

# Frequently Asked Questions...

...About the Independent Living Program, financial aid for college or vocational school, and permanency options for youth

## Permanency Options For Youth

### Are adopted or legal guardianship youth still eligible for ILP services?

Youth who are in foster care on their 16<sup>th</sup> birthday, with adoption or legal guardianship occurring after that birthday, are eligible for ILP services except for housing support and some programs related to financial aid for college or vocational school.

Does choosing to become an adoptive parent or legal guardian to youth under age 16 limit opportunities for youth?

NO! In fact, it broadens them. When families provide a stable, lifelong family for children and youth outside of foster care, they provide the permanency that all children and youth need and deserve. Committed families offer invaluable guidance, support and family resources to children and youth. Many ILP services substitute for the experience, stability, life skills, and support that the average family provides as a matter of course for their children.

### If youth are adopted or under legal guardianship before they turn 16, where can they obtain services similar to those offered by ILP?

Resources within the family's community or school may be available and include services such as tutoring, computer classes, college preparation assistance, and educational advocacy.



### What financial benefits does ILP offer?

ILP has some funds to help in emergencies involving education, employment, housing; medical needs, and care for a youth's children. Funds are also available for daily-life activities such as driver's education training.

Youth who leave foster care after their 18<sup>th</sup> birthday and go to college or vocational school qualify for state and federal funds based on income only. Housing assistance at identified college dorms is also available, as well as some slots for former foster youth in low-income housing programs in Sacramento County.



## **18 Is it ever in the best interest of youth to remain in foster care so they can get ILP services?**

There's no place like home! ILP services offer valuable assistance for youth who have no other choice but to remain in foster care, and who will need skills and services to support themselves once they age out. Nevertheless, exiting foster care as part of a loving, permanent family is almost always a better choice for youth.

## **Is it ever in the best interest of youth to remain in foster care so they can get financial help for college?**

It depends.

For youth planning to attend college or vocational school, financial concerns are considered when exploring a plan of legal guardianship or adoption.

For some youth and families, access to financial aid is not as valuable as leaving foster care before age 18 and achieving legal permanence.

Other youth and families may need the financial aid that benefits youth emancipating from foster care at age 18.

Depending on the youth's plans, the adoptive family's income and their general access to funds for college, some youth and families may decide that it is in the youth's best interest to remain in foster care.

Currently, federal and state financial aid programs for college and vocational school are designed to benefit youth that remain in foster care through their 18<sup>th</sup> birthday. Youth who remain in foster care until they turn 18 are generally eligible for full federal and state financial aid, and only the youth's income (not the foster parent's) is considered in the application for assistance.

Additionally, these youth may also be eligible for other funding designated specifically for foster youth.

Efforts are underway to change the current regulations. Funding streams now contradict national efforts to move youth out of foster care and into permanent homes whenever possible.

## **How does adoption affect a youth's eligibility for state and/or federal funding for higher education?**

Adoption prior to a youth's 18<sup>th</sup> birthday may affect an adopted youth's eligibility for some types of state and federal college loans and funds since eligibility is based on the total income of the entire adoptive family. Depending on this total family income, youths

may or may not be eligible for some types of financial assistance that they would be eligible for if they remained in foster care status through their 18<sup>th</sup> birthday.

### **How does legal guardianship affect a youth's eligibility for state and/or federal funding for higher education?**

Legal guardianship generally does not harm a youth's eligibility for financial aid. A legal guardianship youth's eligibility for state and federal college loans and funds is generally based on the youth's income. The legal guardian's income is not considered. If, however, the youth's birth parents have claimed the youth on their federal income tax returns anytime in the last two years, that income may be considered. If this occurs, and the birth parents have not supported the youth during that time period, he or she can file an appeal through the financial aid office.

### **What are Chafee Funds, and who is eligible?**

The California Chafee Grant Program offers up to \$5000 annually in free money to current or former foster youth to use for vocational school training or college courses. The amount is dependent on the cost of the specific school program. The money is "free," meaning it not a loan and does not have to be paid back.



To be eligible, one must be at least a half-time student and maintain satisfactory academic progress. Receipt of the award may affect other financial aid, so this must be explored with the financial aid office. All youth that were in foster care for any amount of time between their 16<sup>th</sup> and 18<sup>th</sup> birthdays, and have not yet reached their 22<sup>nd</sup> birthday, are eligible for these funds. Information and applications for the Chafee Grant Program are available at the California Student Aid Commission Web Site, [www.csac.ca.gov](http://www.csac.ca.gov). Click on "Commission Programs."

### **Must adoption be ruled out when a family or youth identifies finances for college as the primary reason against planning for adoption?**

NO! Families and youth should remember that adult adoption is an option after age 18. Adoption can be reconsidered after college financial issues are no longer a factor.

## **Chart I: A Comparison of Financial Benefits**

Chart 1 considers and compares the following factors in regards to adoption, legal guardianship (relative/non-relative) and long-term foster care:

1. Basis of payment
2. Payment amount
3. Tax dependency
4. Family resources
5. Rectification for continued payment
6. Medical
7. Residential treatment
8. Out-of-state moves

A brief overview of funding sources follows the chart.

# Comparison Of Financial Benefits

	Adoption	Legal Guardianship			Foster Care	
	Adoptive Family	Relative (one of the programs below)		Non-Relative	Licensed Foster Home, Approved Non-Relative Extended Family Member or Relative (if the child is not federally eligible)	Relative (if the child is not federally eligible)
	Adoption Assistance Program (AAP)	CalWORKs	Kin-GAP	AFDC Foster Care (FC)	AFDC Foster Care (FC)	CalWORKs

Basis of Payment	Payment is based on the child's age and needs.	Payment is based on family's size and resources.	Payment is based on the child's age.	Payment is based on the child's age and needs.	Payments are based on the child's age and needs.	Payment is based on family's size and resources.
<b>Payment Amount</b> (See last page for dollar amounts.)	The adoptive parent receives the basic AFDC Foster Care Rate and any applicable state-approved specialized care increment the child would have received if not adopted. Does not exceed specialized care need amounts for age of child.	Relative receives CalWORKs MBSAC amount. These benefits are less than the AFDC-FC payments.  If the relative had received AFDC-FC payments for that child before becoming the legal guardian, those payments will stop when guardianship is granted, unless the court retains dependency. Any other aid or services that were available through the foster care program may also end.	Kin-GAP guardian receives the basic AFDC Foster Care Rate.  Child must have been in the home as a foster care placement for at least 12 months.  Specialized Care payment may also be available depending upon the child's behavior/needs.	A non-relative legal guardian receives the basic AFDC Foster Care Rate.  Specialized Care payment may also be available depending upon the child's behavior/ needs.	Foster parent, approved non-relative extended family member and relative (if child is federally eligible) receives the basic AFDC Foster Care rate.  Specialized Care payment may also be available depending upon the child's behavior/needs.	Relative receives the CalWORKs MBSAC amount.

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# Comparison Of Financial Benefits

	Adoption	Legal Guardianship			Foster Care	
	Adoptive Family	Relative (one of the programs below)		Non-Relative	Licensed Foster Home, Approved Non-Relative Extended Family Member or Relative (if the child is not federally eligible)	Relative (if the child is not federally eligible)
	Adoption Assistance Program (AAP)	CalWORKs	Kin-GAP	AFDC Foster Care (FC)	AFDC Foster Care (FC)	CalWORKs
<b>Tax Dependency</b>	The adopted child is generally a legal tax dependent. Families should check with their tax consultant for direction.	Families should check with their tax consultant for direction.	Families should check with their tax consultant for direction.	Families should check with their tax consultant for direction.	Families should check with their tax consultant for direction.	Families should check with their tax consultant for direction.
<b>Family Resources</b>	There is no income means test.	Family resources and circumstances are considered in determining payment amount, if needy. If family is not needy, only the child's resources and circumstances are considered.	Family resources and circumstances are not considered in determining payment amount.	Family resources and circumstances are not considered in determining payment amount.	Family resources and circumstances are not considered in determining payment amount.	Family resources and circumstances are considered in determining payment amount, if needy. If family is not needy, only the child's resources and circumstances are considered.
<b>Recertification for continued payment</b>	Every two years (or less, depending upon circumstances). No reduction is allowed unless family requests.	The relative guardian must complete a monthly status report, (CA-7).	The Kin-GAP guardian must complete an annual re-certification.	The social worker re-certifies eligibility annually.	The social worker re-certifies eligibility annually.	The relative must complete a monthly status report, (CA-7).
<b>Medical</b>	Child is eligible for Medi-Cal as well as coverage by the adoptive family's health insurance.	Healthcare is provided by Medi-Cal.	Healthcare is provided by Medi-Cal.	Healthcare is provided by Medi-Cal.	Health care is provided by Medi-Cal. Other special medical & counseling needs may be covered.	Healthcare is provided by Medi-Cal. Other special medical & counseling needs may be covered.

# Comparison Of Financial Benefits

	Adoption	Legal Guardianship			Foster Care	
	Adoptive Family	Relative (one of the programs below)		Non-Relative	Licensed Foster Home, Approved Non-Relative Extended Family Member or Relative (if the child is not federally eligible)	Relative (if the child is not federally eligible)
		Adoption Assistance Program (AAP)	CalWORKs	Kin-GAP	AFDC Foster Care (FC)	AFDC Foster Care (FC)

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<b>Residential Treatment</b>	Required group home or residential treatment placement would be available for 18 months to address a specific episode or condition justifying that placement. The adoptive parents must actively participate in a plan to reunify the child with the adoptive family.	To access funds for residential treatment, dependency would need to be reinstated. Child would be moved to residential care and caregiver would no longer receive funding.	To access funds for residential treatment, dependency would need to be reinstated. Child would be moved to residential care and caregiver would no longer receive funding.	To access funds for residential treatment, dependency would need to be reinstated. Child would be moved to residential care and caregiver would no longer receive funding.	Based upon the social worker's determination of the child's needs for residential treatment, funding is available as long as required. Child would be moved to residential care and caregiver would no longer receive funding.	Based upon the social worker's determination of the child's needs for residential treatment, funding is available as long as required. Child would be moved to residential care and caregiver would no longer receive funding.
<b>Out of State Moves</b>	If an adoptive family moves out of state or county, the child goes with the family. No permission required. AAP is not affected, although Medi-Cal may be affected.	The guardian will be ineligible to receive aid, either cash or Medi-Cal, from Sacramento County and should pursue appointment as guardian in the new state immediately. A TANF application needs to be made in the new state. Could result in loss of funds.	Kin-GAP eligibility and Medi-Cal ends. A TANF application needs to be made in the new state. Could result in loss of funds.	The guardian will become ineligible to receive aid from Sacramento County and should pursue appointment as guardian in the new state immediately. Any subsequent payments will be subject to the new State's regulation with a possible loss of funds.	The Juvenile Court must pre-approve any move out of California. The family must meet the licensing standards of the new state. Payments will be based on the new state's foster care payment level once approved.	The Juvenile Court must pre-approve any move out of California. The family must meet the licensing standards of the new state. Payments will be based on the new state's foster care payment level once approved.

# AFDC Basic Foster Care Rates and CalWORKs MBSAC Rates

## AFDC Basic Foster Care Rates Per Child (Effective 7/1/01)

Age	Amount
0-4	\$425
5-8	\$462
9-11	\$494
12-14	\$546
25-20	\$597

## Needy CalWORKs MBSAC Amounts (Effective 7/1/01)

## Non-Needy CalWORKs MBSAC Amounts

# of Persons in the Family Unit	MBSAC Amount	# of Dependent Children	MBSAC Amount
1	\$417	1	\$417
2	\$684	2	\$684
3	\$848	3	\$848
4	\$1008	4	\$1008
5	\$1149	5	\$1149
6	\$1292	6	\$1292
7	\$1418	7	\$1418
8	\$1546	8	\$1546
9	\$1675	9	\$1675
10	\$1820	10	\$1820

For more than 10 add \$16 for each extra person

For more than 10 add \$16 for each extra child

## Funding Sources

# Adoption Assistance Program (AAP)

The Adoption Assistance Program is available to both relative and non-relative families who adopt children from foster care. AAP reduces financial barriers to the adoption of children who might otherwise remain in foster care. Eligibility is not based on family income, but rather on the eligibility of the child. The AAP rate is negotiated with each family, and is based on the child's basic and special needs and the circumstances of the family. Information is available at [www.dss.cahwnet.gov/pf/PUB152.pdf](http://www.dss.cahwnet.gov/pf/PUB152.pdf)

### **Kin-GAP**

Kin-GAP is a cash aid program that supports eligible relative caregivers in California who become legal guardians. Kin-GAP provides eligible relative guardians with the basic AFDC-FC rate for the child's age. Kin-GAP gives relative caregivers that are unable or unwilling to adopt a youth an option for exiting the child welfare system.

A Kin-GAP guardian cannot receive Kin-GAP funding if s/he moves out of California; however, guardians can reinstate Kin-GAP once they move back to California. If a prospective Kin-GAP eligible guardian plans to leave the state, Kin-GAP should be established before dependency is dismissed so that the guardian could receive Kin-GAP aid if they ever move back to California. Kin-GAP eligibility cannot be re-established once dependency has been dismissed.

A relative must meet certain eligibility criteria to be a Kin-GAP guardian. Detailed information about the Kin-Gap Program and eligibility criteria is available from your social worker or at <http://www.dss.cahwnet.gov/getinfo/pdf/pub272.pdf>

## Basic Foster Care Rates

Refer to the chart on page 20 that shows current AFDC-FC standardized basic rates for foster family homes set by the California Department of Social Services.

Chart 2 considers and compares the following factors in regards to Adoption, Legal Guardianship (Relative/Non-Relative) and Long Term Foster Care:

1. Eligibility/placement criteria
2. Ongoing agency involvement
3. Legal relationship
4. Legal permanence
5. Parenting rights and responsibilities
6. Education decisions
7. Child's residence/Moves out of state
8. Child's driving/License
9. Armed services
10. Marriage of minor child
11. Services available
12. Death of caregiver
13. Special conditions/court jurisdiction

## Chart 2: A Comparison of Legal and Psychosocial Factors