



A Guide to Permanency Options For Youth

REVISED
2018

Department of Children
and Family Services



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ABOUT THIS GUIDE

Alameda County Social Services (ACSSA)'s Guide to Permanency Options for Youth 2018 revisions includes updated information about options available to children, youth and young adults for extended foster care at age 18, under the California Fostering Connections to Success Act, AB12. The Guide has been amended to support work with children/youth and young adults in extended foster care (who are referred to as non-minor dependents, NMDs) regarding permanency options. It will serve as a tool for many different audiences including:

- **Foster and Kin Caregivers, Foster Family Agency Staff and Families, Group Home Providers and those who care for and/or support youth/NMDs in Foster Care**
- **Youth and NMDs in Foster care**
- **Community Partners and those Agencies Serving Youth, NMDs and Families in Foster Care**
- **Child Welfare Staff**

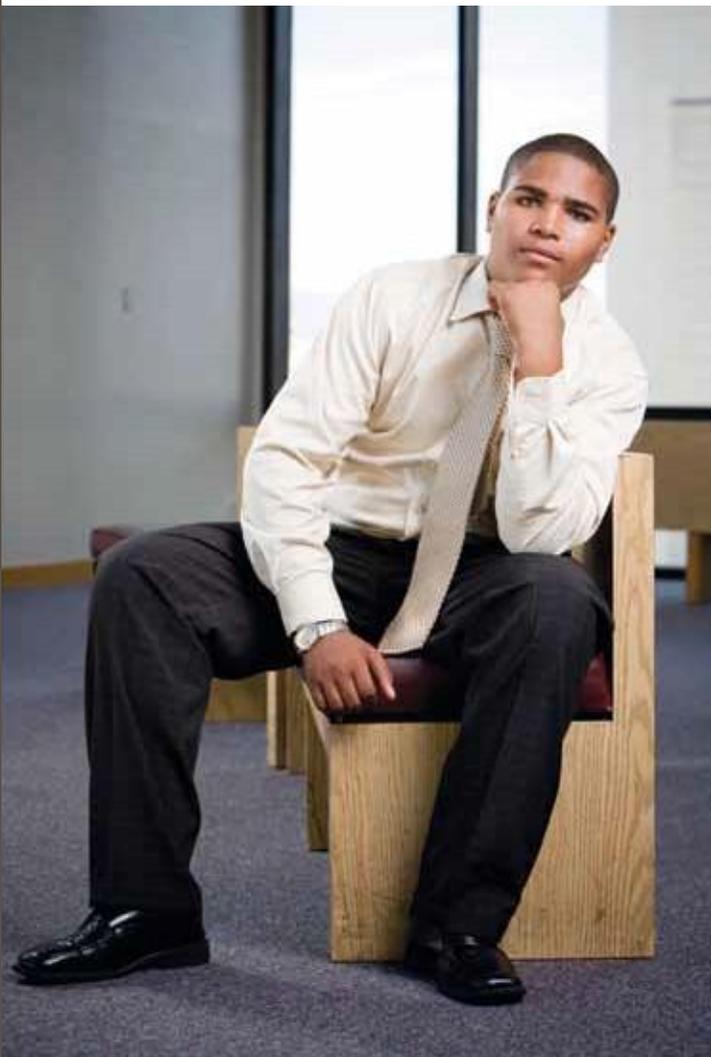


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Cover Photo

Photograph by Ralph Granich
for The Bay Area Heart Gallery

INTRODUCTION

Foster care is designed to be temporary. Its purpose is to provide care for children/youth/NMDs living in unsafe and dangerous situations, while supportive services are offered to them and their families towards a goal of family reunification. However, hundreds of thousands of children/youth/NMDs find themselves growing up in foster care, without permanent families or any lifelong connections.

Some children/youth/NMDs living in foster care have changed homes multiple times and many remain in the foster care system until they reach age 18 and/or “age out” of the system at age 21. In essence, many children/youth/NMDs are being raised in foster care. Many of them have attended a variety of schools and received inconsistent education. These same children/youth/NMD may have no consistent group of people to call friends or family, and have lost contact with those important to them. Many lack permanence in their lives.

Research tells us that every year in California, approximately 4,000 children/youth/NMDs leave foster care with no permanent family connection to support them in their transition to adulthood. Without the social, emotional, and financial support typically offered to young adults by their families, many former foster youth find themselves alone during this important period in their lives and face serious challenges. Unable to overcome these challenges on their own, former foster youth have become over-represented in the population of young adults who are: homeless, incarcerated, face early pregnancy, are poorly educated, and lack skills for employment.

The fundamental role of foster care is being re-examined in order to improve outcomes for children/youth/NMDs and families involved in the child welfare system. All children/youth/NMDs are entitled to permanency, and the child welfare system is obligated to ensure this. Through our work, beginning in 2003 with the California Permanency for Youth Project, as one of its original 4 project counties, we have expanded our vision of permanency for children/youth/NMDs. ACSSA has made a commitment to work toward the goal that no child leaves foster care without a lifelong connection to a caring adult. For those that are not able to return home to their parents’ care, every effort must be made to identify adults to provide permanence for them so they do not grow up in foster care. If exiting foster care is not possible, then a permanent connection must be identified to support the child/youth/NMD throughout their life upon ‘aging out’ of the system.

“The more I moved around, the more I felt like I could just walk away from something if there was a problem. I felt there wasn’t anybody there for me, so what was the point in getting attached to anybody, because I was going to be moving pretty soon.”

—Anonymous Foster Youth



It is important to recognize that for some children/youth/NMDs, their families of origin remain their primary connection, despite their placement in foster care. Factors that may have posed safety issues for a young child may not be of serious concern as a child gets older and more independent. Circumstances need to be assessed on a case by case basis, and a reconsideration of family reunification needs to be explored regularly for all children/youth/NMDs that are placed in out-of-home care.

A permanent connection for a youth may be relational, physical, legal, or all of the above. For some children/youth/NMDs, a committed relationship with an adult may be what is most important, and may or may not include living in that person’s home. A permanent connection may result in a plan of Adoption or Legal Guardianship. However, while a legal arrangement represents a higher level of commitment, a legal commitment may not feel necessary to some youth. Some children/youth/NMDs have a negative view or limited understanding of adoption or guardianship, which may not have been explored or discussed. In some cases, a connection and a relationship may be identified, built and supported while the child/youth/NMD remains in a foster care or a relative placement. A full exploration and understanding of all options is required, and families and youth need tools to begin this exploration.

Different situations require different solutions. It is critical that we understand the importance of creativity and flexibility when thinking about the needs of the children/youth/NMDs we serve. It is essential that they understand permanency, and be supported to identify what a permanent lifelong connection means to them in their lives. Youth need to be actively involved in planning for their futures. They need to be involved in the permanency planning process to help ensure that they do not leave foster care without a permanent lifelong connection.

The California Permanence for Youth Task Force has defined Youth Permanency as follows: Permanency is both a process and a result that includes involvement of the youth as a participant or leader in defining for them what permanency means, and in finding a permanent connection with at least one committed adult, who provides:

- A safe, stable and secure parenting relationship,
 - Love,
 - Unconditional commitment, and
 - Lifelong support in the context of reunification, a legal adoption, or guardianship, where possible;
- and in which the youth has the opportunity to maintain contacts with important persons, including brothers and sisters. A broad array of individualized permanency options exist; reunification and adoption are an important two among many that may be appropriate.

With the recognition of the urgent need for permanent lifelong connections for all children/youth/NMDs in foster care, the importance and need for training and education has become paramount. Traditionally, permanency was only considered an option for young children. Alameda County is challenging this myth. This Guide was developed to serve as a tool to assist in the consideration and exploration of permanent lifelong committed relationships for children/youth/NMDs in foster care in Alameda County.



Photograph by Kate Swoboda for The Bay Area Heart Gallery

NON-MINOR DEPENDENTS (NMD)



Photograph by Ralph Granich for The Bay Area Heart Gallery

Every child, youth and young adult has a right to have a permanent lifelong connection.

California Foster Connections to Success Act/AB 12

The California Fostering Connections to Success Act was signed into law September 30, 2010 through Assembly Bill (AB) 12. This legislation recognized the importance of family and permanency for young adults (now known as NMDs) by extending benefits and transitional support services in foster care, as well as extending benefits in the Adoption Assistance Program (AAP) and Kinship Guardianship Assistance Payment (Kin-GAP) program for youth/NMDs who enter the program after they turn 16. Effective January 1, 2014, young adults who meet specific eligibility criteria are allowed to remain in foster care up to age 21.

Goals and Benefits of AB 12

- Enables NMDs to maintain a safety net of support while experiencing independence in a secure and supervised living (housing) environment.
- Assists NMDs in becoming better prepared for successful transitions into adulthood and self-sufficiency through education and employment training opportunities.
- Additionally supports permanency through NMD adoption, which will allow for young adults age 18-20 to be adopted in juvenile court while retaining the extension of benefits afforded to them under AB12. Adoption

Assistance Program benefits, which are provided until age 21, will be available to families who complete a NMD adoption through the juvenile court.

Information regarding AB 12 and Extended Benefits can be found on page 15.

25 THINGS

A PERMANENT CONNECTION CAN MEAN

1. LIFELONG RELATIONSHIP
2. SHARING LIFE'S UPS AND DOWNS
3. SOMEONE TO CALL ON IN TIMES OF CRISIS
4. ONGOING SUPPORT
5. SOMEONE TO TRUST
6. SHARED HISTORY
7. CONTINUITY
8. BEING THERE
9. SHARING HOLIDAYS
10. FAMILY
11. FRIENDSHIP
12. UNCONDITIONAL LOVE
13. SOMEONE TO CALL 'JUST BECAUSE'
14. DEFINING FAMILY TOGETHER
15. CELEBRATING SPECIAL TIMES TOGETHER
16. SOMEONE TO CHECK-IN WITH REGULARLY
17. KNOWING THAT SOMEONE CARES
18. ASSISTANCE AROUND MAJOR DECISIONS
19. GROWING AND CHANGING TOGETHER
20. SOMEONE TO GO HOME TO
21. BEING ACCEPTED NO MATTER WHAT
22. EXTENDED FAMILY-LIKE RELATIONSHIP
23. HAVING SOMEONE TO STAND BY YOU
24. KNOWING SOMEONE IS PROUD OF YOUR ACCOMPLISHMENTS
25. KNOWING THAT YOU ARE NOT ALONE



YOUTH / YOUNGADULT (NMD) INVOLVEMENT IN PLANNING FOR PERMANENCE

Youth in foster care must be actively involved in planning for their own future and engaged in the permanency planning process. By being actively involved, youth can help to ensure that they do not leave foster care without a permanent lifelong connection. If a youth reaches 18 without a permanent connection to a permanent, committed family, and chooses to remain in foster care as a NMD, permanency work must continue.

Through discussion and exploration with social workers and caregivers, youth and young adults need to develop an understanding of what permanency means to each of them in their own lives. Youth and young adults must be supported to define for themselves what permanency means. They can be active participants, and may even lead the planning process so that they establish a permanent lifelong connection with at least one committed adult before they exit foster care at age 18 or 21.

Exploring options for permanence must include an in-depth discussion with youth and young adults. Working towards permanence may focus on their placement with their current caregivers, or depending on their unique situation, a reconsideration of family reunification may be explored. The exploration may lead to reconnecting and/or establishing relationships and ties with extended family members.

Efforts may also lead to supporting and building relationships with past or present adults in the youth's and NMD's community. They may identify important adults from their past or adults who are now part of their life.

If considerations of current or past connections are not fruitful, with a youth's consent, active recruitment efforts can be made. Recruitment for a potential connection with a family that may lead to placement and a lifelong relationship can be outreach to the general public, targeted to a specific community, or can be based on the specific needs, desires, and interests of the individuals.

Exploring options for permanence must begin with the needs, desires, and experiences of the youth or a NMD.

““ Everybody works a different way. I didn't care for permanency until I left the system and didn't start looking for it until a couple of years ago. That's why there should be many opportunities to engage in this interaction. ””

—Anonymous Foster Youth



Photograph by Ralph Granich for The Bay Area Heart Gallery

RECONSIDERING REUNIFICATION

Exploring permanency options for children/youth/NMDs must include considering whether it is possible for them to safely return to their parents' care. It is essential that each situation be reviewed to determine the best plan for permanency.

While some children/youth/NMDs that remain in out-of-home care lose contact with their families, some maintain ongoing contact and visitation. We must recognize that for some, their families of origin remain an active, primary connection. It is a fact that some teens run away from their foster homes and return to the homes of their parents, without Court approval. We know that some children/youth/NMDs in out-of-home care are not open to forming strong connections with other adults, because of the strong bond that may continue with their parent(s).

For some parents, factors that resulted in removal of their young children may have improved or may have resolved. Some factors that may have posed safety issues for a young child may not be of serious concern as a child gets older and more independent. A reconsideration of family reunification needs to occur regularly for all children who are placed in out-of-home care, if other permanency options are not in place.

Sometimes, for example, if a child was originally removed from their mother's care, placement with their father may not have been given full consideration. Both parents, maternal and/or paternal relatives and family friends need to be reconsidered and assessed when appropriate. Additionally, the circumstances of some extended family members who may have been originally ruled out for potential placement may have changed.

All options need to be explored!



Photograph by Deborah Ellen for The Bay Area Heart Gallery

“ *The social worker should have the conversation, but we shouldn't just put permanent connections on the social worker. Ask the youth, 'Who is important in their life?' Have them make a list* ”

—Anonymous Foster Youth

UNDERSTANDING LONG TERM FOSTER CARE

(Also known as PPLA-Permanent Planned Living Arrangement)

A Planned Permanent Living Arrangement, or PPLA, is a permanent plan for a youth in an out-of-home foster care placement, in which they may remain until adulthood, when the options to return home, place with a relative, place for adoption, tribal customary adoption, or legal guardianship have been ruled out. Legally, this option is available only to youth age 16 or older and NMDs.

PPLA is the last option the Agency may recommend to the court, after the Agency has documented all their efforts to establish a more permanent plan. In order for PPLA to be selected as the plan, there must be a compelling reason why this would be in the child/youth/NMD's best interest. The law does not allow PPLA as an option for children/youth under 16 years of age.

Even though foster care is intended to be temporary in nature, we must acknowledge that in some cases, there are some valid reasons why remaining in foster care may be the best plan at any given time.

Listed below are some real and commonly perceived benefits of a plan for a child to remain in out-of-home care:

- The caregiver and/or child/youth/NMD may need ongoing support, supervision, and service delivery from either the court or the child welfare agency.
- The caregiver may have concerns about their ability to raise the child/youth/NMD on their own.
- Financial support from Alameda County may be reduced or lost if a Legal Guardianship is established, depending on financial status of the case or the state of residence.

Why Foster Care is Generally Discouraged as an Option for Permanency:

- Foster care was established to be temporary in nature. Without a clear legal commitment by the caregiver to raise a child/youth/NMD, some children/youth end up moving from placement to placement. Placement disruptions often occur at various developmental stages and at the most critical times when children/youth/NMDs need a committed caring adult to 'hang in there' with them.
- For many children/youth/NMDs, there is a stigma attached to being in foster care.
- Some children/youth/NMDs may feel like a second class member of the family.
- The Court holds major decision-making authority rather than the caregiver.
- There may be feelings of isolation for the child/youth/NMD and/or foster family.
- Remaining in foster care presents interference in daily life both for the family and children/youth/NMDs, such as regular social worker visits, or the need to obtain court permission to participate in normal family and school activities, including vacations and travel plans.
- For many children/youth/NMDs, there is a negative connotation when labeled a foster child.

Some Questions to Consider when Contemplating a Commitment to a Child/Youth/NMD, with a Plan of Long Term Foster Care:

- Has permanency been explored with the child/youth/NMD and have their wishes and needs been considered?
- What could a child/youth/NMD do to cause you to decide that they have to leave your home? Even if they have to leave your home for a period of time to receive therapeutic or residential treatment, is there anything that they could do that would cause you to decide that they could no longer be a part of your family?
- Are there financial considerations that need to be explored and resolved for you to consider a higher level of permanency?
- Are there services that you receive for the child/youth/NMD from the Agency that may be available in the community?
- Is this a permanent or a conditional commitment?



“It was always known that there was a difference between me and her own children. I grew up knowing that those are her kids and I’m a foster kid.”

— Anonymous Foster Youth

CONSIDERING LEGAL GUARDIANSHIP

A legal commitment and court order that takes the child/youth out of the status of being a foster child. In most cases, the child/youth's juvenile court dependency is dismissed. While this commitment does not provide as high a level of legal permanency as adoption, Legal Guardianship is a viable option to be considered by families and youth (**see page 13**).

About Legal Guardianship

Most often when legal guardianship is ordered, juvenile court dependency is dismissed.

- Birth parent(s) can stay involved giving the child/youth, in a sense, two sets of parents. This can be seen as a benefit for some families depending on the relationship with the birth parent(s).
- Birth parent(s) maintain(s) the right to have reasonable visitation.
- Birth parent(s) have the right to petition the court to regain custody if their circumstances change – this may be seen as either a positive or a negative.
- Guardian may petition the court to have the guardianship overturned or the guardian may go back to court and request the child/youth be returned to the birth parent(s).
- Relative Legal Guardians in California may be eligible for financial assistance through the Kin-GAP Program. This funding is based on the basic foster care rate, and may include a special rate, depending on the needs of the child/youth. Rates vary from county to county and state to state, and are based on the rate structures of the county or state of residence.
- Non-relative Legal Guardians may be eligible for funding through foster care funding, and a special rate may be considered, depending on the needs of the child/youth. Legal Guardianship ends at age 18. Funding may be continued if the youth is still in high school and is expected to graduate before their 19th birthday.
- Funding for non-related Legal Guardians may be extended to age 21 if the youth meets specific eligibility criteria.
- Funding may continue for relative Legal Guardians through the Kin-GAP program to age 21, if the youth meets specific criteria.

Some Questions to Consider When Contemplating a Commitment to a Child/Youth with a Plan of Legal Guardianship:

- Has permanency been explored with the child/youth and have their wishes and needs been considered?
- With Legal Guardianship will the child/youth feel that they are a second class family member?
- Will the youth fear being kicked out if they misbehave?
- Are you making a permanent commitment to raise and be lifelong family to the child/youth?
- Are there any concerns regarding the termination of parental rights?
- Have reservations regarding committing to adoption of the child/youth been fully explored?
- Is there a hope that the child/youth will ultimately be reunified with their birth parents?
- Is reunification an expectation by the caregiver and if so, is the guardianship a temporary commitment?
- Is there a hope that the child/youth will ultimately be reunified with their birth parents?
- Is guardianship a permanent commitment to the child/youth even though reunification may be possible?
- Although guardianship legally ends at age 18, is the existing relationship still a lifelong commitment for the child/youth?

“ I think if I had a role model in my life, or just a man figure to give me knowledge he had as a young man, that would have really meant a lot, made me a better person ”

—Anonymous Foster Youth



CONSIDERING ADOPTION OF CHILDREN AND YOUTH IN FOSTER CARE

Adoption offers children/youth the highest legal level of permanence. The Adoptions and Safe Families Act of 1997 (AFSA) requires that adoption be explored for any child remaining in long term foster care, regardless of their age. It is critical, however, to remember that adoption is not the only option for permanence, and that all permanency options must be explored.

Historically, only very young children were considered for a permanent plan of adoption. As awareness has grown regarding the urgent needs facing children/youth growing up in foster care with few or no permanent connections, attitudes regarding adoption for older children/youth have changed throughout the state and the country.

There are several common myths about the adoption of older children/youth, which must be explored and dispelled. The primary myth to challenge is that adoption is not an option for them, and that older children/youth are “unadoptable”.

**There is no such thing as a child or youth that is “unadoptable”!
Nobody is ever too old to need a committed, supportive and loving family!**

All children and youth are adoptable, regardless of age, race, ethnicity, sibling group size, disability, sexual orientation, gender identity, gender expression or special needs. Whether adoption is the best permanent plan or not depends on the desires of the older child or youth, the legal circumstances of their case, and other important factors related to their situation. It is important to understand that families and youth can redefine adoption together, as well as define what it means to them to be a family.

Some Important Facts to Know about Adoption:

Kinship adoption is a viable option for family and non-related extended family members.

- Adoption is an option for older youth and young adults, not just a plan for babies and young children.
- Adoption does not have to mean losing contact with birth family. Open adoption is an option if all parties agree.
- Termination of parental rights does not have to mean severing relationships.
- Adoption by a relative does not need to mean changing familial relationships. For example, a grandmother who adopts her grandchild becomes the legal parent, but can choose to remain in name and in fact, the child’s grandmother.
- Mediation services are available to develop a Post-Adoption Agreement between adoptive and birth families, for ongoing contact and visitation.
- The original birth certificate must be amended after adoption; however, names do not have to be changed due to an adoption.
- Financial support and post-adoption services are available after the adoption of a court dependent child/youth. Adoption is an option!

”It’s important to know that there is someone I can count on who wouldn’t turn their back on me.”

*—Anonymous
Foster Youth*



Photograph by Ralph Granich for The Bay Area Heart Gallery



Photograph by Ralph Granich for The Bay Area Heart Gallery

When First Considering a Plan of Adoption with Teens, We Commonly Find That:

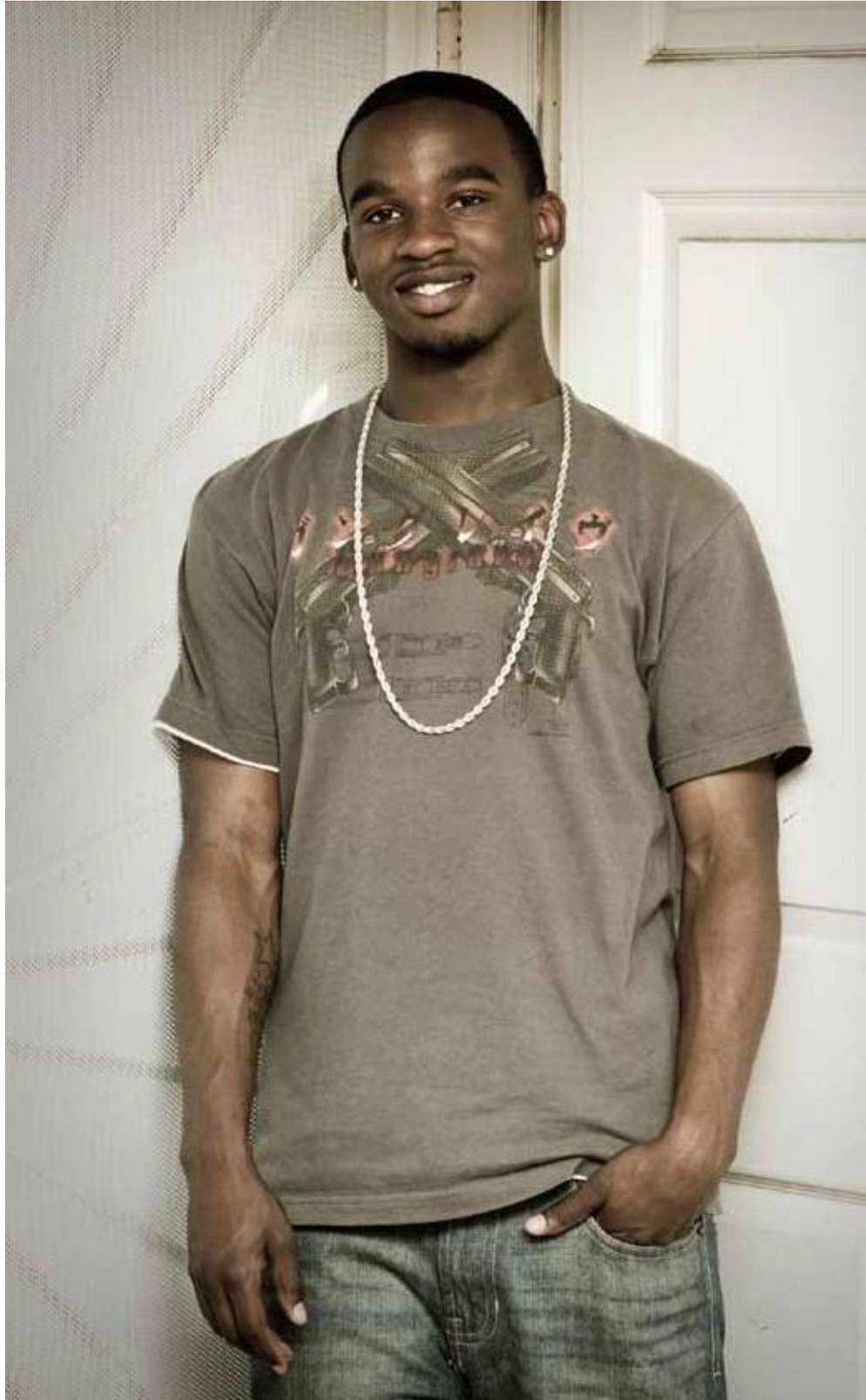
- Some youth may say that they do not want to be adopted. This is often accepted by caregivers or social workers, without taking the time to explore underlying concerns, doubts, or fears about what adoption means to them. This exploration needs to be supported and encouraged. ‘NO’ may be just a first response.
- Common myths about teenagers and adoption must be examined. What adoption means can be redefined for and by each individual youth and their prospective adoptive family.
- Some youth may think, “Why bother? I am going to turn 18 in a few years anyway.” Many youth doubt anyone would want to adopt a teenager.
- Some youth may feel that agreeing to adoption may mean betraying their birth parent(s).
- Some youth may think that adoption will mean that they will lose their connection or future connection to their birth parent(s) and/or sibling(s).
- Some youth may not have ever considered the value of what a permanent, lifelong connection can offer them.
- Some youth may have experienced multiple placement failures that have resulted in fear of rejection and mistrust.
- Remember that NMDs can also be adopted and can be eligible for adoption assistance payments until the age of 21, under certain circumstances.

Some Questions to Consider When Contemplating a Commitment to a Youth, with a Plan of Adoption:

- Has adoption been explored fully with the youth and have their wishes and needs been considered?
- Is the youth open to a plan of adoption?
- What is my own motivation to adopt this youth?
- Do I understand the legal and financial aspects of adoption?
- Am I willing to make an unconditional lifelong parenting commitment to an older child or youth?

TOP 10 REASONS TO ADOPT A TEENAGER

- 1. No diapers to change.*
- 2. They sleep through the night.*
- 3. They will move out sooner... but can still visit.*
- 4. You don't just get a child, you get a friend.*
- 5. They will keep you up to date on the latest fashion.*
- 6. No more carpools—they can drive you places.*
- 7. No bottles, formula, or burp rags required.*
- 8. They can help around the house.*
- 9. They can learn from you.*
- 10. They can teach you how to operate your computer!*



Concept: Oklahoma Youth Advisory Board-2000

Photograph by Ralph Granich for The Bay Area Heart Gallery

A SIDE BY SIDE CONSIDERATION OF ADOPTION AND LEGAL GUARDIANSHIP

About Adoption

- Adoption provides the highest level of legal permanence for children who cannot return home.
- All children/youth/NMDs are adoptable.
- Children 12 and over must agree to adoption.
- Adoptive families can be relatives and nonrelatives who may be single, couples, and of any sexual orientation or gender identity/expression. They can be any age over 21, and must be at least 10 years older than the child/youth to be adopted.
- Adoptive parents must undergo an assessment through the Resource Family Assessment (RFA) process, resulting in an approved RFA Permanency Assessment (Home Study) which can be used for adoption.
- Adoption ends all rights and responsibilities of birth parents and adoptive parents assume all of these rights and responsibilities.
- After adoption, the agency is only involved in the provision of Adoption Assistance Program benefits or post adoption services, if requested.
- The child/youth/NMD's name after adoption can remain the same or be legally changed.
- Adoptive families can determine the level of birth family relationships and contact after adoption.
- Youth adopted after their 16th birthday may participate in Independent Living Program, except for housing assistance programs.
- Adoptive parents should designate in their will who is to raise their child in the event of their death.

About Legal Guardianship

- Legal Guardianship (LG) is a viable permanency option, though it is not as legally secure as adoption.
- The court can terminate a guardianship, or birth parents can petition the court to dismiss a guardianship at any time.
- The LG has parental responsibility for the care, control, and conduct of the child.
- LG suspends the legal rights of the birth parent; however, birth parents may have the right to visit and the right to be involved in school and planning.
- Although LG legally ends at age 18, benefits may be extended up to age 21 if certain conditions are met. Relationships continue on for a lifetime.
- All prospective LGs must meet state guidelines and requirements.
- Relative Legal Guardians may obtain support from local Kinship Support Services Programs.
- The LG may move within California but need a Juvenile Court order to move out of state. LG funding varies from county to county and state to state.
- Youth in non-related LG on or after their 8th birthday may participate in ILP. Housing assistance is limited.
- Youth in Kin-GAP LG may participate in ILP regardless of their age at the time the LG is ordered.
- Guardianship ends in the event of the death of the LG. The birth parent may petition the court to regain custody, or the court may place the child in foster care.

Regarding Adoption

- Agency adoption fees are low cost or can be waived. Up to \$400 can be reimbursed to families for adoption related expenses.
- Adoptive families are entitled to adoption tax credits for the year the adoption was finalized. Follow up with your tax professional to determine specific credits that may apply.
- Family income is not considered in determining Adoption Assistance Program (AAP) eligibility, but family circumstances may be considered. Most children/youth in foster care are eligible for AAP.
- AAP rates are negotiated. They are based on the basic age-related foster care rate and may include a special care increment, based on the child/youth's needs and what the parent does to meet those needs.
- Children/youth receiving AAP are eligible for full scope Medi-Cal coverage, and can apply for Medicaid if they live in or move to another state. Most states offer reciprocal benefits to adopted children/youth through ICAMA (Interstate Compact on Adoption and Medical Assistance.)
- AAP funding continues regardless of where the family lives. The rate is based on the rate of the responsible public agency or the county or state of residence, whichever is greater.
- AAP can cover room and board for approved residential treatment, if needed, for up to 18 months per episode.
- AAP generally ends at age 18, regardless if the child/youth/NMD is still in high school. AAP may continue until age 21 per AB12 if the child/youth/NMD was adopted on or after their 16th birthday and criteria are met, or if the child/ youth/NMD has a disability that warrants the continuation of funding. AAP benefits can only go to an adoptive parent.
- Youth/NMD adopted on or after their 13th birthday are treated as "independent" students, and are eligible for state and federal financial aid without consideration of their adoptive family's income.
- Youth adopted after their 16th birthday are additionally eligible for Chafee funding for college.
- When a child/youth/NMD is adopted prior to age 13, the adoptive parent's income is considered in determining the amount of financial aid for college.
- An adopted child/youth /NMD who is developmentally disabled and a client of a California Regional Center may qualify for the dual agency rate and a supplement to the rate, if eligible.

Regarding Legal Guardianship

- Some funding differs for relative and non-relative Legal Guardians (see below). The LG receives age related increases.
- To access funds for residential treatment, the guardianship may need to be rescinded and/or dependency reinstated.
- Funding terminates in the event of death of the LG; however payments may continue in the event of appointment of a successor Guardian.
- Youth under LG are eligible for "independent" student status, and the LG's income is not considered for state or federal financial aid.
- Youth who are court dependents or wards of the court on or after their 16th birthday are eligible for Chafee funding for college.
- Funding for non-related LG and Kin-GAP LG may continue past age 18 until age 21 if the youth meets one of the 5 participation criteria under AB 12. LG must have begun on or after the youth's 16th birthday.
- A child/youth in LG who is developmentally disabled and a client of a California Regional Center may qualify for the dual agency rate and supplement to the rate.

RELATIVE LEGAL GUARDIANS:

- Some relative Legal Guardians are eligible for Kin-GAP funding.
- The Kin-GAP payments equal the rate the child/youth would be eligible for foster care. It may include a special care rate if the child/youth has documented needs.
- If a special care rate is in place, it is reassessed at the time of recertification. A Kin-GAP special care rate can also be reassessed upon the request of the family, if the needs of the child/youth change.
- Kin-GAP is recertified every 2 years.
- Eligibility for clothing allowances for relative LG depends on the policy of the financially responsible county. Alameda County does not provide clothing allowances through Kin-GAP.

NON-RELATED LEGAL GUARDIANS:

- Non relative Legal Guardians receive foster care funding which include the basic age related foster care rate; it may include any special care increments the child/youth is eligible for based on the child/youth needs and what the caregiver does to meet those needs.
- Rates for non-relative Legal Guardians are reassessed annually.
- Funding comes from the county or state in which the Legal Guardian resides. Payments and procedures differ between counties and states.

A Brief Comparison of Extended Benefits

FACTOR	Extended Foster Care (EFC)	Non-Related Legal Guardianship (NRLG) (Applies only to Legal Guardianships ordered by juvenile court)	Relative Legal Guardianship (Applies only to Legal Guardianships ordered by juvenile court)	Adoption (Applies to Adoption Assistance Program (AAP) eligible Youth)
Funding Source for Extended Benefits	Federal or Non-Federal AFDC-FC	Non-Federal AFDC-FC	Federal or State Kin-GAP (KG)	Federal or State Only Adoption Assistance Program (AAP)
Age Requirement for Extended Benefits based on AB 12 [5] Participation Conditions*	Must be in foster care on or after their 18th birthday AND meet one of the 5 Participation Conditions.	Eligible for extended benefits regardless of their age when the juvenile court ordered the legal guardianship. Must be receiving NRLG non-federal AFDC funding on their 18th birthday, AND meet one of the [5] Participation Conditions. (see ACL 12-48)	Must have been in foster care on or after their 16th birthday prior to initiation of Kin-GAP and dismissal of juvenile court dependency AND meet one of the [5] Participation Conditions (see ACL 11-86)	Must have been in foster care on or after their 16th birthday prior to initiation of AAP funding and subsequent adoption AND meet one of the [5] Participation Conditions. (see ACL 11-86)
Payee	Payment may go directly to approved placement OR to the Non-Minor Dependent (NMD), depending on the placement type.	Payment generally goes to former LG, to provide for young adult; may go directly to young adult under specific circumstances.	Payment goes to relative LG to provide for young adult; may go directly to young adult under specific circumstances.	Payment goes to adoptive parent to provide for young adult.
Benefit Amount	Stipend in the amount of the basic foster care rate may go directly to the NMD with a Supervised Independent Living Placement (SILP) in place; OR payment to approved placement, that may include a special care rate if applicable. Clothing allowance available. Infant supplement is available.		Negotiated amount based on the basic and special care needs of the young adult (based on the family's resident county or state's rate structure). Reassessed every 2 years; may request rate reassessment at any time. Infant Supplement is available.	Negotiated amount based on the basic and special care needs of the young adult and the circumstances of the family (based on the originating county's FC rate structure or the family's residence, whichever is greater). Reassessed every 2 years; may request rate reassessment at any time.
Housing Options	Eligible for EFC Placement Options or SILP, Transitional Housing Placement – Plus Foster Care (THP-Plus-FC), home of a bio-parent.	Generally must live with the LG, however, may live outside of LG home if attending school or training, provided the LG continues to be financially responsible. Not eligible for EFC Placement Options or Supervised Independent Living Plan.	Generally must live with LG, however, may live outside of LG home if attending school or training, provided the LG continues to be financially responsible. Not eligible for EFC Placement Options or Supervised Independent Living Plan.	Young adult may live outside of the home if attending school or training, provided the adoptive parent continues to be financially responsible. Not eligible for EFC Placement Options or Supervised Independent Living Plan.
Extended Benefits to age 21, due to documented Mental or Physical Disability that warrants continuation	Available based on criteria 5 of the AB12 Participation Conditions.	Available based on criteria 5 of the AB12 Participation Conditions.	Available to eligible young adults, regardless of their age when the Kin-GAP LG was ordered. Dual Agency rates apply for dual agency clients.	Available to eligible young adults, regardless of their age when AAP was initiated. Dual Agency rates apply for dual agency clients.
Full Scope Medi-Cal Eligible	Yes	Yes	Yes	Yes

***AB 12-5 Participation Conditions**

1. Attending or completing high school or an equivalency program.
2. Enrolling in post-secondary or vocational school.
3. Participating in a program or activity that promotes or removes barriers to employment.
4. Employed at least 80 hours per month.
5. The child/youth is incapable of participating in one through four above, due to a medical condition.

ADULT ADOPTION OF NON-MINOR DEPENDENTS



Photograph by Peter Samuels for The Bay Area Heart Gallery

Adoption for Non-Minor Dependents after Age 18—Adult Adoption

There are a variety of reasons why adoption or Legal Guardianship may not have been pursued for some former foster children and youth. Even though a youth has remained in foster care into adulthood, permanence for youth is still possible. Many young adults in foster care have strong familial relationships with committed caregivers. For these young adults, adoption after age 18 can still be considered and completed. It is never too late to consider adoption and create a legal, permanent family! Adult adoption is an option.

Adult adoption is a legal agreement between adults, and may be considered at any time in an adult's life. In adult adoption, an adult adopts an unrelated adult. An adult adoption creates a permanent family relationship. Adoption changes the legal relationship and rights of the adoptive parent, the adoptee, biological parents, and birth family. For NMDs, adult adoption can occur either through juvenile court or through Superior Court in the county in which the individuals reside.

Adult Adoption in Juvenile Court

Through the passage of AB 12 and AB 1712, youth remaining in foster care after age 18 as a NMD are eligible to complete an adoption through the juvenile court before reaching the age 21, following an assessment and recommendation by the responsible public agency. The juvenile court may order adult adoption as the permanent plan for a NMD. After the adult adoption occurs, the juvenile court would terminate its jurisdiction over a NMD.

The juvenile court may also order tribal customary adoption as the permanent plan for a NMD who is an Indian child. When an adoption of a non NMD occurs in juvenile court, the young adult is eligible for Adoption and Assistance Program (AAP) funding until the young adult reaches age 21. AAP benefits are paid to the adoptive parent(s). Benefit rates are negotiated, and may include a basic and special care amount, depending on the needs of the young adult.

Adult Adoption in Superior Court

An adult adoption of a former foster youth may also take place at any time through Superior Court in the county where the individuals reside. These adoptions do not require an agency recommendation or assessment. However, adult adoptions that occur in Superior Court are not eligible for Adoption Assistance Program funding.

ALAMEDA COUNTY INDEPENDENT LIVING PROGRAM (ILP)



Photograph by Michael Maloney
for the Bay Area Heart Gallery

All youth/NMDs need support, experience, coaching and mentoring in order to prepare for adulthood and to support them once they get there. As many of our youth/NMDs have had multiple transitions in their lives, these supports may not be consistent or as strong as they are for others. ILP recognizes the urgency for youth/NMDs to have lifelong permanent relationships with stable, loving adults. The federally and state funded program supports and promotes the building of interdependent relationships and permanent connections for the youth/NMDs it serves.

ILP is designed to serve youth and NMDs from age 14 until their 21st birthday who have had some interaction with the foster care system. It is a voluntary program designed to help them explore and build skills in five major areas of personal and professional growth: education support and achievement, employment readiness and career development, stable and affordable housing, health and wellness, and permanency support and planning. DCFS strives to provide every eligible foster youth/NMD with skills, tools and training to support a successful, independent lifestyle during and after they transition out of care.

What Services can Youth/NMDs Access through ILP?

- 1 on 1 Coaching & Case Management
- Life Skills Workshops including: nutrition & meal preparation, self-care, developing healthy relationships, budgeting, work & study skills, decision making, elective workshops & field trips. Elective workshops include: arts & crafts, Making Proud Choices (sexual health) & goal-setting.
- Educational Counseling and Planning including: educational advocacy, college/financial aid application assistance, essay writing support and transcript analysis.
- Employment Training and Placement, including: assistance in finding job openings, filling out applications, developing interviewing skills, learning appropriate workplace behaviors, training, resume writing support, career planning and internship opportunities.
- Concrete financial support, including: incentives for ILP participation, emergency transportation, driver's education assistance, emergency financial assistance, free computers provided to youth who complete an intensive computer training class, college application fees, and scholarships.
- Housing Assistance including: obtaining and maintaining housing, college dormitory housing, and Transitional Housing Programs (THPP, THP+FC, THP+).
- Medical Support, including assistance in accessing medical services and Medi-Cal eligibility.
- Expanded Services to non-minor dependents ages 18-21 and former foster youth ages 18-21, including assistance with: housing, transitional housing, education, employment, childcare, medical care, transportation, uniforms and tools, and driver's licenses.

Who is eligible for ILP Services?

- Youth who had an open case by order of the Juvenile Court under either a Children and Family Services dependency (300) or a Juvenile Probation delinquency (602) finding on or after their 16th birthday.
- Youth who were dismissed via a Kin-Gap Guardianship and some Legal Guardianship/Adoption orders are eligible when they reach the age of 16 (excluding housing).

FAQs • REGARDING ILP AS RELATED TO PERMANENCY OPTIONS FOR YOUTH

(Frequently Asked Questions)

Q1: Are adopted or Legal Guardianship youth still eligible for ILP services?

A1: A: Youth adopted on or after their 16th birthday and youth whose non-related Legal Guardianship occurred after their 8th birthday, are eligible for all ILP services except for those related to housing support and some programs related to financial support for higher education. Youth living with relative guardians supported by Kin-GAP are eligible regardless of age at the time of the Kin-GAP order.

Q2: Does choosing to become an adoptive parent or Legal Guardian limit or prevent the youth from accessing certain ILP benefits?

A2: Yes, the youth may lose some ILP benefits; however, when families commit to provide a stable, lifelong, permanent family for children and youth outside of the foster care system, they provide them the permanency that all children and youth need and deserve. Many of the ILP services substitute for the experience, stability, life skills, and support that the average family offers their children.

Q3: If youth are adopted before age 16 or under Legal Guardianship before they reach age 8, where can they obtain services similar to those offered through ILP?

A3: Many ILP services substitute for the experience, stability, and support that most families offer their children. Resources within the family's community or school may be available and include similar services, such as tutoring, computer classes, college preparation, and educational advocacy.

Q4: What are the financial benefits of ILP?

A4: ILP can offer concrete funds, in times of emergency, including assistance with funds for driver's education, etc. Housing assistance at identified college dorms is also available, as well as limited slots in Housing Assistance programs in Alameda County for former foster youth.

Q5: Is it ever in the best interest of youth to remain in foster care so that they can obtain ILP services?

A5: Although some caregivers may believe it is in the best interest of youth to remain in foster care to access ILP services, many of these services substitute for the experience, stability, life skills, and support that most families can offer their children. The ILP Program was designed to serve youth that had no choice but to be in foster care, were going to be leaving from the system, and were in need of skills and services to support them. Exiting foster care to be in the care of a loving, permanent family is almost always in the best interest of youth. For more information, please visit: www.alamedacountyilp.org or call 510-667-7696.

“If I have somebody that I know I can depend on, that loves me and cares that I wake up tomorrow and am still breathing, I can get through it. I can walk through it.”

—Anonymous Foster Youth

UNDERSTANDING ACCESS TO COLLEGE FINANCIAL AID FOR FORMER FOSTERYOUTH

Fostering Adoption to Further Student Achievement

This federal legislation became law on January 1, 2008, as an amendment to the College Cost Reduction and Access Act (Public Law 110-84).

Public Law 110-84 Federal Financial Aid addressed a financial disincentive to adopting older children and youth in foster care. This federal law amended the definition of who can qualify as an independent student, without parental income being considered in evaluating the student's eligibility for financial aid. This 2008 law states that independent student status can be claimed for an individual who was in foster care, or a ward of the court, at any time after the date of their 13th birthday. Prior to this legislation, an individual had to be in foster care at age 16 or older in order to claim independent student status.

The law expanded the definition of an independent student, and went into effect July 2009, for applications for financial aid for the 2009-2010 school and year beyond. The provision applies to youth whose adoptions were finalized before the law was passed in 2007.

Independent Student Status classifies students as dependent or independent because federal student aid programs are based on the principle that students are primarily supported by their parents for postsecondary education. If a student was in foster care any time after their 13th birthday, parental income cannot be considered in determining eligibility for financial aid and they are eligible for independent student status.

Visit www.ecampustours.com/payingforcollege/financialaidandfafsa/fosteryouthtipsfafsa.htm for tips on completing the FAFSA.

Youth who meet the new definition should indicate their status as an independent student when they fill out the Free Application for Federal Student Aid (FAFSA) form for college financial aid.

Visit www.voice-for-adoption.org/downloads/FAFSA%20factsheet.pdf for more information.

California State Financial Aid (Cal Grants)

There are different types of Cal Grants. You must meet financial and academic requirements to be eligible. Competitive awards take into consideration if the student is a former foster youth. Cal Grants do not have to be repaid. Federal eligibility guidelines for independent student status apply (youth must be in foster care through their 13th birthdays). Visit <http://www.csac.ca.gov/doc.asp?id=568> for more information.

Chafee Grants

Chafee Grants offer up to \$5000 per year in aid for current or former foster youth. Grant amounts vary. Chafee grants do not have to be paid back. Chafee is federally and state funded and each year is subject to availability of funds. To qualify, youth must have been Juvenile Court Dependents in foster care placement between the ages of 16 and 18. Visit www.chafee.csac.ca.gov for more information.



Photograph by Jean-François Gauthier for the Bay Area Heart Gallery

FAQs • COLLEGE FINANCIAL AID AND PERMANENCY OPTIONS FOR YOUTH

(Frequently Asked Questions)

1. Q: Is it ever in the best interest of youth/young adults to remain in foster care in order to obtain financial support for college?

A: For youth who are planning to attend college or vocational school, financial concerns are important to consider when exploring a plan of legal guardianship or adoption. For some youth/NMDs and families, expanded access to college funding does not outweigh the importance and value of exiting the foster care system and achieving legal permanence. For others, many factors, including the family's ability to save and plan for college may be considerations. Depending on the adopted family's income, their potential access to funds for college, the child's age, and what assistance will be accessible, some youth and families may decide that it is in the youth's best interest to remain temporarily in a foster care status. In these cases, delaying permanency in order to access all possible types of financial aid may be in the youth's best interest.

2. Q: Specifically, how does adoption or legal guardianship affect a youth's eligibility for state and/or federal funding for higher education?

A: Previously, federal and state financial aid programs for college and vocational school were designed to provide benefits for youth who leave from foster care on or after their 18th birthday. Current legislation now allows youth who exit foster care anytime after their 13th birthday expanded access to 'free' federal and state financial aid. 'Free' money, which comes in the form of grants, awards and scholarships are not loans and do not have to be paid back. Youth who are court dependents and exit care through adoption, legal guardianship, or from the family maintenance program are now all eligible for 'independent student' status when completing the FAFSA application for financial aid. Parental income is not considered. Given this status, youth may qualify for grants and other awards which their family income may have otherwise disqualified them. This 2008 legislation supports permanency for older youth by expanding access to financial assistance for college. Note that some aid is purely based on exceptional financial need, while other aid is competitive and also considers academic performance.

3. Q: What are Chafee funds, and who is eligible?

A: The California Chafee Grant Program offers up to \$5000 annually in 'free' money to current or former foster youth to use for vocational school training or college. The Chafee Program is federally and state funded. Each year it is subject to availability of funds. The grant amount is dependent on financial need and the money is 'free', it differs from a loan in that it does not have to be paid back. To be eligible, one must be at least a half time student, and maintain satisfactory academic progress. Receipt of the award may affect other financial aid, so this must be explored with each school's financial aid office. To qualify, youth must have been a juvenile court dependent in a foster care placement between the ages of 16 and 18, and have not yet reached their 22nd birthday. Information and applications for the Chafee Grant Program are available at the California Student Aid Commission Website at www.csac.ca.gov when you click on 'Commission Programs'.

4. Q: Since Chafee funds are only available to youth who exit foster care after their 16th birthday, should youth and families wait to age 16 to complete adoption or legal guardianship?

A: Some youth and families may opt to wait to proceed with permanency planning in order to be able to access every possible form of college financial aid available. Others may feel that they do not need to delay permanency as the funding that a Chafee grant may offer may be limited in scope, depending on tuition expenses at the college the youth may plan to attend.

ACKNOWLEDGEMENTS

The Guide to Permanency Options for Youth was originally developed in 2005 by Fredi Juni, Management Analyst and Robin Luckett, Division Director, as part of Alameda County Social Services Agency’s California Permanency for Youth Project Initiative. This 2018 Updated Edition reflects changes in laws and adds additional information to assist families and social workers in their efforts to achieve permanency for all youth in Alameda County.

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Design by Saylor Design Works, San Rafael, Ca

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Photographs:

Identified photographs within the Guide are from The Bay Area Heart Gallery, a project of Alameda County Social Services Agency. The Heart Gallery is a professional traveling photography exhibit featuring children and youth in foster care who are in need of an adoptive home or a permanent lifelong connection to a committed adult. The Heart Gallery also includes photographs of diverse Bay Area families who have adopted or become legal guardians of children and youth who were living in foster care.

Quotations by foster youth in this Guide were found in:

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For information about becoming a Foster or Adoptive Parent, contact:
Alameda County Social Services Agency
Department of Children and Family Services
Resource/Adoptive Parent Recruitment,
Development & Support Unit
(510) 259-3575.

Please direct inquiries regarding this
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