



## Frequently Asked Questions on the Provisions Designed to Impact Youth and Young Adults



**national foster care coalition**

<b>ABOUT THE NATIONAL FOSTER CARE COALITION</b>	<b>Page 7</b>
<b>1. INTRODUCTION</b>	<b>Page 9</b>
<b>2. GENERAL QUESTIONS ABOUT FOSTERING CONNECTIONS</b>	<b>Page 12</b>
a. What is the Fostering Connections to Success and Increasing Adoptions Act?	
b. What does the Fostering Connections to Success and Increasing Adoptions Act do for youth who have been in foster care?	
c. When do the provisions of Fostering Connections take effect?	
d. Does my state need to make changes to its state law to implement Fostering Connections?	
e. Will children and youth in all states and territories benefit from Fostering Connections?	
<b>3. PERMANENCY</b>	<b>Page 16</b>
a. How does Fostering Connections promote the achievement of permanency for youth?	
b. What strategies have been helpful in finding youth permanent homes?	
c. Can the strategies listed in the question above also be used for achieving permanency for young adults beyond age 18?	
d. What new assistance is available to youth living with their relatives in foster care?	
e. What new assistance is available to promote the adoption of children and youth ages nine and older and those with other special needs from foster care?	
f. How can states use Family Connection Grants to benefit youth in foster care?	
g. How much will each state receive in adoption incentive money for the adoption of youth?	
<b>4. GENERAL QUESTIONS ABOUT EXTENSION TO 21</b>	<b>Page 21</b>
a. What does Fostering Connections say about extending federal assistance for foster care beyond age 18?	
b. What about for youth who have exited care to guardianship?	
c. What about for youth who have exited care to adoption?	
d. What about continuing eligibility for those youth who reside in a state other than the one where they were first placed in foster care or with a relative guardian or adopted?	

- e. Are all young adults in foster care or who are receiving kinship guardianship assistance or adoption assistance eligible to receive federal support for care beyond age 18.
- f. Why should states extend Title IV-E foster care, guardianship and adoption assistance?
- g. Will American Indian children and youth benefit from this provision?
- h. How will states verify that young adults are participating in one of the required activities, such as employment or post-secondary or vocational education?
- i. What is meant by a “program or activity designed to promote, or remove barriers to, employment”?
- j. If a young adult is incapable of participating in certain activities, what can states do for them?
- k. What is the definition of “medical conditions” in Fostering Connections?
- l. How does the new option differ from existing state practice?
- m. What are some of the strategies that have been utilized in states that have extended foster care, and what are the outcomes that they have seen?
- n. If states want to receive Title IV-E reimbursement for young adults over age 18, what changes might they need to make in their laws?
- o. If Title IV-E eligible youth opt to leave care or have run away from care but want to come back into care prior to their states’ upper age limit (19, 20 or 21), can states use Title IV-E payments to provide services and supports to these young adults?
- p. Does the court retain jurisdiction for young adults beyond age 18?
- q. Do states have the flexibility to decide which youth, among those eligible for foster care, kinship guardianship or adoption assistance, they will provide extended assistance to beyond age 18?
- r. Can states limit the population of Title IV-E eligible young adults who will receive assistance past age 18 by further restricting eligibility to only those in school or those who are working, for example, without allowing participation in other sorts of activities?
- s. What advantages are there for youth who remain in care?
- t. What other assistance is available through the child welfare system to youth who do not remain in care beyond their 18<sup>th</sup> birthday?
- u. Will young adults remaining in care be eligible for Medicaid?
- v. What are the fiscal advantages for states extending assistance to young adults past age 18?
- w. When will the option to continue youth and young adults in foster care, adoption or guardianship provisions be available to states?
- x. What must a state do to receive federal funding for extending care for youth and young adults?
- y. When can a state file a plan amendment to take advantage of the option to extend support to young adults beyond age 18? Is this option time limited?
- z. What can the new funds to continue assistance for youth be used for?

**5. EXTENSION TO 21 – HOUSING****Page 33**

- a. What housing options are available to youth if they remain in care past age 18?
- b. Who will decide which “supervised settings in which the individual is living independently” are Title IV-E reimbursable for youth?
- c. Will states need to revise their state laws to recognize new independent living arrangements?
- d. Will states be able to receive Title IV-E reimbursement for less supervised living arrangements such as scattered-site apartments, shared and host homes? If yes, will this be at the same rate/percentage for foster and group homes?
- e. Who will set minimum standards for supervision requirements in less supervised living arrangements? Who will assume liability for youth living alone in scattered-sites?

**6. INDEPENDENT LIVING SERVICES****Page 36**

- a. Under Fostering Connections, what independent living services will now be available to youth who leave care for legal guardianship with relatives after turning 16?
- b. Under Fostering Connections, states have the option to extend foster care services and supports for Title IV-E eligible youth up to age 21. Should states target the use of Chafee funds dedicated to room and board to provide services and supports to youth who are not Title IV-E eligible?
- c. Fostering Connections limits the extension of foster care maintenance payments and accompanying services like case management to youth who are Title IV-E eligible. How can states maximize the new resources available under Fostering Connections and the existing Chafee supports?

**7. TRANSITION PLAN FOR YOUNG ADULTS AGING OUT****Page 38**

- a. What transition planning does Fostering Connections require?
- b. How should states engage youth in the development of the personalized transition plan?
- c. What is the “case review system” ?
- d. What role does the court have in regards to the new transition plans for youth?
- e. Are there other transition planning requirements that were previously in place for youth in foster care?
- f. When must the new transition plan be developed?
- g. What does the phrase “personalized at the direction of the child” mean?
- h. How detailed must the transition plan be and what must it include?
- i. Are there resources available for states in crafting youth transition plans?
- j. What accommodations should be made for youth with disabilities or who do not speak English?

- k. How should transition plans be used to help address a youth's physical and behavioral health needs?

## **8. YOUTH ENGAGEMENT**

**Page 42**

- a. How should youth be engaged in efforts to implement Fostering Connections at the national, state and local levels?
- b. How can states engage youth in opting to extend care?
- c. How do youth find out how to get involved in the implementation process and other foster care issues?
- d. How should information on the new opportunities in Fostering Connections be communicated to youth in care?
- e. If youth have questions or concerns about the implementation of Fostering Connections, where can they go for assistance and information?
- f. How can youth develop self-advocacy skills?

## **9. EDUCATION**

**Page 44**

### **EDUCATIONAL STABILITY & ATTENDANCE**

- a. How does this law affect educational stability for children and youth in out-of-home care?
- b. Does this law provide additional federal funding to support educational stability for children in out-of-home care?
- c. Does this law include any requirements related to a child's school enrollment and attendance?

### **EDUCATION AND TRAINING VOUCHERS**

- d. Who is now eligible to receive Education and Training Vouchers (ETVs)?
- e. What programs exist to support the educational needs of older foster youth?
- f. How should youth, their foster and adoptive parents and relative caregivers and others be informed about the availability of ETV funds?

## **10. HEALTH**

**Page 47**

- a. What does Fostering Connections require with regard to planning for the health of children and youth in foster care?
- b. How will young people be engaged in the development of a plan for ongoing oversight and coordination of health care services?

- c. What types of health insurance might youth be eligible for as they leave foster care?

## 11. COURT

**Page 49**

- a. What level of court oversight and engagement is required by federal law if the state opts to extend foster care to young adults past age 18?
- b. What role can the courts play in improving outcomes for youth?
- c. What role can the courts play in ensuring the interagency collaboration that is required for providing comprehensive services for youth and meeting the implementation demands of Fostering Connections?
- d. How can attorneys, guardians ad litem (GALs), and Court Appointed Special Advocate (CASA) volunteers best promote advocacy on behalf of youth?
- e. What is the role of an attorney appointed to represent the youth's wishes, as distinct from the attorney GAL?
- f. What additional role can a Court Appointed Special Advocate (CASA) volunteer play in advocating for youth?
- g. How can courts more effectively ensure meaningful youth engagement?
- h. Can youth and young adults who have exited the system re-enter and what models exist that allow for them to return to care through a trial discharge period or some other mechanism?
- i. What are effective ways for the court to implement the transition planning requirements of Fostering Connections?
- j. How can the court best assist with enforcing the responsibilities of the child welfare agency included in Fostering Connections?

## 12. DATA

**Page 55**

Are there additional data collection requirements imposed by Fostering Connections?

## APPENDIX I: Glossary

**Page 58**

## APPENDIX II: Selected Resources

**Page 65**

## ENDNOTES

**Page 69**

## **THE NATIONAL FOSTER CARE COALITION: THE POWER OF A DIVERSE, ENGAGED CONSTITUENCY**

### **About the National Foster Care Coalition**

The National Foster Care Coalition (NFCC) is a broadly based national, nonpartisan partnership of individuals, organizations, foundations, and associations dedicated to improving the lives of the nation's most vulnerable children, youth and families – including the more than half a million children currently in foster care and the millions more who have been, or will be, involved in the foster care system. The power of NFCC's constituency is unmatched. Its member organizations represent current and former foster youth, birth, foster and adoptive parents, and child welfare professionals at the local, state and federal levels. As a result, NFCC's ability to engage, represent and empower the individuals touched by foster care, working within the foster care system, and who care about children in foster care is unparalleled.

Established in 1998, NFCC's mission is to build and sustain political and public will to improve the foster care system and the lives of the children and youth in its care. Unlike other child welfare organizations, NFCC focuses exclusively on foster care, and its engagement on other issues impacting children, youth and families is through the lens of this issue.

NFCC believes that youth involvement is an integral component of all child welfare efforts. The Coalition and its members champion the involvement of youth at all levels of the foster care system, from supporting their participation in their own case planning to incorporating their voices and experiences in larger system reform initiatives.

Under the Coalition's umbrella, NFCC members engage in a diverse array of activities, including advocating on behalf of children, youth, and families involved with the foster care system; supporting local, regional and national foster care initiatives; offering training and technical assistance to parents and professionals; and providing education and information about the foster care system to decision-makers at the local, state and federal levels.

### **NFCC Signature Initiatives**

Current NFCC programs and activities include:

- **National Foster Care Month:** NFCC is a founding partner and has a lead role in this annual public awareness effort to increase knowledge and understanding of the foster care system and the children and youth in its care among the general public and target audiences.
- **Emerging Youth Leaders:** This project focuses on working extensively with young people who are currently, or who have been, in foster care to strengthen their voices in, and ensure their place at the table regarding, decisions about the policies and practices that affect them.
- **Voices for Reform:** A campaign to engage key stakeholders in educating federal policymakers about the urgent need for child welfare financing reform as part of The Pew Charitable Trusts' Kids Are Waiting Campaign.
- **Training and Technical Assistance:** Drawing on the expertise and extensive reach of both its membership organizations and its leadership, NFCC is a vital resource for local, state and federal policymakers and practitioners working to identify and promote best practices and policies that impact the child welfare field. NFCC has the capacity to assist states and localities in implementing the Fostering Connections to Success and Increasing Adoptions Act of 2008. By engaging the voices of its diverse membership, including youth organizations, foster parents, and others, in the

implementation process, NFCC can help ensure that this critically important new legislation will have the greatest positive impact on the children and youth it is intended to benefit.

- **Publications:** Building on the success of our Frequently Asked Questions series, NFCC recently published "The Chafee Education and Training Voucher Program: Six States' Experiences" and is working on a follow-up publication to support practitioners and policymakers in their efforts to help youth successfully transition from foster care to adulthood.
- **Information Clearinghouse:** NFCC acts as a critical source of information on child welfare policy and programs to practitioners, policymakers and the media.

Special thanks to the following organizations for their assistance in developing this document.

The American Bar Association Center on Children and the Law and the Commission on Youth at Risk<sup>1</sup>

Casey Family Programs

Center for Law and Social Policy

Children's Defense Fund

Juvenile Law Center

The National CASA Association

Voices for America's Children

---

<sup>1</sup> The views expressed herein have not been approved by the ABA House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.  
National Foster Care Coalition June 2009 Page 8



## **1. INTRODUCTION**

In 2006, over 26,000 young adults exited the nation's foster care system without the stability and safety of a permanent family<sup>i</sup>. After spending an average of more than five years in foster care, many of these young people "aged out" of the system. A wealth of research demonstrates that youth who age out of foster care without a family to rely on or return to are more likely to experience negative outcomes including poverty, homelessness, incarceration, and mental or physical illness; and to lack the life and educational skills necessary to live successful, independent lives<sup>ii</sup>.

On October 7, 2008 President George W. Bush signed the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections, Public Law 110-351) into law. Unanimously passed by both houses of Congress, Fostering Connections represents the most significant child welfare reform legislation in more than a decade. The act's numerous improvements are all intended to achieve better outcomes for children and youth who are at risk of entering or have spent time in foster care, and a number will help to reduce the racial disparities in the treatment of children that plague child welfare systems. Fostering Connections promotes:

- Extended support for youth in foster care;
- Permanent families for children and youth with grandparents and other relatives, when return home and adoption are not appropriate;
- Adoption for children and youth with special needs in foster care for whom adoption is the best permanent plan;
- Important linkages to family through the new Family Connection Grants;
- Reasonable efforts to place children and youth with siblings or at least connect them to siblings when this can be achieved safely and in a manner that is consistent with the child's well-being;
- Educational stability for children and youth in foster, kinship guardianship, or adoptive families;
- Coordinated health planning for children and youth in foster care;
- Expanded federal protections and supports for American Indian children and youth;
- Improved training opportunities for relative guardians, private agency staff, judges, other court staff, attorneys for parents and children, guardians ad litem, and other court-appointed special advocates.

Among these provisions are a number designed to positively impact the lives of, and outcomes for, youth in foster care. Primary among these is the option for states to use federal funds to extend supports and services to youth and young adults in foster care, in adoptive homes, or who are living with permanent legal guardians up to age 21. For youth in foster care, this extension should be used by states as additional time to identify a permanent family, and to provide them with the services, supports, and skills needed to transition successfully to independent adulthood.

This document is intended to provide information about, and assist in the implementation of, Fostering Connections in states across the nation. Specifically, the document focuses on answering questions about Fostering Connections' improvements that will impact youth and young adults in foster care and assist in the implementation process. The questions are designed to be used by different audiences – from those charged with implementing Fostering Connections' improvements, to those advocating for implementation, to the youth, young adults, parents, relative caregivers, and others who will be most affected by implementation of this new law. There are also a number of questions that explore Fostering Connections' interplay with pre-existing law, and examine issues including youth engagement and the role of the court. In addition, there are questions that deal specifically with funding issues and the implementation of Fostering Connections. Funding questions can be found at the end of the following sections: Section 3 - Permanency (question 3.g); Section 4 - General Questions About Extension to 21 (questions 4.x, 4.y and 4.z) and Section 6 – Independent Living (questions 6.c and 6.d).

This document is not just designed to answer the questions of youth, young adults, judges, court and child welfare agency administrators and personnel, legislators and their staff, parents, relative caregivers and others with respect to Fostering Connections' provisions that most impact youth. It can also be used by these audiences in their work to advocate for and assist in Fostering Connections' implementation. Additionally, throughout the document, successful examples and promising practices from across the nation will be cited.

This FAQ was prepared by the following organizations then reviewed and revised in consultation with, and feedback from, a broad array of stakeholders. It is important to note that the answers given in this document represent only the consensus of the supporting organizations based on our interpretation of the act and consultation with others.

- American Bar Association, Center on Children and the Law and Commission on Youth at Risk<sup>2</sup>
- Casey Family Programs
- Center for Law and Social Policy
- Children's Defense Fund
- Juvenile Law Center
- National CASA Association
- National Foster Care Coalition
- Voices for America's Children

We encourage you to use this Frequently Asked Questions document and to circulate it to others engaged in implementation. This FAQ focuses specifically on the provisions that directly affect youth in foster care; for resources that address additional provisions, please see the Appendix. The

---

<sup>2</sup>The views expressed herein have not been approved by the ABA House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.  
National Foster Care Coalition June 2009 Page 10

Appendices to this FAQ include a Glossary of Key Terms (Appendix 1) and a list of Selected Resources (Appendix 2).

A Program Instruction on the Guardianship Assistance Program was issued from the Administration on Children, Youth and Families (ACYF) in the U.S Department of Health and Human Services on December 24, 2008 (ACYF-CB-PI-08-007)<sup>iii</sup>. On March 24, 2009, ACYF issued another Program Instruction, focused on providing interim financial reporting instructions for states on Guardianship Assistance Programs and short-term training for child welfare and court personnel and relative guardians (ACYF-CB-PI-09-04)<sup>iv</sup>. Where relevant, the answers in this FAQ track this guidance. As of the release of this FAQ, additional specific guidance had not yet been issued. States should view this document as a guide and advocacy tool to complement any guidance or regulations that are released over time.

Wherever possible, the language in this FAQ mirrors that found in another, earlier Frequently Asked Questions document that addresses key issues and questions with respect to Fostering Connections. Titled *New Help for Children Raised by Grandparents and Other Relatives: Questions and Answers About the Fostering Connections to Success and Increasing Adoptions Act of 2008*, this document was issued in January 2009 and authored collaboratively by leading child welfare, legal and other organizations. The use of the same language in both documents – and the use of the same, or similar, answers to questions – is intended to promote consistency.

Throughout this document, certain terms will be used consistently to make reference to specific populations of youth. For young people between the ages of 14 and 18, the term “youth” is used. And for youth aged 18 and older, the term “young adults” is used.

## **2. GENERAL QUESTIONS ABOUT FOSTERING CONNECTIONS**

### **2.a What is the Fostering Connections to Success and Increasing Adoptions Act?**

The Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections) is a new federal law that includes important improvements for children and youth who are in foster care or are at risk of entering foster care. The act offers vulnerable children and youth meaningful family connections and important protections and support. Considered by many to be the most significant and far-reaching child welfare legislation in more than a decade, the act became law on October 7, 2008, when it was signed by President Bush after unanimously passing both the House and Senate.

### **2.b What does the Fostering Connections to Success and Increasing Adoptions Act do for youth who have been in foster care?**

Fostering Connections helps to improve outcomes for youth in foster care or at risk of entering care by:

- Allowing states to extend federally funded foster care, adoption and guardianship assistance to age 21 for Title IV-E eligible young adults enrolled in school, employed, engaged in an activity promoting or removing barriers to employment, or who are unable to participate in employment or education due to a documented medical condition.
- Mandating the development of a transition plan for youth aging out of foster care to begin no later than 90 days prior to their 18<sup>th</sup> birthday, or older if the state chooses to extend care beyond age 18.
- Extending resources through the states for Education and Training Vouchers (ETV) for post-secondary training and education to assist youth otherwise eligible for services under the state's John H. Chafee Foster Care Independence Program (Chafee Program) to youth and young adults who entered kinship guardianship or were adopted from foster care after age 16. The vouchers make up to \$5,000 per year per youth available for secondary education and training to eligible youth.
- Extending Independent Living Services/Programs (ILP) through the Chafee program to youth and young adults who leave foster care for kinship guardianship or adoption after age 16. Administered by state child welfare agencies, independent living program services vary by state, but often include life skills preparation classes, youth conferences, and services designed to prepare youth for a successful transition to independent adulthood.

In addition to these youth-specific provisions, many other provisions of Fostering Connections are designed to improve outcomes for all children and youth in foster care, by:

- Allowing states to claim federal funds to provide assistance to enable more children and youth to exit foster care to live permanently with relatives who become their legal guardians.
- Expanding federal assistance to enable more children and youth ages nine and older and those with other special needs to be adopted.
- Providing federal grants for programs to help children and youth maintain connections with their families.
- Requiring states to make reasonable efforts to place siblings together, and help children and youth in foster care or permanent placements remain connected to their siblings.
- Requiring states to notify relatives when children and youth are removed from their parents' custody.
- Offering new supports and protections for American Indian children. For the first time, tribes are allowed to directly claim Title IV-E funds for eligible children and youth in federal foster care and adoption assistance programs without state-tribal agreements.
- Requiring states to ensure that children and youth in foster care or in guardianship or adoptive families are attending school and help youth in foster care remain in their original school or get help to make a prompt transfer to a new school that is more appropriate for them.
- Requiring state child welfare agencies to work with state Medicaid agencies and others to develop a plan to improve the coordination of health care for children and youth in foster care.
- Expanding the use of federal Title IV-E training funds to include training of current or prospective relative guardians, private child welfare agency staff, and court personnel including judges, attorneys for parents and children, court appointed special advocates, and guardians ad litem.

## **2.c When do the provisions of Fostering Connections take effect?**

Many of the provisions of Fostering Connections took effect with the law's enactment on October 7, 2008, and must be implemented right away. These include the relative notice requirements, keeping siblings together, educational stability, transition plans, creation of health oversight and coordination plans, and notification to adoptive parents or prospective adoptive parents about the adoption tax credit.

States may have additional time to comply with these requirements if the Secretary of Health and Human Services determines that they must enact legislation in order to meet these requirements. In these cases, states must comply in the quarter beginning after the close of the state's first legislative session or, in the case of a two-year legislative session, the quarter that begins after the end of the legislative session's first year.

Under Fostering Connections, states also have the option to claim federal funds for assistance for two new groups of children. Effective October 7, 2008, states became eligible to opt to provide kinship guardianship assistance payments for eligible children in foster care with relatives who wish to care for them permanently outside of foster care. Effective October 1, 2010, they also may opt to

claim federal funds to extend supports to young adults in foster care, adoptive and kinship guardianship families beyond their 18<sup>th</sup> birthday to the age of 19, 20, or 21 in order to increase their chances for successful independent adulthood.

As of October 1, 2009, states with federal adoption assistance programs can claim federal funds for more older youth and children with special needs. In the first year, states must begin phasing in a program expansion designed to reach more eligible children and youth with other special needs. This will begin with youth age 16 and older and children who have been in foster care for five years or longer and their siblings, who often are the most difficult to find adoptive homes for. Over the next nine years, other children will be phased in by age, so that all eligible children and youth with special needs will be covered as of Fiscal Year 2018 (October 1, 2017).

Also effective October 1, 2009, Indian tribes and Tribal Consortia may opt to directly access IV-E Foster Care and Adoption Assistance funds and Kinship Guardianship Assistance funds where applicable. Or, they may choose instead to participate in the Title IV-E programs through a state-tribal agreement.

There are also several other provisions in Fostering Connections that states may choose to use to help them connect children to families and improve their quality of care. They are listed below in order of effective date:

- **Effective October 7, 2008:** Use the Federal Parent Locator Service to help identify relatives who should be notified when children enter foster care.
- **Effective October 7, 2008:** Provide Independent Living Services and Education and Training Vouchers to youth who exit foster care after their 16<sup>th</sup> birthday to live with relative guardians or adoptive families.
- **Effective October 7, 2008:** Claim federal funding under Title IV-E, for short-term training of new groups including relative guardians, private agency and court staff, attorneys for parents and children, and guardians ad litem and court appointed special advocates working with children and youth in the child welfare system. Training for these groups will be reimbursed in FY 2009 at a 55% match rate and increase annually, reaching 75% in 2013.
- **July 6, 2009:** Deadline to apply, perhaps with a private non-profit agency or other organization, for a competitive Family Connection Grant.

## **2.d Does my state need to make changes to its state law to implement Fostering Connections?**

Fostering Connections does not require that states pass legislation to implement the new law, but some states may need to enact new legislation or amend existing laws. For example, states with legislation that provides for the extension of foster care beyond age 18 must review this legislation and amend it accordingly if it prohibits assistance to children eligible under federal law, or if it does not offer the same protections and support required for younger children. However, states will not

have to amend their laws if they currently provide assistance to a broader group of young adults. They will just have to limit their Title IV-E claims to those children and youth eligible under federal requirements, and continue to use state funds for the others.

In response to the changes in federal law made by Fostering Connections, Pennsylvania issued a special transmittal on February 24, 2009 to all child welfare agencies in the state detailing instructions on implementing provisions of new law that did not require legislative changes. Pennsylvania has begun implementing the following Fostering Connections' provisions:

- o
- r
  - Notification of Adult Relatives
  - Waivers for Licensing Relative Caregivers
- d
  - Sibling Placements
- i
  - Educational Stability
- n
  - Transition Plan for Youth in Care
- g
  - Extension of Chafee Foster Care Independence Program and Education Training Vouchers to youth who exit foster care to live with permanent relatives or through adoption.
  - Health Coordination Plans
- t
  - Notification of Adoption Tax Credit
- o
  - Promoting Special Needs Adoptions

Source: Pennsylvania Department of Public Welfare, "Fostering Connections to Success and Increasing Adoptions Act of 2008 Special Transmittal," February 24, 2009.

[http://www.pccyfs.org/dpw\\_ocyfs/FosteringConnectionsSuccess%27n%27IncreasingAdoptionsActof2008.pdf](http://www.pccyfs.org/dpw_ocyfs/FosteringConnectionsSuccess%27n%27IncreasingAdoptionsActof2008.pdf)

October 23, 2008 Program Instruction from the Administration for Children, Youth and Families, (ACYF-CB-PI-08-05), states that require legislation to comply with the new Title IV-E or Title IV-B plan requirements must have submitted certification to the applicable Children's Bureau regional program manager detailing the plan requirements necessitating state legislation. The certification must also provide the state's delayed effective date (the first day of the first calendar quarter after completion of the state legislature's first regular session after October 7, 2009). States that believe that they do not require new legislation before they can implement the new act must also submit a certification to their Children's Bureau regional program manager indicating that state legislation is not necessary and that a delayed effective date is not applicable. All certifications were to be signed by the designated state agency official and submitted no later than November 24, 2008. The Children's Bureau will notify individual states whether or not the Secretary has determined that state legislation is necessary.

## **2.e Will children and youth in all states and territories benefit from Fostering Connections?**

Yes, children and youth between the ages of 16 and 18 in all states will benefit from at least some of the provisions of Fostering Connections. For example, all states are required to:

- Provide transition plans for youth 90 days before they leave foster care and involve youth in this planning process.

- Make reasonable efforts to place siblings together in foster care or other permanent placements and help children and youth maintain sibling connections when placements together are not safe or consistent with the child or youth's well-being.
- Ensure that children and youth regularly attend school and have the opportunity to remain in the school they were enrolled in when originally removed from their homes.
- Expand adoption assistance to all children and youth with special needs.

For others, the answer will depend on individual states and the choices they make. For example, all states will have the option to extend foster care, kinship guardianship, and/or adoption assistance to young adults beyond the age of 18 to the ages of 19, 20, or 21; however, this is not required. Similarly, all states have the option to operate a Kinship Guardianship Assistance Program which would provide an additional, federally-supported permanency option for children and youth for whom reunification and adoption are not appropriate; however, this is not required. Likewise, all states (as well as local child welfare agencies, tribal child welfare agencies, and non-profit agencies) will have the opportunity to apply for Family Connection Grants, but a limited number of grants are available. Because local and tribal child welfare agencies and nonprofit organizations can apply, it is possible that a locality could operate a Family Connection Grant-funded program that is not available state-wide.

In making decisions about implementing optional provisions, it is important for state officials to consider key questions including: How many children in my state will it benefit and how? Is my state already doing this, at least in part? What are the likely costs? What short and long-term savings can we expect? How will my state child welfare agency reinvest the savings realized? How does the option under consideration complement the required provisions as well as any other options the state has taken? And what is the cost of not enacting this provision?

### **3. PERMANENCY**

#### **3.a. How does Fostering Connections promote the achievement of permanency for youth?**

By providing states with increased financial and programmatic tools to achieve permanency and support for children, youth and their caregivers, Fostering Connections has the potential to increase the number of youth who leave foster care for permanency. In addition, by providing states the option to extend care for young adults after age 18, Fostering Connections provides states with enhanced opportunities to ensure that young adults do not exit foster care without having established connections to caring adults as well as the skills necessary to successfully transition to independent adulthood.

#### **3.b What strategies have been helpful in finding youth permanent homes?**



Some of the strategies that have prove successful in finding and sustaining permanent homes for youth include:

- Using public awareness campaigns to dispel the myth that children and youth ages nine and older and those with special medical or behavioral health needs cannot be adopted or do not wish to achieve permanency.
- Using strategies that focus not just on raising general public awareness about the need to provide permanent homes and families for youth, but that focus on identifying supportive adults and relatives in the lives of individual youth, and recruiting and training these individuals as foster or adoptive parents, relative caregivers or resource families.
- Once youth have permanent families, either through reunification with their birth parents, through guardianship with extended family or by joining new families through adoption, ensuring that these families remain strong and supported through the creation and expansion of “post-permanency” services including family-to-family and youth-to-youth peer support and other concrete support services.
- Use of intensive family finding activities designed to reconnect children and youth with safe, permanent families by using techniques including internet search technology, genome analysis and file mining to locate biological family members for youth in the foster care system. Once identified, efforts can and should be made to establish or re-establish relationships between these family members and children and youth in foster care, with the goal finding a permanent home and family for the youth.
- Use of “non-legal” tools designed for, and with the input of, youth to formalize life long connections. An example of this is FosterClub’s Permanency Pact, which helps establish a formal, kin-like and lifelong relationship between a young person in foster care and a supportive adult<sup>vi</sup>.

*You Gotta Believe! The Older Child Adoption & Permanency Movement, Inc* is one of the few placement agencies in the country that focuses exclusively on finding permanent parents for youth and young adults in foster care. Founded in 1995 by executive director Pat O’Brien, *You Gotta Believe* seeks to prevent homelessness by finding permanent adoptive homes for teens and preteens in foster care, as many youth who age out of the foster care system without finding permanent families become homeless.

Among its current work, *You Gotta Believe (YGB)* has contracts to find and recruit permanent families for teens and young adults in New York City that enable youth to remain in contact, and have relationships, with their birth families. YGB staff are stationed at a variety of residential treatment centers and group homes around the New York City area. YGB offers workshops and programs focused on preparing parents to adopt youth titled Adopting Older Kids And Youth, or A-OKAY) in 10 locations around NYC every week. You Gotta Believe produces award winning, weekly cable television and radio programs. Both are titled “The Adopting Teens and Tweens Show”, and both offer information about bringing youth into your home permanently. For more information, visit: <http://www.yougottabelieve.org/index.htm>

### **3.c Can the strategies listed in the question above also be used for achieving permanency for young adults beyond age 18?**

The strategies listed in the answer to the previous question can and should be used to enable young adults beyond age 18 to achieve permanency. While youth participation in permanency planning should begin well before age 18, it is clear that a young adult over the age of 18 should take a leadership role in defining and identifying the resources to fulfill the plan. If the state opts to expand its definition of a child to age 21, the child welfare agency will continue to have an obligation to make reasonable efforts to finalize permanency for young adults up until age 21. The agency must continue to provide permanency services to these youth along with providing independent living and other services designed to meet their needs. The court must ensure delivery of these services.

States that do not elect to expand their definition of a child past age 18 still have a general obligation under the John H. Chafee Foster Care Independence Program (Chafee Program) to help prepare youth for independent adulthood up until age 21. This includes ensuring that youth have stability in their lives in terms of living arrangements, the ability to meet their basic needs, and assistance in the development and maintenance of a support system. Services such as mentoring, for example, can both help the youth develop self-sufficiency skills and may constitute the development of an important, sustained relationship.

The Emancipated Youth Connections Project (EYCP) of the California Permanency for Youth Project (CPYP) is an example of a program designed to provide permanent, lifelong connections and support to youth who have emancipated from foster care. Started in January 2003, CPYP's goal is to ensure that no youth leaves California's child welfare system without a permanent connection to a caring adult. In 2005, CPYP launched the Emancipated Youth Connections Project to develop a model program to seek and sustain permanent lifelong connections for youth who have emancipated from foster care without a permanent connection to a supportive adult. The project used best practices and lessons learned from programs across the nation that achieved success in establishing permanency connections for youth before aging out. The Emancipated Youth Connections Project adapted these practices to address the specific needs of emancipated youth, and created a new model to be made available to After Care programs and others interested in providing services and supports to young adults who have aged out of foster care. For more information, visit the CPYP website at: <http://www.cpy.org/>

Source: Emancipated Youth Connections Project Final Report/Toolkit, California Permanency for Youth Project, 2008. url: <http://www.cpy.org/Files/EYCP-ReportToolkit.pdf>

### **3.d What new assistance is available to youth living with their relatives in foster care?**

In addition to the provisions applicable to all children and youth in foster care, including those living with relatives, Fostering Connections offers new support for relatives already caring for children and youth both in and out of foster care, and also helps connect children with relatives in the following new ways:

- Requiring states to give relatives notice within 30 days of a youth's removal from the custody of his or her parents, which may allow relatives to care for the youth and prevent the youth from entering foster care, to become the youth's foster parent, and/or to serve as a supportive adult for the youth while they are in foster care.
- New Family Connection Grants will connect children and youth in, or at risk of entering, foster care to family members, including by expanding Kinship Navigator programs that help link relative caregivers caring for children and youth in and out of foster care to a broad range of services and supports for their children and themselves.
- Allowing states to make case-by-case adjustments to non-safety licensing standards to enable more children and youth to be cared for by relatives in Title IV-E reimbursable foster care.
- Allowing states to use Title IV-E funds for kinship guardianship assistance to help eligible children and youth leave foster care to live permanently with relatives.
- Giving states the option to extend care and Medicaid eligibility up to age 21 to eligible youth who leave foster care for guardianship with a relative after age 16.
- Clarifying that youth ages 16 or older who leave foster care for kinship guardianship or adoption are eligible for the same independent living services provided by their state to youth in foster care.
- Making youth ages 16 or older who leave foster care for kinship guardianship eligible for Education and Training Vouchers (ETVs) – under pre-existing law, youth adopted from foster care after age 16 are already eligible for ETVs.

For more detail on supports for kinship caregivers see *New Help for Children Raised by Grandparents and other Relatives: Questions and Answers about the Fostering Connections to Success and Increasing Adoptions Act of 2008*.

### **3.e What new assistance is available to promote the adoption of children and youth ages nine and older and those with other special needs from foster care?**

Fostering Connections provides assistance that will promote the adoption of children and youth ages nine and older and those with other special needs from foster care by:

- Reauthorizing the Adoption Incentive Program until 2013.
- Increasing the financial incentive for adoption of children and youth ages nine and older to \$8000.
- Increasing the financial incentive for adoption of children and youth with special needs to \$4000.
- Making 2007 the base year from which the incentives for the adoption of children and youth ages nine and older and those with special needs are determined.
- Delinking adoption assistance from AFDC eligibility incrementally, beginning with the oldest youth and youth who have been in care the longest and their siblings. All children and youth with special needs, regardless of income or age, will be eligible for an adoption subsidy by 2018.

- Allowing states that expand the definition of a child to young adults over the age of 18 to also continue the adoption subsidy and Medicaid eligibility if the youth was adopted at age 16 or older.
- Explicitly authorizing the provision of independent living services and education and training vouchers for youth adopted at age 16 or older.

### **3.f How can states use Family Connection Grants to benefit youth in foster care?**

Family Connection Grants can provide child welfare agencies with invaluable tools to help all youth achieve permanency. These grants can facilitate the creation or expansion of effective and model programs. Importantly, these grants allow for the provision of services that will help *achieve* permanency and help *maintain* permanency arrangements. Services that help maintain permanency have been identified as particularly important for adolescents and young adults.

Public and private child welfare agencies as well as nonprofit organizations experienced in working with children and youth in foster care or kinship care can apply for Family Connection Grants in the following areas:

- **Kinship Navigator** programs will assist grandparents and other relative caregivers in learning about, finding, and using programs and services to meet the needs of the youth they are raising and their own needs, and promote effective partnerships among public and private agencies to ensure kinship caregiver families are served. Kinship Navigators can help ensure that youth being raised by relatives obtain the supports and services they are eligible for by providing information to grandparents and other relative caregivers who may otherwise not know where to turn for information.
- **Family Group Decision-Making** meetings will enable families to make decisions and develop plans that nurture children and protect them from abuse and neglect and, when appropriate, address domestic violence issues in a safe manner and facilitate connecting children exposed to domestic violence to appropriate services, including reconnection with the abused parent when appropriate. Children and youth, in particular and when appropriate, should play a role in these meetings.
- **Intensive Family Finding** efforts use search technology to find biological family members for children in the child welfare system. When family members are identified, these efforts work to establish or build upon relationships and explore ways to find a permanent family placement for the children. Even if an identified relative does not become a placement resource for the youth, that relative may be able to be part of the youth's support system and play an important part of the achievement of permanency. Involving the youth in the family finding process can help the youth address issues of loss that may help him or her more successfully transition to adulthood.
- **Residential Family-Based Substance Abuse Treatment** programs enable parents and their children to live in a safe environment for a period of no fewer than six months and

provide, on-site or by referral, substance abuse treatment services; children's early intervention services; family counseling, medical, and mental health services; nursery and pre-school; and other services designed to provide comprehensive treatment that supports the family.

Family Connection Grants are competitive and offered at \$15 million per year with \$5 million set aside for Kinship Navigator Programs. The Request for Proposals (RFPs) for these new grants was issued on May 4, 2009 and applications are due by July 6, 2009. The RFP can be accessed at: <http://www.acf.hhs.gov/grants/open/HHS-2009-ACF-ACYF-CF-0078.html>.

### **3.g How much will each state receive in adoption incentive money for the adoption of youth?**

The adoption incentive program has been reauthorized at \$43 million per year through September 30, 2013. In order to receive adoption incentive funds, states must finalize more adoptions for children and youth than they did in 2007 (the new baseline year). States finalizing adoptions of children and youth ages nine and older from foster care will receive \$8,000 per youth adoption above the baseline. The federal incentive payments provided to states through the Adoption Incentives Program must be reinvested in child welfare services, including post-adoption services, to ensure better outcomes for children and youth in foster care.

## **4. GENERAL QUESTIONS ABOUT EXTENSION TO 21**

### **4.a What does Fostering Connections say about extending federal assistance for foster care beyond age 18?**

States have the option to amend their Title IV-E state plans and, if the state plan amendments are approved, states may claim federal funds for young adults in foster care beyond their 18<sup>th</sup> birthday to the age of 19, 20, or 21 beginning on October 1, 2010. With limited exceptions, states can currently only claim federal assistance for children and youth up to their 18<sup>th</sup> birthday. States will only be federally reimbursed for those young adults in foster care eligible for IV-E maintenance payments (meaning that the child must meet all eligibility requirements for Title IV-E foster care, including removal from an income-eligible home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child) and who are:

- Completing secondary education or in a program leading to an equivalent credential
- Enrolled in an institution that provides post-secondary or vocational education
- Participating in a program or activity designed to promote, or remove barriers to, employment

- Employed for at least 80 hours per month, or
- If a child's medical condition makes him or her incapable of engaging in these activities, updated information on their condition must be maintained in the child's case plan.

#### **4.b What about for youth who have exited care to guardianship?**

Once a state opts to provide federally supported kinship guardianship assistance payments under Title IV-E, there are two circumstances in which youth may be eligible for federally supported kinship guardianship beyond age 18.

1) If the state determines that the child has a mental or physical disability (Fostering Connections refers to this as a "handicap"), which warrants the continuation of assistance, the child may receive kinship guardianship assistance to age 21. (This is the same language that allows children with disabilities to receive adoption assistance payments to 21.)

2) If the state opts to provide kinship guardianship assistance payments it may, for those youth who have reached age 16 before a kinship guardianship assistance agreement became effective, continue to provide kinship guardianship assistance payments to young adults to ages 19, 20, or 21. To be eligible for this extended assistance, the young adult must be:

- Completing secondary education or in a program leading to an equivalent credential
- Enrolled in an institution that provides post-secondary or vocational education
- Participating in a program or activity designed to promote, or remove barriers to, employment
- Employed for at least 80 hours per month, or
- If a child's medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child's case plan.

The way Fostering Connections reads and has been interpreted by the Children's Bureau, neither of these opportunities will take effect until October 1, 2010.

It was clear during discussions of the bill that the opportunity for a state to opt to extend care to ages 19, 20, 21 for eligible children exiting foster care to kinship guardianship would be delayed until October 1, 2010. However, it was not clear that implementation of the extension of guardianship assistance for children with disabilities would be delayed, especially since similar provisions already apply to children and youth who receive adoption assistance payments.

#### **4.c What about for youth who have exited care to adoption?**

Similar to the extension of guardianship assistance, effective October 1, 2010, states may opt to extend federal funding for adoption assistance to young adults to ages 19, 20, or 21 if they attained

the age of 16 before a Title IV-E adoption assistance agreement became effective and the young adult is:

- Completing secondary education or in a program leading to an equivalent credential
- Enrolled in an institution that provides post-secondary or vocational education
- Participating in a program or activity designed to promote, or remove barriers to, employment
- Employed for at least 80 hours per month, or
- If a child's medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child's case plan.

Under previous law, states were permitted to continue adoption assistance to age 21 for young adults determined to have a mental or physical disability which warrants the continuation of assistance. This remains unchanged.

#### **4.d What about continuing eligibility for those youth who reside in a state other than the one where they were first placed in foster care or with a relative guardian or adopted?**

Youth who move to another state while in foster care or after being placed with their relative guardians or adoptive parents remain eligible to receive assistance beyond age 18 assuming the state where the child had been in foster care or with a relative guardian or adoptive family took the option to extend assistance to young adults.

#### **4.e Are all youth in foster care or who are receiving kinship guardianship assistance or adoption assistance eligible to receive federal support for care beyond age 18?**

States will only be federally reimbursed for those young adults eligible for Title IV-E maintenance payments, kinship guardianship assistance or adoption assistance (as defined in the Appendix), and who are:

- Completing secondary education or in a program leading to an equivalent credential
- Enrolled in an institution that provides post-secondary or vocational education
- Participating in a program or activity designed to promote, or remove barriers to, employment
- Employed for at least 80 hours per month, or
- If a child's medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child's case plan.

age 18 without restriction. Any youth in care may voluntarily remain in care until at least age 19, and some remain in care until their 21<sup>st</sup> birthday. In 2006, there were 2,793 youth in care beyond their 18<sup>th</sup> birthday. Youth remaining in care are placed in foster homes, group homes, or in institutional settings. For six months after they exit foster care, regardless of age, the court retains jurisdiction and the youth is provided with transitional living and housing services.

Sources: Adrienne L. Fernandes. "Youth Transitioning from Foster Care: Issues for Congress. Congressional Research Service, R40218 & Federal AFCARS Data, 2006.

Once the state takes the option to extend assistance to young adults beyond age 18, the state is obligated to serve all who are eligible. Just as some states have already used state and local funds to extend care for all young adults in foster care or all who are eligible for adoption assistance or subsidized guardianship assistance payments, there is nothing in Fostering Connections that prohibits states from using their own funds to extend assistance for

those youth who are not Title IV-E eligible or not participating in any of the above activities and cannot qualify for continued federal assistance. However states define eligible youth, it will be important that states provide notice of the opportunity for continued assistance to all youth who are in foster care, receiving kinship guardianship assistance, or receiving adoption assistance before age 18.

#### **4.f Why should states extend Title IV-E foster care, guardianship and adoption assistance?**

In deciding whether to take the option to extend care for youth in foster care, guardianship and/or adoptive homes, it is important to be mindful of the potential consequences associated with choosing to extend care for just one or two of these groups rather than all three. Moving children and youth quickly and safely to permanency, whether through reunification, adoption or guardianship with relatives is critically important – both for the youth and the state. The extension of federal support beyond age 18 for only youth in foster care may, unintentionally, serve as a disincentive to permanence for those youth age 16 and older who might otherwise leave foster care for guardianship or adoption. Though the instability associated with foster care is something that many youth are eager to leave behind, the opportunity to continue to receive assistance and to retain Medicaid eligibility and the protections and supports afforded to all children and youth in foster care may lead some youth to opt to remain in foster care rather than exit to permanency, if it means losing these vital supports. By extending Title IV-E foster care, guardianship, and adoption assistance, states remove this potential disincentive and allow youth to pursue the most appropriate permanency option without having to make the difficult choice between permanency and needed supports.

#### **4.g Will American Indian children and youth benefit from this provision?**

Tribes or tribal consortia who make the decision to directly operate their foster care, adoption assistance, and kinship guardianship assistance programs and receive federal Title IV-E funds will have the option to extend these different types of assistance to young adults up to age 19, 20, or 21 as states will. Starting October 1, 2009, tribes can apply to operate their own programs. Tribes that



already have state-tribal agreements in place permitting the administration or co-administration of Title IV-E programs will also have this ability, assuming that the state with which they have an agreement opts to extend federal assistance for foster care, kinship guardianship, or adoption assistance to young adults beyond age 18.

#### **4.h How will states verify that young adults are participating in one of the required activities, such as employment or post-secondary or vocational education?**

Fostering Connections does not specify how states must verify participation, but it would be beneficial to both the young adult and the child welfare system to have a record of participation and to track progress. This should be done in the most efficient and least burdensome way, and account for the special needs of individual youth.

#### **4.i What is meant by a “program or activity designed to promote, or remove barriers to, employment”?**

Fostering Connections does not further clarify a “program or activity designed to promote, or remove barriers to, employment.” In the absence of guidance, states might want to consider including at least mental health and substance abuse treatment programs, job training activities, English as a Second Language (ESL) instructional programs, and activities designed to eliminate legal barriers to work, keeping in mind that barriers will vary based on the individual needs and circumstances of the young adult.

#### **4.j If a young adult is incapable of participating in certain activities what can states do for them?**

States that opt to extend foster care, kinship guardianship, or adoption assistance will need to extend care for young adults who have medical conditions documented in their case plans which make them unable to participate in the variety of work, school, vocational or other programs that are otherwise conditions of such assistance. Along with extending care to these young adults with documented medical conditions, states must also work with youth to create and help implement personalized transition plans, which may include assisting youth in applying for Supplemental Security Income and engaging them in other activities that will promote the best possible outcomes for them. States must also regularly update the status of their condition in their case plan.

#### **4.k What is the definition of “medical conditions” in Fostering Connections?**

Fostering Connections does not define the term “medical conditions” beyond referencing the fact that a “medical condition documented in the child’s case plan” may impede their ability to participate in schooling, employment, or a program or activity designed to remove barriers to employment. It is required that youth with documented medical conditions receive the same support and protections that all other children and youth are entitled to. In many instances, this means

providing specialized supports and services to address the medical condition. It is recommended that, where possible and unless contrary to federal guidance that may be issued, states define “medical condition” broadly, to ensure maximum coverage of children and youth with a variety of physical, emotional or other conditions which may hamper their ability to participate in the activities included in Fostering Connections.

#### **4.1 How does the new option differ from existing state practice?**

Fostering Connections allows states to extend federal payments for foster care, kinship guardianship, and/or adoption assistance to Title IV-E eligible young adults ages 19, 20 or 21, at state option, provided they are engaged in one of the following activities:

- Completing secondary education or in a program leading to an equivalent credential
- Enrolled in an institution that provides post-secondary or vocational education
- Participating in a program or activity designed to promote, or remove barriers to, employment
- Employed for at least 80 hours per month, or
- If a child’s medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child’s case plan.

Generally, states that offer foster care, subsidized guardianship payments, or adoption assistance to young adults beyond 18 do so in a more limited way, and may or may not continue to involve the courts. For example, they may only extend assistance for young adults who have disabilities or for young adults who are attending school. Forty-four states and the District of Columbia currently use state funds to extend foster care assistance to young adults beyond their 18<sup>th</sup> birthday. However, only five of these states (Arkansas, Illinois, Kansas, Kentucky, and Nevada) and D.C. extend foster care for young adults to age 21 without requiring them to engage in specific activities, and the court continues to oversee these cases<sup>vii</sup>.

An estimated 38 states extend adoption assistance beyond the age of 18. How many young adults past age 18 continue to receive adoption assistance in these states is unknown, as states do not collect data on the ages of youth who receive adoption assistance. Several states operating kinship guardianship programs also extend assistance beyond age 18 in certain situations (i.e. for youth who are completing high school or attending college).

#### **4.m What are some of the strategies that have been utilized in states that have extended foster care, and what are the outcomes that they have seen?**

Forty-four states and the District of Columbia have policies or practices in place allowing the extension of foster care beyond age 18. However, a limited number of these states continue to

provide the full range of supports and protections to youth beyond age 18 required under Title IV-E. According to federal AFCARS data, 21,987 young adults between the ages of 18 to 21 were in foster care in 2006. More than half of these young adults (13,131) were between the ages 19 and 21, and just 3,313 were between the ages of 20 and 21.<sup>viii</sup>

A number of research studies have examined the impact of extending foster care to young adults older than 18, and compared the benefits derived from remaining in care to the outcomes realized by youth who “age out” of foster care at age 18. These findings include:

- Chapin Hall’s *Midwest Evaluation of the Adult Functioning of Former Foster Youth and Employment Outcomes for Youth Aging Out of Foster Care* finds that young adults who remain in care past age 18 are more likely to enroll in, and graduate from, high school and college and are more likely to be employed, and less likely to experience an array of negative outcomes including homelessness, incarceration or unemployment<sup>ix</sup>.
- Young adults who remain in foster care beyond age 18 experience a 38 percent reduction in the risk of teenage pregnancy between the ages of 17 and 19.
- Data from the Midwest Study indicate that college attendance among former foster youth is higher in Illinois, where young adults can remain in care until age 21, than in Iowa and Wisconsin, where young people exit care on or near their 18th birthday. Specifically, at age 21, young adults who had aged out of foster care in Illinois were almost 2 times more likely to have ever attended college and 2.2 times more likely to have completed at least one year of college.
- The Partnership for Our Children and Chapin Hall’s *California’s Fostering Connections to Success Act and the Costs and Benefits of Extending Foster Care to 21* found that each year that a young adult remains in foster care past their 18<sup>th</sup> birthday is associated with increased earnings of about 17 percent. Those who remain in care until they turn 21 experience an increase in work-life earnings of \$92,000, due to the increased likelihood that they will attain a college degree or complete post-secondary training<sup>x</sup>.
- The Urban Institute’s *Coming of Age: Employment Outcomes for Youth Who Age out of Foster Care Through Their Middle Twenties* found that youth who aged out of foster care in California, Minnesota and North Carolina are more likely to experience unemployment immediately after aging out, and continue to experience poor employment outcomes into their mid-twenties<sup>xi</sup>.

#### **4.n If states want to receive Title IV-E reimbursement for young adults over age 18, what changes might they need to make in their laws?**

The answer to this question depends on what state laws and policies are already in place. The state policies or laws must make clear that the young adults who can receive federal assistance past 18 are only those who are eligible for Title IV-E assistance payments and are also:

- Completing secondary education or in a program leading to an equivalent credential

- Enrolled in an institution that provides post-secondary or vocational education
- Participating in a program or activity designed to promote, or remove barriers to, employment
- Employed for at least 80 hours per month, or
- If a child's medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child's case plan.

States may also use state funds to continue to offer assistance to young adults after age 18 who are not Title IV-E eligible and establish whatever conditions they want for receiving such assistance.

**4.o If Title IV-E eligible youth opt to leave care or have run away from care but want to come back into care prior to their states' upper age limit (19, 20, or 21), can states use Title IV-E payments to provide services and supports to these young adults?**

Arizona allows youth who leave care at 18 to voluntarily re-enter any time until their 21<sup>st</sup> birthday if they agree to work towards the goal of self-sufficiency. When a young adult desires re-entry, a case manager is assigned immediately to meet their housing, health, and educational needs. Youth who remain in care past, or re-enter after, 18 must be enrolled in school or vocational training, or be employed at least part-time, receive treatment for mental or physical health conditions, live in an acceptable living arrangement, participate in activities designed to help develop permanent connections with supportive adults, and have contact with a case manager.

Source: AZ Dept of Economic Security. Voluntary Continued Foster Care for Young Adults 18 Through 22  
[https://egov.azdes.gov/cmsinternet/main.aspx?menu=150&id=1932&ekmense=15074e5e\\_150\\_0\\_1932\\_6](https://egov.azdes.gov/cmsinternet/main.aspx?menu=150&id=1932&ekmense=15074e5e_150_0_1932_6).

Most youth try to assert their independence at or before age 18. Many youth who grow up with their families leave home at 18, but return for holidays or to stay for indefinite periods of time. Youth in foster care do not have that luxury. However, Fostering Connections provides states with the opportunity and resources to support young adults beyond age 18, and may offer states the ability to craft re-entry provisions that better reflect adolescent development.

From a best practice perspective, providing youth with the opportunity to resume services and supports would greatly benefit both the young adult and the state for all the reasons addressed in the research mentioned (see questions 4.m and 4.s) demonstrating that youth do better when allowed to remain in care. While Fostering Connections does not specifically speak to re-entry, it appears to provide no barriers to implementation of this practice. Several states already permit young adults to re-enter foster care between the ages of 18 and 21 by law or policy. Fostering Connections does not

interfere with these laws or policies. What is at issue is whether states may be able to collect Title IV-E reimbursement for the cost of placement and services for youth who re-enter care.

Because the new law permits states to continue young adults in care and court jurisdiction until age 21, there is nothing in the federal law that would prohibit states from enacting laws that allow re-entry. However, in order for youth to remain eligible for Title IV-E and, therefore, for federal reimbursement, they must meet all Title IV-E requirements including removal from an income-eligible home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child. Child welfare agencies that want to continue foster care or other assistance beyond age 18 and be sure to maintain IV-E eligibility for these young adults likely will need to do so by keeping open the cases of young adults ages 18 and older who exit care; vehicles for keeping the case open might include creating a vehicle for a trial discharge from care or crafting some other mechanism to maintain ongoing agency and court jurisdiction even after the youth opts to no longer receive child welfare supervision or services. Absent some mechanism for maintaining an open case, states seeking to support youth who exit care and then want to re-enter may end up unable to receive federal IV-E funding reimbursement. Ensuring young adults' IV-E eligibility is key to their continued care being federally reimbursable, provided that they are in IV-E eligible placements and are provided necessary protections.

#### **4.p Does the court retain jurisdiction for young adults beyond 18?**

Fostering Connections maintains the court obligations required for all Title IV-E eligible children and youth, including periodic reviews and permanency hearings. However, if state law currently does not allow for continuing court jurisdiction beyond a child's minority (their 18<sup>th</sup> birthday), a change in state law will be required to extend court jurisdiction for young adults who will remain in foster care, or continue to receive kinship guardianship or adoption assistance.

According to the American Bar Association in 2004, only 31 states identify a specific age at which court jurisdiction for dependency cases ends. Of these states, 23 and the District of Columbia extend court jurisdiction beyond age 18. Only eight states explicitly mention that court jurisdiction ends on the youth's 18<sup>th</sup> birthday. Of the 23 states that extend court jurisdiction beyond age 18, 17 retain jurisdiction until age 21, three until age 20, and three until age 19.

Source: Jane Kim and Kevin Sobczyk. "Continuing Court Jurisdiction in Support of 18 to 21 Year-Old Foster Youth." American Bar Association, Center on Children and the Law. Accessed on March 4, 2009 from <http://www.abanet.org/child/transitioning.pdf>

#### **4.q Do states have the flexibility to decide which youth, among those eligible for foster care, kinship guardianship or adoption assistance, they will provide extended assistance to beyond age 18?**

Yes. States have the option to extend Title IV-E foster care, guardianship, and/or adoption assistance to the age of 19, 20 *or* 21. They also have the opportunity to establish different ages for different groups of young adults (i.e. age 19 for adoption, age 20 for guardianship, and age 21 for foster care, or any combination the state chooses).

**4.r Can states limit the population of Title IV-E eligible young adults who will receive assistance past age 18 by further restricting eligibility to only those in school or those who are working, for example, without allowing participation in other sorts of activities?**

No. Once a state takes the option to extend foster care, kinship guardianship, and/or adoption assistance to young adults past age 18, it can choose the upper age or ages to which they will provide assistance to young adults (to age 19, 20, or 21). However, within that age range any IV-E eligible young adult is then eligible provided that he or she meets one of the conditions noted below:

- Completing secondary education or in a program leading to an equivalent credential
- Enrolled in an institution that provides post-secondary or vocational education
- Participating in a program or activity designed to promote, or remove barriers to, employment
- Employed for at least 80 hours per month, or
- If a child's medical condition makes him or her incapable of engaging in any of these activities, updated information on his or her condition must be maintained in the child's case plan.

**4.s What advantages are there for youth who stay in care?**

Fostering Connections makes it possible for some youth to remain in foster care past age 18. Research shows that young adults who opt to remain in care past age 18 realize significantly more positive outcomes than youth who "age out" or elect to leave care at 18. These include:

- Data from the Midwest Study indicate that college attendance among former foster youth is higher in Illinois, where young adults can remain in care until age 21, than in Iowa and Wisconsin, where young people exit care on or near their 18th birthday. Specifically, at age 21, young adults who had aged out of foster care in Illinois were almost 2 times more likely to have ever attended college and 2.2 times more likely to have completed at least one year of college.
- Each additional year that a young adult remains in foster care past their 18<sup>th</sup> birthday is associated with increased earnings of about 17 percent. Those who remain in care until they turn 21 experience an increase in work-life earnings of \$92,000, due to the increased likelihood that they will attain a college degree or complete post-secondary training.

- Young adults who remain in foster care beyond age 18 experience a 38 percent reduction in the risk of teenage pregnancy between the ages of 17 and 19.
- Young adults remaining in state foster care past age 18 are more likely to receive the independent living services that all youth in foster care are eligible to receive until age 21. Examples of independent living programs and services include: post-secondary education or vocational training; help completing college applications and applying for financial aid; and assistance in finding housing, applying for jobs, and living within a budget.
- Young adults who remain in foster care are also more likely develop and maintain critical connections to family and community, and to supports and services like healthcare<sup>xii</sup>.

#### **4.t What other assistance is available through the child welfare system to youth who do not remain in care beyond their 18<sup>th</sup> birthday?**

Youth who do not wish, or do not have the choice, to remain in care beyond their 18<sup>th</sup> birthday may be able to receive independent living services. Independent living services are administered by state child welfare agencies using federal funds available through the John H. Chafee Foster Care Independence Program (Chafee Program). Specific services available to youth vary by state but basic independent living services often include life skills preparation classes, youth conferences and similar services designed to prepare youth for a successful transition to adulthood. Fostering Connections clarifies that youth ages 16 or older who leave foster care for kinship guardianship or adoption are eligible for the same independent living services provided by their state to youth in foster care. Both groups of these youth also are eligible for Education and Training Vouchers (ETVs) to help them continue their education.

#### **4.u Will young adults remaining in care be eligible for Medicaid?**

All Title IV-E eligible young adults remaining in care will be categorically eligible for Medicaid.

#### **4.v What are the fiscal advantages for states extending assistance to young adults past age 18?**

Most of the research to date focuses on the positive fiscal impact of extending foster care on youth directly, but it is likely that there would be similar fiscal benefits realized by states in continuing support for young adults eligible for continued kinship guardianship and adoption assistance. The fiscal advantages to states to extending foster care past age 18 include:

- Freeing up state dollars. For states that already extend foster care beyond age 18, using solely state dollars, the new law provides first time federal support for foster care maintenance (between 50% and 83% depending on the state's FMAP) and administrative costs associated (50% ) with the extension, allowing some state dollars now used to extend foster care beyond age 18 to be used to offer other programs or services.

- Allowing reinvestment of state dollars. States that realize cost savings may have opportunities to reinvest or redirect those savings in the full range of services and supports that children involved with, or at risk of becoming involved with, the child welfare system need. These include prevention, specialized treatment and post-permanency services, all of which in turn are likely to reduce the number of children entering or re-entering foster care, which will reduce the state costs associated with foster care placement and maintenance.
- Results in overall cost savings over time. Research suggests that the benefits of extending foster care outweigh the costs. One recent examination of the costs and benefits of extending care to 21 in California estimates that the state will realize a return of \$2.40 for every dollar spent<sup>xiii</sup>. Another analysis of the fiscal impact of extending foster care to age 21 in Illinois found that the biggest cost savings emerged from reductions in criminal offending, suggesting that the societal benefits of reductions in serious crime more than offset the costs associated with extending care. The study suggested that ending foster care supports and services before youth reach age 21 may lead to avoidable social costs, especially in the form of higher criminal offense rates<sup>xiv</sup>.
- Encourages documentation of positive outcomes. States may be better situated to track and report positive outcomes for youth through the National Youth in Transition Database (NYTD). The NYTD is a federal database in which states are required to collect and report activities that relate to: (1) youth who receive Independent Living (IL) services; and (2) outcomes of youth who are aging out or have aged out of foster care. The federal Administration for Children and Families (ACF) will assess whether a state's data comply with required standards; if a state does not meet the standards, the law requires ACF to impose a penalty of between 1 and 5 percent of the state's annual allotment under the Chafee Program.
- Promotes better results in qualitative reviews. States may have stronger results on the Child and Family Services (CFSR) review when they are providing increased services and supports to youth and young adults.

#### **4.w When will the option to continue youth and young adults in foster care, adoption or guardianship provisions be available to states?**

The option to extend Title IV-E reimbursement for young adults in foster care, adoption or guardianship until age 21 is available starting October 1, 2010.

#### **4.x What must a state do to receive federal dollars for extending care for youth and young adults?**

A state must first submit a state plan amendment to the Department of Health and Human Services indicating that it plans to extend federally-supported assistance to eligible youth and young adults and when it plans to begin, and describing which youth will be eligible. See section 4 for more information on the eligibility requirements for extending assistance for young adults.



Once the state plan amendment is approved, a state child welfare agency will be able to draw down federal support on a quarterly basis for youth and young adults eligible for the new assistance. The federal match for this assistance will be the same as the Federal Medical Assistance Percentage (FMAP) that the state is eligible to receive for foster care maintenance payments, kinship guardianship assistance and adoption assistance. The same state match will be required.

#### **4.y When can a state file a plan amendment to take advantage of the option to extend support to young adults beyond age 18? Is this option time-limited?**

The option does not take effect until October 1, 2010, but a state may submit a plan amendment at any time before that so it would be ready to implement the new option on October 1, 2010. States can also submit an amendment any time after October 1, 2010. In that case, the plan amendments once approved would be effective on the first day of the calendar quarter in which it is filed, unless the State denotes a different, subsequent effective date in the filing.

#### **4.z What can the new funds to continue assistance for youth be used for?**

Federal funds provided for the extension of foster care, adoption, and guardianship to young adults beyond 18 must be used to provide maintenance payments and related child placement and other administrative activities for youth in those settings. In states that already use their own funds to extend foster care, adoption or guardianship to age 21, some of these state funds will now be able to be used for other services and support. It is important that these funds be reinvested in activities designed to promote permanency and post-permanency supports and services for children and youth in care.

## **5. EXTENSION TO 21 - HOUSING**

### **5.a What housing options are available to youth if they remain in care past age 18?**

States with youth in foster care will be permitted to house these youth in foster homes, child care institutions, or “supervised setting in which the individual is living independently” as defined by forthcoming regulations from the Department of Health and Human Services. States must continue to make all efforts to place young adults in the least restrictive and most family-like settings that help youth achieve permanency. For many individuals age 18 and older, an age-appropriate setting may be a “supervised setting in which the individual is living independently.” However, young adults who are placed in kinship care or foster homes in which they are thriving and in which the youth is supported in achieving his or her transition to adulthood can continue in those placements past age 18 as they continue to pursue permanency.

## **5.b Who will decide which “supervised settings in which the individual is living independently” are Title IV-E reimbursable for youth?**

Fostering Connections states that the “conditions” that must be met for these settings to be reimbursable “shall (be) establish(ed) in regulations.” It is not yet clear when these regulations will be issued. It is recommended that the federal regulations establish broad guidelines and parameters for programs that will allow states the flexibility to create or continue effective housing models for youth that help them work towards permanency and develop self-sufficiency skills.

The Social Security Act has required states to establish mechanisms for the licensing or approval of foster family homes and child care institutions based on what is “reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, sanitation, and protection of civil rights.” If the regulations on what is required for a reimbursable “supervised setting in which the individual is living independently” are to reflect this requirement, there are several sources to look to for guidance. The Child Welfare League of America (CWLA)’s *Standards of Excellence for Transition, Independent Living, and Self-Sufficiency Services* provides a place to start<sup>xv</sup>. CWLA emphasizes the need for a continuum of options that meet the needs of youth at different developmental phases. Specifically, CWLA recommends that federal or state regulations “be sufficiently flexible so that transitioning youth can live in a less restrictive setting that supports the transition process, such as an individual apartment or host home.”

A recent survey of states and the District of Columbia revealed that 80% of the respondents (45 states and the District of Columbia) provide some form of supervised independent living settings for youth in foster care<sup>xvi</sup>. It is recommended the federal regulations are informed by the effective programs that exist and the youth who have participated in these programs *and* provide encouragement to the states so that successful program models are created or expanded.

Ultimately, once the regulations are published, states and state child welfare administrators, social workers, and agencies, along with youth will be able to decide what array of living arrangements will best fit the needs of youth in care. Permissible housing options for these young adults still will also depend on state licensing codes and, in certain states, county regulations.

### **Definitions of Common Independent Living/Semi-Supervised Living Settings**

**Supervised Apartments:** A cluster or complex of apartments occupied by a group of youth preparing for Independent Living, usually with a staff person living in one of the units or using a unit as an office. 24-hour coverage is often provided.

**Host home:** A situation in which a youth rents a room in a family or single adult’s home, sharing basic facilities and agreeing to basic rules while being largely responsible for his/her own life.

**Shared house:** A minimally supervised house shared by several young adults who take full responsibility for the house and personal affairs.

**Semi-supervised apartments (also, scattered site apartments):** A privately owned apartment rented by an agency or youth in which a youth functions independently with financial support, training and some monitoring.

### **5.c Will states need to revise their state laws to recognize new independent living arrangements?**

For states who opt to extend federally funded foster care to young adults past age 18, Fostering Connections redefines a “child care institution” to include a “supervised setting in which the individual is living independently” for young adults remaining in care after age 18. If states do not currently allow youth to live independently or semi-independently, they will probably need to revise their laws or policies to allow this to happen, as young adults remaining in care until age 21 might need or want to move out of foster family or group homes. Similarly, if states wish to receive Title IV-E reimbursement for a supervised setting in which the individual resides independently, the state may need to create or amend existing regulations to ensure consistency with federal regulations.

### **5.d Will states be able to receive Title IV-E reimbursement for less supervised living arrangements such as scattered-site apartments, shared and host homes? If yes, will this be at the same rate/percentage for foster and group homes?**

If the living arrangement falls within the criteria established in forthcoming federal regulations for a “supervised setting in which the individual is residing independently”, federal reimbursement will be available. If the setting is Title IV-E eligible, the reimbursement received will be at the same FMAP rate as is provided for other Title IV-E eligible placements.

### **5.e Who will set minimum standards for supervision requirements in less-supervised living arrangements? Who will assume liability for youth living alone in scattered-sites?**

Specific standards may be spelled out in the forthcoming regulations from HHS regarding what constitutes a “supervised setting in which the individual is residing independently” or standards may be left to states to develop. As to liability, according to Fostering Connections, if a state takes the option to extend care beyond age 18, the state is responsible and held to the same standards and accountability for young adults as they are for children and youth under age 18.

For all placement types, the most crucial actions an agency can take to limit liability risks include: good program development, clear program admission and screening rules, clear program structure

and elements guided by best practices, and thorough staff training and supervision. As the CWLA *Independent Living Standards* states: “Although additional risk is involved with allowing youth more freedom and choices, it is a risk that many programs have learned to manage with detailed planning, a mix of supervisory and monitoring strategies, a continuum of living arrangement options and ongoing training of staff and youth.” It is also important to make sure that programs are aware of state laws governing liability and protections from liability for agencies and staff.

## **6. INDEPENDENT LIVING SERVICES**

### **6.a Under Fostering Connections, what independent living services will now be available to youth who leave care for legal guardianship with relatives after turning 16?**

Under Fostering Connections, youth ages 16 or older who leave foster care for kinship guardianship or adoption are eligible for the same independent living services provided by their state to youth in foster care. Independent living services are administered by state child welfare agencies using federal funds available through the John H. Chafee Foster Care Independence Program (Chafee Program). Specific services available to youth vary by state, but basic independent living services often include life skills preparation classes, youth conferences and similar services designed to prepare youth for the transition to adulthood. The ETV program generally provides vouchers of up to five thousand dollars per student annually for post-secondary education or training programs.

### **6.b Under Fostering Connections, states have the option to extend foster care services and supports for Title IV-E eligible youth up to age 21. Should states target the use of Chafee funds dedicated to room and board to provide services and supports to youth who are not IV-E eligible?**

It depends. Up to thirty percent of Chafee funds may be used to provide room and board to eligible young adults between 18 and 21 who left foster care because they reached age 18. All young adults who have aged out of foster care have always been eligible for these housing supports, without regard to Title IV-E eligibility. Although Fostering Connections allows states to extend supports to young adults to age 21, states are not obligated to do so. A state may choose not to extend care to anyone past age 18, or they may limit extension to age 19 or 20. In addition, the new provisions of Fostering Connections allow states to claim federal funds for extending foster care only for those who are Title IV-E eligible and meet other requirements as described in section 4 of this FAQ. Just as some states have already used state and local funds to extend care for all young adults in foster care or all who are eligible for adoption assistance or subsidized guardianship assistance payments, there is nothing in Fostering Connections that prohibits states from using their own funds to extend assistance for those youth who are not Title IV-E eligible or not participating in any of the above activities and cannot qualify for continued federal assistance. As a result, it is best for the state

Independent Living Coordinator to evaluate state policies to extend foster care and, in coordination with caseworkers, the court, education agencies, housing and homelessness experts, plan and implement a coordinated delivery of Chafee services. Some states already use state and local funds to extend foster care to young people past age 18 and do not limit eligibility based on income or employment. They may continue to do so under Fostering Connections

**6.c Fostering Connections limits the extension of foster care maintenance payments and accompanying services like case management to youth who are Title IV-E eligible. How can states use the new resources available under Fostering Connections to maximize existing Chafee programs and other housing supports?**

An effective strategy to maximize housing options for young people is to use both existing dollars and to leverage other sources of funding for housing, including state dollars.

- Youth with special educational needs should have a transition IEP developed through the school. Living independently, including the ability to locate, obtain and maintain appropriate housing, is one of the transition services listed in IDEA for inclusion in IEP planning and implementation. Education staff can work with youth to develop strategies to assist young people in exploring their housing options. In some communities, teachers have accompanied youth as they investigate these options. Independent living program providers can coordinate efforts with schools to assist youth in obtaining appropriate housing. For those youth who are not eligible for the extension of foster care services and supports under Fostering Connections, schools can provide many of the case management and support services.

There are a number of programs available through the U.S. Department of Housing and Urban Development (HUD) that can include youth leaving foster care. Again, the Chafee Independence Program dollars can be supplemented by funds and services from other programs to extend their reach. Three examples are:

- The Supportive Housing Program (SHP), one of the Stewart B. McKinney Act programs, is designed to move homeless persons from streets and shelters to permanent housing and maximum self-sufficiency. A person must be homeless in order to receive assistance under SHP. While youth in foster care are not typically eligible for SHP funds, they may receive needed supportive services which supplement, but do not substitute for, the state's assistance. Youth who have left foster care are more likely to be eligible for SHP funds.
- The Family Unification Program (FUP) is a collaborative program between local housing authorities and child welfare agencies that links vulnerable families with HUD-funded Section 8 housing subsidies and services so that they can remain together and become self-sufficient. Federal law enables youth aging out of foster care to receive time-limited Section 8 vouchers (up to 18 months) under FUP. In coordination with receipt of these FUP

vouchers, child welfare and housing agencies in local communities should collaborate to design programs and services for former foster youth.

- Special housing grants funded under Section 202 are targeted to provide housing for persons with disabilities – which include many youth leaving foster care, and special programs for supported housing for the elderly. In Los Angeles, an innovative program has used Section 202 dollars in combination with other funding to provide intergenerational housing for the elderly and youth together.

By including local, county and state housing and homeless experts in planning and implementation of Chafee, a state can identify other ways to combine these funds with other funds or programs to maximize housing options for youth.

## **7. TRANSITION PLAN FOR YOUNG ADULTS AGING OUT**

### **7.a What transition planning does Fostering Connections require?**

As part of the case review system, Fostering Connections requires that, in the 90-day period immediately prior to when a youth turns 18 (or 19, 20 or 21 as the state may elect), a caseworker and any other appropriate representatives work with the child to develop a personalized transition plan that is as detailed as the child chooses. The plan must include specifics on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services. This transition plan is required for *all* youth for whom foster care maintenance payments are being made. Youth who have returned home or for whom kinship guardianship assistance or adoption assistance payments are being made must also have a transition plan if they are also receiving Chafee Program benefits or services.

### **7.b How should states engage youth in the development of the personalized transition plan?**

States should engage youth in the development of these personalized transition plans by making certain that the child welfare and court personnel who work most closely with them, including caseworkers, independent living program staff, lawyers, foster parents, relative caregivers, CASA volunteers or others, have the necessary information about the need to develop personalized transition plans, the benefits that can result from this individualized planning, and the importance for the youth of participating in the development of their own plan.

Mental health professionals, teachers, vocational counselors, doctors, and others working with the youth can also be helpful in engaging them in this process.

### **7.c What is the “case review system” ?**

Fostering Connections adds the requirement that states, as part of the case review system, assure that a transition plan is developed for the youth in the 90-day period before he or she turns 18 (or 19, 20 or 21 as the state may elect). The case review system is a procedure whereby state child welfare agencies must assure the following:

- Each child has a case plan designed to achieve placement in a safe setting that is the most family-like;
- The status of each child is reviewed at least every six months by a court or by administrative review;
- A permanency hearing occurs no later than 12 months after the child enters foster care and at least every 12 months thereafter as long as the child remains in foster care;
- Procedural safeguards are applied with respect to parental rights;
- In any permanency hearing, the court or administrative body consults, in an age-appropriate way, with the child or young person;
- Each child's health and education records are reviewed, updated and provided to the caregivers at the time of each placement of the child in foster care;
- In the case of a child who has been in foster care for 15 of the most recent 22 months, or in the case of aggravated circumstances, the state shall file a petition to terminate parental rights (unless the child is living with a relative, the state has documented a compelling reason for not doing so, or the state failed to exercise reasonable efforts in providing the family with services); and,
- The foster parents and any pre-adoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing.

#### **7.d What role does the court have in regards to the new transition plans for youth?**

The court plays a critical role throughout the life of the dependency case in monitoring case and permanency planning. This role applies in the context of the new transition plan. Courts can play an important role in not only ensuring that a viable plan is presented, but that the youth has participated and that the plan contains as much specificity as the youth wants and needs. See the Courts section, particularly question 11.i for greater detail.

#### **7.e Are there other transition planning requirements that were previously in place for youth in foster care?**

In addition to the court requirements mentioned in the previous answer, the new transition plan requirements build on a previous requirement that, for youth who are likely to remain in care until age 18, for youth age 16 or over, his or her case plan must include "a written description of the

programs and services which will help such child prepare for the transition from foster care to independent living.”

### **7.f When must the new transition plan be developed?**

For children on whose behalf foster care maintenance payments are being made and for those receiving Chafee Program benefits or services, the transition plan must be developed “during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State may elect.”

As mentioned in the answers to questions in this section, there are other transition planning requirements that start at age 16. When working with youth to develop the new transition plan, staff should think about the best way to build upon plans developed as part of these other requirements.

### **7.g What does the phrase “personalized at the direction of the child” mean?**

Fostering Connections requires that the plan be personalized at the direction of the child, but does not define what is meant by this phrase. The transition plan must include specifics on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, but the details are to be developed at the youth’s direction. In making the plan responsive to the individual needs of the youth, it is important to consider the following:

- The need for permanence persists into adulthood. It is important to remember that the needs for family, community and connections are ones that all people – not just children – have. For those young adults who remain in foster care beyond age 18, these needs are just as real and should be pursued with the same diligence as they are for younger children in foster care. At a time when they may be particularly interested in independence, young adults should be encouraged to think about incorporating permanency goals into their transition plan.
- The unique needs of the individual youth. For example, some youth may have particular mental, physical or behavioral health issues that need to be taken into account when planning for their successful transition to independent adulthood.
- The importance of involving youth in every aspect of the process of developing this transition plan, from determining the level of detail and specificity that it includes, to ensuring that it contains information about the supports and services identified as most important by the youth, to assuring that it includes information and resources that will ensure that the youth can make a successful transition to independent adulthood.

### **7.h How detailed must the transition plan be and what must it include?**

Fostering Connections states that the transition plan is to be “as detailed as the child may elect.” This clearly leaves considerable room for the youth, in collaboration with a caseworker and other



appropriate adults, to develop a plan that best meets his or her particular needs. The law requires that the plan address options for housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services. It is up to the youth to decide how detailed the options in each of these areas should be, and whether to go beyond these options.

### **7.i Are there resources available for states in crafting youth transition plans?**

Please see the resources section of this document for information about organizations that can facilitate youth involvement in the crafting of transition plans and other foster care issues.

### **7.j What accommodation should be made for youth with disabilities or who do not speak English?**

In order to develop the required transition plan for all youth, child welfare agencies must make appropriate accommodations for youth with disabilities and for those who do not speak English. Fostering Connections does not require that the transition plan be a written document. However, good policy and practice would suggest that the transition plan be in writing for everyone's benefit. The youth, the agency and all involved then will have a record of the required planning having occurred and the plan that is crafted. In order to appropriately accommodate youth who do not speak English, it may be necessary to develop the transition plan in a language the youth is fluent in. If a youth has a visual impairment, the transition plan may need to be written using large print or Braille.

For suggestions about what is reasonable in various circumstances, consider guidance from the U.S. Department of Health and Human Services (HHS) Office of Civil Rights<sup>xvii</sup> and the Technical Assistance Manual for Title II of the Americans with Disabilities Act as it applies to the operations of state and local governments<sup>xviii</sup>. (This latter section addresses communication with individuals who have visual or hearing impairments.)

### **7.k How should transition plans be used to help address a youth's physical and behavioral health needs?**

Fostering Connections requires that the transition plan specifically address options for, among other things, health insurance and continuing support services. For all youth, it is recommended that the transition plan contain information about continued insurance eligibility as well as a plan for continuity of care if the youth is receiving any treatment services. The plan should also contain information about any health services in the community that the youth may want to access.

In addition, it is essential that the transition plan for youth with moderate to significant physical and/or behavioral health needs contain detailed elements regarding the plans for supports and services for the youth. In addition to detailing how health insurance will be provided, the plan should provide concrete information about the types of supports or services that have been arranged as well

as any specialized residential or housing settings. If the youth's disability prevents him or her from working, the plan should confirm that all application and receipt issues related to Supplementary Security Income or other Social Security programs have been resolved. It is important to remember that planning with and for youth with serious behavioral health and/or physical health needs will need to begin well before 90 days prior to the planned discharge date, because many of the services and supports needed will have waiting lists and application processes that are more complicated than services in the child welfare system.

## **8. YOUTH ENGAGEMENT**

### **8.a How should youth be engaged in efforts to implement Fostering Connections at the national, state and local levels?**

Fostering Connections is designed to improve the lives and outcomes of children and youth in foster care; as a result, youth should play an important role in the implementation process at the national, state and local levels. The participation, voices, experiences and insights of youth currently in foster care and those who have exited care were instrumental in making the case for federal foster care reform and helped build momentum for the creation and passage of Fostering Connections. The continued involvement of youth in implementation efforts at all levels is vital.

At a minimum, this involvement should ensure that individual youth are educated about the legislation, progress made towards implementation, and the impact that this law will have on their lives.

Local and state agencies and organizations should work to include youth in implementation planning and discussions and ensure that youth voices and perspectives are incorporated. For states and localities that have boards or councils comprised of youth currently in or who have exited care, these bodies should be invited to participate in implementation planning and discussion. For states or communities that do not have these entities, youth can be identified and invited to participate by agency caseworkers, independent living program directors, other child welfare professionals or advocates. Supports should be provided to ensure that the involvement of youth in the implementation planning is significant and meaningful. Supports may include transportation to planning meetings, scheduling of meetings at times conducive to youth involvement, and ensuring that youth are provided with needed background information and debriefing after planning meetings.

### **8.b How can states engage youth in opting to extend care?**

States can engage youth in opting to extend care on both a micro and macro level. At the micro level, youth in foster care should be encouraged to remain in care past age 18. A natural starting point is to ensure that the individuals working most closely with youth – caseworkers, independent living program staff, foster parents, relative caregivers, attorneys, CASA volunteers, GALs and

others - have the necessary information about the benefits that derive from remaining in foster care, and specific information about how remaining in care and continuing to access supports and services will positively impact their life.

Youth can and should also be engaged in broader efforts to implement Fostering Connections. This engagement can happen through youth boards, councils and other organizations comprised of current and former foster youth; through state child welfare agencies, independent living programs and other programs in direct contact with youth in foster care; and through outreach to national networks of current and former foster youth, including FosterClub and the Foster Care Alumni of America.

### **8.c How do youth find out how to get involved in the implementation process and in other foster care issues?**

National organizations and websites like FosterClub can provide youth-friendly information about Fostering Connections, how to become involved in the implementation process, and other foster care issues. Youth advisory boards and councils, which exist in many states and communities, can also connect youth in foster care to information about Fostering Connections and foster care issues. Please see Appendix 2 of this document for more information.

### **8.d How should information on the new opportunities in Fostering Connections be communicated to youth in care?**

Information about Fostering Connections and the impact it will have on the lives and futures of youth in care should be communicated to youth in a variety of ways. It should be made available through their caseworkers, independent living program staffs, youth boards and councils, judges, lawyers, CASA volunteers and GALs. Every child welfare and court professional that interacts with youth in care should have information about Fostering Connections and make certain that the youth that they work with know of the law, understand its purpose, and the impact it will have on their life.

Information about the law can and should also be posted on the child welfare agency website and other organization and agency websites, and made available to youth boards, councils or other youth-serving organizations that may have websites or a social networking presence on Facebook, MySpace, etc. Additionally, states with transition guides for youth in foster care or a guide to rights for youth should update this material to include the aspects of Fostering Connections that pertain to youth.

Written materials describing the opportunities and benefits of remaining in care and the processes for remaining in care and/or for re-entry should be provided to youth and should be written in a manner easily understood by youth.

Foster parents, adoptive parents and relative guardians will also play a large role in disseminating new information about Fostering Connections to youth. Including information on changes made by

Fostering Connections into training curricula for these parents and caregivers may encourage parents and caregivers to speak with their child or children about Fostering Connections.

Finally, youth and young adults who have experienced foster care should be engaged to help talk to youth currently in care about Fostering Connections. This can be facilitated by a youth board, child welfare agency or other organization. Hearing about the new law and its intended impact from another young person may help ensure more open communication and that critical aspects of the law are presented in the most youth-friendly, accessible way.

### **8.e If youth have questions or concerns about the implementation of Fostering Connections, where can they go for assistance and information?**

Youth with questions or concerns should feel free to speak with their case workers, foster parents, adoptive parents or guardians, attorneys, CASA volunteers or GALs. In addition, connecting youth to a broader network of foster care alumni or others currently in care may also be helpful. See Appendix 2 for more information.

### **8.f How can youth develop self-advocacy skills?**

The most important way for youth to develop self-advocacy skills is to engage them in meaningful participation in the decisions that impact their lives. By attending court, being asked what they would like to happen with their life and where they would like to live, and seeing judges and others paying attention to their views, youth understand that they play an important role in the decision-making process, and that their voice matters.

Additionally, youth can develop these skills by joining state or community-based youth councils or boards, or other local, state or national organizations dedicated to children and youth in, or who have experienced, foster care. Many of these organizations have websites which encourage youth to interact with their peers, share their experiences and learn how to advocate for themselves and others. Mentors and positive relationships with supportive adults can also help youth develop important self-advocacy skills.

## **9. EDUCATION**

### **EDUCATIONAL STABILITY & ATTENDANCE**

#### **9.a How does this law affect educational stability for children and youth in out-of-home care?**

Education is a critical component of the safety, permanency, and well-being of children in out-of-home care. Fostering Connections recognizes the critical importance of educational stability and continuity, and places requirements on child welfare agencies to ensure educational stability. Child

welfare agencies must include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. As part of this plan, the agency must include assurances that:

- The placement of the child in foster care takes into account the *appropriateness of the current educational setting* and the *proximity to the school* in which the child is enrolled at the time of placement; and
- The state child welfare agency has coordinated with appropriate local educational agencies *to ensure* that the child remains in the school in which the child is enrolled at the time of placement unless remaining in that school is *not* in the child’s best interest.

Additionally, the law requires that if remaining in this school is *not* in the best interest of the child, the case plan must include assurances by the child welfare agency and the local educational agencies that they will:

- Provide *immediate and appropriate enrollment* in a new school; and
- Provide all of the *educational records* of the child to the new school.

### **9.b Does this law provide additional federal funding to support educational stability for children in out-of-home care?**

Fostering Connections increases the types of federal funding that may be used to cover education-related transportation costs for children in foster care. It expands the definition of foster care maintenance payments to include reasonable transportation costs to a child’s home school. Previously, these transportation costs could be reimbursed as administrative costs with a 50% state match required. Because states can now claim these expenses as part of the foster care maintenance payment, many states will be eligible for a higher federal match at their state’s FMAP rate (which can range from 50% to 83%). Those states with a higher federal match will have the opportunity for additional federal funding.

### **9.c Does this law include any requirements related to a child’s school enrollment and attendance?**

State agencies must ensure that every school-age child receiving federal foster care, kinship guardianship, or adoption assistance payments is a full-time elementary or secondary school student or has completed secondary education. This requirement applies to children in public and private schools or other legally authorized education programs (such as home schooling). We interpret this to require agencies to ensure that children attend school, since the law specifies that children be full-time students and this section in the law is entitled the “Education Attendance Requirement.” Some have interpreted this requirement more narrowly to refer only to enrollment, but that interpretation does not seem to be supported in the statute and does not offer children the protection that was intended. Members of Congress heard from youth who experienced foster care who talked about

being out of school for long periods of time or moving frequently from school to school as their placements changed.

## **EDUCATION AND TRAINING VOUCHERS**

### **9.d Who is now eligible to receive Education and Training Vouchers (ETVs)?**

Fostering Connections makes youth ages 16 or older who leave foster care for kinship guardianship eligible for Education and Training Vouchers (ETVs). Under pre-existing law, youth adopted from foster care after age 16 are already eligible to receive ETVs. Because Fostering Connections increases the pool of youth eligible to receive ETVs, but does not increase the funding available for this program, states may want to document any increased demand.

### **9.e What programs exist to support the educational needs of older youth?**

States can use traditional Chafee funds to provide a broad range of educational supports for youth transitioning from foster care. Youth seeking higher education may not only need vouchers to help offset the costs associated with higher education, but assistance throughout the financial aid application process, and supports to ensure their success once they are in college. Chafee funds may be used to help public and private higher education institutions provide students formerly in foster care with supports and services including mentoring, academic and financial aid counseling. The Foster Care Independence Act requires that states coordinate with other federally funded programs for which youth in foster care may be eligible. States and local child welfare agencies should link services for these youth with local education support programs and with federally supported education programs such as TRIO, a federal educational opportunity outreach program designed to motivate and support students from disadvantaged backgrounds, and GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs), a discretionary grant program designed to increase the number of low-income students prepared to enter and succeed in postsecondary education.

### **9.f How should youth, their foster and adoptive parents and relative caregivers and others be informed about the availability of ETV funds?**

Targeted outreach efforts should include social workers, case managers, judges, attorneys, GALs, CASA volunteers, foster and adoptive parents, kinship caregivers and young people themselves. States should work with existing stakeholder groups, like youth leadership boards and state and local associations of foster and adoptive parents and relative caregivers to disseminate information about the ETV program. States may also want to develop written materials themselves that can be shared electronically, posted on their websites and disseminated at state and local conferences and events.

## **10. HEALTH**

### **10.a What does Fostering Connections require with regard to planning for the health of children and youth in foster care?**

Fostering Connections requires each state work through its state child welfare agency and the state agency that administers Medicaid and in consultation with pediatricians, other health care experts, and experts in and recipients of child welfare services to create a plan to ensure oversight and coordination of health care for children in foster care. The plan must include a strategy to identify and respond to the health care needs of children in foster care, including mental and dental health needs. The plan must provide an outline of the following:

- A schedule for initial and follow-up health screens;
- How health needs identified in these screens will be monitored and treated;
- How medical information for children in care will be updated and appropriately shared, which may include the development of an electronic health record;
- Steps to ensure continuity of health care services, which may include establishment of a medical home for every child in foster care;
- Oversight of prescription medicines; and
- How the state actively consults with and involves physicians and other appropriate medical or non-medical professionals in assessing the health and well-being of children and youth in foster care and determining appropriate medical treatment for them.

Both in the development and the actual content of the plan, participants should consider addressing any physical or behavioral health issues that are of particular importance to young adults. This should include considerations such as assuring the continuity of care and treatment for young adults as the exit the child welfare system and may now confront the adult-serving systems.

As states begin to work to develop their plan for the oversight and coordination of the health care needs of youth in foster care, it is instructive to consider existing best and promising practices already in operation in some states. For example, in 1993 Illinois became the first state to implement a statewide health care system for all children in its custody. This is a collaborative effort between the Department of Children and Family Services, the Department of Healthcare and Family Services and the Department of Human Services. Titled HealthWorks, this comprehensive system is a preferred provider model in which all youth are linked to a “medical home.” The system ensures that all youth receive an initial health screen within 24 hours of entering foster care, and a more comprehensive physical and behavioral health screen within 21 days of entering fostering care. Health care records are standardized, and all youth have both a health passport (which consolidates the youth’s medical information and makes it “portable” and easily available and accessible to the individuals who need to view it) and an individualized health care plan.

Key elements of HealthWorks also include: an Independent Medical Director, Health Services Management Units coordinated with the child welfare agency, nurses designated as consultants for each child welfare region, and medical case management agencies. The Medical Director has been successful in creating a large network of healthcare professionals and providers across the state who can address the varied needs of youth in foster care. These providers are credentialed by HealthWorks every two years and must possess pediatrics training. For more information, visit the Illinois Department of Human Services website at: <http://www.dhs.state.il.us/page.aspx?item=31899>

### **10.b How will young people be engaged in the development of a plan for ongoing oversight and coordination of health care services?**

Fostering Connections specifically requires that the state consult with “recipients of child welfare services” in the development of the health oversight and coordination plan. States should work with Youth Advisory Boards, Independent Living Programs and other youth serving organizations to identify young people who are, or were, in foster care to participate in the plan development.

### **10.c What types of health insurance might youth be eligible for as they leave foster care?**

Fostering Connections requires that the new transition plan include specifics on, among other things, health insurance. The transition plan should help connect the youth to appropriate educational and/or employment opportunities, some of which may include health insurance or make coverage available at a reduced rate. For youth who do not have employer- or school-sponsored health insurance, the transition plan should ensure that youth are connected with other health insurance options that are available. Under Chafee, states have the option of extending Medicaid up to age 21 for young adults who have aged out of foster care. Fewer than half of all states have taken this option. States have the option to offer the extension to a limited group of young adults. Youth wishing to determine if their state extends Medicaid to young adults who leave foster care at age 18 and have not yet reached age 21 should contact their Independent Living Coordinator. In addition to the Chafee option to extend Medicaid, there are several additional ways in which some young adults can retain their eligibility or qualify for another health care program past their 18<sup>th</sup> birthday. In each state, young adults eligible for continued Medicaid coverage may include:

- Pregnant or parenting youth who also meet Medicaid income eligibility requirements;
- Youth with disabilities who receive Medicaid based upon their Supplemental Security Income (SSI) eligibility;
- Young adults up to age 21 who would have qualified, under welfare rules, for Aid to Families With Dependent Children (AFDC) prior to TANF, if they were dependent children;



- Young adults up to age 19 who meet the eligibility requirements for their State Children's Health Insurance Program (SCHIP), which may be either a Medicaid expansion or a separate state program;
- Youth transitioning from foster care in states that fund this medical coverage with state dollars exclusively.

## **11. COURT**

### **11.a What level of court oversight and engagement is required by federal law if the state opts to extend foster care to young adults past age 18?**

If a state opts to expand their definition of a child to include young adults age 18 and older and receives Title IV-E reimbursement for those individuals, all of the court related requirements of Title IV-E apply. This includes current requirements such as holding a permanency review hearing at least once every year at which the court must make such findings as whether reasonable efforts have been made to finalize the permanency plan and what services are needed for a youth age 16 or older to transition from foster care to independence. In addition, the youth's case plan must be reviewed by a court or administrative body at least once every 6 months. Finally, Fostering Connections requires that the youth's transition plan be developed during the 90 days before the youth turns 18 (or 19, 20, or 21 as the state may elect). Because discharging a youth from care represents a significant change in the youth's legal status and impacts their ability to access service and benefits, it is advisable that the transition plan be reviewed by the court.

### **11.b What role can the courts play in improving outcomes for youth?**

The court plays an important and invaluable role in monitoring permanency and transition planning in each youth's case. While primary planning and decision-making for youth are the responsibility of the child welfare agency with the active involvement of the youth and should not occur in court, court proceedings should model the expectations for how planning should be done and what outcomes should emerge as a result.

The court plays a crucial role in defining and overseeing the accountability of all parties and systems under the law. Additionally, the court has the unique authority to order parties to take certain actions or fulfill specified obligations. While the bounds of this authority may differ based on state law, the court can help ensure that the child welfare agency conforms to the law.

The court can also facilitate communication and coordination among agencies and persons involved with the youth. The real or perceived power to order parties to court and the neutrality of the judiciary can be effective in bringing systems together on behalf of youth. To that end, the court is often in the best position to "convene" all parties and facilitate a collaborative process to determine how to best address the needs of the youth. More broadly, courts can serve as a systemic problem

solver and bring leadership and government entities together to address challenges inhibiting optimal attention to the needs of youth transitioning into adulthood.

The court has the obligation, and is in the unique position, to engage youth in a way other systems and parties may be unable to. For youth, court hearings should be a place where they are actively involved. Youth know that the court and the judge specifically are important and have authority. The court's active engagement of youth and respect for the youth's views demonstrates to the youth that their experience and voice are respected, and that the planning for their life is important. For youth in the foster care system who may not always feel that respect and concern, this can be a great motivator for their engagement.

### **11.c What role can the courts play in ensuring the interagency collaboration that is required for providing comprehensive services for youth and meeting the implementation demands of Fostering Connections?**

Fostering Connections contains provisions that mandate planning and service delivery in education, health, employment, and housing, areas which may not be under the direct control of the child welfare agency. Courts can act as powerful and effective conveners of multiple systems like these that may not be inclined to work together. The request of a judge for a meeting or to provide services often carries more weight than the requests of other stakeholders. Importantly, many courts have the power to subpoena individuals to court, to order the provision of services in certain circumstances, and to impose consequences when parties fail to comply.

California and Vermont are examples of states that have enacted laws which provide the juvenile court with significant authority over the delivery of services by governmental agencies outside of the child welfare agency. As they implement Fostering Connections, states should consider the benefits of enacting laws that explicitly place systems outside the child welfare arena within the court's jurisdiction. For example, state law could permit the juvenile court to mandate actions by the school system. Such laws may improve both the efficiency of systems collaboration and service delivery.

### **11.d How can attorneys, guardians ad litem (GALs), and Court Appointed Special Advocate (CASA) volunteers best promote advocacy on behalf of youth?**

Youth in care consistently identify the value of having an advocate involved in their case to speak up for their needs in court and in the child welfare system, and to advocate for them in the community. By acknowledging the importance of youth participation in every aspect of their case and planning, Fostering Connections reinforces the role of the advocate in helping youth to develop *self* advocacy skills, and to help youth find lifelong connections to adults in their lives.

Attorneys, GALs and CASA volunteers can promote advocacy on behalf of youth in the following ways:

- Explaining their role to the client, and the applicable confidentiality protections and exceptions;
- Establishing a trusting relationship;
- Providing youth with an age-appropriate understanding of the court and planning process and of the advantages that may flow from remaining in care beyond age 18;
- Participating in case planning and family group decision making conferences;
- Participating in the youth's development of his/her permanency and transition plan;
- Engaging the youth in self-directed planning for the future well in advance of the 90-day timeframe for a transition plan;
- Assisting the youth in developing his/her skills in self advocacy, within the court system, community, and for his/her future independence;
- Allowing youth to read the child welfare agency's report to the court (or explain pertinent portions) and determine if they have a response;
- After all hearings, fully debriefing the youth and allowing them to ask questions.

Attorneys, GALs and CASA volunteers can also ensure that the child welfare agency does the following:

- Continues to search for permanency through reunification, adoption, or guardianship as determined by the youth;
- Advises youth and young adults of the benefits of remaining in care;
- Connects youth with the supports and resources they will need to transition successfully to independent adulthood;
- Facilitates lifelong connections with stable adults;
- Assists youth in pursuing higher education;
- Provides youth with all medical care and access to health insurance once they exit the foster care system;
- Connects youth with their family of origin including siblings;
- If the state permits, provides youth and young adults with the opportunity to remain in care past age 18;
- Connects youth with healthy social networks;
- Provides youth all essential documents when the youth ages out of foster care, including their birth certificate, social security card, immigration status (if applicable), school records and any and all health information. If this information is not forthcoming from the child welfare agency, legal counsel can seek court intervention to procure it or any needed services; and
- Ensures that the court makes all required findings regarding permanency planning and transition planning at court.

**11.e What is the role of an attorney appointed to represent the youth's wishes, as distinct from the attorney GAL?**

Generally, an attorney is appointed to represent a client's wishes and is obligated to zealously advocate on behalf of his or her client. This means establishing a trusting relationship with the youth, and providing the youth all confidentiality protections typical of any attorney-client relationship. The attorney also must provide the youth with a voice in court. An attorney guardian ad litem (GAL), on the other hand, is appointed to represent the best interest of his or her client.

It is difficult to reconcile the GAL model of representation requiring attorneys to represent only the best interest of the youth when the client is a legal adult. In states and courts where the role of the attorney is flexible or undefined, the attorney should be required to represent the client's wishes, at a minimum for young adults over age 18. In states where the law requires the attorney to act as a best interest advocate, or GAL, it is appropriate to request an attorney for an adult client, especially if the client's wishes conflict with the GAL's perception of the youth's best interest.

**11.f What additional role can a Court Appointed Special Advocate (CASA) volunteer play in advocating for youth?**

A CASA volunteer is assigned to advocate for the child's best interest either as the GAL or in addition to an attorney. Because standards recommend that CASA volunteers carry just 1 to 2 cases, teamed with the youth's attorney, the volunteer is in the unique position to ensure that all of the responsibilities described above in question 11.d are fulfilled.

**11.g How can courts more effectively ensure meaningful youth engagement?**

Fostering Connections makes clear that youth must play an active role in the planning for their present and future. As an important forum for collaboration and accountability for planning and service delivery, the court process must also facilitate and encourage youth engagement. New models of court oversight can help ensure youth presence and meaningful engagement in a number of ways.

States should develop and promulgate statutes and court rules requiring youth to be notified of court hearings and to be present if they choose. Court orders should document whether the youth is present and if not, why not. Judges and lawyers also should advocate for court rules and procedures that require a finding as to why the youth was absent and that the youth did not seek to be present before a hearing can proceed in their absence

During the hearing, judges should engage youth by asking questions and encouraging youth to ask questions. They should also solicit the young person's opinion on their placement, school, visitation, permanency plan and other issues, and make sure that the rights extended to them by law were

respected. At the end of the hearing, judges should explain the court's ruling to the youth, and ask them to attend the next hearing.

Courts should further engage youth by scheduling hearings to accommodate the youth's schedule, either before or after school hours. When youth are present, their case should be called first, and they should be consulted in scheduling the next hearing. Additionally, by creating youth friendly waiting areas and materials that describe the court process (including legal terms, the roles of all parties and examples of questions the judge may ask), courts can encourage further participation by youth.

### **11.h Can youth and young adults who have exited the system re-enter and what models exist that allow for them to return to care through a trial discharge period or some other mechanism?**

Most youth try to assert their independence at or before age 18. Many youth who grow up with their families leave home at 18, but return for holidays or to stay for indefinite periods of time. Youth in foster care do not have that luxury. However, Fostering Connections provides states with the opportunity and resources to support young adults beyond age 18, and may offer states the ability to craft re-entry provisions that better reflect adolescent development.

From a best practice perspective, providing youth and young adults with the opportunity to resume services and supports would greatly benefit both the young adult and the state for all the reasons addressed in the research mentioned earlier (see question 4.m) demonstrating that youth do better when allowed to remain in care. While Fostering Connections does not specifically speak to re-entry, it appears to provide no barriers to implementation of this practice. Several states already permit young adults to re-enter foster care between the ages of 18 and 21 by law or policy. Fostering Connections does not interfere with these laws or policies. What is at issue is whether states may be able to collect Title IV-E reimbursement for the cost of placement and services for youth who re-enter care.

Because the new law permits states to continue young adults in care and court jurisdiction until age 21, there is nothing in the federal law that would prohibit states from enacting laws that allow re-entry. However, in order for youth to remain eligible for Title IV-E and, therefore, for federal reimbursement, they must meet all Title IV-E requirements including removal from an income-eligible home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child. Child welfare agencies that want to continue foster care or other assistance beyond age 18 and be sure to maintain IV-E eligibility for these young adults likely will need to do so by keeping open the cases of young adults ages 18 and older who exit care; vehicles for keeping the case open might include creating a vehicle for a trial discharge from care or crafting some other mechanism to maintain ongoing agency and court jurisdiction even after the youth opts to no longer receive child welfare supervision or services. Absent some mechanism for maintaining an open case, states seeking to support youth who exit care

and then want to re-enter may end up unable to receive federal IV-E funding reimbursement. Ensuring young adults' IV-E eligibility is key to their continued care being federally reimbursable, provided that they are in IV-E eligible placements and are provided necessary protections.

### **11.i What are effective ways for the court to implement the transition planning requirements of Fostering Connections?**

The court plays a critical role throughout the life of the dependency case in monitoring case and permanency planning. The requirements that the court make findings about the services needed to transition to independence and that reasonable efforts are being made to finalize the permanency plan are essential checks to ensuring system accountability if youth are to be adequately prepared for adulthood.

The court's careful and thorough consideration of these findings is important to maintain the integrity of the court process. For example, when appropriate services have not been provided to help youth move to permanency, the court should make a "no reasonable efforts" finding and indicate what additional efforts must be made by the child welfare agency. This finding ensures the child welfare agency understands and follows through with its obligation to the youth.

The new requirement for the development of a transition plan in the ninety days before the youth turns 18 (or 19, 20, or 21 as the state may elect) should be an extension of the planning oversight that the court has always performed. It should be detailed, concrete, and directed by the youth. The plan must include "specific options on **housing, health insurance, education**, local opportunities for **mentors and continuing support services**, and **workforce supports and employment services**" (emphasis added). Fostering Connections also emphasizes the centrality of the youth's involvement in transition planning, and directs that the plan be "as detailed as the child elects." Courts can play an important role in not only ensuring that a viable plan is presented, but that the youth has participated and that the plan contains as much specificity as the youth wants and needs.

The court is essential to ensuring that this new requirement is meaningful and that youth are not discharged from care without having a plan that reflects their ability to support themselves and meet their responsibilities in the adult world.

Examples of state laws that provide the court more specific detail of the concrete components of a transition plan are California and New York. These laws require that the court approve a transition plan that includes the elements required by Fostering Connections, but also requires such important things as identification documents and records.

### **11.j How can the court best assist with enforcing the responsibilities of the child welfare agency included in Fostering Connections?**

There are certain provisions of Fostering Connections, such as the transition plan, that require court oversight and involvement. Because the court can be a powerful, effective forum for assuring accountability and enforcement, it also has a key role in ensuring that the agency is meeting its responsibilities to the youth in their care, including compliance with the new federal state plan and case plan requirements.

To encourage this role for the court, states may want to consider enacting laws or policies that explicitly require additional court monitoring of compliance with Fostering Connections. For example, state law could require that the plan to assure educational stability that is in the case plan is presented to court at all permanency review hearings. Likewise, state law could require that the court make findings at all permanency review hearings that reasonable efforts have been made to keep siblings together.

## **12. DATA**

### **12.a Are there additional data collection requirements imposed by Fostering Connections?**

No, there are no additional data collection requirements imposed by Fostering Connections. States already collect data related to the operation of their child welfare systems and the children and youth in its care through AFCARS (the Adoption and Foster Care Analysis Reporting System) and NYTD (the National Youth in Transition Database). While Fostering Connections does not require the additional collection of data, states may want to consider creating a new or expanded data collection process or procedure to ensure that they are able to track the impact of implementing the new law.

Table 1: States extend foster care and adoption beyond age 18 for a variety of different children and youth. Most states, however, extend foster care beyond age 18 as long as the child is pursuing secondary education. (Federal AFCARS data 2006).

\*Key – E: Employment; ED: Educational; S: Specific Needs; NR: No Restrictions (all youth are eligible for extended care); M: Medical.

State	Max Adoption Age According to State Statute	Reason for Extension beyond 18 *	Max Foster Care Age According to State Statute	Reason for Extension beyond 18	# of Children who Aged Out of Foster Care in 2006	# of Children in care at age 17 (reference group)	# in care at 18 to 21 <sup>st</sup> birthday	% in care at 18 and over	# in care at 19 and over	% in care at 19 and over	# in care at 20 to 21 <sup>st</sup> birthday	% in care at 20 and over
AL	21	ED	21	ED	174	535	643	120%	266	48%	97	18%
AK	18		20	Unknown	52	115	52	45%	8	7%	0	0%
AR	21	ED	21	NR	518	241	78	32%	28	12%	14	6%
AZ	21	S	20	ED, M	278	663	425	64%	164	25%	66	10%
CA	21	S	19	Unknown	3,889	6,678	2,793	42%	371	6%	0	0%
CO	21	S	21	Unknown	427	820	848	103%	338	41%	111	14%
CT	18	None	23	ED	25	574	570	101%	228	40%	84	15%
DC	18	None	21	NR	166	209	440	211%	269	129%	117	56%
DE	21	ED, S	21	ED	72	141	41	29%	4	3%	1	1%
FL	18	None	18	None	1,488	1,589	4	0%	3	0%	1	0%
GA	21	ED	21.5	ED	790	793	1	0%	0	0%	0	0%
HI	21	S	Unknown	Unknown	152	156	7	4%	0	0%	0	0%
ID	18	None	21	ED	98	124	5	4%	0	0%	0	0%
IL	21	S	21	NR	783	1,078	2,793	259%	1,737	161%	782	73%
IN	21	ED, S	21	ED	328	665	290	44%	60	9%	7	1%
IA	21	S	20	Unknown	433	942	127	13%	15	2%	2	0%
KS	Unknown	Unknown	21	NR	421	604	108	18%	18	3%	3	0%
KY	21	ED	21	NR	591	793	423	53%	156	20%	49	6%
LA	18	None	18	None	293	313	0	0%	0	0%	0	0%
ME	21	ED, S	21	ED, S	216	221	6	3%	0	0%	0	0%
MA	22	ED, S	22	ED	116	1,260	694	55%	643	51%	275	22%
MD	21	ED, S	21	ED, S, E	1,283	891	1,400	157%	682	77%	285	32%
MI	21	ED	20	Unknown	718	1,713	904	53%	15	1%	0	0%
MN	22	S	21	ED, E	698	910	47	5%	0	0%	0	0%
MS	21	ED, S	Unknown	Unknown	75	178	151	85%	68	38%	15	8%
MO	21	M	21	ED	379	653	798	122%	400	61%	157	24%
MT	21	S	Unknown	ED	91	110	31	28%	6	5%	1	1%
NE	19	S	19	Unknown	405	615	347	56%	0	0%	0	0%
NV	18	None	21	NR	204	201	29	14%	2	1%	0	0%
NH	18	None	20	Unknown	63	106	62	58%	25	24%	7	7%
NJ	21+	Unknown	21	ED, S	552	653	420	64%	147	23%	51	8%
NM	18+	S	21	C	121	142	2	1%	1	1%	0	0%
NY	21	Unknown	21	ED, S, E	1,551	2,339	3,332	142%	1,878	80%	807	35%
NC	18	None	21	ED	469	692	261	38%	87	13%	22	3%
ND	21	S	21	ED	61	150	23	15%	3	2%	1	1%
OH	21	S	21	ED, S	1,255	1,515	736	49%	226	15%	54	4%
OK	18+	ED, S	21	ED	477	526	21	4%	0	0%	0	0%
OR	18	None	21	ED	295	476	356	75%	133	28%	39	8%
PA	18	None	21	ED, M	1,051	2,100	1,351	64%	500	24%	158	8%
RI	21	Unknown	18	None	119	291	325	112%	148	51%	56	19%



Fostering Connections to Success and Increasing Adoptions Act

FAQ: Youth and Young Adults Provisions

State	Max Adoption Age According to State Statute	Reason for Extension beyond 18 *	Max Foster Care Age According to State Statute	Reason for Extension beyond 18	# of Children who Aged Out of Foster Care in 2006	# of Children in care at age 17 (reference group)	# in care at 18 to 21 <sup>st</sup> birthday	% in care at 18 and over	# in care at 19 and over	% in care at 19 and over	# in care at 20 to 21 <sup>st</sup> birthday	% in care at 20 and over
SC	21	ED	21	ED, S	347	419	5	1%	0	0%	0	0%
SD	21	ED	21	ED	74	97	17	18%	5	5%	4	4%
TN	21	ED	18	None	718	1,262	225	18%	1	0%	0	0%
TX	18		22	ED	1,399	1,516	0	0%	0	0%	0	0%
UT	18+	S	19	Unknown	209	292	123	42%	22	8%	2	1%
VT	21	S	19	Unknown	104	174	44	25%	6	3%	0	0%
VA	21	S	21	ED	979	1,044	86	8%	0	0%	0	0%
WA	21	S	21	ED	382	489	87	18%	1	0%	0	0%
WV	21	ED	21	ED, E	208	405	206	51%	78	19%	24	6%
WI	21	ED, S	19	Unknown	513	698	203	29%	44	6%	14	2%
WY	18+	S	21	ED	44	129	47	36%	15	12%	7	5%
<b>National</b>	<b>21</b>	<b>S, ED, M, E</b>	<b>21</b>	<b>S, ED, M, E</b>	<b>26,154</b>	<b>39,300</b>	<b>21,987</b>	<b>56%</b>	<b>8,801</b>	<b>22%</b>	<b>3,313</b>	<b>8%</b>

\*Key – E: Employment; ED: Educational; S: Specific Needs; NR: No Restrictions (all youth are eligible for extended care); M: Medical

## **APPENDIX I: Glossary**

**Adoption and Foster Care Analysis and Reporting System (AFCARS)** - A national data collection and analysis system that collects case level information on all children in foster care for whom State child welfare agencies have responsibility for placement, care or supervision, and on children who are adopted under the auspices of the State's public child welfare agency.

**Adoption Incentive Program** – Provides fiscal incentives to states to increase annually, over an established baseline, the number of children adopted from foster care with special attention to older children and other children with special needs.

**Adoption and Safe Families Act (ASFA), (Public Law 105-89)** – Enacted in 1997 to enhance safety, permanence and well-being for children at risk of entering or in the child welfare system. Required that a child's safety be the paramount consideration in any decision a state makes regarding a child in the system. Established expedited timelines for moving children into permanent homes, either by safely returning them home or by terminating parental rights and moving children into adoptive or other permanent placements, including guardianship or placement with a fit and willing relative. Reauthorized the Family Preservation and Support Services Program to expand its focus on adoption, and changed its name to the Promoting Safe and Stable Families Program.

**Aid to Families With Dependent Children (AFDC)** - Established by the Social Security Act of 1935 as a grant program to enable states to provide cash welfare payments for needy children deprived of parental support or care because their father or mother was absent from the home, incapacitated, deceased, or unemployed. States defined "need," set their own benefit levels, established (within federal limitations) income and resource limits, and administered the program or supervised its administration. States were entitled to unlimited federal funds for reimbursement of benefit payments, at "matching" rates that were inversely related to state per capita income. States were required to provide aid to all persons who were in classes eligible under federal law and whose income and resources were within state-set limits. AFDC was replaced in 1997 by the [Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\)](#).

**Another Planned Permanent Living Arrangement (APPLA)** - A planned, permanent arrangement that is the goal for a youth only after reunification, adoption, legal guardianship, and relative placement have been ruled out. This plan should involve the designation of a specific adult or couple who will exercise certain powers and responsibilities and likely live with the young person. Furthermore, the caregiver's familial relationship will continue beyond the youth's formal involvement in foster care.

**Best Interest (or Best Interests)** - Although there is no standard definition of "best interests of the child," the term generally refers to the deliberation that courts undertake when deciding what type of services, actions, and orders will best serve a child as well as who is best suited to take care of a child. "Best interests" determinations are generally made by considering a number of factors related to the circumstances of the child and the circumstances and capacity of the child's potential caregiver(s), with the child's ultimate safety and well-being as the paramount concern.

**Child and Family Services Review (CFSR)** - Federal quality assurance review of State child welfare policy and practice. The review focuses on how well States perform in achieving positive outcomes in the following three domains for children and families engaged in child welfare services: safety, permanency, and child and family well-being. The CFSRs also examine seven State and local child welfare agency systemic factors that affect the achievement of positive outcomes by the children and families that agencies serve.

**Court-appointed special advocate (CASA) volunteer** - A CASA volunteer is a screened, trained and professionally supervised citizen who is appointed by a judge to represent the best interests of a child in court because of abuse or neglect. The volunteer acts as an officer of the court with the authority to investigate the case, view relevant records, receive notice and participate in court hearings. The volunteer makes recommendations and submits a report to the court recommending services and placement, advocating exclusively for the child's best interests.

**Education and Training Vouchers (ETV) Program** – Provides resources through the states for vouchers for post-secondary training and education to assist youth otherwise eligible for services under the state's John H. Chafee Foster Care Independence Program (see definition below) including those who were adopted or entered kinship guardianship from foster care after attaining age 16. The vouchers, which are included as a sixth purpose in the John H. Chafee Foster Care Independence Program, make up to \$5,000 per year per youth available for secondary education and training to eligible youth.

**Eligibility requirements for Title IV-E adoption assistance** - Fostering Connections makes two important changes to the eligibility requirements for Title IV-E adoption assistance. First, upon enactment of the new law, children who would be eligible for Supplementary Security Income (SSI) benefits based solely on the medical and disability requirements are automatically considered children with special needs and eligible for adoption assistance without regard to the SSI income requirements. Second, the new law will “de-link” children's eligibility for federal adoption assistance payments from outdated AFDC income requirements. Under pre-existing law, a child in foster care is eligible for federal adoption assistance only if the home they are removed from has an income that meets the state's Aid to Families with Dependent Children (AFDC) income eligibility standard in place on July 16, 1996. As of October 1, 2009, states with federal adoption assistance programs will be able to claim federal funds for more children with special needs through phased-in de-linking of a child's eligibility from the AFDC income criteria.

In the first year, states must begin phasing in an expansion of the program to reach more eligible children with special needs, beginning with youth age 16 or older and children who already have been in care for five years and their siblings, who are often the most difficult to place for adoption. Other children will be phased in by age over the next 9 years, so that all eligible children with special needs will be covered by October 1, 2017.

Currently, youth are eligible for Title IV-E adoption assistance if the youth:

- Was removed from an income-eligible home and placed into foster care pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child and the child meets the definition of a child with special needs.

- Was removed from an income-eligible home and placed into foster care pursuant to a voluntary placement agreement and, while in foster care, Title IV-E foster care maintenance payments were made on the child's behalf.
- Meets the medical and disability requirements of SSI.
- Is the child of a minor parent that meets the definition of a child with special needs, or,
- Is adopted following the dissolution of an adoptive placement in which the child was receiving Title IV-E adoption assistance.

Once the de-link is phased in, the same criteria will apply with the exception of the income requirements, which will no longer apply.

**Eligibility requirements for Title IV-E kinship guardianship assistance - *Child's eligibility*** - Children in relative foster homes who have resided with their prospective relative guardians for at least six consecutive months while eligible for Title IV-E maintenance payments are eligible for kinship guardianship assistance. This means that a child must meet all eligibility requirements for Title IV-E foster care, including the requirement that they were removed from an AFDC-eligible home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child and placed in a licensed or approved home. These children must also demonstrate a strong attachment to the prospective relative guardian. If age 14 or older, youth must be consulted about the guardianship arrangement before it is finalized. Siblings of children eligible for kinship guardianship assistance are also eligible for federal kinship guardianship assistance if placed in the same guardianship arrangement even when they do not meet other eligibility requirements.

Additionally, all children who, as of September 30, 2008, were receiving assistance or services under a Title IV-E waiver demonstration project can continue to receive that same assistance and services when the waiver is terminated. The state expenditures on behalf of these children will continue to be eligible for federal reimbursement under Title IV-E regardless of whether the state establishes a Kinship Guardianship Assistance Program.

*Relative Guardian's Eligibility* - An eligible guardian must be a relative of the child who has a strong commitment to caring permanently for the child and has undergone criminal record checks and child abuse registry checks. The relative must also be licensed as a foster parent because the Administration for Children, Youth and Families currently requires the home to be licensed in order for the child to be eligible for Title IV-E maintenance payments and, therefore, qualify for guardianship assistance.

**Family group decision-making** - A generic term that includes a number of approaches in which family members are brought together to make decisions about how to care for their children and develop a plan for services. Families are engaged and empowered by child welfare agencies to make decisions and develop plans that protect their children from experiencing further abuse and neglect. Different terms used for this type of intervention include "family group conferencing," "family team conferencing," "family team decision-making," "family team meetings," "family unity meetings," and "team decision-making." Approaches differ in various aspects, but most consist of several phases and employ a trained facilitator or coordinator.

**Federal Fiscal Year (FY)** – The accounting period of the federal government is the federal fiscal year. It begins on October 1<sup>st</sup> of each year and runs through September 30<sup>th</sup> of the next year. Each fiscal year is identified by the calendar year in which it ends. A state’s fiscal year may or may not coincide with the federal fiscal year; it may coincide with the calendar year or run from July 1<sup>st</sup> of the year to June 30<sup>th</sup> of the next year.

**Federal Medical Assistance Percentage (FMAP)** – The Federal Medical Assistance Percentage (FMAP) is used in determining the amount of federal matching funds for state expenditures for assistance payments for certain social services, including the Title IV-E Foster Care and Adoption Assistance programs, and state medical and medical insurance expenditures. The Social Security Act requires the Secretary of Health and Human Services to calculate and publish the FMAPs each year.

**Federal Parent Locator Service (FPLS)** - National location system operated by the Federal Office of Child Support Enforcement of the Administration for Children and Families, to assist in locating parents and custodial parties to establish paternity; establish, modify or enforce child support orders; make or enforce child custody or visitation determinations; enforce federal or state laws regarding unlawful taking or restraint of a child; and help state child welfare agencies determine parental rights.

**Foster Care Licensing Standards** – Each state has licensing regulations to ensure children are cared for in physically and developmentally safe foster family homes, group homes, and child care institutions. Although some states have separate standards when care is to be provided by related caregivers rather than by non-related caregivers, HHS has interpreted federal law to require that, for purposes of federal reimbursement, the same licensing standards must be applied to all foster parents, but does allow exceptions to be made on a case-by-case basis. The new act codifies this guidance.

**Guardian *ad litem* (GAL)** - A lawyer or layperson who represents a child in juvenile or family court. Usually this person considers the best interest of the child and may perform a variety of roles, including those of independent investigator, advocate, advisor, and guardian for the child. A layperson who serves in this role is sometimes known as a Court Appointed Special Advocate (CASA) volunteer.

**Guardianship** - The transfer of parental responsibility and legal authority for a minor child to an adult caregiver who intends to provide permanent care for the child. This can be done without terminating the parental rights of the child's parents. Transferring legal responsibility removes the child from the child welfare system, allows the caregiver to make important decisions on the child's behalf, and establishes a long-term caregiver for the child. In subsidized guardianship, the guardian is provided with a monthly subsidy for the care and support of the child.

**Health & Human Services, Department of** – Cabinet level department within the Executive Branch that is the United States’ principal governmental agency for protecting the health of all Americans and providing essential human services across the country, especially for those who are least able to help themselves.

**Administration of Children & Families (ACF)** – Within HHS, ACF is responsible for federal programs that promote the economic and social well-being of families, children, individuals and communities. Its' 60-some programs include adoption and foster care; child abuse and neglect; child care; child support; disabilities; energy assistance; Head Start; Healthy Marriage Initiative; Human Trafficking; Native American/Tribal supports; and the Temporary Assistance for Needy Families Program.

**Children's Bureau** – It is one of two bureaus within the Administration on Children & Families (ACF). It works with state and local agencies to develop programs that focus on preventing the abuse of children, protecting children from abuse, and promoting permanent families for children.

**Independent Living Program** - A program that provides older children and eligible youth in out-of-home care with independent living services to help prepare them for self-sufficiency in adulthood. They can receive these services while they are living in any type of out-of-home care placement (such as kinship care, family foster care, or residential/group care). Youth receiving independent living services can be working toward achieving any of the permanency goals (such as reunification, adoption, or guardianship), or they may be heading toward emancipation from (aging out of) foster care to adulthood on their own. Independent living services generally include assistance with money management skills, educational assistance, household management skills, employment preparation, and other services.

**John H. Chafee Foster Care Independence Program** – The Chafee Program has three components: (1) independent living services to help youth who are likely to remain care foster care until the age of 18, youth who leave foster care at 18 or older, and youth who were adopted or entered legal guardianship from foster care after attaining age 16 transition to self-sufficiency (basic independent living services); (2) assistance with room and board for those who exited foster care because they turned 18 but who have not yet turned 21; and (3) education and training vouchers for youth otherwise eligible for services under that state's Chafee Program including those who were adopted or entered kinship guardianship from foster care after attaining age 16.

**Kinship Navigator Program** – Program that will assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and that will promote effective partnerships among public and private agencies to ensure kinship caregiver families are served.

**Medicaid** – Provides financial assistance to states for payments of medical assistance on behalf of cash assistance recipients, children, pregnant women, and the aged who meet income and resource requirements, and other categorically-eligible groups including children who are eligible for the Title IV-E Foster Care and Adoption Assistance programs and, under the new Fostering Connections law, Kinship Guardianship Assistance Payments. In certain states that elect to provide such coverage, medically needy persons, who, except for income and resources, would be eligible for cash assistance, may be eligible for medical assistance payments under this program.

**Medical Home** – An approach to providing comprehensive primary medical care. According to The American Academy of Pediatrics (AAP), the characteristics of a "medical home" include: medical care of infants, children, and adolescents that is accessible, continuous, comprehensive,

family centered, coordinated, compassionate, and culturally effective. It should be delivered or directed by well-trained physicians who provide primary care and help to manage and facilitate essentially all aspects of pediatric care. The physician should be known to the child and family and should be able to develop a partnership of mutual responsibility and trust with them.

**National Youth in Transition Database (NYTD)** - The National Youth in Transition Database (NYTD) will collect case-level information on youth in care including the services paid for or provided by the State agencies that administer the Chafee Foster Care Independence Program (CFCIP), as well as the outcome information on youth who are in or who have aged out of foster care.

**Permanency** - A legally permanent, nurturing family for every child and youth. As defined in the Child and Family Services Reviews, a child in foster care is determined to have achieved permanency when any of the following occurs: (1) The child is discharged from foster care to reunification with his or her family, either a parent or other relative; (2) the child is discharged from foster care to a legally finalized adoption; or (3) the child is discharged from foster care to the care of a legal guardian.

**Room and board** - As used in section 477(b)(3)(B) of the Social Security Act, "room and board" has no statutory definition, but typically includes shelter and food. These are the most expensive, essential items that youth ages 18-21 may not be able to cover with their own incomes. The term does not include all items covered by the Title IV-E foster care maintenance payment definition. States may set a reasonable definition of room and board that may include rent deposits, utilities and other household start-up purchases.

**State Child Welfare Agency** – State agencies that are mandated to respond to reports of child abuse and neglect and to intervene as needed to protect children. Typically they provide a range of child welfare services for children and families, including family preservation, child protection, out-of-home care, kinship care, and adoption. For links to child welfare agencies in each state see: [http://www.childwelfare.gov/pubs/reslist/rl\\_dsp\\_website.cfm?rs\\_ID=16&rate\\_chno+AZ-0004E](http://www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?rs_ID=16&rate_chno+AZ-0004E)

**Statewide Automated Child Welfare Information System (SACWIS)** - Statewide Automated Child Welfare Information System (SACWIS) is a single statewide system that automates the collection of federally mandated child welfare data and provides support for the delivery and management of child welfare services. States receive Federal Financial Participation (FFP) for the development of a system through the Omnibus Reconciliation Act of 1993.

**Termination of parental rights (TPR)** - Voluntary or involuntary legal severance of the rights of a parent to the care, custody, and control of a child and to any benefits that, by law, would flow to the parent from the child, such as inheritance.

**Title IV-E Adoption Assistance** – Provides federal funding to states for adoption subsidy costs for the adoption of eligible children with special needs who meet certain eligibility tests; administrative costs to manage the program; and training for the public agency staff, adoptive parents, and certain private agency staff.

**Title IV-E Foster Care** – Provides federal funding to help states provide safe and stable out-of-home care for children under the jurisdiction of the state child welfare agency until the children are returned home safely, placed with adoptive families, or placed in other planned arrangements for permanency. The program provides funds to states to assist with the costs of foster care maintenance for eligible children; administrative costs to manage the program; and training for the public and private agency staff, foster parents and certain private agency staff.

**Title IV-E Training** – Provides federal funding to states to assist with training for public and private agency staff, court staff, attorneys, court appointed special advocates, guardians ad litem, and foster and adoptive parents and relative caregivers.

**Title IV-E Waivers** – The Child Welfare Waiver Demonstration authority provided states with an opportunity to use federal Title IV-E funds more flexibly in order to test innovative approaches to child welfare service delivery and financing. States could design and demonstrate a wide range of approaches to reform child welfare and improve outcomes in the area of safety, permanency, and well-being and request waivers of Title IV-E rules to be able to implement them. Although the authority for new waivers ended in March 2007, 12 states are continuing waivers in different areas begun before that date.

**TRIO** – The federal TRIO programs are educational opportunity outreach programs designed to motivate and support students from disadvantaged backgrounds. TRIO includes six outreach and support programs targeted to serve and assist low-income, first-generation college students, and students with disabilities to progress through the academic pipeline from middle school to post baccalaureate programs. TRIO programs include: Educational Opportunity Centers, Ronald E. McNair PostBaccalaureate Achievement, Student Support Services, Talent Search, Training Programs for Federal TRIO Programs Staff, Upward Bound, Upward Bound Math & Science and Veterans Upward Bound.

\*Generally, definitions were drawn from the Catalog of Federal Domestic Assistance (CFDA) ([http://12/46.245.173/pls/portal30/CATALOG.FIND\\_ASSISTANCE\\_PROGRAM\\_DYN.show](http://12/46.245.173/pls/portal30/CATALOG.FIND_ASSISTANCE_PROGRAM_DYN.show)) or the Child Welfare Information Gateway Glossary (<http://www.childwelfare.gov/admin/glossary/index.cfm>). Additional definitions were drawn from the ACF website, the Department of Education website and the American Academy of Pediatrics website.



## **APPENDIX 2: Selected Resources**

### **Websites of the Organizations that Collaborated on this FAQ**

#### **National Foster Care Coalition**

<http://www.nationalfostercare.org/>

#### **American Bar Association, Center on Children and the Law and Commission on Youth at Risk**

<http://www.abanet.org/child/>

#### **Casey Family Programs**

<http://www.casey.org/Home>

#### **Children's Defense Fund**

<http://www.childrensdefense.org/>

#### **Center for Law and Social Policy**

<http://www.clasp.org/>

#### **Juvenile Law Center**

<http://www.jlc.org/>

#### **National CASA Association**

<http://www.casaforchildren.org/>

#### **Voices for America's Children**

<http://www.voices.org>

### **Fostering Connections – General Information**

#### **Fostering Connections, Public Law 110-351**

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_public\\_laws&docid=f:publ351.110.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ351.110.pdf)

#### **Congressional Research Service's Summary of Fostering Connections**

[http://assets.opencrs.com/rpts/RL34704\\_20081009.pdf](http://assets.opencrs.com/rpts/RL34704_20081009.pdf)

### **Kinship Guardianship and Kinship Guardianship Assistance & Fostering Connections**

*New Help for Children Raised by Grandparents and Other Relatives: Questions and Answers about the Fostering Connections to Success and Increasing Adoptions Act of 2008*, January, 2009.

<http://www.childrensdefense.org/child-research-data-publications/data/FCSIAA-new-help-children-raised-by-grandparents-full-report.pdf>

### **Resources for Young Adults in Foster Care**

#### **FosterClub**

<http://www.fosterclub.com/>

#### **Foster Care Alumni Association of America**

<http://www.fostercarealumni.org/>

### **Resources on Model Housing Programs and Program Standards**

*Effective Practices in Transitional Housing Plus* (John Burton Foundation for Children Without Homes 2007).

[http://www.johnburtonfoundation.org/THP-Plus\\_Implementation\\_Guide.pdf](http://www.johnburtonfoundation.org/THP-Plus_Implementation_Guide.pdf)

*“Ensuring Safe and Supportive Transitional and Independent Living Arrangements for Youth,”* in Child Welfare League of America’s *Standards of Excellence for Transition, Independent Living, and Self-Sufficiency Services* (CWLA, 2005). Order form: <http://www.cwla.org/programs/standards/cwsstandardsindependentliving.htm>

*Housing Options for Independent Living Programs*, Mark J. Kroner (CWLA, 1999). Order form: <http://www.cwla.org/pubs/pubdetails.asp?PUBID=7527>

*Moving In: Ten Successful Independent/Transitional Living programs*, Mark J. Kroner, Ed. (Northwest Media, Inc. 2001). Order form: <http://www.northwestmedia.com/il/movingin.html>

*New Homes, Brighter Futures: Profiles of Housing Programs for Young Adults* (Corporation for Supportive Housing, September 2007). <http://documents.csh.org/documents/doclib/NewHomeswithProfilesFINAL.pdf>

*Review of State Policies and Programs to Support Young People Transitioning Out of Foster Care*, Amy Dworsky & Judy Havlicek (Chapin Hall 2009).

For abstract: [http://www.chapinhall.org/article\\_abstract.aspx?ar=1481&L2=61&L3=130](http://www.chapinhall.org/article_abstract.aspx?ar=1481&L2=61&L3=130)

*Standards of Excellence for Transition, Independent Living, and Self-Sufficiency Services* (Child Welfare League of America, 2005). Table of contents, index: <http://www.cwla.org/programs/standards/standardsintroidindependentliving.pdf>

*Standards of Excellence for Transition, Independent Living and Self-Sufficiency (TILSS) Services*, CWLA, PowerPoint Presentation. [www.cwla.org/programs/standards/tilss.ppt](http://www.cwla.org/programs/standards/tilss.ppt)

### **Information on Family Finding and Location of Relatives**

***Six Steps to Find a Family: A Practical Guide to Family Search and Engagement*** (The National Resource Center for Family Centered Practice and Permanency Planning at the Hunter College School of Social Work and California Permanency for Youth Project, 2006)  
<http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/SixSteps.pdf>

***Making “Relative Search” Happen: A Guide to Finding Involving Relatives at Every Stage of the Child Welfare Process*** (ChildFocus, 2007)  
<http://www.childfocuspartners.com/images/RelativeSearchGuide10-15.pdf>

### **Information on the Education Provisions of Fostering Connections Related to Older Youth**

#### **Legal Center for Foster Care and Education**

[www.abanet.org/child/education](http://www.abanet.org/child/education)

**Questions and Answers: Federal Laws Related to Education Opportunities for Older Youth**  
<http://www.abanet.org/child/education/publications/QAarchives.html>

**Questions and Answers: Fostering Connections to Success: Education Provisions**  
<http://www.abanet.org/child/education/publications/QAarchives.html>

**Fostering Connections Act Implementation Checklists: *Checklist 1: Setting the Stage and Checklist 2: Education Obligations and Considerations under the Fostering Connections Act***  
<http://www.abanet.org/child/education/publications/fc%5fimplementation%5fchecklists%5ffinal.pdf>

### **Additional Resources on Educational Opportunities for Older Youth in Foster Care**

#### **Federal TRIO Programs**

<http://www.ed.gov/about/offices/list/ope/trio/index.html>

#### **GEAR UP Program**

<http://www.ed.gov/programs/gearup/index.html>

#### **State Education and Training Program Information**

##### **Statevoucher.org**

<https://www.statevoucher.org/>

### **Resources and Information on Data Collection**

#### **Information about AFCARS (Adoption and Foster Care Analysis Reporting System)**

<http://www.acf.hhs.gov/programs/cb/systems/afcars/about.htm>

[http://www.ndacan.cornell.edu/Ndacan/Datasets/Abstracts/DatasetAbstract\\_AFCARS\\_General.html](http://www.ndacan.cornell.edu/Ndacan/Datasets/Abstracts/DatasetAbstract_AFCARS_General.html)

**Information about SACWIS (Statewide Automated Child Welfare Information System)**

<http://www.acf.hhs.gov/programs/cb/systems/sacwis/about.htm>

**Information about NYTD (National Youth in Transitions Database)**

<http://www.nrcys.ou.edu/yd/nytd2.html>

## **ENDNOTES**

---

<sup>i</sup> Federal AFCARS Data, 2006.

<sup>ii</sup> Research studies that demonstrate these results include: Mark Courtney, Amy Dworsky, Gretchen Cusick, Judy Havlicek, Alfred Perez, Tom Keller, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21*, Chapin Hall Research Center for Children, University of Chicago, (December 2007): 68-70. [http://www.jimcaseyouth.org/docs/ch\\_midwest\\_study121207.pdf](http://www.jimcaseyouth.org/docs/ch_midwest_study121207.pdf); Peter Pecora, Ronald Kessler, Jason Williams, Kirk O'Brien, Chris Downs, Diana English, James White, Eva Hiripi, Catherine White, Tamera Wiggins & Kate Holmes, *Improving Foster Family Care: Findings from the Northwest Foster Care Alumni Study*. Casey Family Programs, (2005). <http://www.casey.org/NR/rdonlyres/4E1E7C77-7624-4260-A253-892C5A6CB9E1/375/CaseyAlumniStudyupdated082006.pdf>; M.B. Kushel, I.H. Yen, L. Gee & M.E. Courtney, *Homelessness and Health Care Access After Emancipation: Results from the Midwest Evaluation of Adult Functioning of Former Foster Youth*. Archives of Pediatric Medicine 161 no. 10 (2007). <http://archpedi.ama-assn.org/cgi/content/full/161/10/986>

<sup>iii</sup> Program Instruction on the Guardianship Assistance Program, U.S. Department of Health and Human Services, Administration on Children, Youth and Families, ACYF-CB-PI-08-007, (December 24, 2008). [http://www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/GuardianPI08-0712-24-08.pdf](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/GuardianPI08-0712-24-08.pdf)

<sup>iv</sup> Program Instruction on the Guardianship Assistance Program, U.S. Department of Health and Human Services, Administration on Children, Youth and Families, ACYF-CB-PI-09-04, (March 24, 2009). NEED URL

<sup>v</sup> New Help for Children Raised by Grandparents and Other Relatives: Questions and Answers About the Fostering Connections to Success and Increasing Adoptions Act of 2008, (January 2009). <http://www.clasp.org/publications/NewHelpForChildrenRaisedbyGrandparentsandOtherRelatives.pdf>

<sup>vi</sup> *Permanency Pact*, FosterClub, 2006. [http://www.fosterclub.com/files/PermPact\\_0.pdf](http://www.fosterclub.com/files/PermPact_0.pdf)

<sup>vii</sup> National Child Welfare Resource Center for Youth Development Survey of States, 2006. [http://www.nrcys.ou.edu/yd/state\\_pages.html](http://www.nrcys.ou.edu/yd/state_pages.html)

<sup>viii</sup> Federal AFCARS Data, 2006.

<sup>ix</sup> Same as first report cited in endnote ii.

<sup>x</sup> Mark Courtney, Amy Dworsky, & Clark Peters, *California's Fostering Connections to Success Act and the Costs and Benefits of Extending Foster Care to 21*. Partners for Our Children, March 2, 2009. <http://www.california-adoption.org/Documents/VoiceForAdoptionFederal.pdf>

<sup>xi</sup> Jennifer Ehrle Macomber, Stephanie Cuccaro-Alamin, Dean Duncan, Daniel Kuehn, Marla McDaniel, Tracy Veriker, Mike Pergamit, Barbara Needell, Hye-Chung Kim, Joy Stewart, Chung-Kwon Lee, Richard Barth, *Coming of Age: Employment Outcomes for Youth Who Age Out of Foster Care Through Their Middle Twenties*, Urban Institute, April 1, 2008. [http://www.urban.org/UploadedPDF/1001174\\_employment\\_outcomes.pdf](http://www.urban.org/UploadedPDF/1001174_employment_outcomes.pdf)

<sup>xii</sup> For all, see report cited in footnotes ii and x

<sup>xiii</sup> See report cited in footnote x

<sup>xiv</sup> Mark Courtney, Amy Dworsky, Clark Peters & Harold Pollack, *When Should the State Cease Parenting? Evidence from the Midwest Study*. Chapin Hall Center for Children at the University of Chicago, 2007. url: [http://www.chapinhall.org/article\\_abstract.aspx?ar=1355](http://www.chapinhall.org/article_abstract.aspx?ar=1355)

---

<sup>xv</sup> Standards of Excellence for Transition, Independent Living, and Self-Sufficiency Services, Child Welfare League of America, 2005. Table of contents and introduction:  
<http://www.cwla.org/programs/standards/standardsintroindependentliving.pdf>

<sup>xvi</sup> Amy Dworsky & Judy Havlicek, *Review of State Policies and Programs to Support Young People Transitioning Out of Foster Care 9* (Chapin Hall 2009). Abstract here:  
[http://www.chapinhall.org/article\\_abstract.aspx?ar=1481&L2=61&L3=130](http://www.chapinhall.org/article_abstract.aspx?ar=1481&L2=61&L3=130)

<sup>xvii</sup> Url: [http://www.hhs.gov/ocr/lep/lep\\_guidance080403.pdf](http://www.hhs.gov/ocr/lep/lep_guidance080403.pdf)

<sup>xviii</sup> Url: <http://www.ada.gov/taman2.html#II-7.0000>