

# AB 12: California Fostering Connections to Success Act

## Frequently Asked Questions: THP-Plus & THP-Plus Foster Care

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For more information on THP-Plus, visit [www.thplusplus.org](http://www.thplusplus.org)

For more information on AB 12, visit [www.cafosteringconnections.org](http://www.cafosteringconnections.org)

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### Table of Contents

#### **AB 12 & THP-Plus- QUICK FACTS**

- Q1: What is AB 12? (p.2)  
Q2: What will AB 12 do? (p.2)  
Q3: What is THP-Plus Foster Care? (p.2)  
Q4: What are the seven foster care placement options available for youth ages 18 to 21? (p.2)  
Q5: Will the existing THP-Plus program continue to exist and who will be eligible for it? (p.2)  
Q6: Where can I learn more about AB 12? (p.3)

#### **AB 12 & THP-Plus- ELIGIBILITY**

- Q7: What are the basic eligibility requirements for a foster youth to receive foster care benefits after age 18 under AB 12? (p.4)  
Q8: What are the five participation conditions set forth in AB 12? (p.4)

#### **AB 12 & THP-Plus- PROGRAM STRUCTURE**

- Q9: How is THP-Plus Foster Care different than the current THP-Plus program? (p.4)  
Q10: How is THP-Plus Foster Care the same as the current THP-Plus program? (p.4)  
Q11: AB 12 requires that youth be under the jurisdiction of the juvenile court and the supervision of the county child welfare agency. How will these new requirements likely change THP-Plus? (p.5)  
Q12: How will the approval standards for THP-Plus Foster Care be determined? (p.5)  
Q13: Is a youth who participated in THP-Plus Foster Care eligible to participate in 24 months of the existing THP-Plus program once they exit foster care? (p.5)  
Q14: What about the THP-Plus Host Family Model? Will this remain an option in THP-Plus Foster Care? (p.6)

#### **AB 12 & THP-Plus- RATE**

- Q15: What was the rationale for setting a new rate for THP-Plus in AB 12? (p.6)  
Q16: Will the rate for THP-Plus Foster Care be higher or lower than the current THP-Plus rate? (p.6)

#### **AB 12 & THP-Plus- RATE (con't)**

- Q17: Will THP-Plus Foster Care have a different rate than THP-Plus? (p.6)  
Q18: What is the process for determining the THP-Plus Foster Care rate? (p.6)  
Q19: How can my organization provide input into the process for determining the new rate? (p.6)

#### **AB 12 & THP-Plus- COUNTY PLAN**

- Q20: How does AB 12 change the county planning process for THP-Plus? (p.7)  
Q20: When is THP-Plus County Plan due? (p.7)  
Q22: Will the THP-Plus County Plan for Fiscal Year 2011-12 include THP-Plus Foster Care? (p.7)  
Q23: Until the California Department of Social Services determines what will be included in the THP-Plus County Plan and when it is due, what can counties and providers do to prepare? (p.7)  
Q24: What are some things for counties and THP-Plus providers to consider when thinking through how to divide their capacity between THP-Plus and THP-Plus Foster Care? (p.8)  
Q25: How can counties develop their FY 2011-12 THP-Plus County Plan, when they have not yet received their FY 2010-11 THP-Plus allocation? (p.8)  
Q26: Does AB 12 structure extended care in a manner that may result in a lower or higher uptake rate than the rates experienced by other states? (p.9)

#### **AB 12 & THP-Plus- FISCAL**

- Q27: Under AB 12, 70% of the current THP-Plus budget may be used for THP-Plus Foster Care. What was the policy rationale for this? (p.9)  
Q28: How will AB 12 change the number of youth housed in THP-Plus? (p.9)  
Q29: How will Governor Schwarzenegger's \$80 million line-item veto of Child Welfare Services affect THP-Plus in Fiscal Year 2010-11 and Fiscal Year 2011-12? (p.9)

## **AB 12 & THP-Plus-QUICK FACTS**

### **Q1: What is AB 12?**

A: Assembly Bill 12 (“AB 12”), authored by Assembly Member Jim Beall, Jr. and Speaker-Emeritus Karen Bass, is a bill known as the California Fostering Connections to Success Act. It was signed into law by Governor Arnold Schwarzenegger on September 30, 2010.

### **Q2: What will AB 12 do?**

A: AB 12 allows California to take advantage of several components of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) to:

1. Convert California's kinship guardian assistance program (Kin-GAP) into a federally subsidized program. By doing so, the federal government will now pay a 50% share of cost for federally-eligible participants, saving the state tens of millions of dollars of state general funds (GF); and
2. Extend foster care for eligible youth beyond age 18 and, at full implementation, up until the age of 21; and
3. Provide extended Kin-GAP assistance or Adoption Assistance Program (AAP) assistance to eligible youth up until age 21, provided the youth has a mental or physical handicap that warrants continuation of assistance OR entered guardianship or adoption at age 16 or later per federal law; and
4. Provide extended assistance up to age 21 to two other populations: youth placed by juvenile court with a nonrelated legal guardian (without regard to age of youth when guardianship was ordered) and youth placed by the juvenile court with an approved CalWORKs relative.<sup>1</sup>

### **Q3: What is THP-Plus Foster Care?**

A: THP-Plus Foster Care is a new foster care placement, modeled after the existing THP-Plus program. It is one of seven placements available for youth ages 18 to 21 who elect to participate in extended foster care. Additional information about the specifics of this placement option is provided throughout this document.

### **Q4: What are the seven foster care placement options available for youth ages 18 to 21?**

A: The placements available to youth after age 18 include:

1. THP-Plus Foster Care;
2. Home of a relative or NREFM (approved);
3. Foster family home (licensed);
4. Foster Family Agency certified home (licensed);
5. Home of a non-related legal guardian (approved by the juvenile court);<sup>2</sup>
6. Group home (licensed), subject to new limitations discussed further below;
7. Supervised Independent Living setting (approved).<sup>3</sup>

### **Q5: Will the existing THP-Plus program continue to exist and who will be eligible for it?**

A: Yes; AB 12 does not eliminate the current THP-Plus program. It will continue to exist for three categories of youth: (1) youth who do not elect to participate in extended foster care at age 18, (2) youth who do

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<sup>1</sup> Welf. & Inst. Code § 11405; 11253.

<sup>2</sup> Welf. & Inst. Code § 11402.

<sup>3</sup> Welf. & Inst. Code § 11400(w); 11400(x); 11402; 11403.2(a)(3).

not meet one of the five participation conditions set forth in AB 12, and (3) youth, ages 21 to 24, who continue to require assistance.

**Q6: Where can I learn more about AB 12?**

A: Until more information is available through the California Department of Social Services, you may visit the California Fostering Connections project website at [www.cafosteringconnections.org](http://www.cafosteringconnections.org). On the website, you will find the *Assembly Bill 12 Primer*, which answers more general questions about the new law, including information about the Kin-GAP provisions, youth exiting juvenile probation, Regional Center youth, the Transitional Independent Living Plan, trial independence, the Supervised Independent Living setting, and much more. You can access the full text of the bill by following this [link](#).

You may also contact representatives of the John Burton Foundation:

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## **AB 12 & THP-Plus- ELIGIBILITY**

**Q7: What are the basic eligibility requirements for a foster youth to receive foster care benefits after age 18 under AB 12?**

A: There are four basic eligibility requirements for a youth to continue to receive support after the age of 18 under AB 12. The youth must (1) sign a mutual agreement with the county child welfare or probation agency or tribe that has a IV-E agreement with the state for supervision and support; (2) continue under the supervision of the juvenile court as a dependent or a ward; (3) meet one of the five participation conditions; and (4) agree to live in a supervised placement that is licensed or approved under new standards for 18 to 21 year olds.<sup>4</sup> These eligibility requirements apply to youth in all placements.

**Q8: What are the five participation conditions set forth in AB 12?**

A youth must be:

1. Completing high school or an equivalent program (i.e. GED); OR
2. Enrolled in college, community college or a vocational education program; OR
3. Participating in a program designed to remove barriers to employment; OR
4. Employed at least 80 hours a month; OR
5. Unable to do one of the above requirements because of a medical condition.<sup>5</sup>

## **AB 12 & THP-Plus- PROGRAM STRUCTURE**

**Q9: How is THP-Plus Foster Care different than the current THP-Plus program?**

A: THP-Plus Foster Care differs from the current THP-Plus program in five ways:  
(1) youth are under the supervision of the county placing agency, meaning that they will have contact with a worker;  
(2) youth are under the jurisdiction of the juvenile court, meaning that they will have review hearings every six months;  
(3) youth must be ages 18 to 21;  
(4) youth must meet one of five participation conditions, set forth in AB 12;  
(5) youth may participate in THP-Plus Foster Care for up to 36 months, from ages 18 to 21; the period of program eligibility for youth in THP-Plus is 24 months.

**Q10: How is THP-Plus Foster Care the same as the current THP-Plus program?**

A: THP-Plus Foster Care is modeled after the current THP-Plus program and provides youth ages 18 to 21 with safe, affordable housing and supportive services in a setting that is age-appropriate and provides youth with the maximum opportunity for self-sufficiency. Like THP-Plus, THP-Plus Foster Care will not be licensed by community care licensing; the provider will be approved by the county placing agency and the approved provider then will certify the facility or site of placement.<sup>6</sup> More information about the differences and similarities between the two programs will be determined by the California Department of Social Services, when it develops approval standards for THP-Plus Foster Care.

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<sup>4</sup> Welf. & Inst. Code §§ 366.3; 11402; 11403.

<sup>5</sup> Welf. & Inst. Code § 11403(b) (effective January 1, 2012).

<sup>6</sup> Welf. & Inst. Code § 11400(x); 11403.2.

**Q11: AB 12 requires that youth be under the jurisdiction of the juvenile court and the supervision of the county child welfare agency. How will these new requirements likely change THP-Plus?**

A: Court jurisdiction and child welfare supervision are required by the federal government to access funding for foster care from ages 18 to 21.

**Court Jurisdiction:** Under AB 12, a youth in THP-Plus Foster Care continues to have a six-month review hearing in court or through an administrative review. During that hearing, the court will ensure the youth continues to meet one of the participation conditions for foster care benefits and that the social worker or probation officer is continuing to assist the youth in meeting these eligibility conditions. In addition, the court will also assess the youth's progress in meeting the goals in his or her Transitional Independent Living case Plan (TILP) and efforts made by the placing worker to assist the youth to obtain permanent connections with caring and committed adults. AB 12 specifies that these case reviews shall be conducted in a manner that respects the youth's status as a legal adult.<sup>7</sup> After age 18, AB 12 uses the term "nonminor dependents" to refer to youth who remain under the jurisdiction of the court.<sup>8</sup>

**Child Welfare Supervision:** Under AB 12, youth who elect to participate in extended foster care must sign a mutual agreement with the county child welfare or probation agency or tribe that has a Title IV-E agreement with the state for supervision and support. The level of supervision and support will be determined based on the individual needs of the youth and the services provided by the foster care placement. It is not certain how child welfare supervision will change THP-Plus, particularly in the absence of regulations that will be developed by the California Department of Social Services. However, a possible arrangement could be similar to the relationship between Foster Family Agencies (FFA) and their county child welfare agency. In this scenario, the FFA provides regular case management to a minor living with a relative or foster family and submits a quarterly report to the child welfare worker. That worker, in turn, draws from the quarterly report and his or her independent assessment, to develop a court report submitted for the youth's six-month review.

**Q12: How will the approval standards for THP-Plus Foster Care be determined?**

A: AB 12 requires the California Department of Social Services to develop approval standards for nonminor dependents placed into THP-Plus Foster Care. AB 12 requires that these standards be developed with input from a range of stakeholders, including former foster youth. The California Department of Social Services is required by AB 12 to develop an All County Letter outlining these standards by October 1, 2011 and the full regulations must be complete by January 1, 2012. As of the printing of this publication, the California Department of Social Services has not convened a workgroup to begin development of these standards. As an AB 12 co-sponsor, the John Burton Foundation will be actively involved in the development of these standards and will collect input from the THP-Plus community on how these standards can be developed to best meet the needs of youth ages 18 to 21.

**Q13: Is a youth who participated in THP-Plus Foster Care eligible to participate in 24 months of the existing THP-Plus program once they exit foster care?**

A: Yes; there is nothing in AB 12 that prohibits a young person who has been placed in THP-Plus Foster Care from accessing THP-Plus when s/he is discharged from foster care. The youth may participate in THP-Plus for 24 months or until s/he reaches the age of 24.

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<sup>7</sup> Welf. & Inst. Code §§ 366.3; 16503.

<sup>8</sup> Welf. & Inst. Code §11400(v).

**Q14: What about the THP-Plus Host Family Model? Will this remain an option in THP-Plus Foster Care?**

A: Yes; AB 12 specifies that THP-Plus Foster Care “shall offer the same housing models and supportive services as are available through the standard THP-Plus program.” However, the host family model was developed as a way to provide THP-Plus-eligible youth with the opportunity to live in a family-like setting, similar to the setting provided by a foster family or a relative caregiver. Of the 2,245 youth who were served by THP-Plus in Fiscal Year 2009-10, 14% lived in a host family model. With AB 12, youth who elect to participate in extended foster care will now have the direct option of living with a foster family or a relative caregiver. Therefore, many youth who exercised the host family option through THP-Plus may instead elect to be placed with a foster family or relative caregiver.

**AB 12 & THP-Plus- RATE**

**Q15: What was the rationale for setting a new rate for THP-Plus in AB 12?**

A: AB 12 requires the California Department of Social Services to establish a rate structure for the Title IV-E funded THP-Plus Foster Care placements for nonminor dependents. The rationale for developing a new rate structure is to serve as many youth as possible in THP-Plus Foster Care while controlling program costs.

**Q16: Will the rate for THP-Plus Foster Care likely be lower or higher than the current THP-Plus Rate?**

A: The rate structure developed for the THP-Plus Foster Care placement will likely not result in a lower average rate per youth (\$2,400). However, it will likely reduce the maximum allowable rate.

**Q17: Will THP-Plus Foster Care have a different rate than THP-Plus?**

A: AB 12 does not require the development of a new rate structure for THP-Plus. It requires the California Department of Social Services to convene a workgroup to establish a new rate structure for the Title IV-E funded THP-Plus Foster Care placements for nonminor dependents. It also requires the workgroup to *consider* application of this new rate structure to the existing THP-Plus program.

**Q18: What is the process for determining the new THP-Plus Foster Care rate?**

The California Department of Social Services will convene a workgroup to establish a rate structure for the THP-Plus Foster Care placement for nonminor dependents. The John Burton Foundation will work closely with the current network of 67 THP-Plus providers and 50 implementing counties on how to formulate the new rate structure and incorporate this input into the workgroup process.

**Q19: How can my organization provide input into the process for determining the new rate?**

A: There are a number of ways to stay informed and provide input into the new rate structure for THP-Plus Foster Care: (1) Visit the AB 12 website at [www.cafosteringconnections.org](http://www.cafosteringconnections.org) and join the listserv on the home page. By doing so, you will be informed about opportunities for your organization to provide input and get updates about the THP-Plus rate structure as well as other aspects of AB 12 implementation; (2) If you are a THP-Plus provider, please visit the THP-Plus website at [www.thpplus.org](http://www.thpplus.org) and review the list of current THP-Plus providers and county liaisons to make sure all of the contact information is correct. The John Burton Foundation will be soliciting input from this list of providers. If you have additions or corrections, please email them to Michele Byrnes at [michele@johnburtonfoundation.org](mailto:michele@johnburtonfoundation.org)

## **AB 12 & THP-Plus- COUNTY PLAN**

### **Q20: How does AB 12 change the county planning process for THP-Plus?**

A: AB 12 changes the process counties undergo to plan for the annual implementation of THP-Plus. It combines the county plan for THP-Plus with the county plan for the new THP-Plus Foster Care placement. AB 12 requires three specific elements in the new county plan: (1) how the county will provide for the THP-Plus Foster Care population; (2) assurances that at least 30% of the placements will be set aside for the THP-Plus population (meaning non-dependents); and (3) a contingency plan for how THP-Plus placements will be reallocated in the event that there is not sufficient demand in either the THP-Plus-Foster Care Program or the THP-Plus programs to fill the beds allocated for these populations.

### **Q21: When is the THP-Plus County Plan due?**

In past years, counties have been required to submit their THP-Plus County Plan to the California Department of Social Services on the February 1<sup>st</sup> prior to the start of the fiscal year. For example, the THP-Plus County Plan for Fiscal Year 2011-12 would be due to the California Department of Social Services on February 1, 2011. At the current time, there has been no notification from the California Department of Social Services about whether the date for submission will be changed or whether it will remain February 1<sup>st</sup>.

### **Q22: Will the THP-Plus County Plan for Fiscal Year 2011-12 include THP-Plus Foster Care?**

A: Yes; AB 12 will begin to extend foster care beyond age 18 on January 1, 2012. As such, the first six months of the AB 12 extension provision will be included in Fiscal Year 2011-12 and will need to be accounted for in the THP-Plus County Plan.

### **Q23: Until the California Department of Social Services determines what will be included in the THP-Plus County Plan and when it is due, what can counties and providers do to prepare?**

A: There are a few initial steps county representatives and THP-Plus providers can take until specific information is provided by the California Department of Social Services. These include:

- (1) **Educate** yourselves and your colleagues about AB 12. AB 12 marks a significant shift in how the child welfare system will meet the needs of transition-age youth. The more information you have about the different provisions of the legislation, the better decisions you can make about how your county and your organization will proceed.
- (2) **Initiate** a planning process to address the three topics specified in AB 12, outlined in Q20. These include thinking about how your county will provide for the THP-Plus population; how it will make assurances that at least 30% of the placements will be set aside for the THP-Plus population and how THP-Plus placements will be reallocated in the event that there is not sufficient demand for either program. This planning process should include input from a wide range of stakeholders, including current and former foster youth, relative caregivers, foster parents and THP-Plus providers.
- (3) **Plan** on a February 1<sup>st</sup> county plan submission deadline. That has been the deadline in years past and no new deadline has been announced by the California Department of Social Services. This date will arrive quickly. It's not too early to begin thinking through these questions and discussing how your county and your organization want to proceed with THP-Plus Foster Care in its first six months of implementation.

**Q24: What are some things for counties and THP-Plus providers to consider when thinking through how to divide their capacity between THP-Plus and THP-Plus Foster Care?**

A: There are a few considerations for county representatives and THP-Plus providers when estimating the number of youth who will participate in THP-Plus Foster Care versus the current THP-Plus program.

- (1) **Expect a low initial uptake rate:** According to representatives interviewed in states that have extended foster care to age 21, there is a low initial uptake rate among youth for extended foster care. After almost 20 years of implementation, a full 40% of youth in New York do not elect to extend foster care past age 18. This rate does not factor in youth who are not eligible, as New York does not have eligibility requirements. It should also be noted that the percentage of youth who declined to access extended foster care in New York was much higher when the policy to extend foster care was first implemented and has slowly reached the current level. Given this, it is likely that California's experience will mirror that of other states, and experience a low initial uptake rate for youth to participate in extended care. Therefore, a county that dedicates the maximum allotment to THP-Plus Foster Care could likely find there is not sufficient demand for the program.
- (2) **Understand that not all youth will satisfy participation conditions:** AB 12 includes five participation conditions that nonminor dependents must meet to be eligible for extended foster care. While these participation conditions are broad, there will be youth who will not be eligible for extended foster care. According to a December 2009 Urban Institute study of youth who "aged out" of foster care in Los Angeles, roughly 1 in 4 would not meet one of the five participation conditions. These youth could still participate in the existing THP-Plus program. This consideration is important when estimating how many youth in your county will likely participate in extended foster care generally and how many will be served by THP-Plus versus THP-Plus Foster Care.
- (3) **Remember that there are seven placement options:** In thinking about how THP-Plus and THP-Plus Foster care figure into a county's plans to extend foster care to age 21, it is important to remember that there are six other placements that a youth may elect to live in, provided they are approved by the placing agency. Youth have a diverse range of preferences and many will elect to live in settings other than THP-Plus or THP-Plus Foster Care. The Supervised Independent Living setting, in particular, may be very appealing to youth ages 18 to 21. It allows a youth to live in an approved setting and to receive their foster care rate as a direct payment. Many other youth will elect to continue to live with foster parents or their relative caregivers.

**Q25: How can counties develop their FY 2011-12 THP-Plus county plan, when they have not yet received their FY 2010-11 THP-Plus allocation?**

A: The California Department of Social Services will release an All County Letter informing counties of their THP-Plus allocations for Fiscal Year 2010-11. There is no date set for this release. Without this information, counties can still begin to think about their FY 2011-12 THP-Plus plan by assuming that their allocation is unchanged. From Fiscal Year 2008-09 to 2009-10, there were no significant changes in how the program budget was distributed. While a change is always possible, there are no notable developments that would suggest a major redistribution is needed or likely. In the absence of this, it is likely that counties will receive an allocation based on their historical funding levels. To view the county allocation for FY 2009-10, follow this [LINK](http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2009/09-73.pdf) to All County Letter No. 09-73, or visit <http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2009/09-73.pdf>.



**Q26: Does AB 12 structure extended care in a manner that may result in a lower or higher uptake rate than the rates experienced by other states?**

A: Maybe; there are a number of factors that may influence the rate at which youth voluntarily elect to participate in extended foster care. These include:

(1) **Participation structure:** AB 12 structures extended care as an “opt-out” provision rather than an “opt-in” provision. This is slightly different than other states and may increase the rate of participation by reducing barriers to participation.

(2) **Group home restriction:** AB 12 specifies that a youth may remain in a group home after age 19 or until high school graduation *only* if it is necessary due to a medical condition. Depending on how “medical condition” is defined, this may have the effect of making extended care less accessible for youth with higher needs and may lower the uptake rate among them.

(3) **Accessibility of trial independence process:** AB 12 allows youth who have been discharged from foster care to petition the juvenile court to re-enter foster care. If this process is easily accessible to discharged foster youth, it may result in a higher uptake rate. If it is not accessible, it may contribute to a lower uptake rate.

#### **AB 12 & THP-Plus- FISCAL**

**Q27: Under AB 12, 70% of the current THP-Plus budget may be used for THP-Plus Foster Care. What was the policy rationale for this?**

A: The rationale for allowing 70% of the THP-Plus budget to be used for THP-Plus Foster Care was to allow State General Funds to leverage new federal funds. In doing so, this increases the total combined funding for THP-Plus and THP-Plus Foster Care and allows more youth to be served in this setting.

**Q28: How will AB 12 change the number of youth housed in THP-Plus? Will it increase the number, decrease the number or likely result in no change?**

A: The total number of youth served depends on how many youth choose THP Plus Foster Care. While THP-Plus is funded only by the state, THP Plus Foster Care receives a federal match on top of the state investment. So, as more youth choose THP Plus Foster Care, more money is available overall to serve youth, since the federal government is adding to the total funding. At the current time, it is not possible to predict how this balance will be struck between the two programs. This balance will be determined as implementation proceeds and counties learn about the placement preferences of nonminor dependents.

**Q29: How will Governor Schwarzenegger’s recent \$80 million line-item veto of Child Welfare Services affect THP-Plus in Fiscal Year 2010-11 and Fiscal Year 2011-12?**

In October, Governor Schwarzenegger vetoed \$80 million from the FY 2010-11 Child Welfare Services budget, as he did in the FY 2009-10 budget on July 28, 2009. When this occurred the first time, the California Department of Social Services allocated those cuts to the different programs under the Child Welfare Services budget, which includes THP-Plus. THP-Plus received a reduction of \$169,000. There has been no official announcement from CDSS about how it will proceed with allocating the \$80 million reduction to FY 2010-11 Child Welfare Services budget or when this allocation of cuts will occur.