

## Extended Foster Care Fact Sheet

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1. Youth may qualify if they are:
  - Finishing high school or an equivalent program (e.g. GED),
  - In or have applied for a post-secondary education and/or vocational program, or
  - In a program or activity to remove barriers to or promote employment. This includes self-directed programs, and youth working *under* 80 hours per month.<sup>1</sup>
  - Working *over* 80 hours per month; or
  - Unable to participate in the other categories due to a documented medical condition (effective July 1, 2016).
2. Participants may transition between the categories above, as long as the transition occurs without interruption. Advance planning for this transition is important (e.g., a youth graduating from high school should let the social worker know he or she is entering a job training program or going on to college later that summer, so that the transition occurs smoothly).
3. Also, to be eligible, youth must be (or have been) in “foster care” when they turn 18 years old. The WACs<sup>2</sup> exclude from “foster care” youth who, on their 18<sup>th</sup> birthday are:
  - in JJRA (not group homes),
  - in detention for 30 days or more, or
  - in dependency guardianships.

There are concerns that this WAC is not legal. Certain Superior Courts have admitted youth in these categories to EFC, despite the prohibition in the WAC.
4. CA has reconsidered its policy that youth cannot be placed with their parents. Federal guidance provides that it is within the agency’s discretion to place with a parent or guardian as a supervised independent living placement (SILP). Parents cannot be SILPs if the parent/guardian is a foster care provider or the agency returned the youth home prior to turning 18.<sup>3</sup> CA now evaluates parents as SILs on a case by case basis.
5. Youth do not need to have legal immigration status in order to qualify for EFC. However, all other qualifications must be met.
6. Youth can transition straight into EFC from foster care on their 18<sup>th</sup> birthday.

OR

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<sup>1</sup> WAC 388-25-0515.

<sup>2</sup> WAC 388-25-0508, 388-25-0510 (re-issued June 12, 2014).

<sup>3</sup> ACF, Child Welfare Policy Manual:

[http://www.acf.hhs.gov/cwpm/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=530](http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=530) (accessed 9/27/2014).

Young adults can request<sup>4</sup> EFC until their 19<sup>th</sup> birthday (even if their dependency was dismissed when they turned 18). They will enter a voluntary placement agreement (“VPA”), and DSHS will file a dependency petition within six months, at which time youth will get an attorney. Youth cannot enter a second VPA.

7. If a former foster care youth wants to request EFC services during the year they are 18, the youth can:
  - Contact local DSHS office, CA intake at 1-866-363-4276, or their former social worker – *the youth should make written record of the date that the youth requested EFC, and preferably have a witness.*
  - For more info: Mireya Beltre, EFC Program manager [beltrma@dshs.wa.gov](mailto:beltrma@dshs.wa.gov); or Chris Kerns, Permanency Planning Program Manager, [christine.kerns@dshs.wa.gov](mailto:christine.kerns@dshs.wa.gov)
8. DSHS might deny a youth’s request. If a youth has an ongoing dependency, the youth can file a motion for EFC services in the dependency. If the dependency has been dismissed, and a youth applies for EFC and is then denied EFC services, he or she must immediately file a Notice of Intent to file a petition for a non-minor dependency at their local juvenile courthouse. Once the notice is filed, the youth will be appointed an attorney to help them file a dependency petition. The forms for the Notice, order appointing counsel, and dependency petition are on the Washington Courts website.<sup>5</sup>
9. DSHS/court has wide discretion concerning the youth’s residence, but it must be a safe place – youth should choose roommates wisely. Youth may live in a dorm, apartment, room and board, or with relatives (not their parents). The social worker or court must approve the placement (if the social worker does not approve it, the youth can take the issue to court). As of July 28, 2013, youth cannot be in EFC and qualify for IYHP (see RCW 43.63A.307). Youth may also continue to live in a traditional foster care placement.
10. EFC youth have responsibilities. For example, once a youth is in EFC, they must commit to monthly meetings with their social worker. The youth is accountable for complying with their program, and can lose EFC status.<sup>6</sup>
11. Medicaid and other benefits (e.g., food stamps, SSI survivor benefits) are available to qualifying youth in EFC. Many of these benefits are in addition to the EFC payment. However, the EFC payment is offset against the youth’s own SSI support benefits. EFC payments are not considered income for purposes of student financial aid.
12. Youth in EFC are entitled to an attorney.<sup>7</sup> If one isn’t assigned, youth should ask for one.

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<sup>4</sup> WAC 388-25-0528 states that an eligible nondependent youth can agree to participate in extended foster care by signing a voluntary placement agreement (VPA) or having a dependency order in place *before* reaching age nineteen. This WAC can be interpreted to contravene the statute, which states the youth only need “request” EFC prior to turning 19.

<sup>5</sup> <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=7>.

<sup>6</sup> WAC 288-25-0546.

<sup>7</sup> RCW 13.34.267(6).

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