

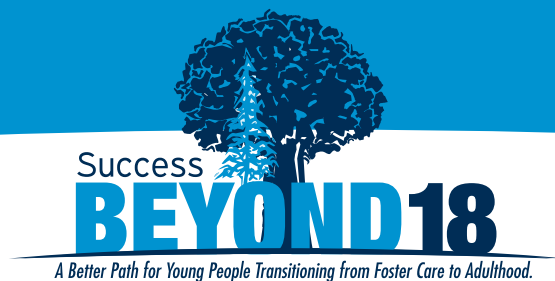
Success Beyond 18:

A GUIDE TO SUPPORT THE IMPLEMENTATION OF FOSTER CARE BEYOND AGE 18:

Questions & Answers, Summary of Federal
Fostering Connections Guidance and
Perspectives from the Field

February 2014





INTRODUCTION

The Fostering Connection Connections to Success and Increasing Adoptions Act of 2008 gave states the option to extend foster care to age 21 with federal support. As of June 2013, the Children's Bureau had approved revised Title IV-E state plans from 18 states. Other states recently enacted legislation to extend foster care and are in the process of revising their state plans and planning implementation.

Background on the state option to extend foster care with federal support

Federal legislation to improve the lives of older youth in the foster care system through the extension of foster care went into effect on October 1, 2010. This landmark legislation, the Fostering Connections to Success and Increasing Adoptions Act (FCA), provided federal funding for supports and services for young adults ages 18 to 21 who had been in the foster care system, often for many years, before their 18th birthdays. Prior to the passage of the FCA, federal Title IV-E reimbursement was limited to youth under age 18. Under the FCA, states have the option to extend foster care, guardianship and adoption assistance to age 21 with federal Title IV-E support. With 23,439 young adults emancipating from care in 2012 without the support of family and permanent connections, the extension of foster care is a critical change that must be addressed by all jurisdictions. <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/afcars>

About *Success Beyond 18*

The Jim Casey Youth Opportunities Initiative's *Success Beyond 18* is a national call to action to advance policies and practices designed to set young people transitioning from foster care on the right track for success in family, work, and adult life. *Success Beyond 18* builds on the momentum created by the FCA and the availability of federal resources to support state efforts. The overarching policy and practice goals of *Success Beyond 18* are that:

- 1) Young people are not on their own at age 18;
- 2) Young people have a meaningful voice and say in their future; and
- 3) Greater accountability leads to more positive outcomes.

The implementation of these goals can help young people in foster care gain the same building blocks for success in life and positive experiences that are more often associated with their peers in intact families. These building blocks include: the support of family, peers, and community; access to education, work and other community supports and services; opportunities to build resilience and the ability to assume adult roles; financial capability and assets; and direct involvement in making decisions that impact them—the hallmarks of the transition to a productive and healthy adulthood.



The time is right for states to join *Success Beyond 18* and help create a better path for young people transitioning from foster care to adulthood.

- » New advances in neuroscience tell us that vast brain development occurs during adolescence, providing a “use it or lose it” framework similar to that which exists in early childhood. Even after significant trauma, the brain has the ability to rewire itself—meaning that the physiological consequences of trauma can be counteracted through caring relationships, positive youth development, and trauma informed supports and services.
- » Federal funding is helping states implement positive changes. A growing number of states are leveraging federal Title IV-E support to extend foster care beyond age 18 and provide supports and services to young adults for the first time. However, we risk wasting the opportunity to turn around the negative outcomes if extension of foster care is not implemented within a developmentally appropriate framework that encompasses the entire transition from adolescence to adulthood.

For more information, see *Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood* and other materials <http://jimcaseyouth.org/browse-resources/success-beyond-18>.

About this resource

This resource is designed to maximize opportunities to help young people through extended foster care by providing reliable information to stakeholders interested in and involved in implementing foster care beyond age 18. The overall format of this guide is a series of questions and answers that state policy and program leaders frequently ask. With each set of questions and answers, readers will find summaries of related federal guidance (see *Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008, ACYF-CB-PI-10-11* issued on July 9, 2010 and additional information that has been forthcoming <http://www.acf.hhs.gov/programs/cb/resource/pi1011>). The guide also offers examples from early adopter states, perspectives from the Jim Casey Initiative and others in the field and other relevant resources.

We hope readers find this guide useful in their efforts to design and implement policies geared specifically towards supporting young adults. Simply extending existing foster care programs and policies, which were put in place for children and youth under age 18, will not meet the developmental needs of young adults age 18 to 21. The thoughtful design of policies must take into account this population’s unique developmental needs and then effectively translate this understanding into practice that does that same. Fortunately, the federal Program Instructions were written in a manner that affords Title IV-E agencies significant discretion and flexibility in developing policies, programs and practice for the extension of foster care, allowing for innovation and creativity.



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SECTION I. FEDERAL REQUIREMENTS OF THE TITLE IV-E EXTENSION OF FOSTER CARE

A. Language Revisions and Maximum Age

Q. *What state statutory language changes are required to implement the Title IV-E extension of foster care?*

A. Federal Guidance: At a minimum, there must be a revision of the statutory definition of “child” for the Title IV-E programs that allow for the continuation of foster care for eligible youth up to 21 years of age when the youth meets certain criteria. The age the agency selects for the definition of “child” must apply to the Title IV-E foster care, adoption assistance, and if applicable, guardianship assistance programs. States must determine the maximum age for the extension as 19, 20 or 21. The recommendation in the federal Program Instruction is to extend to the maximum age of 21 to ensure that the program is open to the broadest population of young adults. ACYF-CB-PI-10-11. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

Each state should review statutory and administrative language to identify where amendments need to be made, align policies, and ensure that there are no conflicts. Examples of areas that may require language changes include continuation of juvenile court jurisdiction for young adults in foster care over age 18 and licensing regulations for placements beyond age 18. Also, if the existing state plan does not include the option of accepting “voluntary placement agreements” (VPAs), the state will need to add this to the revised state plan if a young adult in extended foster care will be under a VPA (see Section II. A. for more information on VPAs).

Although the young adult is defined as a “child” for purposes of the Title IV-E program eligibility, the young person’s rights as a legal adult, as defined by the state, is maintained in all other matters.

Field Perspective: The Juvenile Law Center developed sample legislation for consideration by states and guidance on how states can take full advantage of the federal support offered by the FCA. The guidance provides a framework where a state’s care is extended to the age of 21 and where foster care, adoption assistance, and kinship guardianship assistance are also available to youth of that age. See “*Sample State Legislation to Extend Foster Care, Adoption and Guardianship Protections, Services and Payments to Young Adults Age 18 and Older.*” <http://www.jlc.org/resources/publications/sample-state-legislation-extend-foster-care-adoption-and-guardianship-protect>

State Examples: Of the 18 states with approved Title IV-E plans for extended care, 16 have set the maximum age at 21. (See Section IV Chart A.) Indiana set the maximum age at 20. California phased in the extension over three years: year one to age 19; year two to 20; and year three to 21 (with legislative approval). On June 27, 2013, the California budget bill guaranteed the extension of foster care to 21. Nebraska originally extended foster care only to age 19, which is the age of majority in the state. In June 2013, Nebraska legislation was enacted to extend foster care to age 21.

- » **California’s** 2013 Court Rule 5.900(c) defines the legal status of young adults in the extension of foster care as follows: “A nonminor dependent retains all his or her legal decision-making authority as an adult.” http://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_900
- » **Texas** policy states that “Young adults in Extended Foster Care are legal adults. Caseworkers are to provide the assistance needed in Extended Foster Care to assist the young adult to transition to a more independent and responsible adult role when addressing individual needs. Opportunities should be offered to allow the young adult to learn appropriate and meaningful independent living skills. Caseworkers and providers must respect the status of young adults in Extended Foster Care and the need for a supportive environment that allows them to practice, improve and enhance their life skills so that they can experience positive outcomes as they leave care.” http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10440.asp



Jim Casey Initiative Perspective

“However, as many jurisdictions have recognized, review processes designed for younger children must be modified to reflect (and respect) the legal status of young adults in extended care...These older youth have different needs than younger children and review processes must be developmentally appropriate; actively engage them in the review process; give increased deference to their views and their preferences regarding plan content, services and placement; and allow them to assume increasing responsibility for their lives as they approach adulthood.”

Excerpt from: “Success Beyond 18: Re-examining the Foster Care Review Process: Extended Foster Care as a Catalyst for Improved Practices and Better Outcomes.” <http://jimcaseyouth.org/success-beyond-18-re-examining-foster-care-review-process>

B. Eligibility Conditions

Q. Who is eligible for Title IV-E reimbursement under the Fostering Connections extension of foster care option?

A. Federal Guidance: To be eligible for federal reimbursement, a young adult must be in foster care under the responsibility of the Title IV-E agency and be between the ages of 18 and 21, depending on the maximum age determined by the agency. In addition, the young adult must meet at least one of the following conditions:

- » Completing secondary education or a program leading to an equivalent credential.
- » Enrolled in an institution which provides post-secondary or vocational education; full-time or part-time in a university or college, or enrolled in a vocational or trade school.
- » Participating in a program or activity designed to promote, or remove barriers to, employment.
- » Employed for at least 80 hours per month.
- » Incapable of doing any of the previously described educational or employment activities due to a documented medical condition.

The state may elect to allow one or more of the eligibility conditions. Allowing all five eligibility conditions aligns with federal guidance to provide extended assistance to the “broadest population possible consistent with the law to ensure that there are ample supports for older youth”. *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/sites/default/files/cb/pi1011.pdf>

State Examples: Of the 18 states with approved state plans, 16 allow all five federal options related to conditions for eligibility. Each Title IV-E agency defines the eligibility categories and determines how documentation of compliance will be collected. Some examples of states’ eligibility conditions can be found at:

- » **California** Policy All County Letter 11-61 Extended Foster Care (EFC)
<http://www.cafosteringconnections.org/acls.html>
- » **Minnesota** Bulletin #12-68-22 Attachment A
<http://mls.dhs.state.mn.us/scripts/wa.exe?A2=ind1301&L=MN-DHS-BULLETINS&T=0&F=&S=&P=177>
- » **Texas** Policy 10430 – 10435
http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10400.asp



Jim Casey Initiative Perspective

The new requirements for young adults to be involved in activities that build skills, knowledge and experience are appropriate at this critical developmental stage of competency building and increased responsibility. Extended care is a voluntary program and requires a collaborative relationship between the agency and the young person with both parties committed to ensuring a successful transition. Young adults must be fully engaged in planning for their future in partnership with a team of adults. This means appropriately training, preparing and supporting each young person to effectively participate in the decision-making process about their services and supports. Effectively supporting authentic youth engagement takes time, yet by doing so jurisdictions will be engaging and expanding the young people's competencies while also promoting their access to the extended care programs.

In addition, to maximize the opportunity for young adults, Title IV-E agencies should aim to serve all five eligibility criteria and define them broadly in designing their services and supports. This approach aligns with research on subgroups of young people who are especially struggling in their transition such as those involved with criminal justice systems and/or young parents. These young people stand to benefit from extended care systems that will provide supports and services to get them ready for school, work, and parenting. Extended care systems will be better poised to provide developmentally appropriate care than the adult systems these young people frequently enter when foster care is no longer available.

For more on this topic, see *Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood*. <http://jimcaseyyouth.org/success-beyond-18-white-paper-1>

Q. *Must a young adult be in foster care prior to age 18 to be eligible for the Title IV-E foster care at age 18 or older?*

A. Federal Guidance: No. Federal law and guidance establish that the Title IV-E agency may require that eligibility to be based on a young adult's being in foster care prior to age 18 and/or in care on their 18 birthday. However, there is no federal requirement that the young adult in foster care prior to turning age 18 to be eligible for Title IV-E foster care after age 18. *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp

The FCA and related Program Instruction (PI -10-11), specify two processes whereby young adults age 18 and older can be eligible for Title IV-E reimbursement. Federal guidance states:

*"Court ordered removal after attaining age 18—*A youth age 18 or older who is removed via court order with judicial determinations regarding contrary to the welfare and reasonable efforts may meet the criteria in [the Fostering Connections Act] section 472(a)(2)A(ii) of the Act, to the extent that there is jurisdiction by the juvenile or other court to do so. Such judicial determinations may reflect the circumstances that are unique to a youth age 18 or older returning to foster care consistent with existing policy at Child Welfare Policy Manual (CWPM) 8.3A.7 Q#3. For example, a contrary to the welfare judicial determination may state that it is in the best interests of the youth to be placed in foster care and a reasonable efforts to prevent removal finding may state that the Title IV-E agency made reasonable efforts to meet the youth's needs prior to a foster care placement." ACYF-CB-PI-10-11. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

*"Voluntary placement agreement after attaining age 18—*A voluntary placement agreement entered into between the youth age 18 or older and the Title IV-E agency can meet the removal criteria in section 472(a)(2)(A)(i) of the Act. In this situation the youth age 18 or older is able to sign the agreement as his/her own guardian." To qualify for Title IV-E funding the court must make a best interest finding within 180 days of signing the VPA. ACYF-CB-PI-10-11. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>



Jim Casey Initiative Perspective

A Title IV-E agency should leverage the flexibility in FCA to allow young adults 18 and older who were under juvenile justice jurisdiction to enter the extended foster care program. Some youth who have been adjudicated delinquent previously qualified for IV-E by meeting all of the federal foster care criteria and being placed with a foster family or in a child care institution that meets the definition in federal law (Child Welfare Policy Manual 8.3A.1 Q#1). Other youth adjudicated delinquent may enter into voluntary placement agreements after attaining age 18 and participate in the foster care extension program.

State Example:

- » *California* allows eligible probation wards to continue in foster care after age 18 and receive foster care benefits and services. “Transition jurisdiction” is a new status that allows older probation wards who have met the rehabilitative goals set forth in their case plans and who meet other criteria to remain in foster care. *All County Letter 11-85*. <http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl/2011/11-85.pdf>

The California Social Work Education Center has developed the *Extending Foster Care for Juvenile Justice Involved Youth* curriculum for use with probation officers who will be working with teens in foster care and non-minor dependent youth. <http://calswec.berkeley.edu/extending-foster-care-juvenile-justice-involved-youth>

Q. *Are Aid to Families with Dependent Children (AFDC) redeterminations of Title IV-E eligibility required for the young adult in extended care?*

A. Federal Guidance: No. The Program Instruction states, “As indicated in policy issued at CWPM 8.3A.4, 8.3A.10, and 8.4A on April 8, 2010, we have eliminated AFDC redeterminations to ease an administrative burden we now believe is unnecessary. The Title IV-E agency must establish AFDC eligibility at the time the child is removed from home or a voluntary placement agreement is entered. We note that it is not possible to implement the option to extend Title IV-E assistance to youth in foster care who are age 18 or older as permitted by P.L. 110-351 and require such youth to be subject to AFDC redeterminations. Specifically, youth age 19 or older cannot meet the AFDC eligibility requirements because they would not be able to meet the definition of a “needy child” in former section 406 of the Act. This clearly is inconsistent with the law’s amendments to provide an option for extended Title IV-E assistance to older youth. For the purpose of a Title IV-E eligibility review, we [Children’s Bureau] will not review whether the Title IV-E agency conducted annual AFDC redeterminations for a child in the sample.” <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

Q. *What are the requirements for determining if a young adult meets one of the eligibility conditions?*

A. Federal Guidance: The Program Instruction states, “The Title IV-E agency has the discretion to determine these criteria, with one caveat. The Title IV-E agency must consider an otherwise enrolled youth on a semester, summer or other break to be enrolled in school for the purposes of this provision.” The state Title IV-E agency also must determine how often continued eligibility will be certified and with what documentation. *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Example:

- » *Minnesota* policy states, “Social workers have responsibility to document that a youth remains eligible for extended foster care. Eligibility condition(s) for each youth must be included in the case plan and documented in SSIS [Social Service Information System]. Verification of each eligibility condition, as outlined in Attachment A, must be maintained in a youth’s case file. Ongoing verification is of particular importance for Title IV-E eligible youth.” *Policy Bulletin 12-68-22*. http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_173921.pdf

Jim Casey Initiative Perspective

In addition to allowing all five criteria for eligibility, a Title IV-E agency should utilize a process for determining eligibility that will not create barriers for young people. At this stage in their life, some young people have not yet acquired the soft skills, such as good teamwork, communication or negotiation skills, needed to pursue an education or a career. They must be provided with the information and support necessary to undertake the eligibility process.

Q. *What latitude does a Title IV-E agency have in defining the eligibility condition of “incapacity based on a documented medical condition”?*

A. Federal Guidance: The Program Instruction states, “...If the youth is in foster care in this circumstance, the agency must provide regularly updated written or recorded information that addresses the medical condition and the youth’s incapability in the youth’s case plan.” *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Example:

- » *Texas* policy states, “Acceptable forms of documentation to verify a medical condition that does not allow a youth to perform an educational or work-related activity includes:
 - A statement from one or more medical doctors that documents the youth’s medical condition including the activities of daily living that the youth is incapable of doing as a result of that medical condition; or
 - Determination of a disability from the Social Security Administration.

There must be sufficient documentation to verify the medical condition and that the medical condition renders the youth incapable of participating in any of the extended foster care educational or work-related activities.” *Policy 10434*. http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10400.asp

Q. *If a young adult no longer meets the eligibility conditions for Title IV-E extended care (education, career preparation, work or incapable of meeting conditions), must the Title IV-E foster care maintenance payment be discontinued?*

A. Federal Guidance: Yes. Once the Title IV-E agency determines that a young adult does not meet one of the federal eligibility conditions, the Title IV-E adoption assistance, guardianship assistance or foster care maintenance payments must be discontinued. However, if the young adult meets one of the conditions at a later date the payments may resume. *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp



State Examples:

- » **Michigan** policy allows for a grace period of 30 days during which “it remains the caseworker’s responsibility to actively assist the youth in reestablishing the employment, education, or incapacitating medical condition requirements, and to include documentation of these efforts in the service plan.” www.mfia.state.mi.us/olmweb/ex/.../POLAID%20FOB%2020112-006
- » **California** policy provides examples of how young adults can be assisted in continuing to meet eligibility conditions. For example, California policy describes planning meetings with the caseworker as an activity to address barriers. The *All County Letter 11-61* states: “A program or activity designed to promote, or remove barriers to employment is an individualized program based on a youth centered assessment of skills and needs. These activities could be self-directed, completed in conjunction with a nonminor dependent’s caregiver or social worker, or part of an organized program. Unpaid employment, internships, volunteer activities, vocational rehabilitation or participation in a substance abuse program also meet this participation condition. A nonminor dependent shall be deemed participating in a program or activity designed to promote, or remove barriers to employment as long as the youth is working toward meeting goal(s) in his/her Transitional Independent Living Case Plan (TILP) by participating in an Independent Living Program activity or a program that moves the youth forward in reaching a goal on his/her TILP. See Attachment C for sample activities.” See detailed discussion of this policy in *All County Letter 11-61*. <http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-61.pdf>

Jim Casey Initiative Perspective

The Title IV-E agency can continue to make foster care maintenance payments through state, county, local or other funding sources when Title IV-E funding is discontinued. Continued foster care maintenance payments may be most appropriate when the young adult is between jobs or has dropped out of school based on life circumstances. Young people have told us that they need opportunities to make mistakes, and face challenges, without immediately becoming ineligible or “kicked out” of foster care. Supporting young adults during challenging times and assisting them in finding alternatives that allow them to maintain or regain eligibility is crucial to their successful transition to adulthood. Research tells us that it is developmentally appropriate for young adults to learn from mistakes and, in fact, is how they develop good decision making skills. These opportunities also mirror what young people from intact families typically experience during this time in their lives.

Q. *Is a young adult who is married or enlisted in the military eligible for the Title IV-E extension of foster care?*

A. Federal Guidance: Yes. A Title IV-E agency may determine that a young adult who is otherwise eligible for the extension may be married or enlisted in the military, including the reserves or ROTC. *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/updates_add.jsp

Q. *If a young adult entering extended care under a voluntary placement agreement is married, how is AFDC eligibility determined?*

A. Federal Guidance: For a young adult over the age of 18 entering a voluntary agreement for the extension of foster care, the AFDC eligibility is determined based on the young adult’s income only. Eligibility does not take into account the income of the parents/legal guardians or others in the assistance unit in the home from which the

youth was removed as a younger child nor the income of the youth's spouse. *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/updates_add.jsp

Q. *How can the Chafee program be used to help young people achieve and maintain eligibility for Title IV-E extended care?*

A. Federal Guidance: The Program Instruction states, “We [ACYF] encourage a Title IV-E agency to consider how it can provide extended assistance to youth age 18 and older to the broadest population possible consistent with the law to ensure that there are ample supports for older youth. We also encourage a Title IV-E agency to use the John H. Chafee Foster Care Independence Program and the Education and Training Voucher Program (section 477 of the Act) to provide additional supports to youth to prepare them for employment and education.” ACYF-CB-PI-10-11. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

Field Perspective:

- » Dr. Mark Courtney and his colleagues at *Chapin Hall*, leading researchers in the field, published the report *Distinct Subgroups of Former Foster Youth During Young Adulthood: Implications for Policy and Practice*, identifying four general categories of young adults who transition from the foster care system: accelerated adults, struggling parents, emerging adults, and troubled and troubling adults. In their report, they say that each category of young adults “needs more targeted policy and practice” to address the specific challenges faced by each subgroup. Jurisdictions can utilize these findings in allocating Chafee funds to fill in gaps in services and supports that effectively address the needs of all young adults in extended care. <http://www.chapinhall.org/research/brief/distinct-subgroups-former-foster-youth-during-young-adulthood-implications>
- » *A National Governors Association* report, *How States Can Support Older Youth in Foster Care*, recommends that “States will be more effective if they employ a cross-system approach to assisting foster youth. Many states already provide some of the programs ... or have the infrastructure to offer these services. For states to provide complementary supports they must build on their existing resources and form new partnerships among state agencies. By enhancing the connections between all youth-serving agencies—such as child welfare, education, health, mental health, juvenile justice, and workforce development—states can dramatically streamline services, reduce costs, and improve program effectiveness overall.” <http://www.nga.org/cms/home/nga-center-for-best-practices/center-publications/page-ehsw-publications/col2-content/main-content-list/the-transition-to-adulthood-how.html>

C. Young Adults with Children

Q. *If a young adult over age 18 in extended care is living with his or child in an independent living arrangement, is the child entitled to Medicaid coverage?*

A. Federal Guidance: Similar to the requirement to cover the Title IV-E foster care maintenance costs for a child living with a minor parent, federal law stipulates that, for a parent residing in a Title IV-E independent living setting under a federally approved extended care program, the child for whom the Title IV-E maintenance costs are covered is also categorically eligible for the Title XIX Medicaid program in the State where the parent and child reside. ACYF-CB-PI-10-11. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State and Local Examples:

- » The *California Social Work Education Center* developed a specialized training program, *After 18 Services for Pregnant and Parenting Foster Youth*, to assist caseworkers in working with pregnant and parenting young



people and effectively meeting their unique needs. <http://calswec.berkeley.edu/after-18-services-pregnant-and-parenting-foster-youth>

- » The **New York City** Administration for Children's Services developed a *Guide to Working with Young Parents in Out of Home Care* which provides information and guidance for working with pregnant and parenting youth that are central to appropriate service delivery and the Family Team Conference practice model. The focus of the guide is to provide support to young pregnant and parenting youth, helping them as they develop both as individuals and as parents through positive casework interactions. It is designed to be used primarily by provider agency case planners, but is useful for child protective staff, parent advocates, attorneys and others who work with this vulnerable population. http://www.nyc.gov/html/acs/downloads/pdf/a_Guide%20to%20Working%20with%20Young%20Parents_LR.pdf

Field Perspectives:

- » **The Center for the Study of Social Policy** has developed a guide, *Pregnant and Parenting Youth in Foster Care Part I: A Guide to Service Improvements*. This guide offers preliminary policy and program recommendations for state, local and tribal administrators and practitioners committed to addressing the complex needs of pregnant and parenting youth in foster care. The recommendations grow out of a year-long effort to examine and evaluate what states and localities are currently doing to serve this population. Equally importantly, the recommendations build on conversations and interviews with national, state and local experts. Coupled with a review of the research, this year-long effort helped to identify gaps in service delivery that must be remedied to adequately help these young parents and their children." <http://www.cssp.org/reform/child-welfare/pregnant-and-parenting-teens>
- » **The Conrad N. Hilton Foundation** has reaffirmed its commitment to youth in foster care as a priority for Foundation grant making. One population target is parenting teens. The Foundation believes supporting parenting teens and postponing pregnancy will improve young people's outcomes and break the foster care cycle, as offspring of youth in foster care are at high risk of entering the child welfare system themselves. <http://www.hiltonfoundation.org/initiatives-a-programs/foster-youth>
- » **The John Burton Foundation** released a statement on *Moving Parenting Foster Youth Out of the Shadows* on March 25, 2013. In it, they share the following example from Los Angeles, "For five years, Los Angeles County has conducted voluntary, specialized case conferences and achieved positive results. The conferences bring together pregnant youth with their social worker, extended family members and others knowledgeable in the area of maternal and child health, to develop a plan for the birth of the child and related issues, such as how the birth of the child will affect the youth's foster care placement. Although voluntary, an estimated 95% of expectant parents elect to participate. In addition to developing a plan for the upcoming birth, the conference also covers how to prevent subsequent pregnancies. A full thirty percent of parenting youth in foster care will experience a subsequent pregnancy while in foster care, decreasing their odds of graduating from high school by 45 percent and increasing the odds of having a child placed into foster care by 54 percent." For more information: <http://johnburtonfdn.wordpress.com/2013/03/25/moving-parenting-foster-youth-out-of-the-shadows/>
- » **The National Campaign to Prevent Teen and Unplanned Pregnancy** regularly issues information and resources to raise awareness about the circumstances and needs of pregnant and parenting teens in foster care and to assist public and private agencies on how to best meet the needs of young people who may be pregnant or parenting. For more information, see: http://www.thenationalcampaign.org/policymakers/res_foster_care.aspx

D. Monthly Face-to-Face Supervision

Q. Do the requirements for monthly face-to-face supervision remain the same for young adults over age 18?

A. Federal Guidance: Young adults in extended care must continue to have monthly visits with their caseworkers. The Title IV-E agency must describe the standards for these visits, with the continuing expectation that monthly face-to-face visits ensure safety, permanency and well-being until the young adult leaves foster care. The agency can determine which caseworkers qualify to make the visits and can utilize contracted case managers. ACYF-CB-PI-10-11. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Examples:

- » **Texas** policy states that: “Young adults in Extended Foster Care should have greater responsibility for activities; they need to be empowered to manage their activities. This includes:
 - initiating caseworker contacts;
 - identifying settings and topics for caseworker monthly contacts;
 - participating in independent living activities; and
 - participating in age appropriate activities.

While casework requirements (such as monthly caseworker contacts) are the same for the Extended Foster Care population as they are for those in foster care under age 18, how these are accomplished should allow for more flexibility and responsiveness to requests from the young adult.” *Texas Policy 10461 & 10463.* http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10440.asp

- » **California** policy states that: “The approach to case management for NMDs (nonminor dependents) will involve a paradigm shift in the way NMDs are engaged during casework and supervision. Their adult status must be acknowledged and respected. Since NMDs can leave foster care at any time, it is important for the case manager to engage them in a way that supports their developmental needs and provides a safety net for trial and error experiences by the NMDs, so that the NMDs can learn from mistakes made. The EFC (extended foster care) provides NMDs with the opportunity to develop incremental responsibilities and other problem solving skills that will help them succeed. These young adults can be provided with the experience of living independently while still in a supportive environment.” *All County Letter 11-69.* <http://www.cafosteringconnections.org/acls.html>

Q. If a young adult moves to another state to attend college or live with a relative, are the monthly face-to-face caseworker visits still required?

A. Federal Guidance: The Program Instruction has specified that the requirement for monthly face-to-face supervision continues no matter where the young person resides. ACYF-CB-PI-10-11. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Example:

- » **California** policy states that “Placements out-of-state are allowable for NMDs (nonminor dependents) who are attending college, residing in an appropriate placement or for appropriate employment. All monthly visit and service requirements applicable to NMDs placed in-state must be met for NMDs placed out-of-state. Counties may request supervision from the other state through the Interstate Compact on the Placement of Children (ICPC), but such services are at the discretion of the other state since not all states will accept an ICPC request or provide services/supervision for children in foster care beyond age 18. In the event the other state is not willing to accept an ICPC request for an NMD or provide such services, arrangements must be made for supervision, which could include contracting with a private agency in the other state. According to federal requirements and recent guidance, monthly visits must be face to face; therefore, video conferencing or the use of other technology, such as “skyping,” is not considered an acceptable method for conducting monthly visits.” *All County Letter 11-69, pages 16 & 17.* <http://www.cafosteringconnections.org/acls.html>



Q. Does the state have a requirement to provide data on caseworker visits to young adults over 18 as part of the 90 percent target for caseworker visits?

A. Federal Guidance: At the current time, young adults over age 18 are not included in the calculation as to whether the state meets the required 90 percent caseworker visit target. The Program Instruction, however, states that “we intend to reconsider this exception if the caseworker data provision is reauthorized or there is any other relevant change in law.” *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

Jim Casey Initiative Perspective

Although caseworker visits for youth over age 18 are not currently part of the overall target, all states require documentation of monthly visits. For extended care, documentation should continue. It provides essential information, allowing the agency to assess whether young adults are receiving the services and support they need. Documentation of visits provides a baseline for performance.

E. Extension of Adoption and Kinship Guardianship Assistance

Q. Who is eligible for Title IV-E extended adoption and kinship guardianship assistance?

A. Federal Guidance: With the implementation of extended foster care, Title IV-E agencies must extend adoption and kinship guardianship assistance to any youth who is adopted or enters guardianship after the age of 16 up to the maximum age that the state determines for the Title IV-E extended foster care. These young adults are also eligible for Chafee funded services until they turn 21. The extension of adoption and kinship guardianship assistance is designed to incentivize permanency through adoption and guardianship and minimize the need for foster care beyond age 18. Extending adoption and guardianship assistance beyond age 18 may provide the necessary resources for relatives and foster families who want to adopt or assume guardianship but who do not have the financial means to support the youth through college or other post-secondary programs. *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Example:

- » *California* policy states that “[t]he provisions of Kin-GAP (Kinship Guardianship Assistance Program) and AAP (Adoption Assistance Program) benefits into adulthood for children/youth whose permanency occurred on or after age 16 are a significant commitment by the federal, state, and county governments in supporting permanency for children/youth in foster care.” *All County Letter 11-86, page 2*. <http://www.cdss.ca.gov/letters-notices/entres/getinfo/acl/2011/11-86.pdf>

Q. To receive Title IV-E reimbursement for adoption or kinship guardianship assistance at age 18 and older, what must young adults do?

A. Federal Guidance: To be eligible for Title IV-E reimbursement for extended adoption and guardianship assistance, youth must meet the same age and program participation criteria as youth in extended foster care. They must engage in at least one of the following activities:

- » Completing secondary education or an equivalent credential;

- » Enrolled in an institution that provides post-secondary or vocational education;
- » Participating in a program actively designed to promote or remove barriers to employment; or
- » Employed for at least 80 hours per month.

If the young person has a medical or behavioral health condition that prevents him or her from meeting any of the federal criteria, the young person is eligible for extended assistance as long as documentation of the condition is maintained. Each state determines how documentation will be certified. "There is no requirement for the Title IV-E agency to maintain a case plan on a youth who is adopted or in guardianship." *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Examples:

- » In *California*, "The adoptive parent is responsible for requesting the AAP (Adoption Assistance Program) extension beyond the age of 18, and providing documentation to the responsible public agency supporting that the youth meets one of the five participation criteria. Further, the adoptive parent is also responsible for reporting any changes to the responsible public agency when the youth is no longer meeting one of the five participation criteria. Additionally, the nonminor former ward or dependent in receipt of AAP may have the aid payments suspended and resumed based on changed circumstances." *All County Letter 11-86*. <http://www.cafosteringconnections.org/acls.html>
- » *Texas* policy on eligibility requirements for extended adoption assistance states: "Each year, the adoption assistance eligibility specialist verifies that the youth works or attends school. The adopted parent submits documents directly to the adoption assistance eligibility specialist verifying the student's attendance." *Texas policy 1711.7*. http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_1700.asp#CPS_1700

Q. *Can Title IV-E extended adoption assistance be initiated at the time of an adoption that occurs when the young person is 18 or older?*

A. Federal Guidance: Not provided at this time.

State Example:

In *California*, the guidance by the John Burton Foundation was: "Under prior law, an adult adoption was governed by the Family Code and it was unclear whether a NMD (Non-Minor Dependent) adopted after age 18 could qualify for Adoption Assistance Payments (AAP). AB 1712 created a new type of adoption— "nonminor dependent adoption"—governed by the Welfare and Institution Code (i.e. adoption of a NMD through juvenile court) as a permanency plan option for a NMD and created a juvenile court process for the NMD and prospective adoptive parent to finalize the adoption in juvenile court and then dismiss dependency jurisdiction. AB 1712 further clarifies that this process will enable the NMD to qualify for AAP payments. The reimbursement of reasonable nonrecurring expenses incurred as the result of the adoption extends to NMDs being adopted." *John Burton Foundation and the Alliance for Children's Rights Answer Questions about AB 12 – February 21, 2013*. <http://ab12questionoftheweek.wordpress.com/author/johnburtonfoundationblog/>

Q. *Can a Title IV-E adoption assistance or guardianship assistance payment be made directly to the eligible young adult over 18?*

A. Federal Guidance: No. The adoption assistance payments may only be made to the adoptive parent or the guardian. *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/updates_add.jsp



Q. *If a young adult no longer meets the eligibility conditions for extended care (education, career preparation, work or incapable because of medical conditions), must the Title IV-E adoption or guardianship assistance payments be discontinued?*

A. Federal Guidance: Yes. Once the Title IV-E agency determines that a young adult does not meet one of the eligibility conditions, the Title IV-E adoption/guardianship assistance payments must be discontinued. However, if the young adult meets one of the conditions at a later date, the payments may resume. The jurisdiction may continue to pay adoption or guardianship payments through state, county, local or other funding sources when Title IV-E funding is discontinued. *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp

Q. *Does the extension of Title IV-E adoption and kinship guardianship assistance payments to young adults include those placed with an adoptive family or guardian prior to the agency implementing extended Title IV-E foster care?*

A. Federal Guidance: Yes. Eligibility extends to those young adults under a Title IV-E adoption assistance agreement or kinship guardianship agreement that was in place prior to the agency extending the Title IV-E program to age 18 and older. The young adults must have been 16 or older when placed with the adoptive family or guardian and be under the maximum age set for extended foster care. The *Child Welfare Policy Manual* states the following: "A Title IV-E agency must provide extended adoption assistance payments to an older youth when his adoption assistance agreement expires, if the youth remains eligible for the adoption assistance program. This includes youth under a Title IV-E adoption assistance agreement in place prior to the agency taking the option to extend the Title IV-E programs" (http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=32). The *Child Welfare Policy Manual* also states: "A Title IV-E agency must provide extended guardianship assistance payments to an older youth when his Title IV-E guardianship assistance agreement expires, if the youth remains eligible for the guardianship assistance payments. This includes youth under a Title IV-E guardianship assistance agreement in place prior to the agency taking the option to extend the Title IV-E programs." http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp_pf.jsp?citID=410

F. Medicaid Coverage

Q. *Are young adults in Title IV-E extended foster care eligible for Medicaid?*

A. Federal Guidance: Yes. Children who are eligible for Title IV-E foster care and/or adoption/guardianship assistance are categorically eligible for Medicaid. Young adults ages 18 to 21 who are in Title IV-E extended foster care are likewise categorically eligible for Medicaid. For young people who are not Title IV-E eligible, most states provide Medicaid coverage under the "medically needy option." States have the option to extend Medicaid coverage for young adults transitioning from foster care at age 18 up to age 21 under the Chafee option.

The Program Instruction state: "Under sections 473(b)(1) and 473(b)(3) of the Act, a youth on whose behalf Title IV-E foster care maintenance payments or guardianship assistance payments are made, or who is subject to an adoption assistance agreement is categorically eligible for the Title XIX (Medicaid) program available in the State of residence, including a youth up to age 21 per section 475(8)(B) of the Act. Such a youth is eligible for Medicaid (if available for such youth) whether or not the Title IV-E agency in the State of residence has taken the option to provide extended [Title IV-E] assistance per section 475(8)(B) of the Act. A Title IV-E agency should work with its Medicaid agency counterparts to learn about the Medicaid services available for older youth." *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

Q. *What will the requirements be for Medicaid coverage for ALL former foster youth (including those in extended care) when the Medicaid provisions of the Affordable Care Act (ACA) go into effect in 2014?*

A. Federal Guidance: The ACA created a new mandatory eligibility category for youth who are either in or formerly enrolled in foster care, either through Title IV-E or non-Title IV-E. After January 1, 2014, Medicaid eligibility extends to all youth who meet the following criteria

- » Are under age 26;
- » Are not eligible and enrolled for mandatory coverage under §§ 435.110 through 435.118 or §§ 435.120 through 435.145 of this part; and
- » Were in foster care under the responsibility of the State or Tribe and enrolled in Medicaid under the State's Medicaid State plan or 1115 demonstration (or at State option were in foster care and Medicaid in any State) upon attaining age 18 or higher age at which the State's or Tribe's foster care assistance ends under Title IV-E.

Eligibility is determined solely by a young adult being in foster care and receipt of Medicaid at age 18 or upon aging out of foster care at a later age.

Young adults in Title IV-E extended care are eligible for full Medicaid benefits and are statutorily exempt from mandatory enrollment in an Alternative Benefit Plan (ABP). They have access to the mandatory Medicaid service, Early Periodic Screening, Diagnosis and Treatment (EPSDT), which "provides comprehensive and preventive health care services for children under age 21 who are enrolled in Medicaid. EPSDT is key to ensuring that children and adolescents receive appropriate preventive, dental, mental health, and developmental, and specialty services." <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Benefits/Early-Periodic-Screening-Diagnosis-and-Treatment.html>

Field Perspective: The *Urban Institute* released a report, *Providing Medicaid to Youth Formerly in Foster Care under the Chafee Option: Informing Implementation of the Affordable Care Act*, that draws on lessons from 30 states' implementation of existing optional Medicaid coverage for youth who age out of foster care. The report applies lessons to decisions and plans states will consider as they implement new Affordable Care Act coverage that goes into effect in 2014. States vary significantly in how they have implemented the Chafee option, including eligibility criteria, enrollment processes, and recertification processes. States' implementation choices have implications for the frequency with which youth enroll in Medicaid coverage after foster care and in their continuity of coverage over time. <http://www.urban.org/publications/412786.html>

Additional field perspectives can be found in a recently issued policy brief by the Center for Health Care Strategies. In this brief, the authors outline a series of policy opportunities that can provide a pathway to better health outcomes for the foster care population. They point out that "several key factors impact [young people's] receipt of appropriate and timely health-related services. These factors include "coverage, which under the ACA will be extended to age 26; the range of services covered under state Medicaid plans; child welfare case worker/supervisor knowledge of the health benefits available to these children; and state, local, and administrative policies that support the coordination of care delivery and financing among key agencies." http://www.chcs.org/publications3960/publications_show.htm?doc_id=1261490#.UjvEzD_cC8A

Q. *Under the Affordable Care Act, will young adults in extended care who move to another state have Medicaid coverage?*

A. Federal Guidance: The final Medicaid rule issued by the Center for Medicaid and Medicare Services (CMS) on July 5, 2013 did not specifically address the issue of Medicaid eligibility of former foster youth who move to a new state. It appears that the that states have the option to cover former foster youth who have moved to their state but are not required to do so.



Field Perspective: *Rep. Karen Bass (D-Calif.)* and *Rep. Jim McDermott (D-Wash.)*, co-chairs of the Congressional Caucus on Foster Youth, stated in an opinion piece published in Politico, that, “The CMS’ proposed regulation requires states to enroll eligible foster youth in Medicaid to age 26 only if they remain living in the state where they were in foster care and enrolled in Medicaid. Although the draft regulation provides states with the option of extending Medicaid to youth who move to their state, it does not require it. That may leave foster youth in limbo when it comes to their ability to access these benefits under the Affordable Care Act. Already, allowing young adults to receive coverage through their parents’ plans to age 26 has allowed for more than 3 million young people to have health care coverage while they pursue their dreams and get on their feet. Foster youth deserve the same opportunities, particularly given all that they must overcome in reaching their full potential.” *Give Foster Youth Full Access to Affordable Care Act.* http://www.politico.com/story/2013/03/give-foster-youth-full-access-to-affordable-care-act-89079_Page2.html

SECTION II. CRITICAL STATE OPTIONS

A. Voluntary Placement Agreements

Q. *Can a Title IV-E agency choose to close the abuse/neglect case when the young adult turns 18 and open the case under a Voluntary Placement Agreement?*

A. Federal Guidance: Yes. Agencies may choose to close the original abuse/neglect foster care case and reopen the case as a voluntary placement agreement when the young person turns 18 or upon the young person’s re-entry to foster care after age 18. When a VPA case is opened, Title IV-E income eligibility is based only on the young adult’s income as his or her own guardian, and is not linked to prior AFDC eligibility criteria. Should a young adult continue in foster care after age 18 without the original case being closed or changed to a VPA, Title IV-E eligibility continues to be based on the initial eligibility determination. Federal guidance does not require the signing of a voluntary placement agreement when the young person turns 18.

The voluntary placement agreement signed by the jurisdiction and the young adult must comply with the same requirements as voluntary placement agreements signed by a parent of a minor child. In cases of voluntary placement agreements with young adults age 18 and older, the court no longer requires the young person to remain in foster care. It is expected that the young adult will make an informed choice to continue in extended care, having the option to leave if he or she decides to do so, and having the option to re-enter, if the state allows re-entry. The young adult signs the voluntary placement agreement as his or her own guardian and agrees to be involved in at least one specified activity to maintain eligibility for extended care. *ACYF-CB-PI-10-11.* <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Examples:

- » *California* policy states: “The NMDs (nonminor dependents) must sign the mutual agreement to acknowledge that they are voluntarily agreeing to remain in foster care in supervised placements as court dependents. The purpose of the mutual agreement is to ensure that the NMD’s status as a legal adult is recognized and to provide clear expectations to both the NMD and case manager as to what the responsibilities are for each party. The mutual agreement further specifies what services and assistance the NMDs receive from the agency.” *All County Letter 11-69.* <http://www.cafosteringconnections.org/acls.html>
- » Young people in *Tennessee* sign a form which outlines the services the young person has a right to receive, as well as their responsibilities for remaining in extended care services. *Rights and Responsibilities to Receive Foster Care Services as an Adult.* www.tn.gov/youth/dcsguide/policies/revisedornew/0488.doc

Jim Casey Initiative Perspective

“Currently, extended foster care programs place much of the accountability and responsibility for maintaining extended support agreements on the young person. At age 17, they [young people] have little control over decisions impacting their lives and are treated as children. Suddenly, at age 18, they are treated as fully capable adults who must fulfill adult responsibilities and expectations. Without strong preparation for this new role, young people frequently fall short of expectations and lose the very support that is critical to successful transitions to adulthood.”

Excerpt from “Foster Care to 21: Doing it Right” <http://jimcaseyyouth.org/foster-care-21-doing-it-right>
For more, see: “Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood” at: <http://jimcaseyyouth.org/success-beyond-18-white-paper-1>

Q. *Are there fiscal implications for states when abuse/neglect cases are closed and cases are reopened under voluntary placement agreements?*

A. Federal Guidance: Yes. When a case is reopened under a voluntary placement agreement, Title IV-E eligibility is generally more easily established because “the AFDC eligibility is based on the youth without regard to the parents/legal guardians or others in the assistance unit of the home from which the youth was removed as a younger child (e.g., a child-only case.”) Title IV-E eligibility determinations are based on the income of the young adult at the time he or she signs the voluntary agreement as his/her own guardian. Eligibility is not re-determined unless a young adult leaves foster care and the case is closed, but subsequently, prior to age 21, re-enters care, at which time a new voluntary agreement must be approved. *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Examples: At least eight states have implemented Title IV-E extended care based on all young adults signing a voluntary placement agreement to remain in care. One state requires that for all young adults in extended care, the original abuse/neglect case must be closed and a VPA case opened, resulting in Title IV-E eligibility being determined based on the young adult’s income as his or her own guardian. Two states plan to open all cases as VPAs. One state opens cases as a VPA for young adults who were not Title IV-E eligible prior to age 18. Three states open a VPA case only at re-entry. If the VPA is signed without closing the original abuse/neglect case and reopening the case under the voluntary placement agreement, Title IV-E eligibility continues to be based on the original abuse/neglect case and, usually, the parent’s income.

- » **Minnesota** policy states “A new Title IV-E foster care eligibility determination, based solely on youth without regard to the parents, legal guardians, or others in the home from which a youth was removed as a younger child, should be completed when a youth exits care and later re-enters care.” http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=Bulletins_2012 Scroll down to *Bulletin 12-68-22 Extended Foster Care for Youth Ages 18-21*. See page 9.
- » **California** policy states “Youth who voluntarily re-enter foster care after turning 18 years of age following dismissal of dependency are considered to be entering a new foster care episode. Therefore, a new eligibility determination is required. When determining Title IV-E eligibility, the AFDC linkage must still be satisfied. The AFDC eligibility determination is based on the youth’s status as an adult; only the income and property of



the youth is considered, without regard to the parents/legal guardians or others in the assistance unit in the home from which the youth was originally removed as a younger child, or any relatives the youth is currently residing with (e.g., a child-only case). Deprivation is met so long as the youth is not living with a biological or adoptive parent." *All County Letter 12-12*. <http://www.cafosteringconnections.org/acls.html>

B. Independent Living with Supervision

Q. Are supervised independent living settings eligible for Title IV-E reimbursement under extended foster care?

A. Federal Guidance: Yes. Prior to the FCA, federal reimbursement for foster care maintenance costs was only available when a child was placed in a licensed foster family home or a "child care institution" as defined by federal law. Title IV-E federal funding could not be used to cover the costs of "independent living" settings, placement in an unlicensed home or facility, or placement in a facility that did not meet the definition of a "child care institution."

The FCA established a new category of Title IV-E eligible placements: "a supervised setting in which the individual is living independently." The Title IV-E agency has the discretion to develop a range of supervised independent living settings that are reasonably interpreted as consistent with the law, including determining whether or not such settings need to be licensed and any safety protocols that may be needed. For example, a Title IV-E agency may determine that when paired with a supervising caseworker, the following meet the setting requirement: host homes, college dormitories, shared housing, semi-supervised apartments, supervised apartments or another housing arrangement. "We encourage the Title IV-E agency to be innovative in determining the best living arrangements that could meet an older child's needs for supervision and support as he/she moves toward independence." *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Examples:

- » **California** policy states, "The SILP (Supervised Independent Living Placement) is an entirely new and flexible placement type for foster care that was created for NMDs (nonminor dependents) participating in EFC (extended foster care). It is intended to provide young adults with the opportunity for highly independent living experiences while receiving financial support along with the safety net of a case manager to provide support and services for problems that arise. Counties have significant discretion for what can constitute a SILP placement. The federal guidance allows for maximum flexibility for SILPs, while still ensuring the placement is safe for NMDs." *California Policy All County Letter 11-7*. <http://www.cafosteringconnections.org/acls.html>
- » **Texas** policy states, "The supervised independent living (SIL) placement setting allows young adults 18 and older to be placed in a non-traditional, less restrictive environment while still in paid foster care. Young adults placed in SIL settings have minimal supervision and case management. This arrangement allows young adults to practice necessary independent living skills and achieve self-sufficiency in a supportive environment before leaving foster care." *Texas Policy 10481.1*. http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10440.asp
- » On April 12, 2012, the Fosteringconnections.org project (no longer active) held a webinar on the topic of supervised independent living. This webinar, *The Road to Independence*, was hosted in conjunction with the Jim Casey Youth Opportunities Initiative and the National Association of Public Child Welfare Administrators. The webinar highlighted states' experiences to date in implementing supervised independent living settings allowed under the Fostering Connections Act. Presentations were made by child welfare representatives from California, Illinois, New York and Minnesota. Presenters described policy and practices in their own states, covering topics such as allowable settings for supervised independent living, licensing standards, payment issues and connections to the Chafee Independent Living option. The powerpoint is now available on the Jim Casey Initiative website at <http://jimcaseyyouth.org/extended-foster-care-supervised-independent-living-webinar>

Jim Casey Initiative Perspective

“As state leaders design the array of placement settings that will be available to older youth, it is important to consider the need for a continuum of housing options from those that are very supportive (24-hour on-site staff) to those that provide a high degree of independence (direct stipends). At age 18, many young people still require and can benefit from close guidance and supervision. As they develop more maturity and master new skills, it is important to have a placement array that allows them to gradually have more autonomy. In line with positive youth development concepts, the continuum of placements should not only set high expectations for young people, but also allow young people to make their own decisions and learn from their mistakes.”

Excerpt from: “*Extending Foster Care Beyond 18: Housing Options for Young Adults*” <http://jimcaseyyouth.org/success-beyond-18-housing-options-young-adults>

Q. *Can a young adult in Title IV-E extended care between the ages of 18 and 21 live in the home of their parent or guardian as a supervised independent living setting?*

A. Federal Guidance: The Title IV-E agency has the discretion to determine that residing in the home of a parent or legal guardian is an allowable independent living setting with the required supervision by the agency. When this setting is agency-approved, the parent or guardian is not considered a foster care provider and the agency does not implement a reunification plan in which the young adult is under the care of the parent/guardian. With agency approval as to appropriateness, the young adult chooses the residence as a supervised independent living setting.

For example, young adults attending school may choose to rent a room in the parents’ or guardians’ homes during breaks or as an alternative to a dorm or apartment. The Title IV-E agency must determine the circumstances which are allowable and appropriate and must provide supervision throughout the time the young adult is in extended care regardless of the living situation. *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp

Q. *Is a young adult in extended care residing in an eligible Title IV-E supervised independent living setting when he or she is in an adult residential treatment facility for substance abuse or mental health treatment?*

A. Federal Guidance: Title IV-E agencies have the discretion to determine the range of supervised independent living settings consistent with the law (472(c)(2) provided below). An adult treatment center is an allowable independent living setting if the young adult, age 18 and older, is a voluntary resident and the Title IV-E agency maintains supervision.

(472(c)(2) states that a “child care institution” is an: “institution which accommodates no more than twenty-five children, which is licensed by the State in which it is situated or has been approved, by the agency of such State responsible for licensing or approval of institutions of this type, as meeting the standards established for such licensing, except, in the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations, but the term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.” *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/updates_update.jsp



Q. The Fostering Connections Act made changes to prior law that allowed Title IV-E payments to be made only to an agency or the provider of a licensed placement. Changes in the law now allow for young people age 18 or older to receive direct Title IV-E payments under some circumstances. What are the available options to states?

A. Federal Guidance: For young people in extended care, foster care maintenance payments may be made to the provider or agency or, when a young adult age 18 or older is living in an independent living setting and does not have an actual provider or other child placing intermediary, “the Title IV-E agency may (but is not required to) pay all or part of the foster care maintenance payment directly to the young adult.” States are encouraged to recognize young adults’ needs for independence and to be innovative in developing opportunities for young people to develop appropriate decision making skills. *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>, *Child Welfare Policy Manual*. http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp

State Examples: Twelve of the 18 states have implemented policies that allow maintenance payments to be made directly to young adults and several more are planning to utilize this option in certain situations. *Minnesota* policy states, “For youth age 18 or older living independently in a supervised setting, there may be no direct caregiver providing food, clothing, shelter, daily supervision, school supplies, personal incidentals or reasonable travel for home visits or school stability. In these situations, an agency may pay all or part of the foster care maintenance payment directly to the youth. This flexibility to pay all or part of the maintenance payment allows an agency to help youth adjust to independent living and learn to budget and pay bills.” http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=Bulletins_2012 Scroll down to *Bulletin 12-68-22 Extended Foster Care for Youth Ages 18-21*. See page 8.

Jim Casey Initiative Perspective

Foster care maintenance payments provided directly to a young person, with the right supports and training, can promote financial capability and create opportunities for skill development that will serve young people throughout their adult lives.

Information on promoting financial capabilities of young people and asset building can be found at: <http://jimcaseyyouth.org/browse-resources/assets-for-young-people>

Q. If a young adult receives Title IV-E foster care payments directly, does this income impact eligibility for financial aid for college?

A. Federal Guidance: Under the Higher Education Act (HEA), resources available to a student are classified as either income that is used in the calculation of the student’s Expected Family Contribution (EFC) or as Estimated Financial Assistance (EFA), but not both. EFC represents the amount of money a family can reasonably be expected to contribute towards college expenses. EFA represents the estimated amount of assistance for a period of enrollment that a student (or a parent on behalf of a student) will receive from Federal, State, institutional, or other sources, such as, scholarships, grants, the net earnings from need-based employment, or loans.

Expected Family Contribution: Any extended foster care payments that are provided directly to the student under the same authority (Part E of Title IV of the Social Security Act) that a State uses to make regular foster care payments to foster parents are considered to be “excludable income” under the HEA section 480(e)(5). Thus, such payments are not considered as untaxed income in the calculation of the student’s EFC and should not be

included as untaxed income on the student's Free Application for Federal Student Aid (FAFSA).

It does not matter if all or any part of the extended foster care payments are made from State or other non-federal sources. The determining factor is whether the payments are made under the authority of Part E of Title IV of the Social Security Act. Therefore, institutions must be certain that the student's extended foster care payments are made under that authority. It may be useful for financial aid administrators to familiarize themselves with their state's foster youth program to enable them to help affected students determine how to report their foster care payments.

Estimated Financial Assistance: Under the HEA, foster care payments (including payments made directly to the student) are typically considered to be income that is excludable under HEA section 480(e)(5). Such payments cannot be considered EFA. Therefore, extended foster care payments made directly to the student are not part of the EFA that is used when determining the student's eligibility for assistance under any of the Title IV student aid programs that require consideration of EFA.

If payments are made under an authority other than Title IV-E of the Social Security Act, such payments are considered income and must be reported in the "Untaxed Income" section on the student's FAFSA (question 45i on the 2013-2014 FAFSA)." Publication Date July 3, 2013 <http://ifap.ed.gov/dpccletters/GEN1318.html>

C. Re-entry

Q. Are young people in Title IV-E extended foster care eligible to leave and later return to foster care?

A. Federal Guidance: A young adult, age 18 or older, may leave Title IV-E extended care for a period of time and return prior to reaching the maximum age set by the state and receive the same supports and services as those provided to young adults who remain in care continuously. *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Examples: Fifteen of the 18 states that have implemented Title IV-E extended care allow for re-entry to the maximum age set by the state. Two examples of state policies addressing re-entry are:

- » *California* outlines the eligibility, process and a sample timeline for a young person re-entering foster care. *All County Letter 12-12*. <http://www.cafosteringconnections.org/acls.html>
- » *Texas* re-entry policy allows young people to return if they meet the original eligibility requirements and there is a placement setting available. http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10500.asp

Q. What is the "trial independence" re-entry allowed under the Program Instructions for Title IV-E extended care?

A. Federal Guidance: Re-entry to Title IV-E extended care can take place through "trial independence." Trial independence allows young adults to leave care voluntarily for a limited time—six months or one year with court order—and return to foster care without the requirement of a Title IV-E eligibility redetermination. The goal is to support developmental growth related to gaining independence in adulthood while maintaining a young adult's Title IV-E eligibility and, at the same time, reduce the processing and paperwork involved in opening a new case. The Program Instruction states, "For example, a youth age 17 who is Title IV-E eligible decides to leave foster care upon attaining age 18. Three months after the youth's 18th birthday, the youth returns seeking the



Title IV-E agency's assistance. As the youth has tried independence for less than a six-month trial period, the Title IV-E agency does not need new judicial determinations or a voluntary placement agreement to satisfy section 472(a)(2)(A) of the Act upon return. Similarly, if a court order authorized the youth's trial independence for a year after the youth's 18th birthday, Title IV-E foster care maintenance payments may be made if the youth is otherwise eligible when returning to foster care during that year." *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi10111>

State Examples: Several states have adopted policies that allow re-entry within six months as "trial independence" without requiring a new Title IV-E determination or court hearing.

- » *Washington* policy states, "Eligible youth who exit foster care at age 18 have a six month period from their 18th birthday to elect to re-enter foster care. CA (social worker) will not provide placement or case planning services to youth during the trial independence period." http://www.dshs.wa.gov/CA/pubs/mnl_pnpg/chapter4_4310.asp Scroll down to 43105 *Extended Foster Care Program*. Under policy see D & E.
- » *Michigan* policy states, "Youth requesting to re-enter YAVFC (Young Adult Voluntary Foster Care) within 180 days of the previous YAVFC best interest finding, do not have to have a new CCFD 20, Ex-Parte Petition Regarding YAVFC filed nor do they have to return to court." <http://www.mfia.state.mi.us/olmweb/ex/html/#cfs> Under Children's Services click on *Children's Foster Care Manual*. Go to second page, second entry click on *Foster Care—Young Adult Voluntary Foster Care FOM 722-16*. See page 9.

Jim Casey Initiative Perspective

States have voiced the concern that the trial independence provisions are confusing and they worry that the agency may be legally liable should cases remain open without services or supervision during the trial independence time period. Additional federal guidance clarifying the requirements for trial independence and re-entry would be of great assistance to states considering this option, since this provision is critically important. Young people from intact families typically have periods of leaving and returning home and this pattern is considered to be developmentally appropriate as young people make the gradual and successful transition to adulthood. For young people transitioning from foster care to adulthood, foster care policies that support "trial independence" from foster care with the option to return can provide similar developmental opportunities.

D. Court Hearings and Administrative Reviews

Q. *When a young person is age 18 or older and in Title IV-E extended care, must there be an annual judicial determination documenting that the agency has made efforts to finalize a permanency plan and is meeting the safety and well-being needs of the young person?*

A. Federal Guidance: The permanency hearing is still required unless the young adult is in care through a voluntary agreement. "Permanency hearings are held under conditions that support active engagement of the youth in key decisions. Permanency hearings can be held by a court or by an administrative body appointed or approved by the court. Permanency hearings provide ample time and opportunity for the youth to discuss his/her transition plan." Under a voluntary placement agreement (abuse/neglect case closed), annual permanency hearings are not required but administrative reviews must be conducted every six months. *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi10111>

Field Perspective: In the majority of states, courts have voiced the opinion that it is critical to continue judicial oversight of extended foster care cases to ensure that the agency addresses the needs of young people and that young people understand their rights and obligations.

The *American Bar Association (ABA)* issued a paper on the importance of extended court oversight. “Extending jurisdiction past 18 brings the power of the juvenile court to bear, and can help assure that public agencies aid youths in situations where they may otherwise be overlooked. With the involvement of the court, it is then up to the youth’s legal advocate to speak on behalf of their client, and to articulate why it is in the youth’s best interests to have the court involved in ensuring adequate case planning or procurement of needed services. The court provides an objective “eye” to watch over youth service systems for transitioning young people, helpful since these systems are often bogged down in their own operations, procedures, caseloads and shrinking budgets. Through no fault of their own, these agencies may miss opportunities to offer necessary services to eligible youth. Extending court jurisdiction is a sure way to provide an efficient legal oversight mechanism to meet the needs of transitioning foster youth from childhood to adulthood.” *Continuing Court Jurisdiction in Support of 18 to 21 Year-Old Foster Youth*. http://www.americanbar.org/groups/child_law/what_we_do/projects/empowerment/fosteringconnections.html

The ABA also published a resource titled, *Improving Outcomes for Older Youth, What Judges and Attorneys Need to Know*. This is available at: <http://www.nrcyd.ou.edu/resources/publications/pdfs/improveoutcomes.pdf>.

State Examples:

- » *Michigan* is the only state to date that has opted to close the court case after the court determines that it is the young person’s best interest to remain in foster care based on the terms of the voluntary agreement that the young adult (at or after age 18) and the Title IV-E agency sign. “The best interest hearing must occur within 180 days of the opening of the voluntary case.” *Michigan SCAO Administrative Memorandum 2012-04 Young Adult Voluntary Foster Care Act*. <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Administrative-Memoranda/2012-04.pdf>
- » *California* clarifies that the hearing must reflect the young person’s adult status. “All hearings involving a person who is a nonminor dependent must be conducted in a manner that respects the person’s legal status as an adult.” *2013 California Rules of Court*. http://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_900

Q. *If the court ends its jurisdiction over the case after the best interest hearing establishing a voluntary placement agreement, can an administrative panel conduct review hearings?*

A. Federal Guidance: An administrative panel may conduct review hearings. Federal guidance provides that: “Periodic reviews involve youth and focus on whether the youth is safe in his/her placement, whether continued foster care is appropriate, whether appropriate and meaningful independent living skill services are being developed and the progress made towards achieving independence on a projected date. Periodic reviews are held by courts or by an administrative panel of appropriate persons, including at least one of whom is not responsible for case management.” *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

Q. *Young people who participate in extended care are legal adults in almost all states. Is legal representation required for young people in extended care once they reach age 18?*

A. Federal Guidance: Legal representation is not required. In fact, legal representation is not a federal requirement for children in foster care who are under the age of 18. The Child Abuse Prevention and Treatment Act requires the appointment of a guardian ad litem (GAL) in “every case involving an abused or neglected child which results in a judicial proceeding,” but the GAL may be an attorney or a court appointed special advocate



(or both) for the child.”

State Examples: Based on state policy for youth under age 18, at least seven states that have approved or pending state plans for extended care, assign an attorney to the young person. Three states have made legal representation of young people in extended care optional and provide that the young adult must request an attorney in order to be assigned one. *A Child’s Right to Counsel. 3rd Edition.* <http://www.firststar.org/library/report-cards.aspx>

Jim Casey Initiative Perspective

“[States must] ensure accountability through well-designed oversight venues that recognize the developmental strengths and needs of young people with respect to services, supports, and supervision; the responsibilities of both the young person and the foster care system while the young person is in extended care; and the outcomes that are to be achieved for each young person. The venue may be the court or an administrative body.

When the court is the selected oversight venue, court rules and protocols must be developed that are youth-friendly and non-adversarial and promote collaboration among the parties working with the young person.

When an administrative body is the selected oversight venue, it is critical that an expedited appeal process for judicial review be created and that young people have the assistance of legal counsel in matters related to eligibility, findings of non-compliance, expulsion from extended care and denials of re-entry into care.”

Excerpt from: : “Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood.” <http://jimcaseyyouth.org/success-beyond-18-white-paper-1>

“A developmentally appropriate oversight and review process for older youth and young adults should include both the opportunity for the young person to speak on his or her own behalf and the assistance of an advocate. A well-designed review process encourages a level of self-advocacy by young people. It invites young people to engage members of their support network as participants in reviews. At the same time, it ensures that the young person has access to a trained advocate prior to age 18 when developing and presenting the transition plan and when deciding whether to “opt in” to extended foster care. Even in jurisdictions that have done a good job of providing young people with quality training and skill building in self-advocacy, the advocacy system should ensure that young people have access to trained advocates beyond age 18 when complex matters related to extension arise or when other significant interests are at stake. At a minimum, a well-designed review process ensures that young people have the benefit of a hearing and the assistance of counsel before being denied entry or re-entry into extended care or being terminated from extended care against the young person’s wishes.”

Excerpt from: “Success Beyond 18: Re-Examining the Foster Care Review Process: Extended Foster Care as a Catalyst for Improved Practices and Better Outcomes.” <http://jimcaseyyouth.org/success-beyond-18-re-examining-foster-care-review-process>

E. Inclusion of Young Adults Involved in the Juvenile Justice System

Q. *May young people who have been involved with the juvenile justice system participate in Title IV-E extended care?*

A. Federal Guidance: Not provided at this time.

State Examples: Fifteen states that have approved or pending Title IV-E state plans for extended care include young adults who were involved with the juvenile justice system. Most states require that the young adult be a dual ward or “in foster care at age 18” to be eligible for extended care.

- » **California** policy states: “The purpose of this ACL (All County Letter) is to provide counties with information regarding probation youth access to the Extended Foster Care (EFC) Program created by AB 12. The EFC Program allows foster youth, including eligible probation wards, to continue in foster care after age 18, receive foster care benefits (payments), and services. These young adults remain under the jurisdiction of the court, supervision of the county, and must reside in eligible licensed or approved placements to receive AFDC-FC. These young adults are referred to as Non-Minor Dependents (NMDs). A new mechanism was created via AB 12 which allows for and defines how wards of the court can participate in the EFC Program. This ACL also describes how eligible minor wards can transition to dependency status or transition jurisdiction status at the time their delinquency jurisdiction is being terminated to allow them to remain in foster care and participate in the EFC Program after reaching age 18 if they also meet the eligibility criteria for EFC.” *All County Letter #11-85.* <http://www.cafosteringconnections.org/acls.html>

Field Perspective:

- » In August 2011, the board of directors of the **Conrad N. Hilton Foundation** reaffirmed their commitment to foster youth as a priority for foundation grant making. One area that is targeted is crossover youth. “Crossover youth, the 10 to 15 percent of youth involved in both the foster care and juvenile justice systems, struggle in transition to adulthood. Research on crossover youth in Los Angeles found that they are 90 percent less likely than other foster care exiters to complete an associate degree or enroll at a four-year university. Half of crossover youth experienced a period of extreme poverty after their transition from care, earning \$3,500 per year or less. After transition from foster care, this group also uses public resources extensively and is more likely to use multiple public benefits: 82 percent of crossover youth received public welfare benefits during their first four years out of care compared with 68 percent of other former foster youth.” See *Strategy Narrative* at <http://www.hiltonfoundation.org/initiatives-a-programs/foster-youth>
- » **The Center for Juvenile Justice Reform** along with Jim Casey Youth Opportunities Initiative released a report in March 2012 entitled, *Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice*. The report provides a framework for improving services for crossover youth. http://cjjr.georgetown.edu/resources2/cjjrpublications/cjjr_publications.html

SECTION III. OPPORTUNITIES AND CHALLENGES

A. Permanency and Positive Connections

Q. *Once a youth in foster care reaches the age of 18, agencies often end the search for permanent families and lifelong connections. What is expected of agencies in pursuing permanent families and connections for young adults in Title IV-E extended foster care?*



A. Federal Guidance: The federal Program Instruction clarifies that permanency continues to be a priority for young adults in extended care. The Program Instructions state: “Further, we note that a Title IV-E agency should continue to work with youth who are in supervised independent living settings to form permanent connections with caring adults. This could take the form of determining whether guardianship, adoption or living with other caring adults remains appropriate options for an older youth, and if so, helping the youth to work towards those outcomes.” *ACYF-CB-PI-10-11*. <http://www.acf.hhs.gov/programs/cb/resource/pi1011>

State Examples:

- » **Indiana** policy states, “While youth and young adults are still in out-of-home placement related programs, efforts should be made to enhance and develop existing relationships with adults whom youth trust, or with whom trust could be strengthened. Building the capacity of existing relationships to offer more empathetic and insightful emotional support could provide important resources for the youth as he or she leaves out-of-home placement and continues to deal with the emotions and questions raised by his or her experiences prior to, and during, placement.” *Indiana DCS CW Manual/Chapter 11 Section 18: Eligibility to Participate in Collaborative Care (CC)*. http://www.in.gov/dcs/files/11_18_Eligibility_for_Collaborative_Care.pdf
- » **Minnesota** policy states, “When a youth is in continuous foster care, the court must conduct court reviews of reasonable efforts to finalize the permanency plan for a youth at least every 12 months. An agency must ask the court to review and make findings on the agency’s reasonable efforts to:
 - Ensure that foster care is the best legal arrangement for a youth, or whether there is another legal option that would better meet the needs of a youth for a life-long family
 - Assist a youth in building life-long relationships with family, siblings, and other caring, safe and supportive individuals
 - Plan with a youth to utilize supports and services that develop the necessary set of skills for successful independence after foster care.”

Bulletin, Extended Foster Care for Youth Ages 18-21. http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_173921.pdf

Jim Casey Initiative Perspective

“Simply extending traditional foster care to young people once they reach age 18 will not provide them with the developmentally appropriate supports and services that they need to become healthy and productive adults. Nor will foster care “as usual” succeed in engaging young people with vitally needed permanent family connections and other caring adults. Existing extended services typically do not continue to address the needs of young people age 18 and older for permanent families nor do they focus on supporting young people in building strong social networks. States must develop policies and practices to ensure permanent families are secured for young people 18 and older.”

Excerpt from “Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood” <http://jimcaseeyouth.org/success-beyond-18-white-paper-1>

“Given the increasing urgency in connecting young people in extended foster care with permanent families and committed caring adults, child welfare must give priority to permanency planning. Foster care to 21 that does not respond to this urgency will merely postpone young people’s exit from foster care to a disconnected young adulthood.”

Excerpt from: “Foster Care to 21: Doing it Right” <http://jimcaseeyouth.org/foster-care-21-doing-it-right>

“Because of these young people’s experiences with loss, separation, and disruption of relationships, it is critical that they develop and sustain diverse social networks comprised of quality relationships with their families, schools, neighborhoods and communities, and peers. However, far too often, young people’s ability to create and maintain social capital is hindered by their past experiences and trauma, and by child welfare policies and practices that do not promote healing and building of relationships.”

Excerpt from: “Social Capital: Building Quality Networks for Young People in Foster Care” <http://jimcaseeyouth.org/social-capital-building-quality-networks-young-people-foster-care>

B. Encouraging Young Adults to Participate and Remain in Extended Care

Q. How can young adults be encouraged to participate and remain in Title IV-E extended care?

A. Federal Guidance: Not provided at this time.

State Examples: Examples of information provided to young adults about extended care are:

- » In *Pennsylvania*, the Juvenile Law Center has developed a series of resources: *Staying in Care Past Age 18* and *Re-Entering Care After Age 18* available at <http://www.jlc.org/current-initiatives/improving-outcomes-court-involved-youth/permanency-and-transition-adulthood/penn>
- » The *Texas* Department of Family and Protective Services has published resources specifically for youth, including the *Texas Youth Handbook* (extended care information begins on page 18): http://www.dfps.state.tx.us/Documents/Child_Protection/pdf/foster-care-handbook.pdf
- » The *New Jersey* Division of Youth and Family Services created a video featuring young adults talking about the benefits of keeping their cases open past age 18. The youth discuss receiving voluntary services, including housing, financial, transportation, life skills, employment, education, Medicaid, and other services. The video also provides information to youth about how to re-open their case if it is closed. To see the video, visit: <http://www.youtube.com/watch?v=bnX6olTnPk>
- » The *California* Department of Social Services hosts a website tailored specifically for young adults, which features videos, fact sheets, and other information. For more information, visit www.after18ca.org. Additional information is available at: <http://www.cafosteringconnections.org/resources.html>
- » *Indiana* developed the following resources to inform young people about the Collaborative Care program, informing them that they will have more freedom in decision making and planning in their lives: <http://jimcaseyyouth.org/indiana-collaborative-care-program-outreach-materials-young-people> and <http://jimcaseyyouth.org/indiana-collaborative-care-program-outreach-materials-facts-adults>

Field Perspective: In the assessment of California's implementation of extended care, Courtney and colleagues at **Chapin Hall** made two observations:

1. "Our informants from all of the stakeholder groups commented on how the involvement of young people in the planning process improved the products of that process. Being conscious of organizing the planning process to be inclusive of youth, rather than simply accommodating the needs of professionals, can go a long way towards improving youth involvement."
2. "Other states that extend care beyond age 18 may also find that this is an exciting but potentially confusing prospect for young people, particularly during the early stages of implementation. Advocates for youth in extended foster care and professionals working with these young people would do well to communicate clearly the intricacies of the law in their state so that young people may make decisions about their futures based on up-to-date and accurate information."

<http://www.chapinhall.org/research/report/providing-foster-care-young-adults-early-implementation-california%E2%80%99s-fostering>

Jim Casey Initiative Perspective

“It is not surprising that young people in foster care who have not been reunited with their families of origin, adopted, or placed with permanent family through legal guardianship have mixed feelings as they approach age 18. They are often eager to leave a foster care system that has not met their needs, yet they also may have considerable anxiety about the dramatic changes that can occur when they reach 18. They typically are expected to shift from, on the one hand, having little say in their lives and being given few opportunities to practice making decisions to, on the other hand, being largely on their own. Unlike their peers in healthy intact families, they face sudden changes upon turning age 18 in where they live, what their opportunities are, and the adults who are there to support them. Young people in foster care are not given the opportunity to grow up gradually; they suddenly age out of a system.”

Excerpt from: “Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood”
<http://jimcaseyyouth.org/success-beyond-18-white-paper-1>

“Authentic youth engagement requires more than inviting input. As young people approach adulthood, authentic engagement means that increasing levels of respect are accorded their choices and preferences, even in challenging situations that involve some degree of risk... A case planning and case review process that embraces the engagement of young people ensures that they have the benefit of adult counsel and guidance appropriate to their specific circumstances while allowing them to take increased ownership of and responsibility for themselves.

Many respected practitioners and policy analysts argue persuasively that this type of engagement both improves the experience of the young person and enhances the quality of the reviews. When young people provide input and hear the rationale behind judges’ decisions, they are better positioned to develop advocacy skills, understand the process and accept the results. They are more likely to have trust in a system that they otherwise may view as untrustworthy and arbitrary.”

Excerpt from: “Success Beyond 18: Re-Examining the Foster Care Review Process: Extended Foster Care as a Catalyst for Improved Practices and Better Outcomes.” <http://jimcaseyyouth.org/success-beyond-18-white-paper-1>

Q. *How can we ensure that the Title IV-E extended care program is developmentally appropriate for young adults and meets the safety, permanency and well-being needs of youth transitioning to adulthood?*

A. Federal Guidance: Not provided at this time.

State Example:

» *Indiana’s* Collaborative Care is designed to allow older youth to have more freedom in decision making and planning in their lives. Older youth in foster care often miss out on natural opportunities to practice decision making, community engagement and leadership. These missed opportunities stunt youth development and place foster youth at a distinct disadvantage from youth who are able to practice such skills. Additionally, fos-



ter youth are often limited in how they are able to build and maintain their social capital. Youth who choose to participate in Collaborative Care will move beyond being participants in their DCS case by becoming a partner in their DCS case. The youth's [Collaborative Care Case Manager] will have a focus on the youth and the youth's transition from foster care with an emphasis and understanding of youth-adult partnerships." *Revised Collaborative Care RFP*. <http://www.in.gov/dcs/3337.htm>

Field Perspective: A **Chapin Hall** report on early implementation in California observed the following:

"States should pay careful attention to the ways that serving young adults instead of minors calls not only for changes in policies, but also for changes in the cultures of the institutions involved in providing services, and ultimately in the hearts and minds of the individuals working in those institutions. Policies that in principle do justice to the needs of young adults will in practice do little without the active commitment of those charged with implementing them." *Providing Foster Care for Young Adults: Early implementation of California's Fostering Connections Act*. <http://www.chapinhall.org/research/report/providing-foster-care-young-adults-early-implementation-california%E2%80%99s-fostering>

Jim Casey Initiative Perspective

"Brain development during adolescence creates immense developmental potential and parallels that of early childhood. Because older youth and young adults in foster care are primed to develop strengths that will benefit them throughout their lives, foster care to age 21 must take a positive youth development approach in all service delivery: young people must be connected with caring relationships, adults must set high expectations and communicate them clearly to youth, young people must be allowed to make their own decisions and learn from their mistakes, and young people must have meaningful opportunities to lead and contribute to others and to their communities."

Excerpt from "Foster Care to 21: Doing It Right" <http://jimcaseyyouth.org/foster-care-21-doing-it-right>

For more see:

"The Adolescent Brain: New Research and Its Implications for Young People Transitioning From Foster Care" <http://jimcaseyyouth.org/adolescent-brain—new-research-and-its-implications-young-people-transitioning-foster-care>

"Authentic Youth Engagement: Youth-Adult Partnerships" <http://jimcaseyyouth.org/authentic-youth-engagement-youth-adult-partnerships>

Additional Resources:

What Works for Older Youth during the Transition to Adulthood: Lessons from Experimental Evaluations of Programs and Interventions <https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=118&articleid=2931>

Promising Strategies from the California Connected by 25 Initiatives
<http://wsjf.org/our-funding-priorities/our-initiatives/california-connected-by-25-initiative/>

C. Fiscal Considerations

Q. *What strategies are states using to determine the fiscal implications related to Title IV-E extended care, and/or to address potential fiscal challenges in implementing extended foster care?*

A. Federal Guidance: None

Field Perspective: During the planning process, states often start by completing an analysis of the fiscal impact of extended care. These analyses allow state leaders to understand the costs and benefits of different approaches to extended care. A number of states have utilized professionals with expertise in fiscal analysis and knowledge of child welfare specific to extended care. The **Jim Casey Youth Opportunities Initiative** has created a design and fiscal analysis process to aid states in projecting the net fiscal impact of extending care. States report that this process has assisted them in identifying funding sources and developing strategic plans that include several extended care options.

Jim Casey Initiative Perspective

“Fostering Connections provides significant opportunities for states to expand supports and services for young people in foster care beyond the age of 18 and to do so in new and innovative ways. Undertaking a planning process as outlined in this brief can help to ensure that state leaders are able to thoughtfully consider requirements and options under the new law, creatively design extended care programs for a new population of young adults, and accurately project associated costs and revenue. Such a planning process lays a critical foundation for moving forward with legislative strategies and implementation efforts for extended care programs that seek to improve outcomes for young people transitioning from foster care.”

Excerpt from “Extending Foster Care Beyond 18: Getting Started” <http://jimcaseyyouth.org/extending-foster-care-beyond-18-getting-started>

- » As *Chapin Hall* researchers noted in their study of California’s implementation of extended care: “The case of AB12 (California’s extension) shows that even in a time of fiscal cutbacks and reduced state capacity, when some might expect greater tension between governmental and nongovernmental parties, cooperation and collaboration between government and nonprofit stakeholders has the potential to lead to major policy change. We believe that our findings about the passage of and implementation planning around AB12 may be applicable in other situations where (1) the policy under consideration concerns a sympathetic population, or where there is wide support for the policy on its face; (2) state budget constraints dominate the discussion; and/or (3) government capacity for implementing complex policy is limited.” *Partnership and the Politics of Care: Advocates’ Role in Passing and Implementing California’s Law to Extend Foster Care.* <http://www.chapinhall.org/research/report/providing-foster-care-young-adults-early-implementation-california%E2%80%99s-fostering>



D. Examples of State Policy for Title IV-E Extension of Foster Care

Q. *Can you provide examples of policies that states have developed for the Title IV-E extension of foster care?*

A. Federal Guidance: Policies continue to be revised as states determine what works. Below are some examples of state policies that are currently in place.

- » **Minnesota:** <http://mls.dhs.state.mn.us/scripts/wa.exe?A2=ind1301&L=MN-DHS-BULLETINS&T=0&F=&S=&P=177> AND http://www.dhs.mn.gov/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_168015
- » **California:** <http://www.cafosteringconnections.org/acls.html>
Chapin Hall has also published a report on the implementation efforts in California that can provide insight into the process and lessons learned. "Providing foster care for young adults: Early implementation of California's Fostering Connections Act." <http://www.chapinhall.org/research/report/providing-foster-care-young-adults-early-implementation-california%E2%80%99s-fostering>
- » **Tennessee:** <http://www.tn.gov/youth/dcsguide/policies/chap16/16.52.pdf>
- » **Texas:** http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10400.asp
In Texas, state agencies may contract with private agencies to serve young adults in extended care.
- » **Indiana:** Indiana developed a Request for Proposals, seeking private agencies to provide services consistent with defined goals, measures and outcomes for the extended care program. The Collaborative Care Request For Proposal can be found here: <http://www.in.gov/dcs/3337.htm>

E. Lessons Learned

Q. *What are some key insights based on the experiences of states that have implemented the Title IV-E extended care programs?*

A. Federal Guidance: States are still very early in implementation. A report by **Chapin Hall** highlights some early lessons from California's implementation:

1. Planning is essential to prepare for the implementation of the extended care program. States that did not put resources into planning and preparation faced unexpected challenges that required changes and revision shortly after the program started. As noted by Courtney and colleagues at Chapin Hall: "States would do well to be very inclusive in terms of who they invite to the table during planning for extended foster care. While this can be time consuming and may require public agency policy and planning staff to have more people at the table than they are used to, California's experience suggests that it will ultimately lead to policies that do justice to the needs of youth and those charged with supporting them."

"Time for planning is crucial. Even with a full year between the passage of AB12 (California's legislation for the extension) and its official start date, there were still important policy and practice issues yet to be resolved. While the desire to extend foster care to vulnerable youth in extended foster care can be a compelling reason to speed up implementation planning, spending more time up front on planning can help avoid unintended consequences down the road. Time also provides an opportunity to get new, developmentally appropriate services in place for youth who choose extended foster care." <http://www.chapinhall.org/research/report/providing-foster-care-young-adults-early-implementation-california%E2%80%99s-fostering>

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"An effective planning process helps to ensure that decisions made are informed by the requirements and options of the federal law as well as local experience and capacity and are broadly shared by participants. A comprehensive planning process includes the following key steps:

1. *Convene a planning group of critical stakeholders*
2. *Review federal requirements and options*
3. *Consider existing supports and services and seek input from young people*
4. *Reach agreement on key design issues*
5. *Project costs and revenue*
6. *Consider next steps"*

Excerpt from "Extending Foster Care Beyond 18: Getting Started" <http://jimcaseyyouth.org/extending-foster-care-beyond-18-getting-started>

2. Training prior to implementation and ongoing training are the cornerstones of successful extended care programs.

In the publication "Partnership and the Politics of Care: Advocates' Role in Passing and Implementing California's Law to Extend Foster Care," the authors note: "Of course, as the policy rolls out in 2012, many of those involved have concerns and will be watching a few issues carefully. One is the issue of training. Because the ACLs (All County Letters) came out so late, training was delayed—after all, you can't train on a policy until it is in place. This has led to concerns about how comprehensive training and education will be, and if youth are reliably getting the right information. Two, many people will be watching to see how many youth decide to stay in care, and monitoring numbers closely to see if it is clear that this is an opt out policy, not an opt in. Whether or not re-entry will go smoothly for young adults who choose to leave and then re-enter the system is also a concern. A further question is whether the highest-functioning youth will be able to more easily access desirable placements with more support, like THP-Plus-FC. There is concern that many youth with the greatest challenges will be left with little support, especially since group homes were largely excluded as possible placements. Similarly, because the policy is particularly complicated when it comes to former probation youth, many people will be watching to see how they are included." <http://www.chapinhall.org/research/report/partnership-and-politics-care-advocates%E2%80%99-role-passing-and-implementing-california%E2%80%99s>



Jim Casey Initiative Perspective

As any parent can attest, parenting a young person transitioning to adulthood can be challenging. In order to prepare foster parents for this work, many states offer advanced training focused on how to prepare young people for adulthood. Caseworkers also need to understand the developmental needs of teenagers and young adults.

See examples of training in: “*Extending Foster Care Beyond 18: Housing Options for Young Adults*” <http://jimcaseyyouth.org/success-beyond-18-housing-options-young-adults>

For more see, “*The Adolescent Brain: New Research and Its Implications for Young People Transitioning From Foster Care*” <http://jimcaseyyouth.org/adolescent-brain—new-research-and-its-implications-young-people-transitioning-foster-care>

Examples of information sharing for all stakeholders include the following state Q & A sites:

- » **California:** <http://ab12questionoftheweek.wordpress.com/>
- » **Minnesota:** http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&dID=139394
- » **Pennsylvania:** <http://www.jlc.org/fosteringconnections>
- » **Michigan:** <http://www.michigan.gov/dhs/0,4562,7-124--270841--,00.html>

Examples of information sharing for all stakeholders include the following general Q & A sites:

- » Youth at the Crossroads Conference 2012 <http://www.wiblacity.org/about-the-wib/90-crossroads-conference-2012.html>
- » Reaching Out Publication Fall 2012 http://humanservices.ucdavis.edu/Academy/InThisSection/Reaching_Out.aspx?unit=ACADEMY

Websites that provide information on the Fostering Connections extension:

http://www.nrcpfc.org/fostering_connections/emancipating_older_youth.html

**SECTION IV. STATES EXTENDING FOSTER CARE with TITLE IV-E
FUNDING ELIGIBILITY CONDITIONS ALLOWED (As of 6/2013)**

| STATE | PLAN APPROVED | MAX AGE | HIGH SCHOOL OR GED | POST SECONDARY & VOC ED | PROGRAM TO ADDRESS BARRIERS TO EMPLOYMENT | EMPLOYED 80 HRS/MONTH | NOT ABLE TO PERFORM ACTIVITIES |
|----------------------|---------------|---------|--------------------|-------------------------|---|-----------------------|--------------------------------|
| Alabama | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Arkansas | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| California | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| District of Columbia | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Illinois | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Indiana | Yes | 20 | Yes | Yes | Yes | Yes | Yes |
| Maine | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Maryland | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Massachusetts | No | 21 | Yes | Yes | Yes | Yes | Yes |
| Michigan | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Minnesota | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Nebraska* | Yes | 19 | Yes | Yes | Yes | Yes | Yes |
| New York | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| N. Dakota | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Oregon | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Pennsylvania** | No | 21 | Yes | Yes | Yes | Yes | Yes |
| Tennessee | Yes | 21 | Yes | Yes | Yes | No | No |
| Texas | Yes | 21 | Yes | Yes | Yes | Yes | Yes |
| Washington | Yes | 21 | Yes | Yes | Yes | No | No |
| W. Virginia | Yes | 21 | Yes | Yes | Yes | No | No |

*Nebraska's revised state plan was submitted in 2010 and approved to include all eligible young adults for Title IV-E funds until the age of 19. Subsequently, the Young Adult Services and Support Bill was passed with the extension of foster care to age 21. It was signed by the Governor on June 4, 2013.

**State plan revisions have not been approved and maximum age or eligibility conditions could change prior to approval.

About the Jim Casey Youth Opportunities Initiative

The mission of the Jim Casey Youth Opportunities Initiative is to ensure that young people—primarily those between the ages of 14 and 25—make successful transitions from foster care to adulthood. We do this by working nationally, in states, and locally to improve policies and practices, promote youth engagement, apply evaluation and research, and create community partnerships. Our work creates opportunities for young people to achieve positive outcomes in permanence, education, employment, housing, health, financial capability, and social capital.



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