

August 19, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-96

This All County Letter (ACL) is intended to provide county child welfare agencies, Title IV-E Agreement Tribes, and probation departments with guidance regarding the further extension of financial assistance and case management support for young adults who were in Extended Foster Care (EFC) as of their 21st birthday on or after January 27, 2020, through December 31, 2021. These youth may have participated in the State program outlined in [ACL 20-117E](#) and/or the Federal program outlined in [ACL 21-51](#). This ACL provides guidance for Title IV-E Agencies on how to continue the extension of support to youth over the age of 21 through December 31, 2021. In addition, there is information about the continuation of the suspension of participation requirements for EFC through December 31, 2021.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

August 19, 2021

ALL COUNTY LETTER NO. 21-96

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL FOSTER CARE MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL FOSTER CARE ELIGIBILITY SUPERVISORS
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES
ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES
ALL LICENSED CHILDREN'S RESIDENTIAL PROVIDERS
HOMES CERTIFIED OR APPROVED BY A LICENSED FOSTER
FAMILY AGENCY

SUBJECT: EXTENSION OF THE SUSPENDED EDUCATION AND
EMPLOYMENT REQUIREMENTS WITHIN THE EXTENDED
FOSTER CARE (EFC) PROGRAM AND CONTINUED
ASSISTANCE FOR YOUNG ADULTS IN EFC UPON TURNING 21
YEARS OF AGE ON OR AFTER JANUARY 27, 2020 THROUGH
DECEMBER 31, 2021

REFERENCE: SUPPORTING FOSTER YOUTH AND FAMILIES THROUGH THE
PANDEMIC ACT, DIVISION X OF THE CONSOLIDATED
APPROPRIATIONS ACT, 2021 PUBLIC LAW (P.L.) 116-260,
SENATE BILL [\(SB\) 129 \(CHAPTER 69, STATUTES OF 2021\)](#),
ASSEMBLY BILL [\(AB\) 128 \(CHAPTER 21, STATUTES OF 2021\)](#),
[\(AB\) 89 \(CHAPTER 7, STATUTE OF 2020\)](#), [\(SB\) 115 \(CHAPTER
40, STATUTES OF 2020\)](#) ENACTED DECEMBER 27, 2020, ALL
COUNTY LETTER (ACL) [20-117](#), [ACL 20-117E](#), [ACL 21-51](#)

The purpose of this All County Letter (ACL) is to provide guidance to county child welfare agencies, Title IV-E Agreement Tribes, and probation departments (collectively Title IV-E Agencies) regarding the temporary continued assistance requirements for

young adults who turned or are turning 21 while in extended foster care on or after January 27, 2020 through December 31, 2021. This letter also provides guidance on the continued suspension of education and employment requirements in EFC as a result of the 2021-22 California State Budget.

BACKGROUND

As part of the approved 2020-21 California State Budget, [AB 89](#) and [SB 115](#), authorized young adults who were in the EFC program when they reached their 21st birthday on or after April 17, 2020, to receive continued assistance payments and case management support through June 30, 2021, in order to provide housing stability.

Additionally, the federal Supporting Foster Youth and Families Through the [Pandemic Act \(PL 116-260\)](#), temporarily expanded the EFC program for young adults who reached 21 years of age on or after January 27, 2020. These provisions included that no young adults may be discharged or exited from EFC based solely on age or failure to meet participation criteria through September 30, 2021.

PARTICIPATION REQUIREMENTS FOR EFC THROUGH DECEMBER 31, 2021

Pursuant to the Supporting Foster Youth and Families Through the Pandemic Act, nonminor dependents (NMDs) may not be discharged or exited from EFC based on failure to meet education or employment participation criteria on or before September 30, 2021. In addition, the 2021-22 California State Budget requires continuing assistance for any NMD who met eligibility requirements for EFC, has lost their employment or has experienced a disruption in their education program resulting from COVID-19, and cannot otherwise meet any of the participation requirements, unless [Stafford Act \(P.L. 100-107\)](#) flexibilities for employment and education requirements, as described in [PL-20-10](#), are rescinded prior to December 31, 2021. If full EFC participation requirements are reinstated for NMDs prior to December 31, 2021, a notification letter will be issued. In summary, the education and employment conditions are waived through September 30, 2021. From October 1, 2021 through December 31, 2021, NMDs the waiver of the participation conditions continues if the reason the youth cannot meet a participation condition due to the impact of COVID-19.

CONTINUED FINANCIAL SUPPORT THROUGH DECEMBER 31, 2021 FOR YOUNG ADULTS WHO WERE IN EFC UPON TURNING 21 ON OR AFTER JANUARY 27, 2020

Due to the impacts of COVID-19, the approved 2021-22 California State Budget, [SB 129](#) and [AB 128](#), authorized all young adults who turned 21 while in EFC on or after

January 27, 2020 to continue receiving support through December 31, 2021, pursuant to the voluntary reentry requirements described in [ACL 21-51](#).

Youth in EFC who are turning 21 on or before December 31, 2021 should be offered the opportunity to sign the voluntary reentry agreement (included as an attachment to this ACL) at least 30 days prior to their 21st birthday, in order to remain in EFC without interruption. If a Title IV-E Agency discontinued assistance payments for young adults who turned 21 while in EFC on or after January 27, 2020, the Title IV-E Agency must contact these young adults to offer re-entry to EFC through December 31, 2021. Counties are not required to renew communication with young adults that have previously declined to participate, as long as they were made aware of their right to opt in at any time until December 31, 2021. If an eligible young adult who turned 21 on or after January 27, 2020 had payment terminated on or after July 1, 2021, without being offered the right to reenter through the Continued Assistance for Eligible Young Adults form, the Title IV-E Agency shall issue retroactive payments based on the applicable rates for existing foster care placement settings that the young adult was living in during the period of payment discontinuance. Otherwise, as described in [ACL 21-51](#), the Title IV-E Agency shall make assistance payments effective no earlier than the date the young adult signs (including option of electronic signature) the agreement to re-enter the EFC Program.

REQUIRED VOLUNTARY AGREEMENTS AND THE ABSENCE OF COURT INVOLVEMENT

Per Welfare and Institutions Code (WIC) sections [303](#) and [450](#), nonminor dependent and transition court jurisdiction both terminate as a matter of law when the youth turns 21 years of age. Title IV-E Agencies should continue to provide the standard termination of jurisdiction report to the court, including all required information, documents, and services. In lieu of court involvement, these young adults must have a voluntary agreement in place on or after July 1, 2021. Title IV-E Agencies must use either the voluntary agreement attached to this ACL or the earlier version attached to [ACL 21-51](#) in order to satisfy the requirements set forth to be part of the Federal program.

DOCUMENTATION AND FUNDING / CLAIMING

For young adults who are 21 years of age and over and continuing to receive assistance through December 31, 2021, the documentation of case management services must continue in the Child Welfare Services/Case Management System (CWS/CMS), and the Continued Assistance for Eligible Young Adults form may also be used to inform eligibility staff to continue or resume payments.

Please refer to County Fiscal Letter (CFL) [NO. 20/21-99](#) for instructions on how to issue continued assistance payments to these young adults until such time as further fiscal guidance is issued by the Department.

CASEWORKER MONTHLY CONTACT AND CASE MANAGEMENT SUPPORT

As described in [ACL 21-51](#), Title IV-E Agencies are required to have monthly contact, which can be done through video conferencing, with the young adults 21 and over, who elect to re-enter EFC. Case managers must work with these young adults to help them develop a transition plan, which should include identifying natural supports along with community-based systems that the young adult may access once there is no child welfare involvement. All case management contact, support provided, or attempts made shall be documented in CWS/CMS.

Title IV-E Agencies are encouraged to work with the young adults 21 and over to help them identify key services and supports needed and help meet unmet mental, physical or educational needs. This includes offering referral to relevant supportive services such as the California Work Opportunity and Responsibility to Kids (CalWORKs), CalFresh, Supplemental Security Income (SSI), employment support, transitional housing and permanent supportive housing, expectant and parenting young adult resources, childcare, postsecondary education support resources including financial aid, traditional and pandemic unemployment insurance, and free tax preparation services.

TYPES OF HOUSING AND ASSISTANCE PAYMENTS

For young adults to receive continued assistance through December 31, 2021, they must agree to a placement in a licensed or approved setting. Housing options include all forms of supervised placement available to NMDs in foster care, at the applicable rate, including family foster care and kinship care, Transitional Housing Placement for Nonminor Dependents (THP-NMD), and Supervised Independent Living Placements (SILP). If the young adult is not currently living in an approved setting, Title IV-E Agencies must begin the approval process immediately. Title IV-E Agencies may continue to use the virtual review of the housing flexibility to approve the young adult's living situation. Title IV-E Agencies must provide a placement for any eligible young adult requiring one, which includes temporary and emergency placements as needed. See [ACL 19-105](#) regarding the requirements for placement of nonminors.

If a parenting young adult was receiving an infant supplement pursuant to [WIC section 11465](#) immediately prior to turning 21 years of age, the infant supplement shall continue to be paid to the provider or to the young adult so long as the nondependent child continues to live with the parent. After a young adult turns 21 years of age, a new infant supplement may be approved based on a change of circumstances, as applicable. No

other types of rate supplements may newly be granted after the young adult turns 21 years of age, but rate supplements granted and in effect when the young adult turned or turns 21 years old may continue to the same provider ([ACL 20-117E](#)).

If a young adult transitions to other independent housing, they are responsible for locating their new housing, however, caseworkers should provide them with assistance and support when requested. In addition, given the limited time remaining for this program, it is recommended that Title IV-E Agencies begin to assist young adults with transitioning to an appropriate SILP or other housing assistance programs. Counties are encouraged to utilize the Housing Navigators Program (HNP) and the Family Unification Program (FUP).

RIGHT TO NOTICE AND STATE FAIR HEARING

Any Title IV-E Agency decision to grant, deny, change, or terminate payments to a young adult authorized pursuant to this letter must be communicated by providing adequate written notice to the provider and/or young adult, including termination of aid after an eligible young adult affirmatively opts out of receiving extended assistance. The notice shall meet the requirements of Chapter 22 of the CDSS Manual of Policies and Procedures and inform the individual of the right to a state fair hearing if they disagree with the action. There is no right to a state hearing when the law requires automatic grant adjustments for classes of recipients.

EFFECTIVE DATES

All prior statutory, regulatory, and written guidance requirements modified herein shall be reinstated on January 1, 2022 as specified above, without a follow-up letter. Questions or requests for clarification regarding the information in this letter may be directed to the Transition Aged Youth Policy Unit within the Children and Family Services Division of CDSS at (916) 651-7465 or TAYPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ, Deputy Director
Children and Family Services Division

c: County Welfare Directors Association of California
Chief Probation Officers of California

Attachment

All County Letter No. 21-96
Page Seven

PRINT YOUNG ADULT'S NAME	CASEWORKER'S NAME	SUPERVISOR'S NAME
YOUNG ADULT'S SIGNATURE (optional)*	CASEWORKER'S SIGNATURE	SUPERVISOR'S PHONE NUMBER
YOUNG ADULT'S PHONE NUMBER	CASEWORKER'S PHONE NUMBER	TRIBAL AUTHORITY NAME
DATE	DATE	TRIBAL AUTHORITY PHONE NUMBER

Agreement Revised August 10, 2021