



Youth Law Considerations for Civil Legal Services

Important Questions	General Overview Resources
<ol style="list-style-type: none"> 1. Are there children in the home? How old are they? 2. What is the relationship between the youth and the caretaker? <ul style="list-style-type: none"> ○ Familial ○ Legal ○ No adult caretaker 3. Do any of the young people have past or present system involvement? Was there past or present court jurisdiction? 4. What are the sources of income in the home? 5. Do any of the youth have a disability? 6. Does the youth have the better claim? 	<p style="text-align: center;"> <u>The California Homeless Youth Handbook</u> <u>Juvenile Justice Practitioners' Toolkit</u> <u>Overview of the Foster Care System</u> <u>Overview of the Juvenile Justice System</u> </p>
Youth Law Center	
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Income Based Benefits

CATEGORY	CONSIDERATIONS	RESOURCES
General Assistance/ General Relief	<ul style="list-style-type: none"> • Minors are eligible to receive GR if they are not eligible for any other state or federal benefit <ul style="list-style-type: none"> ○ Some counties have specific language allowing minors to receive GA/GR • Counties with minimum age policies (Fresno) or those that provide county discretion must still comply with §17000 <ul style="list-style-type: none"> ○ The county GA/GR duty applies to “all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved” 	See McCormick v. County of Alameda (2011) 193 Cal.App.4th 201.
CalWorks/ TANF	<ul style="list-style-type: none"> • Child may be eligible even where a parent or caregiver is not (immigration statues, receipt of a “greater” benefit, etc...) • Cal-Learn – up to age 20 or to receipt of HS diploma or equivalent – who are custodial parents or in 3rd trimester <p>Minor Parents:</p> <ul style="list-style-type: none"> • Counties may refuse to pay CalWORKs directly to a minor parent <ul style="list-style-type: none"> ○ Minor parents are required to live with a parent, guardian, or licensed provider and that individual acts as the payee • Exceptions – parent is deceased or missing; CPS concludes that living with the parent jeopardizes health or safety; minor has lived apart from parents for more than a year MPP 89-201 • Child Welfare Reporting <p>Nonminor Dependents (Foster Youth 18-21):</p> <ul style="list-style-type: none"> • Income calculation is different for foster youth residing in THP-NMD • Standard monthly rate for THP-NMD is set at \$2,654/ mo (Host Family) and \$3,336/ mo (Remote and Single Site) 	

	<ul style="list-style-type: none"> ○ The amount attributable to a youth as income is the amount that passes through from the provider agency to the youth 	
CalFresh / Food Stamps	<ul style="list-style-type: none"> ○ The income calculation is different for foster youth residing in THP-NMD (See discussion in CalWorks Section) ○ Foster youth and other youth receiving SSI may now also be eligible for food stamps 	CalFresh Treatment of Nonminors in THP+NMD ACIN I-68-17

Disability Based Benefits		
CATEGORY	CONSIDERATIONS	RESOURCES
SSI/ SSP	<p>Non-medical Out-of-Home Care Rate:</p> <ul style="list-style-type: none"> ● SSI – Disabled minor child in the home of another – \$582.67 ● Nonmedical Out of Home Care Rate – \$1,194.37 <ul style="list-style-type: none"> ○ Living with a non-parent relative or guardian, can be any relative for adults ○ Caregiver must be providing personal and nonmedical care and supervision – MPP 46-140; 22 CRR § 80001 <p>Foster Youth Screening and Assistance</p> <ul style="list-style-type: none"> ● AB 1331 – requires screening and assistance for youth in foster care between 16.5-17.5 and an application should be timed to avoid an income gap ● Should also provide information to the youth about becoming his or her own payee <p>Maintenance of Benefits</p> <ul style="list-style-type: none"> ● For 11 months AFDC-FC should pay and SSI should be in suspense, in month 12 AFDC-FC should be cut-off so that SSI will go into pay (if this gets missed then SSI will terminate after 12 months and a new application will be required) WIC 13757 <p>Benefits Interaction</p> <ul style="list-style-type: none"> ● Federal AFDC-FC – SSI is offset dollar for dollar 	<p>2019 SSI/SSP Rates</p> <p>NMOHC Rate Eligibility (POMS)</p> <p>Best Practices Screening and Assistance ACL 07-10</p> <p>AB 1331 Implementation for Screening ACL 08-12</p> <p>WIC 13757 – Maintaining SSI for Youth in Foster Care</p> <p>Concurrent Receipt of Federal Benefits – Administration for Children and Families, Child Welfare Policy Manual, Section 8.4D</p>

	<ul style="list-style-type: none"> State AFDC-FC – it is reduced by the amount of the SSI benefit which is counted as income 	
Special Education		Foster Youth Education Toolkit Community Alliance for Special Education Handbook
Pathways to Wellbeing	Intensive home and community-based mental health services who need individualized MH services to treat or ameliorate the condition	Medi-Cal Manual – For Intensive Care Coordination (ICC), Intensive Home Based Services (IHBS), and Therapeutic Foster Care (TFC) Services for Medi-Cal Beneficiaries
Wraparound Services	<ul style="list-style-type: none"> Provides eligible children and youth with family-based alternatives to group home care Family-centered, strengths-based, and needs driven planning process for children, youth, and families Wraparound is funded using flexible Child Welfare Services Realignment Local Revenue Fund and Adoption Assistance Program (AAP) dollars 	Updated Standards for California Wraparound Services ACIN I-52-15 Wraparound Services Program for Children ACWD 11-28

Court & System Dependent Benefits

CATEGORY	CONSIDERATIONS	RESOURCES
Permanency Benefits	<p>Non-relative legal guardianships:</p> <ul style="list-style-type: none"> AFDC-FC until age 21 <p>Kinship Guardianship Assistance Payment Program (KinGAP):</p> <ul style="list-style-type: none"> Available to relative legal guardianships established by the juvenile court; ends at 18 unless Kin-GAP agreement signed after age 16 or youth has a disability—then benefits end at 21 	Benefits at a Glance – Alliance for Children’s Rights Kin-GAP Fact Sheet Grandfacts: Sate Fact Sheets for Grandfamilies CDSS Caregiver Advocacy Network Payments

	<p>Adoption Assistance Payments:</p> <ul style="list-style-type: none"> Available for relatives or nonrelatives who adopt children with “special needs” (broadly defined to include all youth adopted out of foster care). Same termination rules as Kin-GAP <p>Additional Considerations:</p> <ul style="list-style-type: none"> Benefits continue if family moves out of state Medi-Cal linked Re-entry rights under WIC 388.1 	
<p>Pregnant & Parenting Foster Youth Resources</p>	<p>Infant Supplement:</p> <ul style="list-style-type: none"> Available for youth in foster care who are caring for their own child <ul style="list-style-type: none"> Linked to AFDC-FC eligible youth – not available with ARC <p>Whole Family Supplement:</p> <ul style="list-style-type: none"> An additional \$200 that is possibly available to youth – including youth in a SILP Special provisions of broadly applicable laws Parenting NMDs in SILPs may receive \$960 +\$900 + \$200 = \$2,023 per month <p>Foster Care Bridge Program:</p> <ul style="list-style-type: none"> Provides payment or voucher for child care and child care navigation assistance (ACL 17-109) 	<p>Infant Supplement for youth in THP+NMD ACL 17-93</p> <p>Whole Family Supplement ACL 15-67</p> <p>Emergency Childcare Bridge Program ACL 17-109</p>
<p>Extended Foster Care Benefits (AB 12)</p>	<p>Basic Eligibility Requirements:</p> <ul style="list-style-type: none"> Requirements <ul style="list-style-type: none"> Subject to a non-parent placement order on 18th birthday Participate in one of five activities (including school, work, or medical conditions preventing participation in school/work) Participate in Transitional Independent Living Plan (TILP) with social worker Youth on juvenile probation can still participate in extended foster care if they meet these requirements. Credit checks starting at age 14 May be able to re-enter if a guardianship or adoption doesn’t work out after age 18 	<p>AB 12 Primer</p> <p>Bay Legal CCR & AB12 ACL chart</p>

	<p>Associated Benefits:</p> <ul style="list-style-type: none"> • Transitional Independent Living Planning • Categorical Eligibility for Full Scope Medi-Cal including EPSDT up to age 21 and can extend to age 26 • Continued permanency planning • Assistance with credit checks • ILSP and Chafee Eligibility • Expanded Housing and Placement Options including THP+NMD and SILP • Education rights under AB 490, AB 167, and AB 216 • Eligibility for THP Plus • Re-entry Rights 	
<p>Housing for Foster Youth and Former Foster Youth</p>	<p>TAY Transitional Housing:</p> <ul style="list-style-type: none"> • All youth up to age (24 or 25?) • Transitional <p>THP+NMD (previously THP-FC):</p> <ul style="list-style-type: none"> • Available to current nonminor dependent • Housing and assistance transitioning to independence up to age 21 <p>THP-PLUS:</p> <ul style="list-style-type: none"> • Available to all former foster youth who exited after turning 18 • For a total of 24 months up to age 24 • In counties that have opted to extend -- for a total of 36 months up to age 25 for youth completing HS, a HS equivalency program, or enrolled in post-secondary education 	<p>John Burton THP Plus Provider Roster</p> <p>John Burton THP Plus & THP+NMD Eligibility</p>
<p>Probate Guardianships</p>	<p>Relatives:</p> <ul style="list-style-type: none"> • No linked financial resources • CalWORKS/ Food Stamps <p>Non-relatives:</p> <ul style="list-style-type: none"> • AFDC-FC until age 18 or 19 • Medi-Cal <p>Additional Considerations:</p> <ul style="list-style-type: none"> • No re-entry rights if guardianship fails after age 18 	<p>Legal Services for Children Guardianship Manual</p>

Health Benefits & Rights

CATEGORY	CONSIDERATIONS	RESOURCES
Medi-Cal	<p>Minor Consent Medi-Cal:</p> <ul style="list-style-type: none"> • Provides limited services to people under age 21, regardless of their immigration status, without parental consent or notification • Minors' eligibility for services is determined on the basis of <u>minors'</u> income and resources <u>not</u> parents' <p>Former Foster Youth:</p> <ul style="list-style-type: none"> • In care at age 18 or older (whether in CA or another state), living in CA now, and under the age of 26 • Qualify with no income or asset test and regardless of their placement type 	<p>Minor Consent Medi-Cal Overview</p> <p>Fresno Page on Minor Consent Medi-Cal</p> <p>Minor Consent Medi-Cal State Primer</p>
EPSDT	<ul style="list-style-type: none"> • MCPs must provide and cover all medically necessary services. <ul style="list-style-type: none"> ○ MCPs must provide a broader range of medically necessary services to youth under age 21 ○ These include providing and covering the screening, preventive, and medically necessary diagnostic and treatment services – including EPSDT Supplemental Services • EPSDT benefits include case management and targeted case management services designed to assist youth in accessing necessary medical, social, education, and other services • Behavioral Health Treatment Services are must be covered if deemed medically necessary 	<p>EPSDT Required Coverage APL 18-007</p> <p>Responsibilities for Behavioral Health Treatment Coverage for Members Under the Age of 21 APL 18-006</p>
Youth Health Rights	Youth health and mental health treatment rights vary depending on age and type of health treatment in question	<p>Teen Health Law</p> <p>California Teen Legal Guide to Sex, Pregnancy, And Parenting</p>

Other

CATEGORY	CONSIDERATIONS	RESOURCES
<p>Trafficking Related Relief</p>	<p>Vacatur under PC 236.14</p> <ul style="list-style-type: none"> • Victims of human trafficking who have been arrested, convicted, or adjudicated in juvenile court for a non-violent offense as a result of being a victim can petition the court to have the offense vacated • If the petition is granted, the records are sealed and destroyed, and the individual may lawfully state that he or she has never been arrested, convicted, or adjudicated • Legislative cleanup in 2017 preserves extended foster care eligibility for youth who have the underlying petition vacated 	
<p>Legal Services Corporation Considerations</p>	<p>Income Attributable to Minor Clients:</p> <ul style="list-style-type: none"> ○ Consider resources of any person the minor lives with who has a legal obligation to provide care and support (parents, custodians, etc...) ○ Guardians do not have a specific duty to provide financial support in California absent a specific order ○ Youth’s employment income <p>Income Attributable Foster Youth –</p> <ul style="list-style-type: none"> ○ Income of the entire foster family and all individuals counted as part of household ○ Treated as a boarder – count only income paid directly to support youth and the youth as a household of one ○ In group care – only count the stipend passed through a licensed placement such as a transitional housing provider as income that is actually available 	<p><u>Foster Youth Income – LSC Advisory</u></p> <p><u>Foster Youth Income in Group Care Settings – LSC Advisory</u></p> <p><u>Minors and Financial Attestations – LSC Advisory</u></p> <p><u>Minors and Citizenship Attestation – LSC Advisory</u></p> <p><u>Legal Services to Noncitizen Parents or Guardians of Noncitizen Children Seeking SIJS – LSC Advisory</u></p> <p><u>Citizen Child Clients and Benefits to Ineligible Alien Clients – LSC Advisory</u></p>

<p>Caregiver Authorization Affidavit</p>	<ul style="list-style-type: none">• Form provides notice that the individual is caring for a person under 18 and is not the parent or legal guardian of that person• Used to provide notice to school personnel, doctors, welfare caseworkers, etc.• May be used to:<ul style="list-style-type: none">○ Enroll a minor in school○ Consent to medical care if the caregiver is related to the minor○ Receive welfare benefits on behalf of the minor if the caregiver is related to the minor	<p><u>Caregiver Authorization Affidavit Form</u></p> <p><u>Caregiver Authorization Affidavit Overview</u></p>