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California Fostering Connections to Success Act (AB 12) Extending Foster Care Benefits FACT SHEET

Summary

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 youth by extending payment benefits and transitional support services for Adoption Assistance Program (AAP), Kinship Guardianship Payment Assistance (Kin-GAP) Program and Foster Care.

Effective January 1, 2012, the bill allows eligible 18 year olds in foster care to remain in foster care up to age 19 years. Starting January 1, 2013 foster youth can remain in foster care up to age 20 years, and starting January 1, 2014 up to age 21 years contingent upon budget appropriation by the state legislature. Youth over age 18 years in foster care are designated as “non-minor dependents.”

Goals and Benefits

- Foster youth will be able to maintain a safety net of support while experiencing independence in a secure and supervised living environment.
- Extended time as provided in the “non-minor dependent” status can assist youth in becoming better prepared for successful transition into adulthood and self-sufficiency through education and employment training opportunities.

Basic Eligibility Requirements

- At the six month hearing prior to youth’s 18th birthday, the social worker/probation officer must have a plan to ensure the youth meets at least ONE of the following criteria:
 - 1) Completing high school or equivalent program (e.g. GED); OR
 - 2) Enrolling in college, community college or a vocational education program; OR
 - 3) Employed at least 80 hours a month; OR
 - 4) Participating in a program designed to promote or remove barriers to employment; OR
 - 5) Unable to do one of the above requirements because of a medical condition.
- Probation youth who are in a foster care placement may also be eligible to remain in foster care.
- "Non-minor dependents" must sign an agreement to reside in an eligible placement location and agree to work with a social worker to develop and meet the goals of a Transitional Living Plan.
- Remaining in foster care after age 18 years is voluntary. Foster youth can decide to exit at age 18, or at any subsequent time before they "age-out." Foster youth who exit foster care at 18 can change their mind and return to foster care at any time before age 20 (or 21 if the age limit is extended in 2014) the age extension for which they qualify.
- Once dependency is terminated for a youth age 18 or older, the court may establish a trial period of independence until the day before the youth’s 21st birthday.

- In concert with AB 2418 (statutes of 2010), for purposes of Indian child custody proceedings, this may also extend the provisions of the federal Indian Child Welfare Act of 1978 (ICWA) to an unmarried dependent youth between age 18 and 21 years old.

Foster Placement Options

- Eligible placement options for youth after age 18 include:
 - 1) Remain in existing home of a relative, non-related extended family member, licensed foster family home, certified foster family agency home, or home of a non-related legal guardian.
 - 2) THP-Plus Foster Care. This is a new placement option under development.
 - 3) Supervised Independent Living setting. This new placement option under development may include an apartment (with or without a roommate), room and board arrangements or college dorms. The placements will be approved and supervised by the county.
 - 4) Group home placement can only continue for a non-minor dependent who has graduated high school if he/she meets eligibility criteria #5 (medical condition).

Kin-GAP

- Youth living with a relative under Kin-GAP who meet one of the criteria, will be eligible for extended care under AB12 if the guardianship was established when the youth was age 16 or older.
- To be eligible for federal Kin-GAP, youth must meet the following:
 - 1) be a dependent of the juvenile court, AND
 - 2) live with an approved relative for at least 6 months prior to the guardianship, AND
 - 3) have a kinship guardianship with that relative ordered by the juvenile court, AND
 - 4) after guardianship is ordered, have his or her dependency case dismissed by the court.

Indian Child

ICWA-eligible youth between age 18 and 21 years who are under the jurisdiction of the dependency court would be considered Indian children for purposes of ICWA application in proceedings, including dependency, termination of parental rights and adoption proceedings. Additional considerations of AB 2418, which further defines “Indian child”, are under review. Application of the ICWA for this population will address the youth’s status as a legal adult capable of making independent decisions and allow this population of youth to opt out of ICWA application, if he or she so chooses.

Additional information

- Youth who are custodial parents have the same rights to participate in foster care after age 18 as all other youth.
- Dual agency and supplemental rates will continue on behalf of youth who are consumers of Regional Center services.
- The caregiver rates are in the process of being determined for approved living settings under AB 12.
- Former foster youth adopted at or after age 16, who meet the criteria, may be eligible for extended Adoption Assistance Payments.

This fact sheet summarizes the key elements of AB12 as passed by law. Many supporting and related elements pertaining to the implementation of AB 12 are in the process of being determined.

For more information visit: www.cafosteringconnections.org

If you have questions or need additional information please email: AB12@dss.ca.gov

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