisdiction.
 - Lisa’s mother abused her siblings while she was in a group home. It is not safe for her to return home. Lisa has no history with the Dependency System.



Group #3: What about youth not eligible for Transition Jurisdiction?

- If youth does not qualify for transition jurisdiction at the time court is terminating delinquency jurisdiction (i.e. younger than 17 years, 5 months), but the youth cannot return home because it is not safe, the delinquency judge decides if jurisdiction should be modified to dependency jurisdiction. WIC 607.2(b) & 727.2 (i)
- Procedural mechanism for modification would depend on whether child was a prior dependent.
 - If prior dependent, court would vacate order terminating dependency jurisdiction and resume dependency jurisdiction WIC 607.2(b)(3), CRC 5.812(e)(5)
 - If not a prior dependent, court can order (defense counsel or probation) to submit a 329 application to child welfare to begin a proceeding under section 300. WIC 607.2(b) & 727.2 (i) (2)

Legal findings required when modifying jurisdiction over a dependent or ward

Whenever the court determines it is necessary to modify jurisdiction over a dependent or ward who was removed from his parents and placed in foster care, the court must ensure:

- The petition under which jurisdiction was taken at the time of the original removal is not dismissed until the new petition is sustained AND

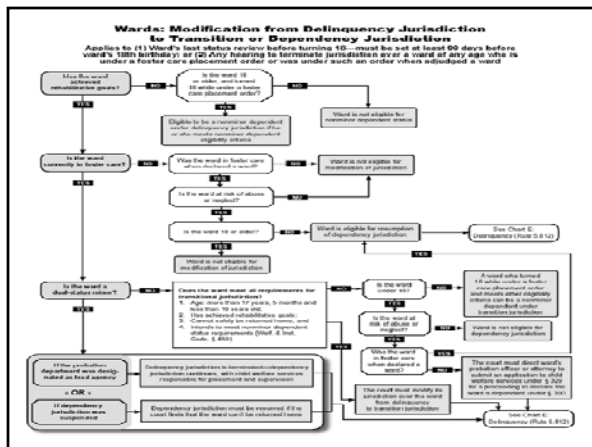
Legal findings required when modifying jurisdiction over a dependent or ward, cont'd

- The order modifying jurisdiction contains all of the following:
 - Reference to the original removal findings and a statement that findings that continuation in the home is contrary to the child's welfare and that reasonable efforts were made to prevent removal remain in effect
 - A statement that the child continues to be removed from the parent or guardian from whom the child was removed under the original petition
- And
 - Identification of the agency that is responsible for placement and care of the child based upon the modification of jurisdiction.

Welfare and Institutions Code 261.1(f)
Judicial Council Forms 680 and 681

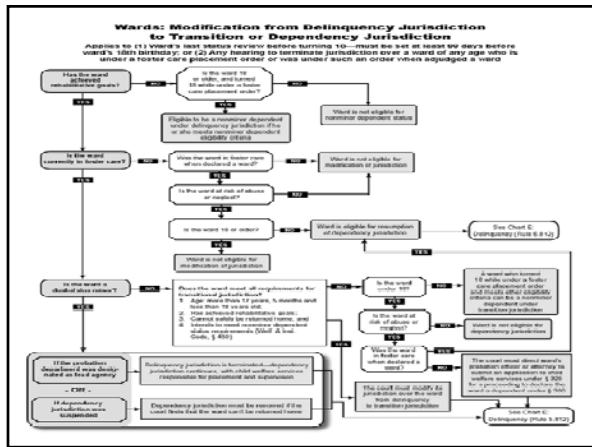
Hypothetical

April is 16 years old and a ward of the juvenile court in a foster care placement. April's mother abused April's siblings while April was in her foster care placement, but she has complied with her case plan and it is now safe for April to return home. April has no history with the dependency system.



Hypothetical

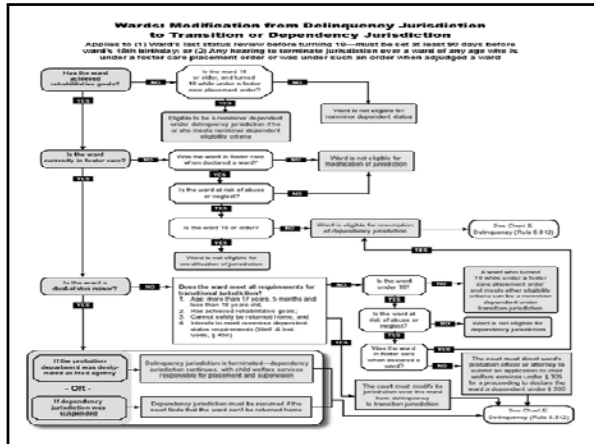
Robert is 16 years, 5 months old. His mother abused his siblings while Robert was in a foster care placement as a 602 ward of the court. It is not safe for him to return home. Robert was a dependent prior to being declared a ward.



Hypothetical

Anthony is 17 years, 6 months old. At the hearing where the court declared him a dual status youth, the court suspended dependency jurisdiction. Anthony has completed the terms of his probation and the court is ready to dismiss his case. He can not safely return home.

- Same facts, but your county follows the “lead agency/lead court” model, and probation is designated as the lead agency.



Dual Status Youth

- Youth under dual status are *not* eligible for transition jurisdiction. When a youth under dual status has met his/her rehabilitative goals but return home would be detrimental, the court can **assume dependency status** through the following procedures:
 - If dependency jurisdiction was suspended under WIC 241.1(e)(5)(A):* dependency jurisdiction must be resumed. *Rule 5.12(e)(1)*
 - If dependency jurisdiction was not suspended, but probation was designated the lead agency:* the court must terminate dual status, dismiss delinquency jurisdiction and continue dependency jurisdiction with child welfare responsible for placement. *Rule 5.12(e)(2)*

NMD Status Review Hearings

Content of Status Review Hearing for NMDS

- At each review hearing, the Court is to:
 - Ensure that the youth is meeting one or more of the participation conditions as described in the TILCP.
 - Ensure reasonable efforts made by social worker to help NMD establish and maintain compliance with eligibility requirements.
 - Review the social worker’s efforts to assist the youth in obtaining permanent connections with caring and committed adults.
 - Inform the youth of his/her right to have court jurisdiction terminated.

WIC 366, 366.3 & 16503; Rule 5.903

Conduct of Status Review Hearings for NMDs

- Should be conducted in a manner that respects the person’s legal status as an adult.
- Should facilitate candid conversations between NMD and the Social Worker/PO.
- When necessary, the court should resolve disputes regarding:
 - Placement
 - Participation
 - Other issues that may arise

Case Plan Goal for NMDs

- As a NMD, the young adult is in a Planned Permanent Living Arrangement (PPLA) with the goal of successfully transitioning to independence with caring, committed adults who can serve as lifelong connections. *Rule 5.903(e)*
- Because NMD is legal adult:
 - No Reunification
 - No WIC 366.26 hearings
 - No termination of parental rights
 - No guardianship

WIC 366.21, 366.22 & 366.25

More Effects of Legal Adult Status

- Hearings can only be attended by the agency, the current caregiver, the youth, and persons invited by the youth.
- Parents no longer provided notice, participate in a case plan or are entitled to counsel. *WIC 295*
- No Protective Custody Warrants. *WIC 303(d)*
- Court does not consent to psychotropic medication. *WIC 303(d)*
- No Caregiver consent for medical/education decisions. *WIC 303(d)*
 - NMD holds own educational rights.
 - NMD has **privacy rights** about medical information.

***However, personal rights of foster children do still apply.** *WIC 16001.9*

Terminating Jurisdiction

Hearing to Terminate Jurisdiction

- There are a number of reasons the court may terminate jurisdiction over a NMD, including:
 - Youth opting-out
 - Youth exiting because of age
 - Ineligibility
- A hearing under rule 5.555 must be held *prior* to terminating jurisdiction.

Ineligibility

- Examples of reasons why a youth may be deemed ineligible:
 - Failure to meet one of five participation requirements
 - Not residing in a licensed or approved placement
 - Youth is AWOL

Failure to Meet Participation Requirements

- It is the Court's role to determine if NMD is not participating in a reasonable TILCP. *Rule 5.555(d)(2)(A)(ii)*
 - The *burden of proof* of nonparticipation/noncompliance is on the social worker or probation officer. *Rule 5.555(c)*
 - The social worker or probation officer has an on-going responsibility to make and document *reasonable efforts* to provide NMD with assistance to meet/maintain participation in TILP activities. *Rule 5.903(e)(1)(g & k)*

Hearing to Terminate Jurisdiction

- SEE CHART C
- Social worker or probation officer to ensure NMD is present unless NMD chooses to **participate in the hearing telephonically**.
- Court **shall** continue jurisdiction, unless
 - NMD does not wish to remain in care, or
 - NMD is not participating in reasonable and appropriate TILCP, or
 - NMD cannot be located and reasonable efforts were made to locate him/her.
- Prior to the Court terminating jurisdiction, the court must find that youth was informed of:
 - His/her right to remain in care
 - The benefits of remaining in care
- The court must also find the NMD has been informed of his/her right to reenter care if under the age limits

Necessary Documentation

- **Transitional Independent Living Case Plan** *WIC 11400 (y)*
- Most recent **Transitional Independent Living Plan (TILP)**
- **Completed 90-day Exit Transition Plan.** *WIC 16501.1(f)(16)*. Developed with the youth. Should be 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 Immigration Juvenile Status.

Available Benefits for Youth Who Exit Care

- Upon an order terminating jurisdiction, aid will be terminated and a notice of termination of benefits and state hearing rights will be sent to NMD & his/her counsel, SW/PO, and the payee. *WIC 11403 (c)*
 - Extended Medi-CAL up to age 21
 - Aftercare ILP services up to age 21
 - Non-federally funded THP-Plus to age 24 (space is limited)
 - CalFresh (Food Stamps)
- In addition, youth also remain eligible for re-entry if they meet the age and other requirements of NMDs.*

General Jurisdiction

- If the Court terminates jurisdiction, it will maintain **general jurisdiction** until the youth no longer meets the age eligibility requirements of a NMD.
- This allows for re-entry into foster care without a new finding of abuse or neglect.
- There is no court or agency supervision of the youth (for all practical purposes the case is closed, but can be re-opened).

WIC 303(b) & WIC 366.31(c)

Reentry

The Basics of Reentry

- Youth who have their case closed can reenter unlimited times prior to no longer meeting the age eligibility requirements of NMD's.
- Youth must be informed of right to reentry at termination hearing.
- Reentry process is intended to be as accessible and easy as possible.
- This is a major change to the current law.

***The goal of reentry is to permit youth to experience independence, while allowing a safety net.*

Path to Initiate Reentry (Rule 5.906)

*Reentry is initiated by either:

- The signing of a **Voluntary Reentry Agreement (VRA)**
- OR
- A **388 (e) petition (JV-466)** is filed by the youth or other interested party in the county of general jurisdiction or the petition is submitted in the county of residence.

WTC 11400 (z), 388 (e), 11403 (e). ; Forms related to reentry: JV-464, JV-466, JV-468

CAVEAT

Path Recommended to Ensure IV-E Eligibility pending passage of new clean-up legislation

First step: Youth meets with social worker and completes VRA

- And then

Second step: 388 (e) petition (Form JV-466) is filed by SW or the youth or other interested person assisting the youth

Why?

Section 388(e) permits filing of petition (JV-466) before or after signing of the VRA

Section 11403(e) authorizes the resumption of aid at the youth's request by completing a VRA followed by, or concurrently with the filing of a 388 (e) petition (JV-466)

VRA

- o The signing of a **Voluntary Reentry Agreement (VRA)**
 - The youth first contacts the agency (child welfare or probation) directly and requests to reenter.
 - The youth must then signs a **VRA** with the agency to initiate services.
 - The VRA documents a youth's willingness and intention to:
 - Be placed in a supervised placement setting
 - Participate in eligibility requirements.
 - Have a transitional independent living case plan.
 - Participate in the filing of the 388, if applicable.
 - Re-enter foster care.
 - *If a VRA is signed, a mutual agreement is NOT required*

VRA Timelines

- Once the Voluntary Reentry Agreement (VRA) is signed, the placing agency i.e. county child welfare agency, probation or Indian tribe, is **required** to file a 388 (e) petition (Form JV-466) requesting the court to resume jurisdiction within **15 court days** of the signing of the VRA.
 - A nonminor may elect to file a 388(e) petition sooner by filing directly with the court
- The beginning date of aid can be the date the VRA is signed or the date of placement, whichever is later.

388 (e) Timelines	
<p>388(e) is filed: Within 3 court days →</p>	<p>Court must review 388(e) and determine whether prima facie showing has been made that youth intends to satisfy one of the participation conditions.</p> <ul style="list-style-type: none"> • <i>If denied:</i> Court must enter a written order listing the issue and inform the nonminor. • <i>If a prima facie showing has been made:</i> Court directs the clerk to set the matter for a hearing within 15 court days of the date the request was filed.
<p>→ Within 5 court days</p>	<p>Clerk must set hearing on the calendar within 15 court days from the date the request was filed.</p>
<p>→ Within 10 court days</p>	<p>Clerk must serve notice on nonminor, nonminor's attorney and supervising agency.</p>
<p>→ Within 15 court days</p>	<p>Court must hold a hearing to determine whether to resume jurisdiction over the nonminor. The nonminor may appear telephonically. If jurisdiction resumed:</p> <ul style="list-style-type: none"> • <i>Supervising agency has 60 days to submit the new TILCP to the court.</i> • <i>Court must set a nonminor dependent review hearing within 6 months from the date the VRA was signed.</i> • <i>Court must make a finding that it is in the best interest of the child to recenter</i>

County of Jurisdiction vs. Residence (Tentative)

- The youth may sign the VRA in either the county of residence or the county of general jurisdiction, BUT it is the supervising agency in the county of general jurisdiction that must sign the VRA.*
- If youth signs in the county of residence, two possible scenarios exist depending on whether the county of residence provides courtesy supervision:*
 - If YES: County of residence will assist youth with forms and scan/fax VRA to county of general jurisdiction that same day for signing.*
 - If NO: County of residence will provide youth with contact information of county of general jurisdiction, as well as blank forms.*

**ACL in draft form. This process is subject to change until final ACL released.
 WIC 17.1, 11400 (z), 388 (e), Rule 5.906(c)(2)(b)(ii), 11403 (e).
 Forms related to re-entry: JV-464, JV-466, JV-468*

County of Jurisdiction vs. Residence (Tentative), cont'd

- The 388(e) can be *filed* in the county of general jurisdiction **OR** can be *submitted* in the county of residence.
 - If *submitted* in county of residence, the court has **2** court dates from the submission to forward the 388(e) to county of general jurisdiction for *filing*.
- For a nonminor living outside CA, the 388 (e) **must** be filed in the county of general jurisdiction

**ACL in draft form. This process is subject to change until final ACL released.
 WIC 17.1, 11400 (z), 388 (e), Rule 5.906(c)(2)(b)(ii), 11403 (e).
 Forms related to re-entry: JV-464, JV-466, JV-468*

Important Facts About Reentry

- Youth must meet the age limits of 388(e).
- A background check on the petitioning youth *may* be completed to assess appropriateness and safety of placing the youth in foster care with minor dependents. *WIC 16504.5(a)(1)(D)*
 - **However, convictions are NOT a bar to reentry.**
- If a former ward files for reentry, the court may access a sealed file for limited purpose of verifying prior 602 status. *WIC 781(e)*
- IV-E eligibility for youth reentering is based on “child-only case,” not parental income.
- If the NMD had a Court Appointed Special Advocate (CASA) as a dependent/ward of the court, the CASA can receive notice of the filing of the 388 (e) and the hearing if requested by the NMD. *Rule 5.906(b)(2)(H)*
- If the court determines that a prima facie showing has not been made and denies the request, the young adult is provided an opportunity to consult with an attorney. *Rule 5.906(d)(2)(A)(iv)*

Resources

California Judicial Branch Website
www.courts.ca.gov/7988.htm

CaIDOG
www.courts.ca.gov/dependencyonlineguide

California Fostering Connections to Success
www.cafosteringconnections.org/index.html

California Social Work Education Center
http://calswec.berkeley.edu/CalSWEC/OtherTraining_AB12.html

Assembly Bill 12 (Beall; Stats. 2010, ch. 559
www.leginfo.ca.gov/pub/0910/bill/asm/ab_00010050/ab_12_bill_20100930_chaptered.pdf

Assembly Bill 212 (Beall; Stats. 2011, ch.459)
www.leginfo.ca.gov/pub/1112/bill/asm/ab_02010250/ab_212_bill_2011004_chaptered.pdf

California Rules of Court and forms
www.courts.ca.gov/formsrules.htm

CDSS All County Information Notice I-40-11: Program Information Regarding Assembly Bill (AB) 12
www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin/2011/I-40_11.pdf

CDSS All County Letters
ACL 11-15 New Kinship Guardianship Assistance
Payment (Kin-Gap) Program Requirements
ACL11 -61 Extended Foster Care (EFC)
ACL 11-69 Extension Of Foster Care Beyond Age 18:
Part 1
ACL11-77 Extension Of Foster Care Beyond Age 18:
Part 2 (Placement)
ACL11-85 Extension Of Foster Care Beyond Age 18:
Part 3 (Probation)

www.dss.cahwnet.gov/lettersnotices/PG2438.htm

Presenters

- Aleta Beupied, AOC
aleta.beupied@jud.ca.gov
- Kerry Doyle, AOC
kerry.doyle@jud.ca.gov
- Marymichael Miatovich, AOC
marymichael.miatovich@jud.ca.gov
