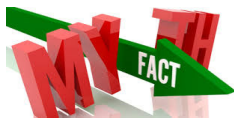


Finding Permanency for Older Youth:
Expectant and Parenting Youth, Non-Minor
Dependents, High Needs Youth

Sue Abrams, Director of Policy & Training
Children's Law Center of California
abrams@clccal.org








- ☞ 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

Most Family Like/Least Restrictive

- Vision of CA's Continuum of Care Reform ("CCR"): All children live with family
- ☒ Limitations on congregate care
- ☒ Increased rates to support youth with higher needs in family-based settings

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

WIC § 366.3(h)

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: The agency 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 § 366.31

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

<https://www.sciencedirect.com/science/article/pii/S0190740917308204>

Non-Minor Dependents (NMDs)

Permanency Requirements Still Apply!

- The agency 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.

WIC § 361.6

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

[ACL 17-83](#)

NMD Adoptions

- NMDs can be adopted in the juvenile court
- Termination of parental rights not required
- Requires mutual consent between the NMD and perspective adoptive parent
- 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 of 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**

WIC §§ 361.8 & 16002.5

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

WIC § 16002.5(e)

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)


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

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 7; Section 10-04

Expectant Parent Payment (AB153)

- Effective 1/1/22, expectant parent payment (EPP) to pregnant minors and NMDs three months prior to the expected due date
 - If pregnancy is not identified before the 7th month, they still get 3 months of funding.
- EPP will be a lump sum of \$2700 until automated on 7/2/23
 - Paid as a check, debit cards or electronic payment consistent w/county practice
- Available to pregnant youth placed in STRTPs, SILPs, THPP or home-based foster care
- All items bought w/these funds are property of the youth
 - Go w/them if placement changes or they age out

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/STRT rate is higher)
- Paid to the caregiver/provider unless NMD is residing in a SILP
- Guardians of parenting youth also eligible for infant supplement

WTC § 11465(d)(1)

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

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.
