

Extended Foster Care Legislative Updates

The California Fostering Connections to Success Act was signed into law September 30, 2010 through Assembly Bill (AB) 12 and became effective January 1, 2012. The bill and subsequent legislation allows participation in foster care for eligible youth to extend beyond age 18 up to age 21. Eligible foster youth are designated as “nonminor dependents” (NMDs) and the program is known as Extended Foster Care.

There have been over 50 policy letters issued by the California Department of Social Services (CDSS) since the advent of Extended Foster Care in 2012. This document provides links to some of the most important policy and practice changes over the past few years (2018-2023).

Resource Links related to Practice and Legislative Changes

Topic/ Summary	Policy Letter, State Statute, JV form/s	Issuance or Effective Date
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Eligibility Issues

Married youth can enter, re-enter and remain in EFC as well as non-active-duty military	ACL 18-101	September 12, 2018
Per AB 2337 , young adults whose adoptive parents or legal guardians are no longer providing support can re-enter into EFC as NMDs	ACL 19-31	Effective Jan 1, 2019 ACL issued April 16, 2019
Amends WIC 388 (f) and WIC 11400(z) A county placing agency may, with the consent of the NMD who was non-federally eligible prior to turning 18 years old, file a petition with the juvenile court to dismiss dependency or transition jurisdiction and immediately resume that jurisdiction to establish the NMD’s eligibility for FFP	ACL 22-16 ACL 22-72 Petition to Exit and Re-enter NMD Jurisdiction: JV-467 and JV-469	Issued February 15, 2022 Issued September 7, 2022

Procedural Issues

<p>AB 748, WIC 358 amended so that a dispositional hearing can occur shortly after a youth’s 18th birthday, if certain requirements are met, potentially allowing entry into EFC</p>	<p>ACL 21-62</p> <p>Nonminor Consent to Hold Disposition Hearing: JV-463</p>	<p>ACL issued June 16, 2021</p>
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Immigration

<p>Per AB 829, If a placing agency becomes aware that a dependent child or nonminor dependent is an undocumented immigrant, this bill would require the placing agency to notify the dependent child's or nonminor dependent's attorney of that fact. Connecting foster children and youth to Immigration Legal Services and filing a Special Juvenile Immigrant Status petition is required before youth turn 21</p>	<p>ACL 22-54</p>	<p>ACL issued June 26, 2022</p>
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Additional immigration resources:

[Legal Services for Children | Immigration Services - Legal Services for Children \(lsc-sf.org\)](#)

[Legal Directory - Nonprofit Resource Center \(immigrationadvocates.org\)](#)

[2019.09 ilrc child welfare toolkit 092619-final.pdf](#)

WIC 391 Changes

<p>Amends WIC 391(a) to require the department to provide youth with written information notifying them that they may be eligible for CalFresh benefits and where they can apply for such benefits</p>	<p>AB 674 (2021) WIC 391(a)</p> <p>Updated JV 362 and 363</p> <p>ACL 23-40</p>	<p>ACL issued April 26, 2023</p>
<p>Amends WIC 391 to require the department, at the last regularly scheduled review hearing, to include in its report whether housing referrals or assistance has been successful at securing housing for the youth to avoid</p>	<p>AB 546 (2021)</p> <p>WIC 391(a)</p> <p>ACL 23-40</p>	<p>Issued April 26, 2023</p>

homelessness, and, if not, what additional services have been provided by the department to the NMD	Updated JV 362 and 363	
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[FAQ: Non-Minor Dependents & CalFresh | JBAY](#)

Protections for Minor and Nonminor Dependent Parents

<p>Amends PC 11166.1 to require departments to provide notice to the attorney of a minor parent or NMD within 36 hours of receiving a report alleging child abuse or neglect of the minor parent or NMD’s child</p> <p>WIC 361.5 (b)(10) and (b)(11) amended to specify that the provisions authorizing bypass of FR services based upon a prior termination of FR or parental rights does not apply if the only times FR or parental rights were terminated occurred when the parent was a minor parent, NMD or adjudged a ward of the juvenile court</p> <p>WIC 361.8 is amended to specify that a SW or probation officer must use a strengths-based approach to supporting a minor or NMD parent in providing a safe and permanent home for their child and prohibits an investigation from being conducted for the child of a minor parent or NMD unless a report of suspected abuse or neglect has been made</p>	<p>AB 670 (2021)</p> <p>ACL 22-92</p>	<p>Effective Jan 1, 2022</p>
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Sexual and Reproductive Health

<p>Additions made to court orders for every child age 10+ that they have received comprehensive sexual health education and that the SW has informed the youth about access to sexual and reproductive health resources. Recent clarification provided about practices to ensure privacy and confidentiality of PHI.</p>	<p>AB 153 (2021)</p> <p>AB 172 (2021)</p> <p>SB 89 (2017)</p> <p>ACL 18-61</p>	<p>June 20, 2018</p>
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<p>Requires California Department of Social Services to release an annual report of performance and outcome data on the implementation of SB 89, including sexual and reproductive health training completion for social workers, probation officers, judges, group home administrators, and resource families; foster youth receipt of comprehensive sexual health education; and foster youth access to health care services.</p>	<p>ACIN I-06-20 Documenting, protecting, and sharing reproductive and sexual health information for youth and resources for social workers to use with youth</p>	
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Additional sexual and reproductive health resources:

[JBAY SB 89 Case Manager Guide](#)

[JBAY SB 89 Fact Sheet](#)

[Healthy Futures for Foster Youth Fact Sheet \(AB 153 & AB 172\)](#)

Gender Affirming Treatment and Services

<p>Minors and Nonminor dependents have a right to receive gender affirming medical and mental health services and to be involved in the development of case plan elements related to placement and gender affirming care</p>	<p>AB 2119 (2019) ACL 19-20 ACL 19-27 See also, ACL 18-133</p>	<p>Effective Jan 1, 2019 May 8, 2019</p>
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Expectant Parent Payment

<p>Pregnant minors/NMDs are eligible for an Expectant Parent Payment (EPP) 3 months pre-birth; in addition to an Infant Supplement beginning at birth. EPP is paid directly to the pregnant minor/NMD</p>	<p>AB 153 (2021) ACL 21-123</p>	<p>Effective Jan 1, 2022 Released October 8, 2021</p>
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Additional Expectant Parent Payment Resources:

ACIN 1-45-22: Additional resources, budgeting worksheet [All County Information Notice \(ca.gov\)](#)

JBAY [Expectant Parent Payment Implementation Toolkit](#)

[Resources for Expectant & Parenting Youth](#)

Infant Supplement Payment

<p>Clarification that an infant supplement payment begins the month of the infant's birth and continues as long as the child resides with the minor/NMD in an eligible placement. Either male or female parenting youth are eligible; supplement goes to the parent with primary physical custody. NMDs in SILPs who receive their foster care payment directly will also receive infant supplement directly, otherwise it goes to youth's payee. For placements other than SILPs the infant supplement goes to the placement provider or caregiver. For parenting youth in THP-NMD, the provider either passes the entire payment on to the NMD, or an agreement with the NMD is executed, allowing the provider to hold an amount of the infant supplement to be used for specified needs of the infant.</p>	<p>ACIN I-10-20</p> <p>See also ACL 17-93</p>	<p>Released February 2, 2020</p>
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Housing

<p>Resource families can serve as host families in THP-NMD placements.</p> <p>Transitional Living Setting is a new short-term placement type categorized under the federal Supervised Independent Living Setting; includes hotels and other short-term settings</p> <p>SILP annual assessment no longer required if in the same home, videoconferencing calls allowed for approval.</p> <p>Counties are required to conduct an evaluation of their placement resources and programs including the ability to meet emergency housing needs for NMDs.</p>	<p>AB 1979 (2020)</p> <p>AB 592 (2021)</p> <p>ACL 21-95</p>	<p>Effective Jan 1, 2021</p> <p>Released August 16, 2021</p>
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<p>Reminds counties that payment can continue to be made to a THP provider if the NMD is absent, up to 14 days in a calendar month.</p>		
<p>Established the THP-NMD Housing Supplement, which provides additional funding on top of the THP-NMD statewide rate paid to THP-NMD providers on behalf of youth placed in their programs to account for the higher cost of housing in some counties.</p> <p>Housing Supplement amounts vary across eligible counties, based on the cost of housing in that county according to Fair Market Rent. A higher supplement amount is paid to providers for housing youth who are custodial parents.</p> <p>Housing Supplement amounts are released in the annual ACL announcing foster care rate increases according to the California Necessities Index for the new fiscal year.</p>	<p>AB 79 (2020)</p> <p>ACL 20-121</p>	<p>Phased-in implementation, effective statewide September 1, 2022</p> <p>Released October 30, 2020</p>
<p>Increased the length of the THP-Plus program for former foster youth from 24 months to 36 months and increased the upper age limit so that youth can participate between ages 18-24 inclusive (have not yet turned 25) instead of 18-23 inclusive.</p> <p>Increased the upper age limit of the Housing Navigation & Maintenance Program from 18-21 inclusive to 18-24 inclusive (have not yet turned 25), expanded the priority population from current foster youth only to also include former foster youth, and changed the name from the Housing Navigators Program.</p>	<p>SB 187 (2022)</p> <p>ACL 23-24</p> <p>All County Letter 23-24 Transitional Housing-Plus Program Extension (ca.gov)</p>	<p>Effective July 1, 2022</p>

Additional Housing Resources:

JBAY [FYI Point-of-Contact Roster](#)

JBAY [Housing Navigation Expansion webinar](#)

JBAY [Housing Navigation Expansion Fact Sheet](#)

JBAY [Transitional Housing Expansion webinar](#)

JBAY [Transitional Housing Expansion Fact Sheet](#)

[JBAY Transitional Housing for Former Foster Youth - Budgets by County](#)

JBAY [THP-NMD Housing Supplement Fact Sheet](#)

Post-Secondary Education Supports

<p>AB 153 included changes to court findings to support implementation of SB 12 (2017), which requires that: SW assist or identify who will assist with college applications or financial aid for all youth 16+, OR Document in report if minor/NMD does not want to pursue postsecondary education (WIC 16501(g)(22).</p> <p>AB 153 added WIC 366(a)(1)(G) to require the court to find that the SW assisted with these postsecondary education and financial aid application requirements</p>	<p>AB 153</p> <p>See ACL 18-104 for information about SB 12 provisions</p> <p>See ACIN I-08-23 for the revised TILP that includes key information about post-secondary supports</p>	<p>Effective Jan 1, 2022</p> <p>Released September 12, 2018</p>
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Additional Post-Secondary Education resources:

JBAY Fact Sheet – [Expanded Financial Aid for Foster Youth \(SB 117\)](#)

JBAY Fact Sheet- [NextUp program expansion and funding \(SB 512\)](#)

JBAY [College Transitions Framework: A Guide for Child Welfare & Probation Agencies to Embed College-Going Practices into Policies & Procedures](#)

JBAY [Teaming for College Success: Supporting Foster Youth with Postsecondary Matriculation](#)

JBAY [Financial Aid Completion Resources for California Foster Youth](#)

[Scholarship Resources for Current and Former Foster Youth](#)

JBAY [Education Planning Guide for Adults Supporting California’s Foster Youth](#)

Social Security Disability Benefits

<p>Social workers are responsible not only for initial SSI screening and application submission for youth approaching the age of 18, but also for assisting them in filing a request for reconsideration and subsequent appeals, if the initial application is denied. The county shall also help identify and appropriate representative payee, if needed.</p>	<p>SB 187 (2022) ACL 23-28</p>	<p>Effective April 22, 2023 Released March 22, 2023</p>
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Foster Youth Rights

<p>In 2021, the Foster Youth Bill of Rights (FYBOR) was updated to reflect changes in:</p> <ul style="list-style-type: none"> ● Foster youth placement ● Trauma informed practice ● Application of ICWA ● Improved health services ● Use of Child and Family Team Meetings ● Respect for youth’s sexual orientation, gender expression and identity (SOGIE) 	<p>AB 175 (2019) amends WIC 16001.9 ACL 21-69</p>	<p>Effective Jan 1, 2020 Released June 21, 2021</p>
<p>Foster Youth Bill of Rights shall be provided to the youth in their primary language as well as the court report, case plan, and TILP for youth ages 12+</p>	<p>AB 1735 amends WIC 16001.9 and WIC 16501.1 ACL 23-04</p>	<p>Issued January 15, 2023</p>

Additional Foster Youth Bill of Rights Resources:

[Foster Youth Resources | FYH \(ca.gov\)](#)

Foster Youth Tax Credit

<p>Beginning in the 2022 tax year (2023 tax season), eligible youth who file a CA tax return may claim the Foster Youth Tax</p>	<p>SB 201 (2022) ACL 22-91</p>	<p>Effective Jan 1, 2023 Released October 28, 2022</p>
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<p>Credit (FYTC) and receive up to ~\$1,000 cash back tax refund.</p> <p>Eligible youth include current and former foster youth who file a state tax return and- Are 18-25 at the end of the tax year, were in foster care on or after their 13th birthday, and are eligible for the CA Earned Income Tax Credit by having an income of at least \$1.00 and less than ~\$30,000; have a social security number or tax ID number, and live in CA for more than half the tax year.</p>		
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Additional Foster Youth Tax Credit Resources:

JBAY [Foster Youth Tax Credit Fact Sheet](#)

[JBAY Foster Youth Tax Credit – Youth Outreach Flyer](#)

[JBAY Informational Resources on Tax Filing & Credits](#)

Additional Resources for Extended Foster Care Social Workers

[AB 12 Question of the Week](#)- An archive of over 250 commonly asked questions about Extended Foster Care in California

[KnowB4YouGo](#)- A website intended for youth and nonminor dependents created by the Alliance for Children’s Rights and the Children’s Law Center

[CDSS Extended Foster Care](#)- The CDSS EFC website that includes county contact information and links to policy letters

[Transition Age Youth | Continuing and Professional Education | Human Services \(ucdavis.edu\)](#)- A listing of all currently scheduled and available courses offered by the Northern Academy related to Transition Aged Youth and Extended Foster Care