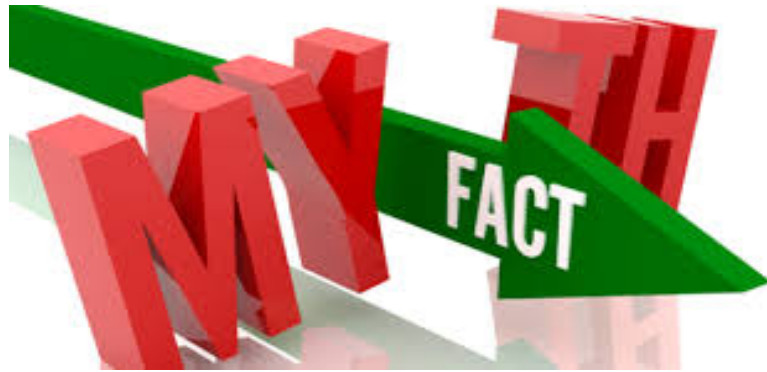


# Population Specific Permanency Issues: Non-Minor Dependents (NMDs) & Expectant and Parenting Youth (EPY)


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*E x c e l l e n c e I n A d v o c a c y*



- ❖ Older youth don't want to be adopted
- ❖ There are no adoptive placements for older youth
- ❖ Once a child is a teenager, the focus should switch to planning for independence instead of permanency
- ❖ We shouldn't be considering permanency past 16 because youth lose benefits



**APPLA &  
Permanency  
Requirements for  
Older Youth**

# Federal Permanency Requirements

- Each child must have a case plan that provides the least restrictive and most family like setting

*42 U.S.C.A. § 675 (5)(A)*

- The court must make findings at each permanency review hearing that reasonable efforts are being made to finalize the child's permanency plan



The finding must be made every 12 months



The finding must be case and child specific



A negative, late, or insufficient finding means the agency is not eligible for IV-E funds

*45 CFR § 1356.21 (b)(2)(i)*

# Fed Requirements Codified in CA

- The court shall determine whether or not **reasonable efforts to make and finalize a permanent placement** for the child have been made
- This requirement lasts throughout the life of a case

*WIC § 366.3*

# Don't Just Check the Box!



- Meaningful, enduring relationships with caring adults are associated with a variety of positive adult outcomes, including:
  - ✓ increased postsecondary educational attainment
  - ✓ having a bank account
  - ✓ reduced risk of homelessness
  - ✓ improved psychological well-being, and
  - ✓ improved physical health outcomes
- Furthermore, having at least one stable relationship with a committed, caring is the **single most common factor** in youth who develop resilience

# Most Family Like/Least Restrictive

- Vision of CA's Continuum of Care Reform ("CCR"): All children live with family
  - ☑ New limitations on congregate care
  - ☑ Increased rates to support youth with higher needs
  - ☑ Funding for counties to work on recruitment and retention of family homes (FPRRs)

# Permanency Requirements for Older Youth

- APPLA (another planned permanent living arrangement) – youth 16 and up who have not achieved permanency
- Every permanency review hearing must:



Ask youth about desired permanency outcome



Make a judicial determination that APPLA is the best permanency plan



Court report must address **intensive and ongoing efforts** to return the child to the home of the parent, place the child for adoption, or establish a legal guardianship, as appropriate



# Family Requirements



**FAMILY FINDING:** for children in APPLA, reasonable efforts must include the use of technology including social media to find biological or other family members of the child.

*WIC § 16501.1(g)(15)(C)*



**SIBLINGS:** siblings must be placed together whenever possible; if not placed together, must have ongoing and frequent contact; relationship must be addressed at every review hearing.

*WIC § 16002 & 366.3 (e)(9)*



**RELATIVE PLACEMENT:** when a change in placement is required, the county welfare department must assess any relative and/or non-relative extended family member to determine whether the child can be placed on an emergency basis.

*WIC § 361.45*

# Reinstating Parental Rights?

- Child may file to reinstate parental rights if:
  - Child is no longer likely to be adopted, and
  - Reinstatement of parental rights is in the child's best interest

*WIC § 366.26(i)(3)*

# Maintaining Other Relationships

**IMPORTANT INDIVIDUALS:** Must identify and maintain relationships between a child and individuals important to the child when:



- The child is 10, and
- The child has been in out-of-home placement for six months or longer

*WIC § 366.3 (e)(2);16501.1(j)*

**CARING/COMMITTED ADULTS:** At every review hearing for a NMD the court must inquire about the progress being made to provide permanent connections with caring, committed adults.

*WIC § 361.45*

# Non-Minor Dependents (NMDs)

# Permanency Requirements Still Apply!

- Must continue to make reasonable efforts to make and finalize a permanent placement
- What can permanency look like for an NMD?
  - ☑ Return home to parents
  - ☑ Adoption
  - ☑ Permanent connections with caring, committed adults

# Family Reunification

The court may order family reunification services (FR) to continue for an NMD if:

- 1) All parties are in agreement
- 2) Continuing FR is in the best interests of the NMD, and
- 3) There is a substantial probability that the NMD will safely reside in the home by the next review hearing.

# Supervised Independent Living Placement (SILP) with a Parent?

- In 2017, CA issued a policy that allows NMDs to live in a SILP with a parent, which can include a biological parent, guardian or adoptive parent
- The NMD is not being “placed” with the parent
- SILP needs to be approved the same way any other SILP is approved

# NMD Adoptions

- NMDs can be adopted in the juvenile court
- Termination of parental rights not required
- Requires mutual consent between adults
- NMDs able to retain certain benefits, including:
  - Adoption Assistance (AAP) benefits
  - MediCal coverage
  - Independent Living Program (ILP) benefits

*WIC § 366.31(f), Court forms: JV-475, 477 & 479*





# **Expectant and Parenting Youth (EPY)**

- Teen girls in foster care are **2.5 times** more likely to become pregnant by age 19 than their adolescent peers not in foster care
- **50%** of 21-year-old males transitioning out of foster care become young fathers compared to 19% of their non-foster care peers
- The children of parenting youth in foster care were **3 times** more likely to spend time in foster care than children in the general populations

*Midwest Evaluation of Adult Functioning of Former Foster Youth.*  
University of Chicago at Chapin Hill, Courtney, et.al., 2005

# Keeping Families Together

- CA has expressed legislative intent to **keep dependent parent families together**
- A parenting dependent's history or past behavior alone is not a basis for risk of abuse or neglect to their child
- Parenting dependents must have access to existing services to support their parent-child bond and ability to provide a permanent and safe home for the child including:
  - ✓ **Child care**
  - ✓ **Parenting classes**
  - ✓ **Child development classes, and**
  - ✓ **Frequent visitation**

# Placements Should Support Parenting Dependent

- Placements for minor and NMD parents and their children shall:
  - ☑ Be willing and able to support minor/NMD parents,
  - ☑ Support the preservation of the family unit, and
  - ☑ Refer the minor/NMD parent to preventive services as necessary to help prevent the filing of a petition

# Specialized Placement - Whole Family Foster Home

- WFFHs provide care to parenting dependents & their non-dependent children
- Assist parents in developing skills to provide a safe, stable, and permanent home for their children
- WFFHs must undergo specialized training

*WIC § 11400(t)*

# Resource Family Approval (RFA)

- The latest version of the Written Directives includes new capacity exceptions. Among them:
  - A County may approve a capacity greater than six to allow a minor or NMD parent to remain with their child

*Written Directives 6.1; Section 10-04*

# Infant Supplement

- Infant Supplement – paid for care and supervision of the child of a parenting foster youth
- Rate is the same as the basic rate for a dependent child (THP/STRTP rate is higher)
- Paid to the caregiver/provider unless NMD is residing in a SILP
- Guardians of parenting youth also eligible for infant supplement

## Emergency Child Care Bridge Program

- Enables parenting foster youth (and others) to access temporary child care to “bridge” the gap to get permanent child care
- Can be paid directly to the family or the child care provider
- Can provide payment for 6 months with discretion to allow for a 6 month extension
- Required county opt-in




# Shared Responsibility Plan



- Caregiver and parenting dependents in WFFHs have option to create a **shared responsibility plan**, which helps define roles/responsibilities of each person
  - After development of plan caregiver eligible for additional \$200 supplement per month

*WIC §§ 11465(d)(3) & 16501.25*

# Parenting Support Plan

- Similar to a shared responsibility plan, but for parenting NMDs residing in a SILP
- Developed between an adult mentor and an NMD 
- Outlines specific ways in which the adult mentor will assist the NMD parent
- If approved by child welfare or probation dept, youth is eligible for additional \$200 supplement per month

*WIC §§ 11465(d)(3)(B) & 16501.26*

# Permanency Requirements Still Apply!

- Must continue to make reasonable efforts to make and finalize a permanent placement **for the parenting youth**
- What can permanency look like for a parenting youth? Same options as any other youth!
  - ☑ Return home to parents
  - ☑ Adoption
  - ☑ Guardianship
  - ☑ Placement with a fit and willing relative
  - ☑ Etc.