



## Extension of Foster Care Beyond Age 18

Young people leaving foster care are often at different levels of development in their transition to adulthood. With the growing recognition that most young people are not fully prepared for self-sufficiency by age 18, States offer a variety of programs, including foster care, to this population.

### Federal Option to Extend Foster Care

The Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) amended the title IV-E program to give States the option of allowing youth to remain in foster care after reaching age 18, provided that they have not yet reached age 19, 20, or 21, as the State may elect. The conditions for continued title IV-E payments apply to youth over age 18 and require the youth to be completing secondary school (or the equivalent), enrolled in postsecondary or vocational school, participating in a program or activity that promotes or removes barriers to employment, employed 80 hours a month, or incapable of school and/or work requirements due to a documented medical condition.<sup>1</sup> The act also amended the definition of a child care institution in 42 U.S.C. § 672(c)(2) to include a supervised setting in which an individual who has reached age 18 is living independently.

<sup>1</sup> See 42 U.S.C. § 675(8)(B)(iv) (2015).

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**To find statute information for a particular State, go to**

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

As of December 1, 2016, 24 States have opted into providing some level of extended foster care under the Fostering Connections Act through programs that have been approved by the Children’s Bureau (see figure 1 on page 5). The Children’s Bureau offers guidance on the provisions of this legislation in Program Instruction ACYF-CB-PI-08-05 (<http://www.acf.hhs.gov/cb/resource/pi0805>), issued October 23, 2008, and Program Instruction PI-10-10 (<http://www.acf.hhs.gov/cb/resource/pi1010>), issued June 7, 2010.

States also extend foster care services and supports to youth in their foster care system after age 18. State-funded extended foster care programs are not required to meet the requirements of the Federal Extended Foster Care program, but many follow the school and work requirements of the Federal program.

## Availability of Foster Care Beyond Age 18<sup>2</sup>

In approximately 46 States, the District of Columbia, and American Samoa, youth who are in out-of-home care at the time they reach their 18th birthday are allowed to extend that placement and continue receiving services from the social services agency.<sup>3</sup> In most cases, youth may remain under agency supervision until age 21—in situations that can include foster care, a supervised independent living arrangement, or the provision of transitional living services—while they continue working on educational or vocational goals and further develop their independent living skills and transition to independence.<sup>4</sup>

<sup>2</sup> The information below includes States that are approved to operate an extended foster care program through the Federal option and State-funded programs.

<sup>3</sup> The word “approximately” is used to stress the fact that the States frequently amend their laws. This information is current through February 2017. The following States allow an extension of foster care up to age 21, except as noted: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii (to age 19 or age 20 for a youth still in high school who is receiving special education services), Idaho, Illinois, Indiana (to age 20), Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts (to age 22), Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont (to age 22), Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Louisiana, Ohio, Oregon, and Utah do not offer continued foster care and supervision but do provide support services to former foster youth to age 21.

<sup>4</sup> The sources of funding for these programs, whether Federal or State, are not identified in the statutes and regulations reviewed.

In 31 States, youth who leave foster care when they reach age 18 may request, at any time prior to their 21st birthday (or as otherwise specified in State law), to return to foster care (which may be in the form of a supervised Independent Living situation or a resumption of transitional living services).<sup>5</sup> A return to foster care is permitted when a youth has attempted to live independently but now a youth needs continued assistance and support. In these States, youth can return to care and/or supervision in order to pursue educational or job training goals, to ensure his or her personal safety, or to further develop the skills needed to achieve self-sufficiency.

## Requirements for Remaining in Placement

Youth who elect to remain in or return to foster care are required to meet specific eligibility requirements that are articulated in Federal law (as applicable), State law, regulation, or policy. In most cases, youth also need to work actively with their caseworkers to develop and implement case plans that help them reach their education and career goals and work toward self-sufficiency.

In 17 States<sup>6</sup>, the eligibility requirements in State law include at least one of the following:

- The youth is working to complete a high school diploma or an equivalent credential.
- The youth is enrolled in a postsecondary or vocational program.
- The youth is participating in a program designed to remove barriers to employment.
- The youth is employed for at least 80 hours per month.
- The youth is incapable of any of the activities listed above due to a documented medical condition.

<sup>5</sup> The following States permit a return to foster care: Alabama, Alaska, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana (to age 20), Iowa (to age 20 and only for the purpose of completing high school or an equivalent program), Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont (up to age 22), Virginia, Washington, West Virginia, and Wisconsin.

<sup>6</sup> Arkansas, California, Colorado, Florida, Indiana, Maine, Massachusetts, Michigan, Minnesota, Nebraska, North Carolina, North Dakota, Pennsylvania, Tennessee, Texas, Washington, and West Virginia. Among these States, all except Colorado, Florida, and North Carolina have qualified for participation in the Federal Extended Foster Care Program (see figure 1 on page 5).

State laws in Oregon, Vermont, and West Virginia require youth who are receiving services to be engaged in 40 “productive hours” per week, which includes time devoted to any combination of classes, study, work, internships, volunteer work, training, apprenticeships, or treatment activities.

## Placement Agreements

Extension or return to foster care may be accomplished through court order or through a written agreement between the youth and the department, and in many cases it is voluntary on the part of the youth. In 27 States, a youth who requests extended foster care services must enter into a specific, written voluntary placement agreement with the child welfare agency that will be providing the services.<sup>7</sup> In 24 States and the District of Columbia, the youth must agree to work with the agency to develop a written service plan.<sup>8</sup>

In many cases, the voluntary placement agreement or service plan serves as a contract between the agency and the youth. The agreement specifies the services and resources that will be provided to the youth and the responsibilities of the youth regarding the services. The service plan is designed to reflect the youth’s strengths, needs, and circumstances and to promote the young adult’s successful transition to independent adult living and emotional and economic self-sufficiency. The plan should be developed in partnership with the youth and other persons who are significant to the youth and be a mutual agreement between the youth and program staff.

<sup>7</sup> Alaska, Arizona, California, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>8</sup> Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Missouri, Montana, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming.

Elements that often are addressed in the plan include:

- Specific measurable goals
- Items that are appropriate for the individual youth, particularly with regards to the youth’s:
  - Education, including postsecondary education
  - Employment and vocational training
  - Personal and emotional support

In the agreement, the youth has certain responsibilities to working toward meeting the goals and objectives of his or her service plan and working on becoming semi-independent and self-sufficient. The department has the responsibility to provide the youth with assistance in meeting those goals and objectives.

## Transition Supports Provided

States offer an array of services and resources designed to support youth in extended foster care as they work toward self-sufficiency. The services and resources provided are intended to help the youth achieve his or her service plan goals and may include any of the following:

- Academic support, including tutoring, study skills training, literacy training, and help accessing educational resources
- Assistance in applying for admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where appropriate
- Career preparation, including:
  - Vocational and career assessment, guidance in setting and assessing vocational and career interests and skills, and help in matching interests and abilities with vocational goals
  - Job seeking and job placement support, writing resumes, completing job applications, developing interview skills, understanding employee benefits coverage, and securing work permits
- Employment programs or vocational training, including apprenticeships, internships, or summer employment programs

- Budgeting, financial management, and consumer skills training and support
- Housing education and home management skills, including homemaker skills, tenant’s rights, meal planning and preparation, nutrition, laundry, housekeeping, grocery shopping, and basic home maintenance
- Health education, including family planning, sex education, healthy relationships, parenting, risk prevention, and substance abuse prevention
- Transitional housing, such as group homes, foster homes, or subsidized apartments, with gradually decreasing levels of supervision
- Mentoring and counseling
- Referrals to community supports
- Short-term financial assistance
- Assistance with obtaining a driver’s license
- Room and board financial assistance, including rent deposits, utilities, and other household start-up expenses
- Education financial assistance, including allowances to purchase textbooks, uniforms, computers, and other educational supplies; tuition assistance; scholarships; payment for educational preparation and support services; and payment for general equivalency diploma (GED) and other educational tests
- Developing and maintaining relationships with individuals who are important to the youth
- Assistance with accessing the youth’s credit report and resolving any inconsistencies<sup>9</sup>
- Assistance with enrolling in Medicaid or other State-sponsored medical insurance coverage<sup>10</sup>
- Assistance with designating another person to make health-care decisions on behalf of the youth and executing a health-care power-of-attorney

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State’s code as well as agency regulations, case law, and informal practices and procedures.

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<sup>9</sup> The Child and Family Services Improvement and Innovation Act (P.L. 112-34), enacted in September 2011, amended title IV-E to provide this support for foster youth who are age 16 and older. See 42 U.S.C. § 675(5)(l).

<sup>10</sup> For more information on the eligibility of older youth in or formerly in foster care to receive Medicaid or other health-care coverage, see the Child Welfare Information Gateway Issue Brief *Health-Care Coverage for Youth in Foster Care—and After* at <https://www.childwelfare.gov/pubs/issue-briefs/health-care-foster/>.

**Title IV-E Agencies With Federal Approval to Extend Foster Care Beyond the Age of 18 (Fostering Connections) As of 12/22/2016**

State or Tribal Nation	Effective	Age	Education Condition: Secondary	Education Condition: Post-Secondary	Employment Condition: Promote	Employment Condition: 80 hours	Other Conditions: Medical
Alabama	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
Arkansas	6/1/2011	21	Yes	Yes	Yes	Yes	Yes
California	1/1/2012	21	Yes	Yes	Yes	Yes	Yes
Connecticut	10/1/2013	21	Yes	Yes	Yes	Yes	Yes
Washington, DC	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
Hawai'i	7/1/2014	21	Yes	Yes	Yes	Yes	Yes
Illinois	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
Indiana	7/1/2012	20	Yes	Yes	Yes	Yes	Yes
Maine	1/1/2012	21	Yes	Yes	Yes	Yes	Yes
Maryland	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
Massachusetts	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
Michigan	7/1/2012	21	Yes	Yes	Yes	Yes	Yes
Minnesota	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
Nebraska	9/1/2014	21	Yes	Yes	Yes	Yes	Yes
New York	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
North Dakota	1/1/2012	21	Yes	Yes	Yes	Yes	Yes
Oregon	4/1/2011	21	Yes	Yes	Yes	Yes	Yes
Pennsylvania	7/1/2012	21	Yes	Yes	Yes	Yes	Yes
Tennessee	10/1/2010	21	Yes	Yes	No	No	Yes
Texas	10/1/2010	21	Yes	Yes	Yes	Yes	Yes
Virginia	pending	21	Yes	Yes	Yes	Yes	Yes
Washington*	7/1/2011	21	Yes	Yes	Yes	Yes	Yes
West Virginia	1/1/2011	21	Yes	Yes	No	No	No
Wisconsin*	1/1/2015	21	Yes	No	No	No	No
Pascua Yaqui, AZ	10/1/2016	21	Yes	Yes	Yes	Yes	Yes
Eastern Band of Cherokee, NC	10/1/2015	21	Yes	Yes	Yes	Yes	No
Navajo Nation	10/1/2014	21	Yes	Yes	Yes	Yes	Yes
Keweenaw Bay Indian Community	1/1/2014	21	Yes	Yes	Yes	Yes	Yes
Tolowa Dee-ni' Nation	1/10/2016	21	Yes	Yes	Yes	Yes	Yes

**Notes:** Washington: Effective Dates: Post-Secondary education 4/1/2012; Barriers to employment 7/1/2013; 80 hrs. employment 4/1/2015; medical condition 4/1/2016.  
 Wisconsin: Youth completing secondary education with documented disability.

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## Alabama

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Admin. Code r. 660-5-48-.05; 660-5-48-.06; 660-5-51-.01**

Discharge from the system of care occurs at the point in time the Department of Human Resources (DHR) no longer has care, custody/planning responsibility, or supervision of youth, and it also encompasses situations in which youth age out of the system of care. Aging out of the system of care occurs on a youth's 19th or 21st birthday. All youth, without exception, age out of the system of care on their 21st birthday.

Youth, ages 18 to 20, who have previously resided in DHR foster care may request reentry into the system following discharge if they are living in a situation that poses an identifiable risk of harm that would typically result in the provision of child welfare services if they were under age 19. A youth's reentry into foster care may be authorized through DHR's resumption of legal custody if the case remained open on the court's administrative docket, or it may be authorized through completion of an Agreement for Foster Care. Transitional and Independent Living programs and placements shall serve Alabama youth, in DHR custody and residing in foster care, who are ready to transition from the dependence of childhood to living independently as an adult. These youth must be at least age 17 for Independent Living and age 16 for transitional living programs and younger than age 21 for either program. Placements also may be provided to youth who were in Alabama foster care on or after their 18th birthday and have not yet reached age 21 when the decision is made by the individualized service planning team that the youth needs to reenter foster care.

### Requirements for Remaining in Placement

**Citation: Admin. Code r. 660-5-51-.03**

All youth desiring Independent Living placements must work full time or part time and be involved in a diploma, general equivalency diploma (GED), or vocational program. Youth working full time who have received a diploma or GED may participate in Independent Living services. They are required to work with their DHR social worker and the provider agency's social worker or case manager in developing short- and long-term goals to be included in their individualized service plan (ISP). These short- and long-term goals will be based on the desired outcomes that support youth in achieving independence.

Additional requirements for youth desiring independent living placements include the following:

- Youth must submit a weekly budget to their case manager and their DHR social worker prior to moving into Independent Living housing, and the budget must fall within a youth's monthly income.
- Youth must submit a plan for rent payments and security deposit prior to the housing lease being signed. Youth may cosign the housing lease with the provider agency when they are of legal age (i.e., age 19). DHR is prohibited from signing or cosigning a lease for housing.
- Youth may share housing with one other person of the same (or near the same) age and of the same sex. The program provider and the individualized service planning team may grant an exception to this requirement to allow siblings to share housing. This exception is dependent upon each youth's ISP and the availability of housing space for the additional sibling(s).
- Youth must have their own bedroom regardless of the number of youth who share housing.

### Placement Agreements

**Citation: Admin. Code r. 660-5-48-.04; 660-5-51-.05**

The youth must be between age 17 and 21 before transitional or independent living can be considered. The court must approve the change in placement when transitional or Independent Living is determined appropriate; or if there is no court involvement, the parent/legal custodian must consent to the placement unless the youth is age 19. Additional criteria will be considered by the ISP team to assess the potential success of the placements.

Decisions and plans for living will be made by the ISP team. Prior to foster youth moving into any licensed or approved transitional or Independent Living setting, the team will assess the plan and give approval to implementing the plan. If a youth's living arrangements are in need of a change, the ISP team shall meet within 72 hours to review the need for the change and to review and revise the youth's plan.

Youth who are planning to move into an Independent Living setting are required to review and sign the 'Personal Safety Agreement.' If the youth refuses to abide by the safety guidelines, the placement cannot occur. Providers shall ensure that a new form is reviewed and signed each year that the youth remains in the Independent Living placement.

## Transition Supports Provided

**Citation: Admin. Code r. 660-5-48-.04; 660-5-51-.02; 660-5-51-.03**

Transitioning from the dependence of childhood to living independently as an adult is a process requiring a decrease in adult supervision. Two types of resources that may assist in this transition are:

- Transitional living, which is an alternative living arrangement that provides foster youth (ages 17 through 20) with opportunities to practice independent living skills in a variety of on-campus settings with decreasing degrees of care and supervision.
- Independent living, which is an alternative living arrangement whereby the youth lives in community-based housing rather than in a foster home or on a group home campus. Ideally, this allows the youth the opportunity to continue the decreased care and supervision so that the youth will ultimately be responsible for his or her own care and will ultimately be prepared to live on his or her own in the same location when DHR no longer holds custody.

Youth in DHR custody may reside in a transitional or Independent Living placement only if the program providing the placement is operated by a DHR-licensed child-placing agency or residential child care facility or a DHR-approved foster family home.

Transitional and Independent Living programs must have components that teach youth the skills they need to live independently. These skills must be tailored to a youth's current level of functioning. Youth in transitional or Independent Living placements must be provided a realistic living experience in which they can take full responsibility for themselves.

Transitional living placements are offered through a variety of residential on-campus living arrangements where youth have the opportunity to practice independent living skills with decreasing degrees of care and supervision. Apartment living may also be considered when the apartments are grouped together in what is known as a 'pod,' and only individuals participating in the program are allowed to live within the pod. A pod must be in a specific location with a supervisor living in one of the on-site units in the pod 24 hours a day, 7 days a week.

Independent Living placements use 'scattered site housing,' which is a dwelling that is typically located in the same town or city in which the program provider is located. Scattered site housing, a least restrictive placement type, does not have a supervisor living on-site and may or may not have other Independent Living placements located near it. Youth desiring to live in Independent Living placements require careful selection, close supervision, and an exceptionally collaborative working effort between the provider agency's program staff and DHR. Independent Living placements shall begin no earlier than a youth's 17th birthday and no later than 6 months prior to a youth's discharge from DHR's system of care.

The child care facility or child-placing agency shall provide youth certain articles and supplies for furnishing their home. The articles and supplies must include a bed and bed linens, a dining table and chairs, living or sitting room furniture, a stove and refrigerator, kitchen furnishings, and a telephone.

## Alaska

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Alaska Stat. § 47.10.080**

For a child in the custody of the Department of Health and Social Services, the court may order:

- One-year extensions of commitment that do not extend beyond the child's 19th birthday if the extension is in the best interests of the child
- Additional 1-year extensions of commitment past age 19 that do not extend beyond the person's 21st birthday if the continued State custody is in the best interests of the person and the person consents to it

In addition to extensions of State custody, a court may grant in a hearing a resumption of State custody that does not extend beyond a person's 21st birthday if the person:

- Consents to it
- Was placed in out-of-home care by the department immediately before being released from State custody and the person was:
  - » At least age 18 and released to the person's own custody
  - » At least age 16 and released to the person's own custody after the disabilities of minority were removed under § 09.55.590 or released to the custody of a parent or guardian because the person refused out-of-home care

- Is in need of out-of-home care:
  - » To avoid personal harm
  - » Because of the person's severe emotional disturbance, mental disability, physical disability, homelessness, or a combination of those conditions
  - » Because the person is completing an educational or vocational program
  - » To otherwise improve the person's successful transition to independent living

### **Requirements for Remaining in Placement**

#### **Citation: Admin. Code Tit. 7, § 53.400**

A petition for resumption of custody may be submitted to the court for a person who is no longer in State custody if:

- The department placed the person in out-of-home care immediately before the person was released from State custody.
- The person:
  - » Was released to the person's own custody after reaching age 18 and consents to resumption of custody
  - » Was at least age 16 and was released to the person's own custody after the disabilities of minority were removed and consents to resumption of custody
  - » Was at least age 16 and released to the custody of a parent or guardian because the person refused out-of-home care, has reached age 18, and consents to resumption of custody
  - » Was at least age 16 and released to the custody of a parent or guardian because the person refused out-of-home care, has not reached age 18, and consents to resumption of custody, and if grounds for filing a child-in-need-of-aid petition do not exist
- The person meets the requirements of Alaska Stat. § 47.10.080(v)(3).
- The person signs a custody resumption agreement that the department has prepared and that includes a provision that the person agrees to actively participate in developing the transition plan and services designed to promote self-sufficiency.

A person is not eligible for resumption of State custody if that person:

- Is married
- Does not reside in this State
- Fails to comply with requirements of probation or parole, if any
- Is in or enters active duty in the military
- Has previously resumed State custody after reaching age 18
- Refuses to sign the custody resumption agreement

### **Placement Agreements**

#### **Citation: Alaska Stat. § 47.10.080**

If requested by the department, the person requesting a resumption of State custody must agree to reasonable terms for resuming State custody that may include matters relating to the person's education, attainment of a job or life skills, or other terms found by the court to be reasonable and in the person's best interests.

### **Transition Supports Provided**

#### **Citation: Alaska Stat. §§ 47.18.300; 47.18.320; Admin. Code Tit. 7, § 53.350**

The department, in coordination with local public and private agencies, shall design, develop, and implement a foster care transition program to provide support and services to individuals who:

- Reach or have reached age 16 or older while in State foster care and have not yet reached age 23
- Meet other eligibility criteria established by the department

Subject to the availability of funding, the program may provide:

- Education and vocational training
- Assistance in obtaining basic education and training
- Career and employment services
- Training in basic life skills
- Housing and utility assistance
- Mentoring and counseling
- Other appropriate services to complement the efforts of former State foster care recipients to achieve self-sufficiency



*In regulation:* In order to successfully facilitate the transition of adolescents from the out-of-home care system to independent living, the following services will be authorized, if funding is available and if consistent with the child's placement plan or case plan, before department release of custody of the child:

- Counseling and referral to community support networks, where available, to assist the youth in preparation for emancipation, in areas such as:
  - » Self-esteem
  - » Basic living skills
  - » Employability
- Financial assistance for housing up to 100 percent of the foster care rate
- The services or goods described in 7 AAC 53.310 [clothing], 7 AAC 53.320 [medical, dental, diagnostic, and therapeutic services], and 7 AAC 53.330 [one-time item money to cover items such as bedding, special events costs, or costs for preplacement visitation and travel]

## American Samoa

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Code §§ 45.0354; 45.0364**

When a child has been adjudicated to be neglected or dependent, the court shall enter a decree of disposition. When the decree does not terminate parental rights, it shall include one or more of the following provisions that the court finds appropriate:

- The court may place the child in the legal custody of one or both parents or the guardian, with or without protective supervision, under conditions the court may impose, under § 45.0346.
- The court may place the child in the legal custody of a relative or other suitable person, with or without protective supervision, under conditions the court may impose, under § 45.0346.
- The court may place legal custody in a child placement agency for placement in a family care home, the Department of Health, or other child care facility.
- The court may order that the child be examined or treated by a physician, surgeon, psychiatrists, or psychologist or that he or she receive other special care and may place the child in a suitable facility for those purposes.

The jurisdiction of the court over any child adjudicated as neglected or dependent continues until he or she reaches age 21 unless terminated by court order.

### Requirements for Remaining in Placement

This issue is not addressed in the statutes reviewed.

### Placement Agreements

This issue is not addressed in the statutes reviewed.

### Transition Supports Provided

This issue is not addressed in the statutes reviewed.

## Arizona

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Pol. & Proc. Man. Ch. 5, §§ 36; 38**

All young adults who are in the custody of the Department of Child Safety, in an approved out-of-home placement (i.e., the Independent Living Subsidy Program, group care, foster home, relative placement, unlicensed relative, or nonrelative placement) when they reach age 18 are eligible to remain in continued out-of-home care under the supervision of the department during the period of the agreement. This includes youth who are dually adjudicated (dependent and delinquent) and released from a secure setting prior to or on their 18th birthday.

Young adults who were in out-of-home placement in the custody of the department, a licensed child welfare agency, or Tribal child welfare agency while age 16, 17 or 18, but have not reached age 21, and are residents of Arizona may receive transitional living support services through an individualized, written agreement that complements their own efforts to achieve self-sufficiency and that assures acceptance of personal responsibility for preparing for and transitioning from adolescence to adulthood.

The department will provide young adults who exited foster care at age 18 or older the opportunity to reenter services under the supervision of the department at any time until the young adult reaches age 21.

### **Requirements for Remaining in Placement**

**Citation: Pol. & Proc. Man. Ch. 5, §§ 35; 36**

To be eligible for Independent Living services, a youth must be:

- At least age 16 but younger than age 21
- In the custody of the department or a Tribal child welfare agency (for youth age 16–18)
- In out-of-home care
- Referred by the youth's assigned child safety specialist, other department staff, or a Tribal social services representative
- A resident of Arizona if age 18, 19, or 20

Participation in the Independent Living program or in voluntary continued out-of-home care may be concluded when the young adult has:

- Reached age 18 and does not desire continued services
- Reached age 21
- Made a voluntary decision to withdraw from the program
- Generally demonstrated noncompliance with or refusal to meet the requirements of the case plan

The young adult will demonstrate personal responsibility for preparing for and transitioning from adolescence to adulthood by working cooperatively with the child safety specialist to develop an individualized agreement for continued care (case plan) that outlines activities to prepare for self-sufficiency by:

- Participating in educational, vocational, employment, or employment-readiness activities of their choice, which may include paid employment, volunteer work, or other activities defined in the case plan that will assist the youth to strengthen their employability
- Identifying their physical and mental health needs and participating in health services, including mental health services of their choice
- Identifying and maintaining a safe living arrangement of their choice that will allow for continuous daily living skill development and practice
- Participating in activities or services to build, strengthen, or maintain positive, healthy relationships with relative and nonrelative persons, including supportive adults with whom the youth desires to establish a long-term connection
- Maintaining contact with the assigned child safety specialist and immediately reporting any actual or anticipated changes to their living arrangement, education, training or employment, or health status

### **Placement Agreements**

**Citation: Pol. & Proc. Man.Ch. 5, §§ 36; 38**

Young adults may remain in foster care after their 18th birthday only if they are residents of Arizona and have signed their case plan (recognized as the Voluntary Foster Care Agreement) that complements their own efforts to achieve self-sufficiency and that assures acceptance of personal responsibility for preparing for and transitioning from adolescence to adulthood.

The young adult must have a service plan that includes independent living objectives and tasks related to these objectives.

Young adults participating in services and supervision through the department must cooperate with the assigned specialist in developing an agreement that identifies how they will increase their skills to become self-sufficient. The agreement must document the young adult's acceptance of personal responsibility to:

- Maintain enrollment in, or enroll in an education, training, or employment program of their choice
- Participate in the education or training program of their choice by attending classes and earning related credits, certificate, license, or degree
- Prepare for financial self-sufficiency by participating in employment or employment-readiness activities of their choice, which may include paid employment, volunteer work, or other activities defined in the case plan that will assist the youth to strengthen their employability

- Identify personal physical and mental health needs and participate in health services, including mental health services of their choice
- Identify and maintain a safe living arrangement

### **Transition Supports Provided**

**Citation: Pol. & Proc. Man. Ch. 5, §§ 36; 37; 38**

Upon approval of the case plan for continued care, the department will provide services, including, but not limited to:

- The cost of care (including an Independent Living Subsidy for youth who qualify)
- Allowances
- Medical and dental services
- Transportation
- Counseling
- Independent Living skills training
- Other transitional support services

The Independent Living Subsidy is available to eligible youth in foster care and to young adults who are residents of Arizona and have signed a voluntary agreement for continued care after age 18, but it may not extend past the youth's 21st birthday. The Independent Living Subsidy Program is not a requirement, but encouraged as an option for youth who qualify for preparing for the transition to adulthood.

The department, in determining eligibility for Independent Living Subsidy, shall not discriminate based on the youth's race; national origin; ethnicity; religious or spiritual beliefs; gender, perceived gender identity, gender expression, or sexual orientation; child-bearing or parenting status; or for youth age 18 and older, marital status.

The department may provide a youth the opportunity to participate in the Independent Living Subsidy Program if they meet the minimum requirements, which are:

- The youth must be adjudicated dependent, the subject of a dependency petition, or age 18 or older and in extended care through their case plan (recognized as the Voluntary Foster Care Agreement for Young Adults 18 Through 20).
- The youth must be in out-of-home care and in the custody of the department.
- The youth must be at least age 17.
- Youth who are age 17 must have court approval to participate in this program. (Court approval is not required for youth who are age 18 and older.)
- Youth must participate in an approved schedule of activities specific to the individual youth's educational, employment, vocational, and therapeutic goals as outlined in the youth's case plan.

The Independent Living Subsidy Program provides youth with the experience of community living while receiving support and services from the department. This program is an out-of-home care placement option, with the monthly stipend provided to the youth in lieu of any other foster care payment. This program permits youth to reside in unlicensed settings, including apartment living (alone or with roommates); dormitories; and boarding with family, friends, or others. All proposed living arrangements and roommates must be approved by the child safety specialist.

Young adults who were in out-of-home care in the custody of the department, a licensed child welfare agency, or Tribal child welfare agency on their 18th birthday, but have not reached age 21, may additionally receive assistance with room and board costs. Funds may not be used for room and board payments for youth who left their out-of-home placement and were no longer in the custody of the department prior to their 18th birthday.

## **Arkansas**

*Current Through February 2017*

### **Availability of Foster Care Beyond Age 18**

**Citation: Admin. Code 016 15 CARR 011, Policy VIII-B**

Even after reaching the legal age of majority (i.e., age 18), all youth need additional support and access to an array of resources as they continue their transition into adulthood. As such, youth ages 18 through 21 may choose to participate in extended foster care for education, treatment, work, or other programs and services as determined appropriate by their transitional team in order to help them achieve a successful transition into adulthood.

**Requirements for Remaining in Placement****Citation: Admin. Code 016 15 CARR 011, Policy VIII-B**

In order to be eligible for extended foster care, youth must meet one of the following criteria:

- The youth is completing secondary education or a program leading to an equivalent credential.
- The youth is enrolled in an institution that provides postsecondary or vocational education.
- The youth is participating in a program or activity designed to promote, or remove barriers to, employment.
- The youth is employed for at least 80 hours per month.
- The youth is incapable of doing any of the activities described above due to a medical condition.

**Placement Agreements****Citation: Ann. Code § 9-28-114**

A child in foster care who is approaching the age of majority shall be provided the opportunity to be actively engaged in the planning of his or her future. The Department of Human Services shall:

- Include the child in the process of developing a plan to transition the child into adulthood
- Empower the child with information about all of the options and services available
- Provide the child with the opportunity to participate in services tailored to his or her individual needs and designed to enhance his or her ability to receive the skills necessary to enter adulthood
- Assist the child in developing and maintaining healthy relationships with nurturing adults who can be resources and positive guiding influences in his or her life after he or she leaves foster care
- Provide the child with basic information and documentation regarding his or her biological family and personal history

The department shall assist a juvenile in foster care or entering foster care with the development of a transitional life plan when the juvenile turns age 14 or within 90 days of his or her 14th birthday, whichever occurs first. The plan shall include, without limitation, written information and confirmation concerning:

- The juvenile's right to stay in foster care after reaching age 18 for education, treatment, or work and specific programs and services, including, without limitation, the John H. Chafee Foster Care Independence Program and other transitional services
- The juvenile's case, including his or her biological family, foster care placement history, Tribal information, if applicable, and the whereabouts of siblings, if any, unless a court determines that release of information pertaining to a sibling would jeopardize the safety or welfare of the sibling

**Transition Supports Provided****Citation: Ann. Code § 9-28-114; Admin. Code 016 15 CARR 011, Policy VIII-B1**

The department shall assist the juvenile with:

- Completing applications for:
  - » ARKids First, Medicaid, or assistance in obtaining other health insurance
  - » Referrals to transitional housing, if available, or assistance in securing other housing
  - » Assistance in obtaining employment or other financial support
- Applying for admission to a college or university, to a vocational training program, or to another educational institution and in obtaining financial aid, when appropriate
- Developing and maintaining relationships with individuals who are important to the juvenile and who may serve as resources based on the best interests of the juvenile

*In regulation:* The family service worker will:

- Consider the following issues with the youth:
  - » The school the youth will attend
  - » Living arrangements
  - » Choosing a sponsor
  - » Budgeted income and expenses
  - » The amount of the board payment
  - » Start-up items
  - » Transportation needs
  - » Continued life-skills training
  - » The support needed to help the youth remain in school

- » Designating a health-care power-of-attorney or health-care proxy (if not already determined before entering extended foster care)
- Assist the youth in locating and choosing a sponsor who may be the youth's out-of-home provider, attorney ad litem, apartment manager/owner, or a volunteer from the community
- Approve the sponsor chosen by the youth
- Notify the transitional services coordinator of the youth's sponsor
- Assist the youth and his or her transitional team in determining appropriate housing and needed support for the first school year

If the youth intends to reside with his or her sponsor, the sponsor must be an approved placement.

## California

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Wel. & Inst. Code § 303**

The court may retain jurisdiction over any person who is found to be a ward or a dependent child of the juvenile court until the ward or dependent child reaches age 21. A nonminor who has not yet reached age 18, and who exited foster care at or after the age of majority, may petition the court pursuant to § 388(e) to resume dependency jurisdiction over himself or herself.

Nothing in this code shall be construed to provide legal custody of a person who has reached age 18 to the county welfare department or to otherwise abrogate any other rights that a person who has reached age 18 may have as an adult under California law. A nonminor dependent shall retain all of his or her legal decision-making authority as an adult. The nonminor shall enter into a mutual agreement for placement, unless the nonminor dependent is incapable of making an informed agreement or a voluntary reentry agreement for placement and care in which the nonminor consents to placement and care in a setting supervised by, and under the responsibility of, the county child welfare services department, Indian Tribe, Tribal organization, or consortium of Tribes. Unless otherwise specified, the rights of a dependent child and the responsibilities of the county welfare or Tribe and other entities, toward the child and family also shall apply to nonminor dependents.

### Requirements for Remaining in Placement

**Citation: Wel. & Inst. Code § 11403**

Nonminor dependents shall be eligible to receive support up to age 21, consistent with their transitional Independent Living case plan. A nonminor who satisfies the age criteria and who is otherwise eligible shall continue to receive CalWORKs payments or, as a nonminor former dependent or ward, aid pursuant to Kin-GAP or adoption assistance payments.

Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving foster care benefits pursuant to Section 11405 and who satisfies the criteria shall be eligible to continue to receive aid as long as the nonminor is otherwise eligible for foster care benefits under this subdivision. This subdivision applies when one or more of the following conditions exist:

- The nonminor is completing secondary education or a program leading to an equivalent credential.
- The nonminor is enrolled in an institution that provides postsecondary or vocational education.
- The nonminor is participating in a program or activity designed to promote or remove barriers to employment.
- The nonminor is employed for at least 80 hours per month.
- The nonminor is incapable of doing any of the activities described above due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor.

The requirement to update the case plan under this section shall not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments.

## Placement Agreements

### Citation: Wel. & Inst. Code § 11400

A 'mutual agreement' is a written voluntary agreement of consent for continued placement and care in a supervised setting between a minor or a nonminor dependent and the county welfare services department or Tribal agency responsible for the foster care placement, that documents the nonminor's continued willingness to remain in supervised out-of-home placement under the care of the responsible county, Tribe, consortium of Tribes, or Tribal organization; remain under the jurisdiction of the juvenile court as a nonminor dependent; and report any change of circumstances relevant to continued eligibility for foster care payments. The agreement documents the nonminor's and social worker's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional Independent Living case plan.

A 'voluntary reentry agreement' is a written voluntary agreement between a former dependent child or a former nonminor dependent who has had juvenile court jurisdiction terminated and the county welfare or Tribal placing entity that documents the nonminor's desire and willingness to:

- Reenter foster care
- Be placed in a supervised setting under the placement and care responsibility of the placing agency
- Immediately participate in one or more of the conditions of § 11403(b)(1)-(5)
- Work collaboratively with the placing agency to develop his or her transitional Independent Living case plan within 60 days of reentry
- Report any changes of circumstances relevant to continued eligibility for foster care payments
- Participate in the filing of a petition for juvenile court jurisdiction as a nonminor dependent pursuant to § 388(e) within 15 judicial days of the signing of the agreement and the placing agency's efforts and supportive services to assist the nonminor in the reentry process

The term 'nonminor dependent' means a foster child who is a current dependent child or who is a nonminor under the transition jurisdiction of the juvenile court and who satisfies all of the following criteria:

- He or she has reached age 18 while under an order of foster care placement by the juvenile court and is not more than age 21.
- He or she is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian Tribe, consortium of Tribes, or Tribal organization.
- He or she has a transitional Independent Living case plan.

## Transition Supports Provided

### Citation: Wel. & Inst. Code § 391

The department shall make the following available to the nonminor:

- Written information concerning the nonminor's case, including any known information regarding the nonminor's Indian heritage or Tribal connections, if applicable; his or her family history and placement history; any photographs of the nonminor or his or her family in the possession of the county welfare department, other than forensic photographs; the whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of the sibling; directions on how to access the documents the nonminor is entitled to inspect; and the date on which the jurisdiction of the juvenile court would be terminated
- The following documents:
  - » Social Security card
  - » A certified copy of his or her birth certificate
  - » Health and education summary
  - » Driver's license or identification card
  - » A letter prepared by the county welfare department that includes the following information:
    - The nonminor's name and date of birth
    - The dates during which the nonminor was within the jurisdiction of the juvenile court
    - A statement that the nonminor was a foster youth in compliance with State and Federal financial aid documentation requirements
  - » If applicable, the death certificate of the parent or parents
  - » If applicable, proof of the nonminor's citizenship or legal residence
  - » An advance health-care directive form
  - » The Judicial Council form that the nonminor would use to file a petition pursuant to § 388(3) to resume dependency jurisdiction

- » The written 90-day transition plan prepared pursuant to § 16501.1
- » Written verification that the eligible nonminor is enrolled in Medi-Cal and the nonminor's Medi-Cal benefits identification card
- Continued and uninterrupted enrollment in Medi-Cal for eligible nonminors
- Referrals to transitional housing, if available, or assistance in securing other housing
- Assistance in obtaining employment or other financial support
- Assistance in applying for admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where appropriate
- Assistance in maintaining relationships with individuals who are important to a nonminor who has been in out-of-home placement for 6 months or longer from the date the nonminor entered foster care, based on the nonminor's best interests
- For nonminors between age 18 and 21, assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence, and, upon the nonminor's request, assistance in completing a voluntary reentry agreement for care and placement pursuant to § 11400(z) and in filing a petition pursuant to § 388(e) to resume dependency jurisdiction
- Written information notifying the child that current or former dependent children who are or have been in foster care are granted a preference for student assistant or internship positions with State agencies pursuant to § 18220 of the Government Code

The preference shall be granted to applicants up to age 26.

## Colorado

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Rev. Stat. § 19-3-205**

Except as otherwise provided in this article, the jurisdiction of the court over any child adjudicated as neglected or dependent shall continue until he or she reaches age 21, unless earlier terminated by court order.

### Requirements for Remaining in Placement

**Citation: Rev. Stat. § 19-3-205**

The court shall consider the individual circumstances of each youth in out-of-home placement who is at least age 17 but who has not yet reached age 18 to determine if the youth is ready to become independent upon reaching age 18 or whether the youth should remain under the care and supervision of the county until the youth reaches age 21, unless earlier terminated by court order. The court shall determine if the youth is engaged in one of the following activities:

- Completing secondary education or is enrolled in a program leading to an equivalent credential
- Enrolled in an institution that provides postsecondary 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

If a youth's medical condition makes him or her incapable of engaging in any of the activities described above, the applicable county department shall maintain information about the youth's condition in the youth's case plan.

### Placement Agreements

**Citation: Code of Regs. 12 CCR 2509-4 (7.305.2)**

Following assessment, the Independent Living Plan shall be developed in consultation with the youth, caseworker, care provider(s), and, at the option of the youth, up to two other significant persons chosen by the youth who are not the foster parent or caseworker.

The case plan shall describe the services to help the youth transition to successful adulthood, including, but not limited to, participation in ongoing opportunities to engage in age- and developmentally-appropriate activities, and, if the youth is pregnant and/or a parent, the supports provided to the youth.

The case plan shall document the rights of the youth to education, health, visitation, court participation, the right to stay safe and avoid exploitation, and the right to receive a credit report annually. A signed acknowledgement that the youth was provided a copy of these rights and that they were explained in an age- or developmentally-appropriate way shall be included in the case plan.

The youth, county department caseworker, provider(s), and other representatives of the youth, as appropriate, shall jointly develop a detailed, formal emancipation transition plan a minimum of 90 business days prior to the projected emancipation date of the youth.

**Transition Supports Provided****Citation: Code of Regs. 12 CCR 2509-4 (7.305.2)**

The plan shall include, but not be limited to, the following:

- Assurance that the plan meets the specific self-sufficiency/cost of living standard in the county or State in which the youth plans to reside
- An individualized written assessment used to develop the plan that is as detailed as the youth elects and is signed and dated by the youth and the parties that developed the plan
- Personalization at the direction of the youth to meet the individual emancipation needs in order to help prevent homelessness
- Copies of verifiable vital documents required in § 7.305.5, including:
  - » A certified birth certificate or, when applicable, an alien registration card (green card)
  - » Tribal affiliation information for American Indian/Alaskan Native youth
  - » A Social Security card
  - » A State identification card or a State driver's license
  - » A Health Passport and other pertinent health-related records, to include health-care decision-making information and health insurance information
  - » Educational records
- Specific options for:
  - » Housing
  - » Health insurance and health-care decision-making information
  - » Education
  - » Local opportunities for safe mentors
  - » Continuing after-care support services
  - » Work force supports and employment services

**Connecticut**

*Current Through February 2017*

**Availability of Foster Care Beyond Age 18****Citation: Gen. Stat. § 17a-11; DCF Pol. Man. § 42-8**

Any person already under the care and supervision of the Commissioner of the Department of Children and Families (DCF) who has passed such person's 18th birthday but has not yet reached such person's 21st birthday may be permitted to remain voluntarily under the supervision of the commissioner, provided the commissioner, in the commissioner's discretion, determines that such person would benefit from further care and support from DCF. Any person remaining voluntarily under the supervision of the commissioner pursuant to this subsection shall be entitled to a written plan for care and treatment, and review of such plan, in accordance with § 17a-15.

*In policy:* The department may offer a youth who was committed as of his or her 18th birthday and subsequently left DCF care the opportunity to reenter DCF's adolescent services program.

**Requirements for Remaining in Placement****Citation: DCF Pol. Man. § 42-8**

A youth may apply for reentry to the adolescent services program if the youth:

- Was committed as abused, neglected, uncared, or dually committed at the time of his or her 18th birthday
- Left DCF care after age 18, but before age 21, and did not participate in two postsecondary education or employment training programs
- Has had his or her case closed for at least 90 days or has had services discontinued for at least 90 days
- Has proof of an educational plan or employment, including transcripts, certificates, report cards, proof of enrollment, or acceptance or start date letters
- Is not married
- Is not on active duty with any of the armed forces of the United States



If a youth has not attained a secondary school diploma and is pursuing a General Equivalency Degree (GED), approval from the commissioner or regional administrator or designee shall be required for reentry. A youth who has been approved to attend a GED program shall be required to accept additional support services, which may include tutoring, in order for the youth to complete the GED in 6 months. These youth shall be encouraged to simultaneously enroll in an employment training program or sequentially pursue a postsecondary education or training program.

Youth who have already participated in two postsecondary educational or employment opportunities are not eligible for reentry.

### **Placement Agreements**

**Citation: DCF Pol. Man. § 42-8**

The youth shall:

- Be willing to sign the 'Release of Information' form
- Be willing to cooperate with educational, vocational, behavioral health, and substance abuse assessments as recommended
- Provide proof of acceptance to or enrollment in an educational or vocational program
- Provide secondary and postsecondary education documentation (e.g., transcripts, report cards, or diploma)
- Provide proof of substance abuse screening, if applicable
- Provide a letter from a behavioral health provider, if applicable

### **Transition Supports Provided**

**Citation: DCF Pol. Man. § 42-8**

Adolescents who are approved for reentry may be eligible to participate in appropriate services as determined by DCF. These services include, but are not limited to:

- Referrals to community services
- Referrals to obtain medical, behavioral health, substance abuse, cognitive, educational and vocational evaluations
- Referrals for trauma assessment or treatment
- Assistance with coordination of services
- Case management services
- Assistance with obtaining needed documents
- Assistance with obtaining medical benefits
- Financial assistance for secondary or postsecondary educational and vocational programming
- Assistance with transitioning to community providers

The primary focus of reentry shall be postsecondary education or training. Reentry shall not be construed as a housing program.

## **Delaware**

*Current Through February 2017*

### **Availability of Foster Care Beyond Age 18**

**Citation: Ann. Code Tit. 29, § 9015**

The Department of Services for Children, Youth and Their Families is authorized to provide funding for youth who have reached age 18 but are younger than age 21 by payment of foster care supports specifically related to housing, by direct youth stipends, and/or to other public or private agencies to provide Independent Living (IL) services to youth.

### **Requirements for Remaining in Placement**

**Citation: Ann. Code Tit. 29, § 9015; Fam. Serv. Pol. Man. § 6(A5); (H)**

The department shall establish policies for eligibility for direct youth stipends that shall require youth accountability, financial literacy, and attainment of self-sufficiency benchmarks.

*In policy:* Youth who have aged out of foster care at age 18 and have not reached age 21 are eligible to receive IL services.

Youth formerly in foster care may be eligible to participate in the IL aftercare program if the youth:

- Exited foster care after his or her 18th birthday but have not reached age 21
- Accepts personal responsibility for achieving self-sufficiency
- Has demonstrated an ability to manage money
- Sustains employment if enrolled in an educational program as a part-time student

- Needs continued help in transitioning to self-sufficiency
- Is capable of contributing to the cost of the independent living aftercare program through:
  - » Earned income from employment, or
  - » Unearned income from scholarships, stipends, grants, work-study arrangements, Supplemental Security Income, or any combination of these resources

Youth formerly in foster care who turned age 18 on or after July 1, 2012 and are younger than age 21 that exited foster care due to reaching the age of majority or are otherwise eligible for IL aftercare services are eligible to receive financial assistance through the ASSIST (Achieving Self Sufficiency and Independence through Supported Transition) Program. In addition, the youth must:

- Actively participate with an IL provider
- Complete financial literacy training (6 hours of training) within 1 year of application
- Work, attend school, volunteer, or have a disability

### Placement Agreements

#### Citation: Fam. Serv. Pol. Man. § 6(D)

The IL plan shall address the individual needs of the youth and the strategies planned for meeting those needs while assuring movement toward attainment of independent living skills. The plan shall include services that will be offered, the needs the services intend to address, the anticipated timeframe for when the services will begin and end, and what responsibility each team member will assume. Participating team members shall sign the plan acknowledging their participation and agreement with the plan.

Measurable goals and objectives must be developed and incorporated into the plan based on interviews and life skills assessments. The IL plan for youth age 18 and older receiving ASSIST funds shall include details concerning financial literacy goals and skill development training that will improve the youth's ability to self-manage the ASSIST funds.

The IL plan for youth age 16 and older shall be reviewed every 6 months.

### Transition Supports Provided

#### Citation: Ann. Code Tit. 29, § 9015; Fam. Serv. Pol. Man. § 6(A-5); (E); (F)

Funds appropriated for the purpose of supporting youth who are eligible for IL services shall be used to support those youth.

*In policy:* Youth that turned age 18 on or after July 1, 2012, and are younger than age 21 that exited foster care due to reaching the age of majority or are otherwise eligible for IL aftercare services are eligible to receive stipends through the ASSIST program.

Youth shall develop basic life skills obtained through formal and/or informal training that may include, but is not limited to:

- Personal and interpersonal skills
- Decision making
- Job skills, including job preparation, job seeking, and job maintenance
- Money management, allowance, and budgeting
- Consumer awareness, credit management, and identity theft prevention
- Housing and transportation
- Health services, personal hygiene, appearance, and family planning
- Planning for the future
- Community involvement and use of community resources
- Food management, nutrition, and education
- Legal issues and knowledge of legal rights
- Prevention of drug and alcohol abuse
- Violence and healthy relationships

An annual credit report will be obtained for each youth age 14 and older in foster care. The annual credit report will be reviewed with the youth and a copy given to the youth, with assistance given to the youth to rectify all inaccuracies found on the report.

Every youth will be educated on the importance of designating another individual to make health-care treatment decisions on their behalf in the event that they become incapacitated and do not have, or do not want an authorized relative to make health-care treatment decisions on their behalf. All youth will be provided with an informational form that outlines the significance of making such designations and directions regarding the process of executing a health-care power-of-attorney.

Upon discharge from foster care, all youth who have been in care for at least 6 months shall be provided with the following information and documents:

- A certified copy of their birth certificate
- An identification card or driver's license information
- Their original Social Security card
- Medical information and history
- Available educational records
- A listing of community services
- A copy of 'Understanding Credit – An Informational Guide for Teens' brochure
- A copy of their latest credit report

## District of Columbia

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Code of Regs. § 29-6399**

An 'Independent Living program' is a residential program for persons who:

- Are age 16 to 21
- Have sufficient maturity to live without regular and continuous supervision and monitoring
- Reside in apartments
- Are provided with monitoring and services that reflect and support the person's ability to reside in the community without regular and continuous supervision and monitoring

### Requirements for Remaining in Placement

**Citation: Code of Regs. § 29-6399**

The decision to admit an adolescent or young adult to an Independent Living program shall be made jointly between the contracting entity, the Independent Living program, and the adolescent or young adult.

To be admitted to an Independent Living program, an adolescent or young adult:

- Shall be at least age 16
- Shall be at least one of the following:
  - » Employed at least part time
  - » Within 18 months of attaining a high school diploma
  - » Attending a general equivalency diploma (GED) program
  - » Actively engaged in a vocational program
  - » Attending college
- Have demonstrated sufficient maturity to enable the adolescent or young adult to live independently

A resident who is younger than age 18 may reside only in the main facility, except that a resident who is younger than age 18 who is enrolled in a residential high school or college may reside in a school dormitory.

Prior to admission, the contracting entity shall determine and document in writing that the services, activities, and programs provided by the Independent Living program adequately can meet the needs of the adolescent or young adult, and that the Independent Living program is the least restrictive, most home-like environment for the adolescent or young adult that is clinically appropriate. In making its determination, the contracting entity shall consider:

- Whether the adolescent or young adult's level of life skills, knowledge, and training are appropriate for the Independent Living program
- Whether the services and environment provided by the Independent Living program are appropriate for the adolescent or young adult's needs
- Whether the location of the main facility and residences are convenient for the adolescent or young adult's education program and other services
- The ages and level of development of residents currently in the Independent Living program relative to the adolescent or young adult's age and level of development

- The mental, physical, or emotional condition of the residents currently in the Independent Living program relative to that of the adolescent or young adult
- The adolescent or young adult's health needs relative to the capabilities of the Independent Living program to meet such needs

### Placement Agreements

**Citation: Ann. Code § 4-1301.02; Code of Regs. § 29-6341**

For a child age 16 or older, a 'case plan' is a written description of the programs and services that will help the child prepare for the transition from being a committed child to independent living.

*In regulation:* Within 5 days before and 5 days after a resident's admission in to an Independent Living program, an initial Individual Transitional Independent Living Plan ('initial ITILP') shall be developed for the resident. The initial ITILP shall:

- Be consistent with the contracting entity's current case plan, if any
- To the extent practicable and applicable, include those items set forth below
- Be developed by the planning team

Within 30 days of a resident's admission, an ITILP shall be developed for the resident. The ITILP shall:

- Be consistent with the contracting entity's current case plan, if any
- Take into account the outcomes of the initial ITILP
- As applicable, include those items set forth below
- Be developed by the planning team

An ITILP shall:

- Be based on and describe the resident's physical, mental, emotional, academic, social, familial, recreational, and life skills needs and strengths relative to the resident's age, level of development, cultural background, and impairments
- List each assessment given, the date it was given, and describe the recommendations and outcomes
- State the goals to be achieved, and for each goal:
  - » Evaluate the resident's skill level
  - » Identify the rationale for identifying the goal
  - » State any concerns regarding the goal
  - » State the actions needed to achieve the goal
  - » State the timeframes projected for meeting the goal
  - » Identify the persons or entities responsible for any action needed to achieve the goal
  - » Identify the resources needed to achieve the goal
- Describe the activities and services, including, but not limited to, life skills, educational, counseling, recreational, vocational, mental health, and medical activities or services
- Describe proposed family involvement and plans for family visitation and communication
- Set forth a discharge or transfer plan, where applicable
- Describe the criteria, objectives, and methods to be used to evaluate the resident's progress and to determine when each goal has been achieved
- Identify the persons responsible for coordinating and implementing the initial ITILP or ITILP
- Be consistent with any court orders
- Be consistent with the contracting entity's case plan for the resident, if any
- Identify each participant in developing the initial ITILP or ITILP
- Be signed by each participant in its development

The planning team shall review and, as needed, revise the ITILP at least every 6 months.

An Independent Living program shall encourage a resident's parent or parents to participate on the planning team.

### Transition Supports Provided

**Citation: Ann. Code § 4-1303.72; Code of Regs. § 29-6330**

At least 30 days before leaving care, a youth in foster care has the right to receive copies of the youth's:

- Birth certificate
- Original Social Security card
- State and District identification cards
- Immunization records

- Medical insurance information
- Education portfolios and health records
- Immigration documents
- Other personal information deemed appropriate

*In regulation:* An Independent Living program shall educate a resident concerning life skills, including:

- How to seek and secure housing
- Safe and healthy trash disposal
- Housecleaning and how to maintain a clean and healthy living environment
- Safe and healthy storage and disposal of dangerous or combustible materials, such as cleaning equipment, cleaning agents, aerosol cans, or other chemical substances
- Who to contact to maintain the residence, including how to utilize residence management
- Simple household repairs, such as how to change a light bulb and patch a small hole
- Nutrition and the importance of maintaining an adequate and balanced diet
- Purchase, preparation, and storage of food
- Proper personal care, hygiene, and grooming
- Selection and purchase of clothing that is affordable and appropriate for the resident
- How to do laundry
- Personal safety, including safe community and residential living and responding to emergency situations
- Money management, including encouraging residents to save money
- General health and health management
- First aid
- Reproductive health and contraception
- HIV/AIDS and sexually transmitted diseases
- Substance abuse recognition and prevention
- Parenting skills, including child development, health, and safety
- Problem-solving and decision-making
- Conflict resolution, negotiation, team building, and peer support
- Time management
- Stress reduction
- Employment seeking and maintenance skills
- Consumer awareness
- Use of public transportation
- Knowledge of public and private community resources
- Educational and career planning
- How to identify situations requiring and how to acquire legal assistance

If a resident is a teen parent who resides in the Independent Living program with her or his child, in addition to the life skills set forth above, the Independent Living program shall educate the resident concerning:

- Early childhood development
- Medical issues in early childhood
- Discipline
- Parental rights and responsibilities, including child support
- Choosing and monitoring child care providers
- Sex, relationships, and family planning

An Independent Living program shall provide the resident with a monthly stipend. If the resident resides in the main facility, the monthly stipend shall be at least \$500, of which at least:

- \$200 shall be for food
- \$120 shall be for clothing
- \$90 shall be for transportation
- \$30 shall be for toiletries
- \$60 shall be for incidentals

If the resident does not reside in the main facility, the monthly stipend shall be at least \$1,200, which shall include at least the amounts set forth above for food, clothing, transportation, toiletries, and incidentals; and \$700 for rent and utilities. If the resident is a teen parent who resides with her or his child, the stipend shall include an additional \$125 per month per child. In addition, each resident shall be provided with an allowance of \$20 per week.

## Florida

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. §§ 39.013; 39.6251**

When the court obtains jurisdiction of any child who has been found to be dependent, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches age 21, with the following exceptions:

- If a young adult chooses to leave foster care upon reaching age 18
- If a young adult does not meet the eligibility requirements to remain in foster care under § 39.6251 or chooses to leave care under that section
- If a young adult petitions the court at any time before his or her 19th birthday requesting the court's continued jurisdiction, the juvenile court may retain jurisdiction for a period not to exceed 1 year following the young adult's 18th birthday for the purpose of determining whether appropriate services that were required to be provided to the young adult before reaching age 18 have been provided

If a petition for special immigrant juvenile status and an application for adjustment of status have been filed on behalf of a foster child and the petition and application have not been granted by the time the child reaches age 18, the court may retain jurisdiction over the dependency case solely for the purpose of allowing the continued consideration of the petition and application by Federal authorities. Review hearings for the child shall be set solely for the purpose of determining the status of the petition and application. The court's jurisdiction terminates upon the final decision of the Federal authorities. Retention of jurisdiction in this instance does not affect the services available to a young adult under § 409.1451. The court may not retain jurisdiction of the case after the immigrant child's 22nd birthday.

Eligibility for a young adult to remain in extended foster care ends on the earliest of the dates that the young adult:

- Reaches age 21 or, in the case of a young adult with a disability, reaches age 22
- Leaves care to live in a permanent home consistent with his or her permanency plan
- Knowingly and voluntarily withdraws his or her consent to participate in extended care

Withdrawal of consent to participate in extended care shall be verified by the court, unless the young adult refuses to participate in any further court proceedings.

A young adult who is between ages of 18 and 21 and who has left care may return to care by applying to the community-based care lead agency for readmission. The community-based care lead agency shall readmit the young adult if he or she continues to meet the eligibility requirements in this section.

### Requirements for Remaining in Placement

**Citation: Ann. Stat. § 39.6251**

As used in this section, the term 'child' means an individual who has not reached age 21, and the term 'young adult' means an individual who has reached age 18 but who has not reached age 21.

A child who is living in licensed care on his or her 18th birthday and who has not achieved permanency is eligible to remain in licensed care under the jurisdiction of the court and in the care of the Department of Children and Families. A child is eligible to remain in licensed care if he or she is:

- Completing secondary education or a program leading to an equivalent credential
- Enrolled in an institution that provides postsecondary or vocational education
- Participating in a program or activity designed to promote or eliminate barriers to employment
- Employed for at least 80 hours per month
- Unable to participate in programs or activities listed above full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation

Any such barrier to participation must be supported by documentation in the child's case file or school or medical records of a physical, intellectual, or psychiatric condition that impairs the child's ability to perform one or more life activities.

The young adult must reside in a supervised living environment that is approved by the department or a community-based care lead agency. The young adult shall live independently, but in an environment in which he or she is provided supervision, case management, and supportive services by the department or lead agency. Such an environment must offer developmentally appropriate freedom and responsibility to prepare the young adult for adulthood. For the purposes of this subsection, a supervised living arrangement may include a licensed foster home, licensed group home, college dormitory, shared housing, apartment, or another housing arrangement if the arrangement is approved by the community-based care lead agency and is acceptable to the young adult, with first choice being a licensed foster home. A young adult may continue to reside with the same licensed foster family or group care provider with whom he or she was residing at the time he or she reached age 18.

### **Placement Agreements**

**Citation: Ann. Stat. § 39.6251**

Within 30 days after the young adult has been readmitted to care, the community-based care lead agency shall assign a case manager to update the case plan and the transition plan and to arrange for the required services. Such activities shall be undertaken in consultation with the young adult. The department shall petition the court to reinstate jurisdiction over the young adult. The court shall resume jurisdiction over the young adult if the department establishes that he or she continues to meet the eligibility requirements in this section.

### **Transition Supports Provided**

**Citation: Ann. Stat. §§ 39.701; 409.1451**

A youth transitioning from care must be provided with:

- A current Medicaid card and all necessary information concerning the Medicaid program sufficient to prepare the child to apply for coverage
- A certified copy of the youth's birth certificate
- A valid driver license or a State-issued identification card
- A Social Security card and information relating to Social Security insurance benefits if the youth is eligible for those benefits
- All relevant information related to the Road-to-Independence Program
- An open bank account or the identification necessary to open a bank account and to acquire essential banking and budgeting skills
- Information on how to apply for public assistance
- The youth's educational, health, and mental health records

The Road-to-Independence Program provides young adults who choose to participate in the program the skills, education, and support necessary to become self-sufficient and leave foster care with a lifelong connection to a supportive adult either through postsecondary education services and support or aftercare services.

The amount of the financial assistance for postsecondary education shall be as follows:

- For a young adult who does not remain in foster care and is attending a postsecondary school, the amount is \$1,256 monthly.
- For a young adult who remains in foster care, is attending a postsecondary school, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents.
- For a young adult who remains in foster care but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school, the amount is \$1,256 monthly.
- For a young adult who remains in foster care, is attending a postsecondary school, and continues to reside in a licensed group home, the amount is negotiated between the community-based care lead agency and the licensed group home provider.
- For a young adult who remains in foster care but temporarily resides away from a licensed group home for purposes of attending a postsecondary school, the amount is \$1,256 monthly.
- The amount of the award may be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or federally supported assistance.
- A young adult is eligible to receive financial assistance during the months when enrolled in a postsecondary educational institution.

Aftercare services are available to a young adult who has reached age 18 but is not yet age 23 and is:

- Not in foster care
- Temporarily not receiving financial assistance to pursue postsecondary education

Aftercare services include, but are not limited to, the following:

- Mentoring and tutoring
- Mental health services and substance abuse counseling
- Life skills classes, including credit management and preventive health activities
- Parenting classes
- Job and career skills training
- Counselor consultations
- Temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses
- Financial literacy skills training

## Georgia

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: DCFS Child Welfare Man. Pol. 13.1**

Youth ages 18–21 that consent to continue to receive foster care assistance through age 21, in the Extended Youth Support Services (EYSS) program may remain eligible to receive Independent Living Program (ILP) services. When a youth reaches the age of 18 he or she may elect to remain in a foster care setting without interruption and continue to receive Independent Living services if eligibility criteria previously were met. Those youth between the ages of 18–21 who have elected to exit foster care may request to return and participate in the EYSS program within 6 months of his or her exit from care. Any requests beyond the 6-month period for EYSS are subject to approval from the Division of Family and Children Services (DFCS).

### Requirements for Remaining in Placement

**Citation: DCFS Child Welfare Man. Pol. 13.1**

DFCS shall deem youth ages 14–21 eligible for the ILP when the following criteria are met:

- The youth has been adjudicated as dependent or as a child in need of services (CHINS) by a Georgia juvenile court.
- The youth is or was in foster care for at least 6 months prior to reaching age 18.
- The youth age 18–21 is a citizen or a permanent legal resident of the United States and a legal resident of Georgia.

### Placement Agreements

**Citation: DCFS Form FC-7; DCFS Child Welfare Man. Pol. 13.4**

A youth, age 18 or older, who wishes to receive extended youth foster care services must sign a written consent form in which he or she attests to the following:

- The consent is a voluntary agreement with DCFS to receive supportive services.
- The services will allow the youth the opportunity to accomplish certain goals, as stated in the written transitional living plan.
- The county department will continue to provide placement and service delivery as outlined in the plan.
- The youth understands that his or her voluntary, continued participation in extended services does not relieve the youth of his or her responsibilities as an adult.
- The youth understands the content of the voluntary agreement and has signed of his or her own free will.

The written transitional living plan provides guidance to the youth as he or she transitions out of foster care. To ensure that the youth understands it and will refer back to it as a resource, it is important to develop the transition plan in conjunction with the youth. The transition plan must include the specific plans the youth has developed and list the options and resources presented to the youth regarding housing, health insurance, education, work force supports and employment services, local opportunities for mentors, and continuing support services.

### Transition Supports Provided

**Citation: DCFS Child Welfare Man. Pol. 13.0; 13.4; 13.6**

The ILP provides eligible youth currently or formerly in foster care with services to successfully prepare and transition to adulthood. ILP services are designed to provide youth with the life skills and education necessary to become self-sufficient, live independently, and maintain stable employment. Services include life skills training, financial assistance, and educational and social support.



For youth aging out of foster care, the ILP will:

- Provide personal and emotional support through mentors and the promotion of interactions with dedicated adults
- Provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between age 18 and 21 to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood
- Make available vouchers for education and training, including postsecondary training and education

ILP services include the following:

- Life skills and supportive services, including:
  - » Academic support
  - » Life coaches
  - » Financial resources and assistance
  - » Postsecondary education assistance
  - » Career preparation
  - » Maintaining healthy relationships
  - » Health education and risk prevention
  - » Budgeting and financial management
  - » Housing education and household management
  - » Legal Matters
- Provide post-foster care resources, including:
  - » Transitional living supportive services to assist with rental assistance, startup costs such as utility or rental deposits, life coaching, short-term counseling, and support group-related expenses
  - » Emergency financial assistance to prevent homelessness with time-limited support services, life coaching, and qualified expenses, such as food, clothing, rent, medical costs, or transportation
  - » Education and Training Vouchers that cover application fees, registration fees, tuition, room and board, course books and supplies, tutoring, testing, and stipends for hygiene and personal maintenance
- Provides for graduated independence by allowing youth in foster care (ages 14–17) or participating in the EYSS program (ages 18–21) to participate in age and developmentally appropriate activities

Each child leaving foster care at age 18 or older shall receive the following documents:

- An official or certified copy of his or her U.S. birth certificate
- A Social Security card
- Health insurance information
- A copy of his or her medical, health, and education records
- A driver's license or identification card

In addition, DCFS shall:

- Ensure that each child in foster care who has reached age 14 receives a free copy of their consumer credit report from each of the three nationwide credit report agencies each year they remain in foster care until age 18
- Receives assistance (including when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report
- Provide youth opting out of foster care upon reaching age 18 with information describing how to obtain credit reports independently

## Guam

Current Through February 2017

### Availability of Foster Care Beyond Age 18

This issue is not addressed in the statutes reviewed.

### Requirements for Remaining in Placement

This issue is not addressed in the statutes reviewed.

### Placement Agreements

This issue is not addressed in the statutes reviewed.

### Transition Supports Provided

This issue is not addressed in the statutes reviewed.

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## Hawaii

Current Through February 2017

### Availability of Foster Care Beyond Age 18

**Citation: Rev. Stat. § 587A-35**

The court may retain jurisdiction under this chapter until the full term for which any order entered expires or until the child reaches age 19, whichever comes first.

### Requirements for Remaining in Placement

**Citation: Code of Rules § 17-1610-2**

The term 'foster child' means any child:

- Who is younger than age 18 in out-of-home care under the placement responsibility of the Department of Human Services
- Who is in State-funded foster care, and upon reaching age 18 while residing in a resource family home with a goal towards independent living, is able and willing to complete high school education or equivalent within 6 months or within the following school year
- Who is in State-funded foster care, living in a resource family home, and receiving special educational services as defined by the Department of Education and remains in high school until the end of the school year in which the foster child reaches age 20

### Placement Agreements

**Citation: Code of Rules § 17-1610-26**

During the 90-day period immediately prior to the date on which the child will reach age 18, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under 42 U.S.C. § 677, the department shall provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.

### Transition Supports Provided

**Citation: Rev. Stat. § 587A-3; Code of Rules § 17-1610-2**

Beginning at age 12, a child in foster care must be provided with age-appropriate life skills training and a transition plan for appropriately moving out of the foster care system, as well as written information concerning Independent Living programs, foster youth organizations, transitional planning services, and Independent Living case management programs that are available to all children in foster care who are age 12 or older and their resource families.

*In regulation:* 'Independent Living services' means programs and activities that assist an eligible child to prepare for the transition from out-of-home care to independent living.

**Idaho***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Ann. Code § 16-1604; Admin. Code §§ 16.06.02.442; 16.06.02.530**

Jurisdiction obtained by the court under this chapter shall be retained until the child's 18th birthday, unless terminated earlier. Jurisdiction of the court shall not be terminated by an order of termination of parental rights if guardianship and/or custody of the child is placed with the Department of Health and Welfare.

*In regulation:* A foster child who reaches age 18 may continue in foster care placement until age 21 if the safety, health, and well-being of other foster children residing in the home is not jeopardized. No more than two such individuals receiving continued care may reside in the foster home at the same time.

Individuals who are in the care of a licensed child care program prior to turning age 18 may remain in the program for up to 90 days after their 18th birthday or until the close of the current school year for individuals attending school.

**Requirements for Remaining in Placement****Citation: Admin. Code § 16.06.01.30**

To be eligible for Independent Living services, a current foster youth must:

- Be between age 15 and 19
- Currently be under department or Tribal care and placement authority established by a court order or voluntary agreement with the youth's family, or be under a voluntary agreement for continued care if the youth is between age 18 and 19
- Have been in foster care or similar eligible setting for a minimum of 90 total days

To be eligible for Independent Living services, a former foster youth must:

- Be a former foster youth who is currently younger than age 21
- Have been under department or Tribal care and placement authority established by a court order or voluntary agreement with the youth's family, or under a voluntary agreement for continued care after the youth has reached age 18
- Have been placed in foster care or similar eligible setting for a minimum of 90 days total after reaching age 15
- Be between age 18 and 21, provide verification of meeting the Independent Living eligibility criteria in another State, and currently be a resident of Idaho

Once established, a youth's eligibility is maintained up to his or her 21st birthday, regardless of whether he or she continues to be the responsibility of the department, Tribe, or be in foster care.

**Placement Agreements****Citation: Admin. Code §§ 16.06.02.530; 16.06.02.531**

Continued care is permitted for individuals receiving services by, through, or with the authorization of the Department of Health and Welfare or the Department of Juvenile Corrections prior to their 18th birthday. Prior to accepting an individual into continued care, the following requirements must be met:

- A signed voluntary agreement to remain in the program or a copy of a court order authorizing continued placement after the individual's 18th birthday
- An assessment to assure that an individual in continued care does not jeopardize the health, safety, and well-being of the children in care of the organization
- A plan that prohibits individuals in continued care from sharing a bedroom or other sleeping quarters with a child
- Documentation verifying the individual in continued care was in the care of the organization prior to his or her 18th birthday
- Documentation verifying the individual in continued care needs to remain in order to complete treatment, education, or other similar needs

**Transition Supports Provided****Citation: Admin. Code § 16.06.01.30**

Independent Living services are services, including assessment and planning, that are provided to eligible youth to promote self-reliance and successful transition to adulthood.

**Illinois***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Comp. Stat. Ch. 705, §§ 405/2-31; 405/2-33**

The wardship of a minor will automatically terminate when he or she reaches age 19, except that a court may continue the wardship of a minor until age 21 for good cause when there is satisfactory evidence presented to the court that the health, safety, and best interests of the minor require the continuation of the wardship.

Whenever the court determines that the health, safety, and best interests of the minor no longer require the wardship of the court, the court shall order the wardship terminated and all proceedings respecting that minor finally closed and discharged. When terminating wardship under this section, if the minor is older than age 18, or if wardship is terminated in conjunction with an order partially or completely emancipating the minor, the court shall also make specific findings of fact as to the minor's wishes regarding case closure and the manner in which the minor will maintain independence. The minor's lack of cooperation with services provided by the Department of Children and Family Services shall not by itself be considered sufficient evidence that the minor is prepared to live independently and that it is in the best interests of the minor to terminate wardship.

Any time prior to a minor's 21st birthday, pursuant to a supplemental petition filed under this section, the court may reinstate wardship and open a previously closed case when:

- Wardship and guardianship was vacated pursuant to:
  - » An order entered, under Ch. 705, § 405/2-31(2), in the case of a minor older than age 18
  - » Closure of a case in the case of a minor younger than age 18 who has been partially or completely emancipated
  - » An order entered under Ch. 705, § 405/2-31(3) based on the minor's reaching age 19
- The minor is not presently a ward of the court nor is there a petition for adjudication of wardship pending on behalf of the minor.
- It is in the minor's best interests that wardship be reinstated.

Whenever a minor is committed to the Department of Children and Family Services for care and services following the reinstatement of wardship, the department shall:

- Within 30 days of such commitment, prepare and file with the court a case plan that complies with the Federal Adoption Assistance and Child Welfare Act of 1980 [42 U.S.C. § 602, et seq.] and is consistent with the health, safety, and best interests of the minor
- Promptly refer the minor for such services that are necessary and consistent with the minor's health, safety, and best interests

**Requirements for Remaining in Placement****Citation: Admin. Code Tit. 89, § 302.40**

The department shall provide services to youth for whom it is legally responsible and who are:

- Age 16 or older, to help them live independently of adult caregiver supervision and achieve economic self-sufficiency
- High school graduates and have been awarded scholarships in accordance with the Children and Family Services Act [Comp. Stat. Ch. 20, § 505]
- Unmarried and pregnant

**Placement Agreements****Citation: Comp. Stat. Ch. 20, § 505/5(n-1)**

The department shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement of wardship, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet reached age 21. Youth participating in services under this Section shall cooperate with the assigned case manager in developing an agreement identifying the services to be provided and how the youth will increase skills to achieve self-sufficiency. A homeless shelter is not considered appropriate housing for any youth receiving child welfare services under this section.

The department shall continue child welfare services to any eligible minor until the minor reaches age 21, no longer consents to participate, or achieves self-sufficiency as identified in the minor's service plan. The department shall create clear, readable notice of the rights of former foster youth to child welfare services and how such services may be obtained.

## Transition Supports Provided

**Citation: Comp. Stat. Ch. 20, § 505/5; Admin. Code Tit. 89, §§ 302.40; 310.2**

The department shall conduct annual credit history checks to determine the financial history of children placed under its guardianship. The department shall conduct such credit checks starting when a ward reaches age 12 and each year thereafter for the duration of the guardianship. The department shall determine if financial exploitation of the child's personal information has occurred. If financial exploitation appears to have taken place or is presently ongoing, the department shall notify the proper law enforcement agency, the proper State's attorney, or the attorney general.

*In regulation:* The service constellation for youth for whom the department is legally responsible may include:

- Counseling or advocacy
- Day care for the children of unmarried youth
- Homemaker services
- Family planning
- Maintenance payments or foster family home, relative home, or residential care payment, except that maternity home payment shall be limited to a maximum of 90 days

The term 'youth services' includes, but is not limited to:

- Community services
- Outreach and recreational opportunities, including the use of indigenous community volunteers to provide programs designed to correct conditions contributing to delinquency
- Diversion services, including client advocacy, family counseling, employment, and educational assistance and service brokerage
- Emergency services, including 24-hour crisis intervention and shelter care
- Comprehensive Independent Living services, including:
  - » Outreach
  - » Referral for public assistance or other benefits to which homeless youth may be entitled
  - » Emergency shelter care homes
  - » Transitional support programs in a residential setting
- Outward bound experiences
- Transitional Independent Living skills support, in a nonresidential facility, with special emphasis on youth employment and training opportunities

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## Indiana

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Code § 31-28-5.8-5; Admin. Code Tit. 465, §§ 2-15.1-2; 2-15.1-7; 2-15.1-9**

An older youth who received foster care under a court order on the day the individual reaches age 18 is eligible to receive collaborative care services under applicable rules of the department at any time until the individual reaches age 20. An older youth may request the department to petition a juvenile court for approval of a collaborative care agreement under this chapter.

*In regulation:* A 'collaborative care placement' means the placement of an eligible older youth into foster care, a host home, or a supervised independent living arrangement, regardless of whether payment for the placement is or has been made by the department or any other person or agency.

An 'older youth' is an individual who:

- Is at least age 18 and younger than age 20
- Received foster care on the day the individual turned age 18 under the wardship of the department, a person, or a shelter care facility; or under the supervision of the department or a county probation office; and in accordance with a court order in a pending child-in-need-of-services case or juvenile delinquency case

A 'reentry youth' is an older youth who:

- Meets eligibility requirements
- Expresses a desire to enter or reenter the collaborative care program

- Meets one of the following conditions:
  - » The older youth's child-in-need-of-services, juvenile delinquency, or juvenile status case closed on or after the date the youth reached age 18, and the older youth did not immediately enter into a collaborative care agreement upon that case closure.
  - » The older youth's collaborative care case opened and closed prior to reaching age 20, and the older youth executes a second or subsequent voluntary collaborative care agreement.

### Requirements for Remaining in Placement

**Citation: Ann. Code § 31-28-5.8-5; Admin. Code Tit. 465, §§ 2-14-4; 2-15.1-11**

A court may grant a petition for collaborative care if the court finds that the older youth is:

- Employed
- Attending school or a vocational or educational certification or degree program
- Participating in a program or activity designed to promote or remove barriers to employment
- Incapable of performing any of the activities listed above due to a medical condition documented by regularly updated information in the older youth's current case plan

A child who is at least age 17 years and 6 months, is receiving foster care under a court order, and expects to be eligible for collaborative care when the child becomes an older youth may request the department to start the process of planning for collaborative care.

*In regulation:* An 'eligible youth' is an individual who:

- Has reached or will reach age 18 or will become emancipated by order of a juvenile court while receiving foster care
- Is receiving collaborative care for older youth

The term includes an individual who:

- Is older than age 16 and younger than age 21
- Has received foster care after reaching age 16
- Is the subject of a juvenile court case under chapter 31-34 or 31-37 that is open within 90 days before the youth will reach age 18

An older youth is eligible under the collaborative care program for assistance with the costs of an approved placement or housing arrangement and older youth services, if the older youth on a continuing basis is as follows:

- A bona fide resident of Indiana
- The older youth:
  - » Is employed for at least 80 hours per month
  - » Is attending secondary school, postsecondary school, or a vocational or educational certification or degree program
  - » Is participating in a program or activity designed to either promote employment or remove barriers to employment
  - » Is incapable of performing any of the activities listed above due to a medical condition documented by regularly updated information in the older youth's current case plan

The department may file the petition specified in § 31-28-5.8-5 when:

- The older youth has requested the department to seek court approval of a voluntary collaborative care agreement.
- The department determines that the older youth is eligible for collaborative care under this rule.

### Placement Agreements

**Citation: Ann. Code §§ 31-28-5.8-1; 31-28-5.8-2; 31-28-5.8-4; Admin. Code Tit. 465, § 2-15.1-10**

The term 'collaborative care' means any services or payments for services that the Department of Child Services provides for older youth under the terms of a collaborative care agreement, while the older youth is residing in:

- A licensed foster family home
- An approved host home under an agreement with the youth
- A licensed child-caring institution or group home
- An approved supervised independent living arrangement

A 'collaborative care agreement' is a voluntary agreement that:

- Is signed by the department, the youth's guardian ad litem (GAL) or court-appointed special advocate (CASA), and the youth
- Is approved by a juvenile court
- Includes provisions required by the department's rules concerning collaborative care services
- May be amended by agreement between the department, the youth's GAL or CASA, and the youth without review or approval by the court

The term 'older youth' means an individual who is at least age 18 but younger than age 20.

*In regulation:* The term 'voluntary collaborative care agreement' means a written agreement executed between an older youth and the department that includes, but is not limited to:

- The terms and conditions of participation
- A housing arrangement or placement approved by the department
- Program eligibility criteria
- The youth's choice regarding appointment of a CASA or GAL
- Collaborative care court requirements and expectations
- The process and basis for termination of the agreement
- The rules of conduct for youth participating in the program
- The effective date of the youth's entry into the program

### Transition Supports Provided

**Citation: Ann. Code §§ 31-25-2-21; 31-9-2-123.5; Admin. Code Tit. 465, §§ 2-14-6; 2-15.1-12**

The transitional services plan provides the eligible youth with information concerning the following:

- Education
- Employment
- Housing
- Health care
- Development of problem solving skills
- Available local, State, and Federal financial assistance

A transitional services plan shall contain a document that:

- Describes:
  - » The rights of the individual with respect to education, health, visitation, and court participation
  - » The right to be provided with the individual's medical documents and any other medical information
  - » The right to stay safe and avoid exploitation
- Includes a signed acknowledgment by the individual that the:
  - » Individual has been provided with a copy of the document described above
  - » The rights contained in the document have been explained to the individual in an age-appropriate manner

The term 'successful adulthood services' means services for youth that are designed to assist youth who will age out of foster care with the skills and abilities necessary or desirable to be self-reliant, including housing and educational support, career exploration, vocational training, job placement and support, daily living skills, budgeting and financial management skills, substance abuse prevention, preventative health activities, and counseling.

*In regulation:* 'Successful adulthood services' shall include:

- A comprehensive, written, independent living assessment of the youth's strengths and needs required to enable the youth to be self-supporting and to live independently in a self-sufficient manner
- All services needed to implement a transitional services plan for the eligible youth

'Successful adulthood services' may include any of the following kinds of services that are intended to prepare the youth for self-support and living arrangements that are self-sufficient and not subject to supervision by another individual or institution:

- Arrangements for and management of a transitional living placement for a youth who is age 17 years and 6 months or older, if appropriate
- Activities of daily living and social skills training
- Opportunities for social, cultural, recreational, or spiritual activities that are designed to expand life experiences in a manner appropriate to the youth's cultural heritage and needs and any other special needs

- Matching of a youth on a voluntary basis with caring adults to act as mentors and assist the youth to establish lifelong connections with caring adults
- Any other services that are eligible for Federal financial assistance through the John H. Chafee Foster Care Independence Program, 42 U.S.C. 677

Upon completion of a voluntary collaborative care agreement, the department will provide placement in one of the living arrangements set out in the agreement and provide information about services available through the program that will benefit the youth.

## Iowa

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. § 234.46**

The Division of Child and Family Services shall establish a preparation for adult living program directed to young adults. The purpose of the program is to assist persons who are leaving foster care and other court-ordered services at age 18 or older in making the transition to self-sufficiency. The Department of Human Services shall adopt rules necessary for administration of the program, including, but not limited to, eligibility criteria for young adult participation and the services and other support available under the program. The rules shall provide for participation of each person who meets the definition of young adult on the same basis, regardless of whether Federal financial participation is provided.

### Requirements for Remaining in Placement

**Citation: Ann. Stat. §§ 234.1; 234.46; Admin. Code § 441-202.9**

The term 'child' means either a person younger than age 18 or a person age 18 or 19 who meets any of the following conditions:

- Is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma
- Is attending an instructional program leading to a high school equivalency diploma
- Has been identified by the director of special education of the area education agency as a child requiring special education

A person older than age 18 who has received a high school diploma or a high school equivalency diploma is not a 'child' within the definition in this subsection.

For the purposes of the preparation for an adult living program, a 'young adult' is a person who is described by all of the following conditions:

- The person is a resident of this State.
- The person is age 18, 19, or 20.
- At the time the person reached age 18, the person received foster care services that were paid for by the State under § 234.35, services at a State training school, services at a juvenile shelter care home, or services at a juvenile detention home, and the person is no longer receiving such services.
- The person enters into and participates in an individual self-sufficiency plan that complements the person's own efforts for achieving self-sufficiency, and the plan provides for one or more of the following:
  - » The person attends an accredited school full time pursuing a course of study leading to a high school diploma.
  - » The person attends an instructional program leading to a high school equivalency diploma.
  - » The person is enrolled in or pursuing enrollment in a postsecondary education or training program or work training.
  - » The person is employed or seeking employment.

*In regulation:* For participation in supervised apartment living, the youth who is age 18 or older must:

- Meet the definition of 'child' in Iowa Code § 234.1
- Have been in foster care immediately before reaching age 18 and have continued in foster care since reaching the age of 18
- Attend school on a full-time basis leading to a high school diploma or attend an instructional program leading to a high school equivalency diploma



The youth must:

- Need foster care placement and services based on an assessment completed according to rules 441-202.2 and 441-202.6(5)
- Participate in services and activities to achieve self-sufficiency
- Have an approved living situation that meets the following minimum standards:
  - » Comply with applicable State and local zoning, fire, sanitary, and safety regulations
  - » Be located so as to provide reasonably convenient access to schools, places of employment, and services and supports required by the youth
  - » Be reasonably priced so as to fit within the youth's budget

The youth must have the capacity to live in the community with less supervision than that provided by a foster family or in a group care setting, as determined by an assessment that reviews available information on the youth to identify the needs, strengths, and resources of the youth, especially as they pertain to the youth's ability to function in the community. To determine if a supervised apartment living foster care placement is suitable for the youth, the department worker must complete Form 470-4063, Preplacement Screening for Supervised Apartment Living Foster Care.

### Placement Agreements

#### Citation: Admin. Code § 441-202.3

Voluntary placement of a youth age 18 or older may be granted for 6 months at a time. The department shall enter into the agreement only when the youth:

- Was in foster care or a State institution immediately before reaching age 18
- Has continued in foster care or a State institution since reaching age 18
- Has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case permanency plan
- Will be placed in foster family care or supervised apartment living in Iowa

When the voluntary placement is of a youth who is age 18 or older and who has a court-ordered guardian, the Voluntary Foster Care Placement Agreement, Form 470-0715, shall be completed and signed by the guardian and the local office where the guardian resides. Voluntary Foster Care Placement Agreements shall not be signed with guardians who reside outside Iowa. Voluntary Foster Care Placement Agreements shall terminate if the youth's guardian moves outside Iowa after the placement.

When the voluntary placement is of a youth who is age 18 or older and who does not have a court-appointed guardian, the Voluntary Foster Care Placement Agreement, Form 470-0715, shall be completed and signed by the youth and the local office where the youth resides.

An exception to the requirement for continuous placement may be made for a youth who leaves foster care at age 18 and voluntarily returns to supervised apartment living foster care before the youth's 20th birthday in order to complete high school or obtain a general equivalency diploma.

### Transition Supports Provided

#### Citation: Ann. Stat. § 234.46; Admin. Code § 441-202.9

The services and other support available under the preparation for adult living program may include, but are not limited to, any of the following:

- Support for the young adult continuing to reside with the family that provided family foster care to the young adult
- Support for a supervised apartment living arrangement
- Support for participation in education, training, or employment activities
- Other assistance to enhance the young adult's ability to achieve self-sufficiency

*In regulation:* A supervised apartment living arrangement shall provide a youth with an environment in which the youth can experience living in the community with supervision and prepare for self-sufficiency. The youth must have the capacity to live in the community with less supervision than that provided by a foster family or in a group care setting and must be able to follow the provisions of the case plan and participate in activities and services to achieve self-sufficiency.

The two types of supervised apartment living arrangements are as follows:

- A cluster setting that provides support for up six youth who reside in apartments or bedrooms in one building (such as an apartment building or residential housing), which must have an adult staff member present and available onsite in the living arrangement at any time when more than one youth is present
- A scattered-site setting in which up to three youth supervised by one agency may reside in individual housing arrangements, such as apartments or residential housing, located in one building

To ensure that the supervised apartment living arrangement is meeting the youth's needs, required services shall be provided directly by the department or purchased from an agency that has a contract with the department to provide supervised apartment living foster care services. The following services are required:

- Development of a case or service plan (by either the department worker or the service provider, if contracted out) in consultation with the youth and the youth's family (unless a reason for noninvolvement is documented in the case record) and significant others whenever appropriate that documents the following:
  - » Goals intended to meet the specific needs of the youth to achieve self-sufficiency, with projected dates of accomplishment
  - » Objectives (action steps) to be taken by the youth, the youth's support system, and staff, with projected dates of accomplishment
  - » Services to be provided and activities to be undertaken, the frequency of such services, who will provide the services, the youth's progress with the goals and objectives, and the youth's compliance with the service plan
  - » A budget, developed with the youth, based upon the youth's monthly maintenance payment, any start-up allowance, any earned or unearned incomes and financially related assistance (e.g., food assistance)
- Life skills training involving interpersonal and daily living skills training to prepare the youth to maintain a safe, healthy, and stable lifestyle and achieve self-sufficiency

Life skills training includes:

- Training of 'hard' skills, such as money management, self-care and hygiene, physical and mental health care, skills related to educational and employment goals, housing and home management, time management, and accessing community resources
- Training of 'soft' skills, such as decision-making, problem-solving, developing healthy relationships, and self-advocacy

Life skills training should be individualized to the needs of the youth toward achieving self-sufficiency.

## **Kansas**

*Current Through February 2017*

### **Availability of Foster Care Beyond Age 18**

**Citation: Ann. Stat. § 38-2203**

When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has:

- Reached age 18 or until June 1 of the school year during which the child reaches age 18 if the child is still attending high school, unless there is no court-approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches age 21
- Been adopted
- Been discharged by the court

Any child age 18 or older may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties, and 30 days after receipt of the request, jurisdiction will cease.

### **Requirements for Remaining in Placement**

**Citation: Pol. & Proc. Man. § 7100**

Specific eligibility requirements apply to all services and supports offered through the Independent Living and self-sufficiency program. A youth's marital status does not impact eligibility for services or supports.

Service component eligibility criteria include the following:

- Youth who were in an eligible out-of-home placement in the custody of the Department for Children and Families (DCF), Kansas Department of Corrections-Juvenile Services (KDOC-JS), or a Tribal authority for any length of time on or after their 15th birthday are eligible for Basic Chafee. Eligibility for Basic Chafee ends when the youth reaches age 21.
- Youth who were released from the custody of DCF, KDOC-JS, or a Tribal authority, and from an eligible out-of-home placement on or after their 18th birthday are eligible for a subsidy and start-up costs.
- Youth who were in the custody of DCF, KDOC-JS, or Tribal Authority and were in an eligible out-of-home placement on their 18th birthday are eligible for Medicaid coverage through age 26. No income or resource testing is required for eligibility.

Education & Training Voucher (ETV) services are available to youth who have earned a high school diploma or general equivalency diploma (GED); are enrolled in a postsecondary education that is a preaccredited, accredited, or certified training program; and the youth meets one of the following:

- Was in the custody of DCF, KDOC-JS, or a Tribal authority and in a foster care placement on the date the youth reached age 18
- Left a foster care placement subject to a permanent custodianship or guardianship on or after the youth's 16th birthday
- Was adopted from a foster care placement on or after the youth's 16th birthday
- Was in an eligible out-of-home placement for any length of time on or after the youth's 15th birthday

### **Placement Agreements**

#### **Citation: Pol. & Proc. Man. § 7212**

Foster Care Transition Support is a time-limited service for youth released from the custody of the Secretary of DCF at age 18 or older who are not released to a permanent connection through reintegration, adoption, or custodianship. This service provides housing and other support such as transportation for a limited period of time during the youth's transition to college, training program, or employment.

Youth shall have a current signed PPS 7000 Self Sufficiency Plan, completed and signed Monthly Budget Plan PPS 7000A, and a written current education or employment plan. A youth's marital status does not impact eligibility.

### **Transition Supports Provided**

#### **Citation: Ann. Stat. § 38-2202; Pol. & Proc. Man. §§ 7200; 7213**

'Transition plan' means, when used in relation to a youth in the custody of the Secretary of DCF, an individualized strategy for the provision of medical, mental health, education, employment, and housing supports as needed to live independently.

*In regulation:* The services and supports address common needs of youth, including:

- Applying for Medicaid and navigating their benefits
- Facilitating need-based financial support
- Educating or referring youth to services that assist with budgeting, money management, and daily living skills
- Assisting youth with maintaining and developing connections for success
- Assisting youth with locating and maintaining housing
- Assisting youth with career planning and accessing employment services
- Assisting youth with secondary, postsecondary education, and/or certified training, including, but not limited to, collaboration with educational advocates and implementation of individualized education programs
- Assisting youth in accessing transportation for education or employment purposes
- Assisting youth in accessing services to maintain their mental and physical well-being
- Assisting youth with other training and/or services identified by the youth
- Determining the need for referral to appropriate community services and programs that are not limited to but may include:
  - » Kansas Legal Services for assistance with a Supplemental Security Income application
  - » Vocational rehabilitation services
  - » Economic and employment services
  - » Adult Protective Services
  - » Workforce centers
  - » Low Income Energy Assistance Program
  - » Child support services
  - » Kansas Department of Health and Environment programs and services
  - » Parenting and early childhood education and development services
  - » Kansas Housing Resources Corporation
  - » Kansas Coalition Against Sexual and Domestic Violence
- Assisting youth with requesting a credit report from current credit reporting agencies (TransUnion, Experian, and Equifax) and resolving any inaccuracies or instances of identity theft
- Assisting and encouraging youth to participate in regional and Kansas Youth Advisory Council activities

Youth receive life skills services provided by child welfare case management providers during out-of-home placement. A young adult who is no longer in placement may have continued needs after the transition as identified in the young adult's court-approved transition plan. Life skills services may include, but are not limited to, the following domains:

- Communication
- Daily living
- Home life
- Housing and money management
- Self-care
- Social relationships
- Work life
- Work and study skills
- Career planning

Life skills supplemental assessments for parenting infants and parenting young children may be used as resources in working with young parents.

Youth will be provided information regarding all aspects of health care and information regarding avoidance of unsafe health practices, including:

- Use of tobacco products, drugs, and alcohol
- Sexually transmitted diseases or unplanned pregnancies
- Factual information on how and when to seek medical care
- Basic first aid training
- Discussions on health insurance
- Specific information for any youth who has special medical needs

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## Kentucky

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Rev. Stat. § 620.140**

Commitment of the child to the custody of the Cabinet for Health and Family Services for placement in out-of-home care may not extend beyond age 18 unless the youth elects to extend his or her commitment beyond age 18. Beginning at least 6 months prior to an eligible youth reaching age 18, the cabinet shall provide the eligible youth with education, encouragement, assistance, and support regarding the development of a transition plan and inform the eligible youth of his or her right to extend commitment beyond age 18.

A youth may extend or reinstate his or her commitment up to age 21 to receive transitional living support. The request shall be made by the youth prior to reaching age 19. Upon receipt of the request and with the concurrence of the cabinet, the court may authorize commitment up to age 21.

### Requirements for Remaining in Placement

**Citation: Admin. Code Tit. 922, § 1:310(16)**

A child-placing agency shall provide Independent Living services:

- To a child who in the custody of a State agency between 12 and 21
- Directly or indirectly through a foster parent with whom the child is placed
- As prescribed in the child's individual treatment plan
- In accordance with 42 U.S.C. § 677(a)

### Placement Agreements

**Citation: Rev. Stat. § 610.110**

Upon motion of the child and agreement of the Department of Juvenile Justice or the cabinet, as appropriate, the court may authorize an extension of commitment up to age 21 for the purpose of permitting the Department of Juvenile Justice or the cabinet, as appropriate, to assist the child in establishing Independent Living arrangements if a return to the child's home is not in his or her best interests.

**Transition Supports Provided****Citation: Admin. Code Tit. 922, § 1:340**

The term 'Independent Living services' means services provided to an eligible child to assist the child in the transition from dependency of childhood to living independently.

A child-placing agency providing Independent Living programming shall maintain and teach independent living in accordance with 42 U.S.C. § 677(a), including:

- Money management and consumer awareness
- Job search skills
- Job retention skills
- Educational planning
- Community resources
- Housing
- Transportation
- Emergency and safety skills
- Legal skills
- Interpersonal skills, including communication skills
- Health care, including nutrition
- Human development, including sexuality
- Food management, including food preparation
- Maintaining personal appearance
- Housekeeping
- Leisure activities
- Voting rights and registration
- Registration for selective service, if applicable
- Self-esteem
- Anger and stress management
- Problem-solving skills
- Decision-making and planning skills

A social services worker from an Independent Living program shall:

- Be responsible for a child age 16–18 in an Independent Living program and provide supervision in accordance with the child's supervision plan
- Be available for crisis support 24 hours, 7 days a week for a child in the Independent Living program, regardless of the child's age
- Have:
  - » Daily face-to-face contact with a child age 16–18 who is in the Independent Living program
  - » A minimum of one face-to-face, in-home contact per week for a child age 18–21 who is in the Independent Living program

**Louisiana**

*Current Through February 2017*

**Availability of Foster Care Beyond Age 18****Citation: Ch. Code Art. 686; Admin. Code Tit. 67, V.3901; 3903**

A judgment of disposition shall remain in force only until a child reaches his or her 18th birthday. It may expire earlier by its own terms, if it is modified, or if it is vacated.

*In regulation:* The Department of Social Services, Office of Community Services (OCS) will provide a Chafee Foster Care Independence Program (CFCIP) to assist youth in making preparations for living independently. The CFCIP provides opportunities for youth to interact with other youth from similar backgrounds and to receive supportive services until age 21, with the exception of educational assistance via the Chafee Educational and Training Voucher (ETV), which is available until age 23.

The OCS will provide a Young Adult Program (YAP), based on the availability of funds, to assist youth in transitioning to living independently and to help prevent homelessness for youth aging out of foster care.

**Requirements for Remaining in Placement****Citation: Admin. Code Tit. 67, V.3901; 3903**

Eligibility for the CFCIP is limited to youth who meet the requirements of the program and is based on the availability of Federal funding. Participants should be either:

- OCS foster youth from age 13–21 or youth who were adopted after age 16
- Office of Juvenile Justice youth from age 13–21
- Youth in a court-ordered guardianship after age 16
- Native American youth from age 13–21 who are in State or Tribal custody

Eligibility for the YAP is limited to foster care youth and former foster care youth who meet the requirements of the program upon reaching age 18. Requirements include the following:

- The young adult must be/have been in foster care upon reaching age 18 and be in need of continued assistance to complete an educational or vocational program or to obtain employment.
- The young adult must be:
  - » Enrolled in a high school to obtain a high school diploma
  - » Enrolled in general equivalency diploma classes and also working part time
  - » Enrolled in and attending a Louisiana public technical or community college
  - » Accepted into and attending an approved Louisiana public college or university
- The young adult must apply for and provide documentation of application for the ETV, Pell grants, Go grants or other similar governmental grants prior to approval for YAP educational benefits.
- The young adult may remain in the YAP for a maximum of 3 months in order to obtain employment or have a source of income and be searching for a place to live independently.
- The young adult must live in a foster family home or in a college dormitory, apartment, or in their own apartment, if receiving their own board rate.

**Placement Agreements****Citation: Admin. Code Tit. 67, § V.3903**

Participation in the YAP is voluntary and by contract with the OCS. The contract shall state the actions expected of the youth and the services that the OCS will provide. The YAP participant may cancel his or her contract with the OCS at any time. The OCS may cancel the YAP participant contract at any time the youth is in noncompliance with the terms of the agreement.

**Transition Supports Provided****Citation: Admin. Code Tit. 67, V.3901; 3903**

The allowable services and activities provided by CFCIP must be purposefully planned by the foster care worker and the youth to meet specific needs that have been identified and addressed in the youth's transitional living plan. The allowable services may include:

- Training delivered by Chafee Independent Living Providers contracted with OCS to prepare youth for living independently
- An assessment and survey of independent living skills to identify which skills are needed
- A written individualized Independent Living skills plan, based on the assessment and an individualized transitional living plan
- A monetary payment/stipend upon completing the CFCIP coursework and questionnaire
- Assistance with obtaining an Independent Living arrangement and/or housing
- Resume writing
- Budgeting, banking, and other financial skills
- Conflict management skills
- Assistance with educational expenses, which could include educational and training voucher services

Participation in the YAP provides participants with benefits such as:

- Educational funding assistance not otherwise provided by government grants, including the Chafee ETV
- Short-term emergency mental health services
- Suitable clothing for educational or employment purposes
- Supportive assistance for the youth's educational requirements, such as school supplies
- Monthly board assistance
- A Medicaid card

- Transportation assistance
- The ability to remain in the YAP to age 21

Participants in the YAP must meet the requirements of the program and have individual identified needs as outlined in the program guidelines. The maximum allowable amount for a youth participating in the YAP will vary according to the specific needs of the youth and the guidelines for services funded by the Federal Chafee Act.

## Maine

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. Tit. 22, § 4037-A**

A person who is age 18, 19, or 20 and reached age 18 while in the care and custody of the State may continue to receive care and support if the person meets the requirements specified in statute. A person who qualifies for care and support under this section may be placed in a supervised setting in which the person lives independently, in a foster home, or in a group home.

### Requirements for Remaining in Placement

**Citation: Ann. Stat. Tit. 22, § 4037-A; Child & Fam. Serv. Pol. Man. § V(T)**

A person who is age 18, 19, or 20 may continue to receive care and support if the person:

- Is enrolled in secondary school or its equivalent or is enrolled in postsecondary or career and technical school
- Is participating in a program or activity that promotes employment or removes barriers to employment
- Is employed for at least 80 hours per month
- Is found to be in special circumstances, including, but not limited to, being incapable of qualifying meeting any of the requirements listed above due to a documented medical or behavioral health condition

*In policy:* The eligibility requirements for the youth transition program include:

- Youth in foster care who are age 15–18
- Youth who turn age 18 while in foster care by signing a voluntary agreement with the Department of Health and Human Services, until age 21
- Youth who turned age 18 while in foster care but who were legally adopted after age 18, when that adoption disrupts prior age 21
- Youth age 18–21 who are residing with birth parents by signing a voluntary agreement, when department oversight and support is needed to ensure youth safety and permanency
- Youth in the custody of the department or on an agreement who are pregnant and/or parenting, transitioning from residential placements, in apartment placements, homeless, and likely to need adult services

Youth who have experienced adoption or permanent guardianship disruption, but who do not reenter foster care, may submit a letter to request youth transition services. Youth in foster care who would have been eligible for adoption assistance subsidy or permanency guardianship subsidy prior to turning age 18, who signed a voluntary agreement for youth transition services, and are subsequently adopted between age 18 and 21 may continue to receive transition services.

Youth age 18–21 in foster care who have a signed voluntary agreement and who have their parents' parental rights reinstated may remain in voluntary status after the reinstatement of parental rights. Youth who were in foster care and are now experiencing factors that place the youth at risk of homelessness may request to enter into a voluntary agreement. Youth who were adopted, entered permanency guardianship, or were reunified with family at age 16 or older from department custody, may be eligible to receive Education and Training Voucher (ETV) funds.

Youth participation in youth transition services will be voluntary but actively encouraged. Youth who decline youth transition services will be encouraged to reconsider their decision and may receive services at a later date up to age 21.

### Placement Agreements

**Citation: Child & Fam. Serv. Pol. Man. § V(T)**

All youth in the custody of the department who reach age 18 achieve full adult rights and responsibilities and are automatically dismissed from custody. However, the department and the youth may negotiate a written Voluntary Extended Support (V9) Agreement.

A V9 agreement provides an extended time for the caseworker to partner with the youth and assist in the development of permanent family connections, life-long community connections, and to help the youth acquire additional life skills to become self-sufficient to meet their personal goals. Eligible youth may negotiate a V9 agreement with the department in order to receive extended support until their 21st birthday for any of the following reasons:

- Obtaining a high school diploma or general equivalency diploma (GED)
- Going on to a postsecondary educational program or a specialized postsecondary education certification program
- Participating in an employment skills training program
- Is employed for at least 80 hours per month
- Is incapable of participating in an education or training program or is unable to work 80 hours per month due to a documented medical or behavioral health condition
- Has specialized placement needs that cannot be met by an alternative plan

The V9 agreement should set attainable educational, employment, and/or employment preparation expectations for the youth or document why youth cannot participate in these and should include a plan for meeting the ongoing transition needs of the youth, including connecting youth to permanent family, life-long connections, and connections to the community.

### Transition Supports Provided

#### Citation: Child & Fam. Serv. Pol. Man. § V(T)

Caseworkers will ensure that the following life skills training and Independent Living services and supports are provided to youth in care between ages 15 and 18, with follow-up services to youth on V9 agreements, including, but not limited to:

- Providing academic support, such as tutoring; study skills training; assistance with homework; preparation for SATs, GED, and other exams; and help accessing educational resources
- Providing postsecondary educational preparation and support, including:
  - » Tutoring
  - » Information about academic and training programs
  - » Information about financial aid, ETV funds, scholarships, and tuition waivers
  - » Help completing college or loan applications
  - » College tours
  - » Conversations and support that assist the youth to plan for, enter, and complete postsecondary education or training programs
- Providing career and vocational planning, preparation, training, and support that help youth develop an ability to find, apply for, and retain employment, including:
  - » Job readiness training
  - » Job search assistance
  - » Resume writing
  - » Interviewing skills
  - » Connecting with job placement programs
- Providing budgeting, financial management, and consumer skills training and support
- Providing housing education and home management skills, homemaker skills, tenant's rights, meal planning and preparation, nutrition, laundry, housekeeping, grocery shopping, and basic home maintenance
- Providing health education, family planning, sex education, healthy relationships, parenting, risk prevention, and substance abuse prevention
- Providing support services to youth in foster care who have children
- Providing family support and healthy marriage education regarding safe and stable families, communication, teen parenting, child care skills, and family violence prevention
- Informing youth about community resources, making appointments, peer support organizations, mentoring programs, youth leadership opportunities, and other resources that youth may need to develop self-sufficiency
- Assisting youth each year beginning at age 16, until their discharge from foster care or the youth turns 18, in obtaining and interpreting an annual free credit report and to resolve any inconsistencies
- Making referrals or assisting with applications as needed (i.e. Social Security, Veterans Benefits, Vocational Rehabilitation, Mentoring, and adult services)



- Providing youth with all of their vital records, including:
  - » Social Security card
  - » Birth certificate
  - » Driver's license and other forms of identification
  - » Family and medical history information
  - » References for employment and educational purposes
  - » Educational documents and school transcripts
- Providing a comprehensive listing of available community resources that are geared to the needs of the youth
- Informing young adults, age 18–21, about the importance of designating another trusted individual to make health-care treatment decisions on their behalf should they become unable to participate in such decisions, by accessing information about health-care proxy and health-care power-of-attorney, and to make an informed decision about executing their own advance directive documents
- Informing youth about health-care options and how to apply for Mainecare upon turning age 18
- Facilitating appropriate youth peer-to-peer mentoring opportunities

## Maryland

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Fam. Law. § 5-525**

A former child in need of assistance (CINA) may remain in an out-of-home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the best interests of the former CINA.

The Social Services Administration shall establish a program of out-of-home placement for former CINAs:

- Whose commitment to a local Department of Social Services was rescinded after the individuals reached age 18 but before the individuals reached age 20 years and 6 months
- Who did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty

A local department shall advise a child, in writing, before emancipation, of the right to reenter care and the procedures for reentering care under this paragraph.

If a local department has knowledge that a former CINA is homeless, including by obtaining information regarding the former CINA's homelessness in an application for public assistance or through contact between the former CINA and a caseworker, the local department shall contact the former CINA and advise the former CINA of the right to reenter care and procedures for reentering care under this paragraph.

### Requirements for Remaining in Placement

**Citation: Fam. Law. § 5-525; Code of Regs. §§ 07.02.10.03; 07.02.10.04; 07.02.10.11; 07.02.10.12**

The administration shall adopt regulations that include eligibility requirements in accordance with Federal law and regulations for providing assistance to individuals who are at least age 18.

*In regulation:* To be eligible for youth transitional services, a youth shall be age 14–21 and committed to a local department or in out-of-home placement pursuant to a voluntary placement agreement. Youth who are age 14–21 are eligible for age-appropriate youth transitional services, regardless of the type of placement or permanency plan.

Youth transitional services shall be made available to all eligible youth and shall include the following components:

- Assessment services
- Service agreement
- Case plan
- Transition plan
- Case management services
- Semi-Independent Living services

The local department shall promote youth participation in youth transitional services in order to encourage youth to accept responsibility for preparing for adulthood and making the transition from adolescence to adulthood.

A youth age 16–21 may be eligible to participate in a semi-Independent Living arrangement if the youth:

- Is continually enrolled in and regularly attending school or vocational training or is working at least 80 hours per month
- Agrees to the requirements of the service agreement
- Needs help in transitioning to self-sufficiency
- Is capable of contributing to the cost of the semi-Independent Living arrangement through:
  - » Earned income from employment
  - » Unearned income such as scholarships, stipends, grants, work-study arrangements, Social Security (Supplemental Security Income or survivor's benefits), or any combination

Youth are eligible to participate in Independent Living aftercare services if they:

- Are between age 18 and 21 and one of the following applies:
  - » Exited from an out-of-home placement after reaching at least 18
  - » Exited out-of-home care to kinship guardianship or adoption after reaching age 16
- Participate in the development of a service agreement and sign and comply with its terms
- Need continued help in making the transition to self-sufficiency

Youth who apply for Independent Living aftercare services shall:

- Meet eligibility requirements
- Receive services from the local department in the jurisdiction in which they reside
- Be subject to an intake screening process by the local department to determine appropriateness of aftercare services

### Placement Agreements

**Citation: Fam. Law § 5-501; Code of Regs. § 07.02.10.08**

A 'voluntary placement agreement' is a binding, written agreement that is voluntarily entered into between a local department and a former CINA whose commitment to the local department was rescinded after the individual reached age 18 but before the individual reached age 20 years and 6 months and specifies, at a minimum:

- The legal status of the child or former CINA
- The rights and obligations of the former CINA and the local department while the former CINA is in placement

*In regulation:* Youth who participate in youth transitional services shall have a service agreement that shall establish:

- Service goals and tasks required to meet the service goals
- Individuals responsible for completion of tasks
- Timeframes for completion of tasks

For the semi-Independent Living arrangement, the service agreement also shall include:

- A plan for financing a semi-Independent Living arrangement that specifies the local department's contribution and the youth's contribution
- The date by which it is anticipated the youth's income may increase to enable the youth to become financially self-sufficient

Youth age 18–21 receiving Independent Living aftercare services shall have a service agreement that supports the following areas, as appropriate:

- A plan for making the transition to self-sufficiency, including:
  - » Goals
  - » Tasks to be completed
  - » The individuals responsible for completion of tasks
- Education, including postsecondary education
- Employment and vocational training
- Personal and emotional support
- The youth's efforts to achieve self-sufficiency and recognize and accept personal responsibility in preparing for and making the transition to adulthood

### Transition Supports Provided

**Citation: Fam. Law. § 5-525; Code of Regs. §§ 07.02.10.09; 07.02.10.11; 07.02.10.12**

The administration shall adopt regulations that ensure that all children in foster care who are at least age 18 have a birth certificate, a Social Security card, health insurance information, medical records, and a driver's license or State-issued identification card at emancipation.

*In regulation:* Youth transitional services for a youth in out-of-home placement include:

- Identification of the need for vocational, educational, or specialized training
- Instruction in basic living skills, such as:
  - » Decision-making and time management
  - » Educational and vocational planning
  - » Home emergency and safety
  - » Housing acquisition and management
  - » Personal hygiene
  - » Physical and mental health care
  - » Substance abuse prevention
  - » Preventive health activities (including smoking avoidance and pregnancy prevention)
  - » Understanding legal issues
  - » Selecting positive leisure activities
  - » Money management and consumer awareness
  - » Nutrition and meal planning
  - » Parenting
  - » Effective social interactions
  - » Using transportation
  - » Activities of daily living
- Assistance in seeking and maintaining employment, including techniques for:
  - » Job searching and interviewing
  - » Selecting appropriate attire for the workplace
  - » Practicing work place etiquette, including relationships with coworkers, appropriate language, employer/employee relationships, and attendance and punctuality
- Assistance in identifying and accessing community resources and developing a support network

To assure that youth participating in youth transitional services are provided personal and emotional support as they make the transition to adulthood, referrals shall be made to appropriate mentoring partners to foster positive mentoring relationships between youth and dedicated adults.

The purpose of semi-Independent Living arrangements is to provide youth an opportunity to learn and practice independent living skills and activities for a specified time period, as indicated in the service agreement, while receiving services from the local department and provider agency. Youth who are interested in residing in a semi-Independent Living arrangement shall meet the eligibility requirements and apply to the local department.

Independent Living aftercare services are available on a voluntary basis to youth age 18–21 who were in out-of-home placement on their 18th birthday or exited to kinship guardianship or adoption after reaching age 16. Independent Living aftercare goals are designed to complement the efforts of former foster care recipients who are between age 18 and 21 to achieve self-sufficiency by providing:

- Financial assistance to purchase goods and services
- Temporary assistance with room, board, and utilities
- Counseling
- Employment assistance
- Education
- Medical assistance
- Other appropriate services to assist with self-sufficiency

Youth age 18–21 who are receiving Independent Living aftercare services may be provided assistance with room and board that may include shared housing or independent housing. All Maryland foster youth who were in foster care at age 18 also are eligible to continue to receive medical assistance up to age 26 in the foster care category.

Services may be provided for up to 180 days. Services may be extended with authorization from the local director or the local director's designee. Youth may reapply for services up to age 21.

## Massachusetts

Current Through February 2017

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Laws, Ch. 119, § 23; Code of Regs. Tit. 110, § 8.02**

The Department of Children and Families (DCF) shall offer to continue its responsibility to any young adult who is under the custody, care, or responsibility of DCF, including, but not limited to, those persons who meet any of the criteria set forth in 42 USC § 675(8)(B) (iv). If, after termination, the person requests that DCF renew its responsibility therefor, DCF shall make every reasonable attempt to provide a program of support that is acceptable to the person and that permits DCF to renew its responsibility.

*In regulation:* DCF is committed to assisting older adolescents and young adults in their transition to independence and self-sufficiency.

### Requirements for Remaining in Placement

**Citation: Ann. Laws, Ch. 119, § 23**

DCF shall continue its responsibility to any young adult who meets any of the criteria set forth in 42 USC § 675(8)(B)(iv). To meet the criteria, the person must be:

- Completing secondary education or a program leading to an equivalent credential
- Enrolled in an institution that provides postsecondary 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
- Incapable of doing any of the activities described above due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child

### Placement Agreements

**Citation: Ann. Laws, Ch. 119, § 23**

DCF's continued responsibility for such persons is contingent upon the express written consent of the person. The purposes and conditions of such responsibility may be reviewed and revised or terminated by either the person or DCF.

### Transition Supports Provided

**Citation: Ann. Laws Ch. 119, §§ 23; 29B**

DCF shall continue its responsibility to any young adult who is under the custody, care, or responsibility of the DCF:

- For the purposes of specific educational or rehabilitative programs
- To promote and support that person in fully developing and fulfilling that person's potential to be a participating citizen of the Commonwealth

If a person in the custody of or under the responsibility of DCF has reached age 17 years and 9 months, the permanency plan also shall address the status of and the topics of the transition plan required under 42 USC § 675(5)(H), and as such, must include:

- Specific options on housing, health insurance, and education
- Local opportunities for mentors and continuing support services
- Work force supports and employment services
- Information about the importance of designating another individual to make health-care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State law, to make such decisions
- The option to execute a health-care power-of-attorney, health-care proxy, or other similar document recognized under State law

The court shall retain jurisdiction until it finds, after a hearing at which the person is present unless the person chooses otherwise, that a satisfactory transition plan has been provided for the person.

## Michigan

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Comp. Laws §§ 400.645; 400.647**

The Department of Human Services shall implement the young adult voluntary foster care program for youth who are at least age 18 but younger than age 21 in accordance with the State's approved title IV-E State plan.

A youth who exited foster care after reaching age 18 but before reaching age 21 may reenter foster care and receive extended foster care services.

### Requirements for Remaining in Placement

**Citation: Comp. Laws § 400.649**

The department may provide extended foster care services if the youth meets one of the following conditions for eligibility:

- The youth is completing secondary education or a program leading to an equivalent credential.
- The youth is enrolled in an institution that provides postsecondary or vocational education.
- The youth is participating in a program or activity designed to promote employment or remove barriers to employment.
- The youth is employed for at least 80 hours per month.
- The youth is incapable of doing any part of the activities listed above due to a medical condition. This assertion of incapacity must be supported by regularly updated information in the youth's case plan.

### Placement Agreements

**Citation: Comp. Laws § 400.651**

If a youth chooses to participate in extended foster care services and meets the eligibility criteria set forth in § 400.649, the department and the youth shall sign a voluntary foster care agreement that shall include, at a minimum, information regarding all of the following:

- The obligation for the youth to continue to meet the conditions for eligibility for the duration of the voluntary foster care agreement
- Any obligation considered necessary by the department for the youth to continue to receive extended foster care services
- Any obligation considered necessary by the department to facilitate the youth's continued success in the program
- Termination of a voluntary foster care agreement and program participation
- The voluntary nature of the youth's participation in receiving extended foster care services

### Transition Supports Provided

**Citation: Comp. Laws §§ 400.653; 722.982; 722.984**

As soon as the department determines that a youth is eligible under § 400.649, and the youth signs the voluntary foster care agreement, the department may provide extended foster care services to the youth in accordance with this act.

Subject to the availability of Federal, State, and local funds, the program may include the following services:

- Identifying young adults who are likely to remain in foster care until age 18 and helping these youth make the transition to self-sufficiency by providing services such as:
  - » Assistance in obtaining a high school diploma
  - » Career exploration
  - » Vocational training
  - » Job placement and retention
  - » Training in daily living skills
  - » Training in budgeting and financial management skills
  - » Substance abuse prevention
  - » Preventive health activities, including smoking avoidance, nutrition education, and pregnancy prevention
- Helping young adults who are likely to remain in foster care until age 18 receive education, training, and services necessary to obtain employment
- Helping young adults who are likely to remain in foster care until age 18 prepare for and enter postsecondary training and education institutions

- Providing personal and emotional support to youth aging out of foster care, through mentors and the promotion of interactions with dedicated adults
- Providing financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between age 18 and 21 to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood

The department may provide at least all of the following goods and services to eligible young adults in the foster care independence program:

- Services that are not available from other funding sources or agencies for eligible young adults currently in the foster care system and for young adults released from foster care before reaching age 21
- Educational support
- Classes or groups on interpersonal communication and building and maintaining relationships and classes or groups on independent living skills
- Stipends to cover the cost of utility deposits, security deposits, and first month's rent to eligible young adults who are leaving foster care or have left foster care because they have reached age 18 but have not reached age 21

The first month's rent and damage deposit may only be provided to young adults age 18–21 who are leaving foster care or who have left foster care because they reached age 18 or 19 and have not reached age 21.

The department shall make known a list of goods and services provided under the program established in this act.

## Minnesota

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. § 260C.451**

Six months prior to the child's 18th birthday, the responsible social services agency shall provide written notice on a form prescribed by the Commissioner of Human Services to any child in foster care who cannot reasonably be expected to return home or have another legally permanent family by age 18, the child's parents or legal guardian, if any, the child's guardian ad litem, and the child's foster parents of the availability of foster care up to age 21.

Upon request of an individual who had been under the guardianship of the commissioner and who has left foster care without being adopted, the responsible social services agency that had been the commissioner's agent for purposes of the guardianship shall develop with the individual a plan to increase the individual's ability to live safely and independently and to assist the individual to meet one or more of the eligibility criteria if the individual wants to reenter foster care. The responsible social services agency shall provide foster care as required to implement the plan. The responsible social services agency shall enter into a voluntary placement agreement under § 260C.229 with the individual if the plan includes foster care.

Individuals who had not been under the guardianship of the Commissioner of Human Services prior to age 18 may ask to reenter foster care after age 18 and, to the extent funds are available, the responsible social services agency that had responsibility for planning for the individual before discharge from foster care may provide foster care or other services to the individual for the purpose of increasing the individual's ability to live safely and independently and to meet the eligibility criteria, if the individual:

- Was in foster care for the 6 consecutive months prior to the person's 18th birthday and was not discharged home, adopted, or received into a relative's home under a transfer of permanent legal and physical custody
- Was discharged from foster care while on runaway status after age 15

A child who left foster care while under guardianship of the commissioner retains eligibility for foster care for placement at any time prior to age 21.

### Requirements for Remaining in Placement

**Citation: Ann. Stat. § 260C.451**

A child in foster care immediately prior to the child's 18th birthday may continue in foster care past age 18 unless:

- The child can safely return home.
- The child is in placement pursuant to the agency's duties under § 256B.092 to meet the child's needs due to developmental disability or related condition, and the child will be served as an adult.
- The child can be adopted or have permanent legal and physical custody transferred to a relative prior to the child's 18th birthday.

The child must meet at least one of the following conditions to be considered eligible to continue in or return to foster care and remain there to age 21. The child must be:

- Completing secondary education or a program leading to an equivalent credential
- Enrolled in an institution that provides postsecondary 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
- Incapable of doing any of the activities described above due to a medical condition

### Placement Agreements

**Citation: Ann. Stat. §§ 260C.229; 260C.451**

When a child asks to continue or to reenter foster care after age 18, the child and the responsible social services agency may enter into a voluntary agreement for the child to be in foster care under the terms of § 260C.451. The voluntary agreement must be in writing and on a form prescribed by the commissioner

In conjunction with a qualifying and eligible individual and other appropriate persons, the responsible social services agency shall develop a specific plan related to that individual's vocational, educational, social, or maturational needs and, to the extent funds are available, provide foster care as required to implement the plan. The responsible social services agency shall enter into a voluntary placement agreement with the individual if the plan includes foster care.

Individuals in foster care are adults for all purposes except the continued provision of foster care. The responsible social services agency has legal responsibility for the individual's placement and care when the matter continues under court jurisdiction pursuant to § 260C.193 or when the individual and the responsible agency execute a voluntary placement agreement.

### Transition Supports Provided

**Citation: Ann. Stat. §§ 260C.212; 260C.452**

The Independent Living plan should include, but not be limited to, the following objectives:

- Educational, vocational, or employment planning
- Health-care planning and medical coverage
- Transportation including, where appropriate, assisting the child in obtaining a driver's license
- Money management
- Planning for housing
- Social and recreational skills
- Establishing and maintaining connections with the child's family and community
- Regular opportunities to engage in age-appropriate or developmentally appropriate activities typical for the child's age group, taking into consideration the capacities of the individual child

The responsible social services agency shall assist the child in obtaining the following documents before the child leaves foster care:

- A Social Security card
- An official or certified copy of the child's birth certificate
- A State identification card or driver's license, Tribal enrollment identification card, green card, or school visa
- Health insurance information
- The child's school, medical, and dental records
- A contact list of the child's medical, dental, and mental health providers
- Contact information for the child's siblings, if the siblings are in foster care

For a child who will be discharged from foster care at age 18 or older, the responsible social services agency must develop a personalized transition plan as directed by the child during the 90-day period immediately prior to the expected date of discharge.

The transition plan must be as detailed as the child elects and include specific options, including, but not limited to:

- Affordable housing with necessary supports that does not include a homeless shelter
- Health insurance, including eligibility for medical assistance
- Education, including application to the Education and Training Voucher Program
- Local opportunities for mentors and continuing support services, including the Healthy Transitions and Homeless Prevention program, if available
- Workforce supports and employment services
- A copy of the child's consumer credit report and assistance in interpreting and resolving any inaccuracies in the report, at no cost to the child

- Information on executing a health-care directive and on the importance of designating another individual to make health-care decisions on behalf of the child if the child becomes unable to participate in decisions
- Appropriate contact information through age 21 if the child needs information or help dealing with a crisis situation

## Mississippi

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Admin. Code 18-006-104, Part IX**

Independent Living services are intended to provide youth and young adults in care with an array of services and resources to assist and guide them in making a successful transition to living independently. The Independent Living Program assists adolescents in acquiring basic life skills in their progress toward self-sufficiency. Youth who leave custody of the Division of Family and Children's Services (DFCS) at age 18 through 21 are eligible for Independent Living services until age 21.

Mississippi Band of Choctaw Indian youth are eligible for Independent Living services based on the same criteria for DFCS youth in care.

An Independent Living placement is a placement in an apartment house or rooming house with supervision from a licensed placement agency. A youth who has attained age 18, meets the requirements listed below, and is in the custody of DFCS will be considered for placement. A youth who has reached age 17, in addition to the above requirements, must obtain a high school diploma, certificate of attendance, or general equivalency diploma (GED).

### Requirements for Remaining in Placement

**Citation: Admin. Code 18-006-104, Part IX**

An Independent Living placement is an option only for a youth for whom Another Planned Permanent Living Arrangement is the permanency plan goal. In addition, the placement must:

- Be approved by the youth court prior to application submission (court order must be attached to application)
- Be located to provide reasonably convenient access to school, place of employment, and other essential services
- Comply with all fire, sanitation, and safety regulations as determined by DFCS licensure standards as set for child-placing agencies
- Be affordable based on the youth's established budget
- Be approved by the State Independent Living coordinator

To be eligible for the placement, the youth must:

- Be capable of creating a budget based on income and living within the created budget
- Be employed and/or attending school, with a plan to meet the needs of his or her budget
- Be an active participant and maintain involvement in the Independent Living Program
- Have a plan to cover the initial expenses
- Be willing to sign and comply with a contract from the licensed placing agency, delineating specific rules and requirements
- Be willing to allow planned and unplanned visits to the residence by the caseworker, placement agency, and other DFCS staff
- Provide assistance to DFCS workers to secure necessary documentation

Teen parents shall provide verification of completing parenting classes.

### Placement Agreements

**Citation: Admin. Code 18-006-104, Part IX**

Some Independent Living Program services are provided through a contractual agreement, including life skills training, youth opportunity training, youth conferences, and other services, as appropriate.

For an Independent Living placement, the child-placing agency will provide a contractual agreement of responsibilities for the youth to sign. This agreement shall be updated as circumstances such as changes in the level of income or work schedule changes. If the contract is not satisfactorily met, the youth must leave the Independent Living placement program.



## Transition Supports Provided

### Citation: Admin. Code 18-006-104, Part IX

DFCS shall ensure that each youth transitioning to independence has available the following:

- Adequate living arrangements
- A source of income
- Health care
- Independent Living stipends
- Education and training vouchers
- A resource guide to assist youth in locating and enrolling in educational or vocational programs appropriate to their needs, interests, abilities, and goals

In addition, DCFS shall:

- Supply the youth with a list of community resources suitable to meet the youth's future needs
- Ensure that services are provided for the youth to make the transition from foster care to living independently
- Let the youth know that he or she can contact the caseworker when needed
- Make sure the youth receives a start-up stipend and any other resources available through DFCS
- Document the preparation being made with the youth to help the transition from care to living independently

DFCS shall assist youth in obtaining or compiling the following documents:

- An identification card
- A Social Security card or social insurance number
- A resume, when work experience can be described
- A driver's license, when the ability to drive is a goal
- An original copy of the youth's birth certificate
- Religious documents and information
- Documentation of immigration, citizenship, or naturalization, when applicable
- Documentation of Tribal eligibility or membership
- Death certificates when parents are deceased
- A life book or a compilation of personal history and photographs, as appropriate
- A list of known relatives, with relationships, addresses, telephone numbers, and permissions for contacting involved parties
- Previous placement information
- Educational records, such as high school diploma or GED, and a list of schools attended, when age-appropriate

Each child in foster care under the responsibility of the State/Tribe who has reached age 16 receives without cost a copy of any consumer credit report pertaining to the child each year until the child is discharged from care. The child also shall and receive assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

DCFS also shall ensure that children receiving Independent Living services and/or education and training vouchers and those who are aging out of foster care have information and education about the importance of having a health-care power-of-attorney or health-care proxy and to provide the youth with the option to execute such a document.

The Independent Living Program includes life skills training that contains the following components:

- Community resources and transportation
- Communication skills and social development
- Employment
- Money management
- Decision-making and study skills
- Housing and daily living skills
- Self-care
- Youth law issues

**Missouri***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Rev. Stat. § 211.036**

If a youth younger than age 21 is released from the custody of the Children's Division, and after such release it appears that it would be in the youth's best interests to have his or her custody returned to the division, the juvenile officer, the division, or the youth may petition the court to return custody of such youth to the division until the youth is age 21. In deciding if it is in the best interests of the youth to be returned to the custody of the division under this section, the court shall consider the following factors:

- The circumstances of the youth
- Whether the division has services or programs in place that will benefit the youth and assist the youth in transitioning to self-sufficiency
- Whether the youth has the commitment to fully cooperate with the division in developing and implementing a case plan

The court shall not return a youth to the custody of the division if the youth has been committed to the custody of another agency, is under a legal guardianship, or has pled guilty to or been found guilty of a felony criminal offense.

**Requirements for Remaining in Placement****Citation: Rev. Stat. § 211.036; Child Welf. Pol. Man. §§ 21.3.2.2; 21.5.1**

For purposes of this section, a 'youth' is any person age 18 or older and younger than age 21 who was in the custody of the division in foster care at any time in the 2-year period preceding the youth's 18th birthday.

*In policy:* For the purpose of reentry, a youth is a person who meets all of the following criteria:

- Any person age 17 through 20 who was previously placed in the care, custody, and control of the division
- Was released from care, custody, and control within the last 24 months
- Is otherwise competent, not in a guardianship or conservatorship, and is not in the custody of any other individual or institution
- Is not incarcerated or committed to any jail, detention facility, or the Department of Corrections

Youth will work in conjunction with the division for services to be provided and will:

- Meet with his or her children's services worker, the Juvenile Office representative, and Chafee provider, as required
- Participate in any services provided, such as Chafee and transitional living program services
- Enroll in and attend a secondary school program of instruction or an institution of vocational or higher education, if it is determined the program will benefit the youth in his or her efforts to achieve independence
- Find and maintain employment to supplement the youth's transition plan
- Work to maintain his or her own efforts toward independent living

The criteria for an Independent Living arrangement are as follows:

- The youth is at least age 17.
- The youth is under court jurisdiction and in the care and custody of the division.
- There is no likelihood of reunification with parent/legal guardian.
- The youth does not want to be adopted.
- A plan has been completed that specifies how the youth will live.
- The youth is enrolled and participating actively in the Chafee Foster Care Independence Program.
- The youth is able to demonstrate competency in life skills.
- The youth is able to manage his or her own finances and live independently.
- The youth has demonstrated responsible conduct for at least 12 months:
  - » There are no criminal law violations.
  - » If applicable, school performance is equal to youth's capabilities.
  - » The youth demonstrates responsible money management.
- The youth is attending an educational or vocational school regularly to the satisfaction of school officials and is gainfully employed.
- The youth has assisted or developed his or her plan for independent living.

**Placement Agreements****Citation: Rev. Stat. § 211.036**

The youth shall cooperate with the case plan developed for the youth by the division in consultation with the youth.

**Transition Supports Provided****Citation: Child Welf. Pol. Man. §§ 21.3.5; 21.4.2; 21.5**

Each youth in foster care who is age 16 and older must receive a copy of any consumer credit report each year until discharged from foster care, and the youth must be assisted in interpreting the credit report and resolving any inconsistencies.

Youth who were in foster care on the date they reached age 18, or at any time during the 30-day period preceding their 18th birthday, are eligible for health-care coverage under the MO HealthNet program, without regard to their income or assets, if such persons:

- Are younger than age 26
- Are not eligible for coverage under another mandatory coverage group (including those youth who are disabled, receive Supplemental Security Income, or are receiving Medicare)
- Were covered by Medicaid while they were in foster care

An Independent Living arrangement is a State-approved and subsidized placement option for youth age 17 and older who cannot return home. The case manager in conjunction with the Family Support Team determines the youth's suitability for placement in an Independent Living arrangement, by assessing the youth's motivation, abilities, skills, and capabilities for living independently and ultimate emancipation from the service delivery system.

There are a variety of housing options available to youth who have demonstrated the skills/competencies to live in an ILA placement. Whatever option is selected by the youth, it must be stable and safe and in a community setting that allows the youth full access to services and resources in order to fully develop independent living skills. Housing options include the following:

- Single dwelling (house, apartment, mobile home)
- Shared housing
- Boarding home
- Dormitory (college program)
- Subsidized housing (U.S. Department of Housing and Urban Development-Section 8)

The majority of youth in Independent Living arrangement placements have limited or no family support systems to rely on in the event they experience a crisis (i.e., financial, health, emotional, etc.). Therefore, it is critical that the case manager assist the youth in identifying and accessing resources to enhance the prospects for success in the Independent Living arrangement. Specifically, the case manager, youth, and other family support team members should identify, to the extent possible and appropriate, the following support systems:

- Medical and dental services
- Educational and/or vocational training programs and options
- Employment opportunities
- Emergency contacts within the agency
- Family supports
- Religious supports
- Community sponsor or mentor
- Other resources as needed

**Montana***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Ann. Code §§ 52-2-601; 52-2-602; Admin. Rules 37.51.102**

The legislature, in recognition of the wide and varied needs of youth in need of care, delinquent youth, and youth in need of intervention of this State and of the desirability of meeting these needs on a community level to the fullest extent possible, establishes by this part a system of substitute care to provide facilities and services for youth placed out of their homes and establishes a program to provide those facilities and services through local nonprofit corporations, counties, and the Department of Public Health and Human Services.

The 'transitional living program' is a program with the goal of self-sufficiency in which supervision of the living arrangement is provided for a youth who is age 16 or older and younger than age 21.

*In regulation:* A foster child is a person younger than age 18 who has been placed in a youth foster home by the department, another State agency, a Tribe, or a licensed child-placing agency. A youth older than age 18 may remain in foster care if he or she is still in secondary school.

### **Requirements for Remaining in Placement**

**Citation: Child & Fam. Serv. Pol. Man. § 408-1**

Youth may qualify for the foster care independence program if the youth:

- Is age 14 or older and currently in foster care
- Has 'aged out' of foster care and is not yet age 21
- Was in foster care at age 18
- After their 16th birthday, had a guardianship established or adoption finalized

Priority for services is given to youth who have exited foster care because they reached age 18 and to youth age 14 and older likely to be in foster care until age 18.

Youth must meet one of the following criteria in order to access room and board assistance:

- The youth must be employed full time or actively seeking full-time employment, unless he or she is attending school or can demonstrate why he or she should not be expected to work full time.
- The youth is enrolled on a full-time basis in a postsecondary education program that does not meet the requirements for assistance through the Chafee program.
- The youth is enrolled on a part-time basis in a postsecondary education program, and it has been determined by program management that the youth's circumstances are such that the youth should not be required to attend school full time or to work and attend school.

### **Placement Agreements**

**Citation: Child & Fam. Serv. Pol. Man. § 408-1**

The Transitional Living Plan (TLP) is a written document that is a part of the overall case plan for a youth. It should clearly identify the best possible permanency plan for the youth, well-defined goals and objectives for becoming self-sufficient, and how and when the goals and objectives will be met. Youth must be encouraged to actively participate in the development of the plan and, whenever possible, attend in-person meetings to develop or update their TLP.

### **Transition Supports Provided**

**Citation: Admin. Rules §§ 37.51.805; 37.51.820; Child & Fam. Serv. Pol. Man. §§ 408-1; 408-2; 408-4**

The foster parents shall cooperate with the placing agency and, when appropriate, the birth or legal parents, in providing or arranging an age-appropriate education, employment, or training program appropriate for each child that addresses the child's needs in the areas of social living, sex education, consumer education, career planning, and preparation for independent living. In addition, the foster parents shall:

- Ensure that all children attend a public school unless otherwise approved by the department
- Cooperate with the department's Independent Living program staff and contractors to ensure that eligible youth in foster care are encouraged and assisted to access services and benefits offered under the department's Independent Living program
- Assist the placing agency, the youth, and the Independent Living program staff and contractors in developing an appropriate transitional plan for each youth age 16 or older
- Encourage and assist each teenage youth to prepare for the transition from foster care to independent living
- Assist the placing agency, the youth, and the Independent Living program staff and contractors in developing the youth's job readiness skills and, when appropriate, assisting the youth in locating employment
- Assist youth in exploring postsecondary educational opportunities

*In policy:* All youth aging out of care must be provided with the following:

- An official copy of their birth certificate
- A Social Security card and information on available benefits, including Tribal benefits for Indian youth
- Health insurance information
- A copy of their medical records and relevant family health history

- Education history
- A driver's license or State-issued identification card

The service provider must assist youth in obtaining information on a health-care power-of-attorney and provide information on the importance of designating someone to make health-care treatment decisions on behalf of the youth if the youth is unable to do so and does not have or want a relative who would otherwise be so designated under State law to make such decisions.

Youth may receive assistance for:

- Secondary school educational expenses, including tutoring not available through the school system, driver's education, application fees, dorm deposits, tuition, books, or supplies
- Vocational training, including apprenticeships or other job training
- Job readiness assistance, such as resume and application assistance, etiquette instruction, appropriate interview and work clothing, haircut, etc.
- The cost of travel to educational, apprenticeship, or job sites
- Counseling or therapy when it has been determined that such services are needed and other funding is not available
- Medical expenses that are deemed medically necessary and for which other funding is not available
- Basic apartment or dorm room set up (limited to the purchase of basic necessities)
- Security deposits, phone activation, and utility connection fees
- Rental deposits and postsecondary on-campus living expenses (including a meal plan)
- Assistance with monthly rental payment
- Assistance with monthly utility payments
- Assistance with purchasing food

The amount of assistance will be based on the youth's personal circumstances and needs, other available community resources, previous use of funds, and the availability of funds. The need for room and board assistance must be clearly demonstrated.

Each child in foster care age 16 and older must receive a copy of any consumer credit report annually until he or she is discharged from foster care and must be assisted in interpreting the credit report and resolving any inaccuracies.

## Nebraska

Current Through February 2017

### Availability of Foster Care Beyond Age 18

**Citation: Rev. Stat. § 43-905**

Legal custody and care of and services by the Department of Health and Human Services shall never extend beyond the age of majority, except that:

- Services by the department to a child shall continue until the child reaches age 21 if the child is in the Bridge to Independence Program, as provided in the Young Adult Bridge to Independence Act
- Coverage for health-care and related services shall be extended as provided for Medicaid coverage for individuals under age 26

### Requirements for Remaining in Placement

**Citation: Rev. Stat. § 43-4504**

The Bridge to Independence Program is available, on a voluntary basis, to a young adult:

- Who is at least age 19
- Who was adjudicated to be a neglected juvenile or the equivalent under Tribal law and:
  - » Upon reaching age 19, was in an out-of-home placement or had been discharged to independent living
  - » With respect to a young adult for whom a federally funded kinship guardianship assistance agreement was in effect, if the young adult had reached age 16 before the agreement became effective, or with respect to whom a State-funded guardianship assistance agreement was in effect if the young adult had reached age 16 before the agreement became effective
- Who is:
  - » Completing secondary education or an educational program leading to an equivalent credential
  - » Enrolled in an institution that provides postsecondary or vocational education
  - » Employed for at least 80 hours per month

- » Participating in a program or activity designed to promote employment or remove barriers to employment
- » Incapable of doing any of the activities described above due to a medical condition, which incapacity is supported by regularly updated information in the case plan of the young adult

### **Placement Agreements**

#### **Citation: Rev. Stat. § 43-4506**

If an eligible young adult chooses to participate in the Bridge to Independence Program, the young adult and the department shall sign, and the young adult shall be provided a copy of, a voluntary services and support agreement that includes, at a minimum, information regarding all of the following:

- The requirement that the young adult continue to be eligible for the duration of the voluntary services and support agreement and any other expectations of the young adult
- The services and support the young adult shall receive through the Bridge to Independence Program
- The voluntary nature of the young adult's participation and the young adult's right to terminate the voluntary services and support agreement at any time
- Conditions that may result in the termination of the voluntary services and support agreement and the young adult's early discharge from the Bridge to Independence Program

As soon as the young adult and the department sign the voluntary services and support agreement and the department determines that the young adult is eligible for the Bridge to Independence Program, but no longer than 15 days after signing the agreement, the department shall provide services and support to the young adult in accordance with the voluntary services and support agreement.

A young adult participating in the Bridge to Independence Program shall be assigned an independence coordinator to provide case management services for the young adult. Independence coordinators and their supervisors shall be specialized in primarily providing services for young adults in the Bridge to Independence Program or shall, at minimum, have specialized training in providing transition services and support to young adults. The department shall provide continued efforts at achieving permanency and creating permanent connections for a young adult participating in the Bridge to Independence Program.

As soon as possible after the young adult is determined eligible for the Bridge to Independence Program and signs the voluntary services and support agreement, the department shall conduct a determination of income eligibility for purposes of title IV-E of the Federal Social Security Act (42 U.S.C. § 672).

### **Transition Supports Provided**

#### **Citation: Rev. Stat. §§ 43-4505; 43-1311.03**

Extended services and support provided under the Bridge to Independence Program include, but are not limited to:

- Medical care under the medical assistance program
- Housing, placement, and support in the form of foster care maintenance payments, with housing options that may include:
  - » A foster family home
  - » A supervised Independent Living setting
  - » An institution
  - » A foster care facility
- Case management services that are young-adult driven, including a description of the resources that will help the young adult create permanent relationships and prepare for the transition to adulthood and independent living
- The resources that will assist the young adult in the transition from the Bridge to Independence Program to adulthood, including, but not limited to, assisting the young adult to:
  - » Obtain employment or other financial support
  - » Obtain a State-issued identification card
  - » Open and maintain a bank account
  - » Access appropriate community resources, including health, mental health, developmental disability, and other services and support
  - » Complete secondary education
  - » Apply for admission and aid for postsecondary education or vocational courses
  - » Create a health-care power-of-attorney or health-care proxy
  - » Obtain a copy of health and education records
  - » Apply for any public benefits or benefits that he or she may be eligible for

- » Maintain relationships with individuals who are important to the young adult, including searching for individuals with whom the young adult has lost contact
- » Access information about maternal and paternal relatives, including any siblings
- » Access young adult empowerment opportunities, such as peer support groups
- » Access pregnancy and parenting resources and services
- » Health and health-care coverage, including the young adult's potential eligibility for Medicaid coverage
- » Financial assistance, including education on credit card financing, banking, and other services

On or before the date the young adult reaches age 18 or 19, or age 21 if the young adult participates in the Bridge to Independence Program, if the young adult is leaving foster care, the department shall provide the young adult with:

- A certified copy of the young adult's birth certificate
- The young adult's Social Security card
- A driver's license or State-issued identification card
- A credit report check
- Written information about the young adult's Indian heritage or Tribal connection, if any

## Nevada

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Rev. Stat. § 432B.594; Child & Fam. Serv. Pol. Man. § 0801.5.6**

A court that has jurisdiction over a child in out-of-home care when the child reaches age 18 shall retain jurisdiction over the child if the child so requests. That jurisdiction continues until:

- The child welfare agency, the child, and the child's attorney agree to terminate the jurisdiction.
- The court determines that:
  - » The child has achieved the goals set forth in his or her transitional living plan (TLP).
  - » The child is not making a good faith effort to achieve the goals set forth in the TLP.
  - » The circumstances of the child have changed in such a manner that it is infeasible for the child to achieve the goals set forth in the TLP.
- The child requests that jurisdiction be terminated.
- The child reaches age 21.

*In policy:* Young persons shall have the opportunity to remain under the jurisdiction of the court beyond age 18 and up to age 21. The Independent Living program is intended to serve youth who are likely to remain in foster care until age 18; youth who, after reaching age 16, have left foster care for kinship guardianship or adoption; and young adults ages 18-21 who have "aged out" of the foster care system.

A youth may choose to stay in foster care if he or she is younger than age 19 and enrolled full time in high school or enrolled full time in a secondary school program or vocational program and can reasonably be expected to complete the course of study prior to his or her 19th birthday. The youth may request that the court take jurisdiction after he or she receives his or her diploma.

### Requirements for Remaining in Placement

**Citation: Rev. Stat. § 432B.595; Child & Fam. Serv. Pol. Man. § 0801.5.5**

If the court retains jurisdiction over a child, the child welfare agency shall develop a written plan to assist the child in transitioning to independent living. Such a plan must include, without limitation, the following goals:

- That the child save enough money to pay for his or her monthly expenses for at least 3 months
- If the child has not graduated from high school or obtained a general equivalency diploma (GED), that the child remain enrolled in high school or a program to obtain a GED until graduation or completion of the program
- If the child has graduated from high school or obtained a GED, that the child:
  - » Enroll in a program of postsecondary or vocational education
  - » Enroll or participate in a program or activity designed to promote or remove obstacles to employment
  - » Obtain or actively seek employment that is at least 80 hours per month
  - » Secure housing
  - » Have adequate income to meet his or her monthly expenses
  - » Identify an adult who will be available to provide support to the child

- » Establish appropriate supportive services to address any mental health or developmental needs of the child, if applicable
- » Have goals that are appropriate for the child based upon the needs of the child if that child is not capable of achieving one or more of the goals set forth above

*In policy:* To be eligible to live under an Independent Living Agreement, the youth must:

- Be at least age 17, unless approved by the child welfare agency's director or rural region manager
- Be adjudicated into child welfare custody
- Be placed in out-of-home care for at least 6 months prior to entering into an Independent Living Agreement, unless approved by the child welfare agency's director or rural region manager
- Be able to 'demonstrate independent living competency,' as determined by the child welfare agency, including, but not limited, to the following:
  - » Transportation: have the ability to utilize public transportation
  - » Finances: have move-in costs and first month's living expenses until the subsidy check arrives
  - » Education: be involved in a full-time educational program or be engaged full time in a combination of education and employment
  - » Grades: maintain a grade point average of 2.0 or higher
  - » Assessment of skills: must show that living independently is viable and that the youth can articulate or demonstrate necessary living skills as determined by the child welfare agency
  - » Behavior: demonstrate responsible behaviors and decision-making skills

### Placement Agreements

**Citation: Rev. Stat. § 432B.594; Child & Fam. Serv. Pol. Man. § 0801.5.6(F)**

A child who requests that the court retain jurisdiction must, upon reaching age 18, enter into a written agreement with the child welfare agency. The agreement, which must be filed with the court, must include, without limitation, the following provisions, specifying that:

- The child voluntarily requested that the court retain jurisdiction.
- While under the jurisdiction of the court, the child is entitled to continue to receive services from the child welfare agency and to receive monetary payments directly or to have such payments provided to another entity as designated in the TLP in an amount not to exceed the rate of payment for foster care.
- While under the jurisdiction of the court, the child will no longer be under the legal custody of the child welfare agency, and the proceedings concerning the child conducted pursuant to §§ 432B.410 to 432B.590, inclusive, will terminate.
- The child may, at any time, request that jurisdiction over the child be terminated.

*In policy:* Post-18 services agreement: This agreement will specifically outline what the youth who is remaining under court jurisdiction is agreeing to accomplish, what the child welfare agency is agreeing to provide, any limitations of the agreement, and terms for dispute resolution. This agreement also will have a section for a youth to opt out of continued services.

### Transition Supports Provided

**Citation: Child & Fam. Serv. Pol. Man. § 0801.5**

While under court jurisdiction, former foster youth shall be eligible to receive financial support and Independent Living services to assist them with their transition to self-sufficiency. Court jurisdiction is to be looked at as a support or safety net for youth as they make this transition. Good-faith efforts must be made by the child welfare agency to engage the former foster youth and assist with the transition. Court jurisdiction is intended to provide former foster youth the opportunity to gain their education and/or vocational skills with minimal hardships that may exist when all supports are withdrawn.

The Independent Living program offers a responsible youth the opportunity to live independently in the community. This may occur through living alone, with roommate(s), in a dorm, or renting a room from a family (i.e., a community mentor home). The youth is allotted a monthly subsidy, which is the same amount as the basic monthly foster care rate, to pay for their room/board and care.

Assistance to help current and former foster care youths achieve self-sufficiency is provided through the Chafee Foster Care Independence Program. Activities and programs include, but are not limited to, help with education, employment, financial management, housing, emotional support, and assured connections to caring adults for older youth in foster care.

For youth ages 14 to 18, services that can be provided with Chafee funds include:

- Assistance to obtain a high school diploma
- Career exploration and vocational training
- Job placement and retention



- Training in daily living skills
- Training in budgeting and financial management skills
- Substance abuse prevention
- Preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention)
- Eligible financial assistance (class ring, cap and gown, senior pictures, college application fees, etc.)

In addition to the services listed above, former foster youth age 18–21 are eligible to receive appropriate support and services that complement his or her own efforts to achieve self-sufficiency, including:

- Preparation for entry into postsecondary training and education institutions
- Personal and emotional support through mentors and the promotion of interactions with dedicated adults
- Housing assistance
- Counseling
- Employment
- Education
- Eligible financial assistance (transportation, utilities, driver's education, etc.)

In addition, State funds may be used to provide goods and services, including:

- Room and board
- Housing assistance
- Job training
- Vocational services, including job placement assistance
- Educational assistance
- Medical insurance through Medicaid
- Services to reduce high-risk behaviors
- Mental health services

In addition, foster youth shall be provided with:

- Copies of personal documents, including his or her birth certificate, Social Security card, State-issued identification card, and insurance card
- His or her medical records upon request
- Information regarding a health-care power-of-attorney and the importance of designating someone to make health-care treatment decisions on his or her behalf if the youth is unable to do so and does not have or want a relative who would otherwise be designated by law to do so
- A copy of his or her credit report and assistance with interpreting and resolving any inaccuracies found on the report

## New Hampshire

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Rev. § 170-E:25; Admin. Rules § He-C 6347.07**

The term 'child' means any person who is younger than age 21.

The term 'Independent Living home' means a child care agency that regularly provides specialized services in adult living preparation in an experiential residential setting for persons age 16 or older who have a legal relationship with the Department of Health and Human Services and who can benefit from Independent Living training.

*In regulation:* The adolescent foster home provider may provide to the youth beyond the closure of the youth's case or when the youth reaches age 18 or 21 if jurisdiction of the department is extended pursuant to § 170-E:25.

### Requirements for Remaining in Placement

This issue is not addressed in the statutes and regulations reviewed.

### Placement Agreements

This issue is not addressed in the statutes and regulations reviewed.

**Transition Supports Provided****Citation: Admin. Rules §§ He-C 6347.07; He-C 6355.23**

The adolescent foster home provider shall ensure that the youth has the opportunity to make positive connections with family, friends, and community members. The foster parent shall provide a home environment that includes:

- Modeling and instructing life skills, resource identification and access, and adult living preparation
- Completing with the youth the department curriculum for preparing youth for adulthood
- Implementing the adult living preparation process
- Monitoring daily living skill acquisition, school and employment attendance
- Assisting the youth in applying to college or a career training program and with other aftercare planning, as needed

The foster parent shall participate in planning for the youth in care, including attendance at:

- Monthly meetings with department staff and the youth
- Team, school, administrative case review meetings, and court reviews
- The transitional meeting that occurs at least 6 months prior to the youth's 18th birthday or case closure date

Foster care programs shall assist children to restore their developmentally appropriate skills and prepare for adulthood by complying with the adult living preparation requirements and assisting in the completion of the adult living preparation documents. In addition, foster care programs shall identify and meet the adult living needs of children who are age 14 or older.

**New Jersey***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Ann. Stat. § 30:4C-2.3; Ch. & Fam. Pol. Man. III-A-1-500**

The Department of Children and Families shall provide services to individuals who are between age 18 and 21 and meet the following conditions:

- The individual was receiving services from the department on or after the individual's 16th birthday
- The individual, on or after the individual's 18th birthday, has not refused or requested that these services be terminated, as applicable.
- The commissioner determines that a continuation of services would be in the individual's best interests and would assist the individual to become an independent and productive adult.

*In policy:* The department is committed to providing services to adolescents, age 18–21, to assist with a successful transition to independence. The department encourages youth who are age 18 or older to remain service-active with the department until they turn age 21. However, when there are no child protective services concerns or other legal reasons to keep a service case open, an older youth (age 18 or older) may request that his or her case be closed; the department is required to heed such a request. This is a reversible decision, however, when all of the conditions listed below are met.

**Requirements for Remaining in Placement****Citation: Ch. & Fam. Pol. Man. III-A-1-500**

The department will provide services to adolescents who meet at least one of the following requirements:

- The adolescent received services from the department at age 16 or older.
- The adolescent is in a department-supervised or funded out-of-home placement and agrees to accept continued case management services from the department, including continued board payments. This includes adolescents in foster care or Independent Living settings.
- The caseworker and supervisor, as part of an assessment that actively engages the adolescent, conclude that continuation of services is in the adolescent's best interests. For example, it is determined that continued assistance is needed to facilitate the adolescent to attend, and/or complete, high school or general equivalency diploma (GED) classes, or receive postsecondary education, including college or vocational training programs.
- There also may be clinical reasons when it is in the adolescent's best interests for the case to remain open. For example, a severely depressed adolescent may need continued counseling services and support.
- The adolescent is continuing to work towards the goals outlined in his or her Transitional Plan for Adolescents.
- An adolescent is fully employed (30 hours per week or more) and earns less than 150 percent of the Federal Poverty Income Guidelines for a family of one or needs nonfinancial department services.

Youth age 18–21 may request to reopen their service case when all of the following are true:

- The adolescent was receiving services from the department on or after his or her 16th birthday.
- The adolescent has actively requested that services be provided and now is willing to accept services.
- Continuation of services would be in the adolescent's best interests and would help the adolescent to become an independent and productive adult.

Any youth who meets all of the conditions above can request his or her case be reopened for appropriate services. The adolescent's case may remain open until his or her 21st birthday.

### Placement Agreements

**Citation: Admin. Code § 10:122D-2.7; Ch. & Fam. Pol. Man. X-A-1-5.43**

The department, in consultation with the out-of-home placement provider, the child, the parent, and other significant adults, shall develop a written plan to prepare the child for self-sufficient living and shall reevaluate the plan at least yearly. The plan shall be developed for each child in out-of-home placement:

- Within 6 months of the date of placement for those entering out-of-home placement at age 14 or older
- No later than age 14, for those already in out-of-home placement

The plan shall be based upon an assessment of the child's strengths, resources, interests, and needs. It shall outline the necessary skills the child must master to achieve self-sufficiency and the responsibilities of the department and other parties to assist the child in developing these skills.

The department representative shall identify at least one significant adult in the child's life who will function as an adult advisor to the child to assist in the development of the plan and the life skills needed by the child. The adult advisor may be the resource family parent.

*In policy:* The Transitional Plan for Youth Success is the required planning document for a young adult age 18–21 who opts to stay in out-of-home care. The caseworker and the youth complete the form in conjunction with the Independent Living Assessment (Casey Life Skills Assessment).

The goal is for a coordinated transitional plan to be in place for all agencies or providers involved with the youth. The caseworker takes the lead by bringing individual service providers together in the planning and development process. Caseworkers assist the youth to identify:

- Long-term and short-term goals
- Objectives
- Action steps that are clear, measurable, action-oriented, and realistic

### Transition Supports Provided

**Citation: Ann. Stat. § 9:12A-8; Ch. & Fam. Pol. Man. VI-A-1-100; III-A-1-500**

A transitional living program shall provide residential care and treatment services for up to 18 months to a youth age 16–21 who demonstrates the maturity to function with minimal adult supervision. The program shall assist in the maintenance of a youth in a living arrangement that will prepare the youth for independence and self-sufficiency through the direct provision of, or through referrals to other organizations and agencies, services. These services may include:

- Educational assessment and attachment to an educational program
- Career planning, employment, and life skills training
- Job placement
- Budgeting and money management
- Assistance in securing housing appropriate to a youth's needs and income
- Assistance in accessing other social services as may be appropriate

*In policy:* Independent Living services include:

- Independent Living needs assessment that may address knowledge of basic living skills, job readiness, money management abilities, decision-making skills, goal setting, task completion, and transitional living needs
- Academic support, including academic counseling, tutoring, study skills training, and literacy training
- Postsecondary educational support, including classes for test preparation, information about financial aid and scholarships, and help completing college or loan applications
- Career preparation, including vocational and career assessment, job seeking and job placement support, writing resumes, completing job applications, and developing interview skills

- Employment programs or vocational training, including apprenticeships, internships, or summer employment programs
- Budget and financial management, including living within a budget, opening a checking account, balancing a checkbook, information about credit, and filling out tax forms
- Housing education, including filling out a rental application, handling security deposits and utilities, and understanding tenants' rights and responsibilities
- Home management training, including food preparation, laundry, housekeeping, meal planning, grocery shopping and basic home maintenance and repairs
- Health education and risk prevention, including health-care resources and health insurance; sex education, abstinence education, and HIV prevention, including education and information about sexual development and sexuality; pregnancy prevention and family planning; and substance abuse prevention and intervention
- Family support and healthy marriage education
- Mentoring, which involves matching the youth with a screened and trained adult for a one-on-one relationship that involves the two meeting on a regular basis
- Room and board financial assistance, including rent deposits, utilities, and other household start-up expenses
- Education financial assistance, including allowances to purchase textbooks, uniforms, computers, and other educational supplies; tuition assistance; scholarships; and payment for educational preparation and support services

An adolescent is eligible for Medicaid if he or she was in out-of-home placement on or beyond his or her 18th birthday, and the case is closed.

## New Mexico

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. § 32A-4-25.3; Admin. Code § 8.10.9.18**

At the last review or permanency hearing held prior to the child's 18th birthday, the court shall review the transition plan and shall determine whether the Children, Youth and Families Department has made reasonable efforts to implement the following requirements:

- Whether written information concerning the child's family history, the whereabouts of any siblings, if appropriate, and education and health records have been provided to the child
- Whether the child's Social Security card, certified birth certificate, State-issued identification card, death certificate of a parent, and proof of citizenship or residence have been provided to the child
- Whether assistance in obtaining Medicaid has been provided to the child, unless the child is ineligible for Medicaid
- If the child is incapacitated, whether referral for a guardianship or limited guardianship has been made

If the court finds that the department has not made reasonable efforts to meet all the above requirements and that termination of jurisdiction would be harmful to the young adult, the court may continue to exercise its jurisdiction for a period not to exceed 1 year from the child's 18th birthday. The young adult must consent to continued jurisdiction of the court. The court may dismiss the case at any time after the child's 18th birthday for good cause.

*In regulation:* Independent Living placement status (ILPS) allows an eligible youth age 18–21 to become his or her own vendor to receive monthly maintenance payments. The maintenance payment allows the youth to live as a boarder with a foster parent or to live independently with limited Protective Services Division (PSD) supervision regarding safety and appropriate use of funds.

### Requirements for Remaining in Placement

**Citation: Admin. Code §§ 8.10.9.9; 8.10.9.13; 8.10.9.18**

Youth services shall be provided to all youth in the custody of PSD through an abuse or neglect petition, or a family in need of court-ordered services petition, including youth in residential treatment or incarcerated youth; runaway youth; and youth with a partial or complete developmental, emotional, or physical disability. Eligibility requirements are specific to services components within the youth services program.

Transition support services shall be provided by or arranged by the youth transition specialist (YTS) for the purpose of preparing and assisting youth in their transition to adulthood. Services begin at the preparation for the transition meeting and may continue until the youth turns age 21. Youth in PSD custody shall be eligible for transition support services. Youth who have aged out of foster care at age 18 and youth age 18–21 who were adopted after age 16 may request transition support services.

Eligibility criteria for ILPS are as follows:

- A youth age 18–21 who has aged out of foster care at age 18 may be eligible for an Independent Living placement as determined by the YTS with supervisory approval.
- With the approval of the regional manager and the youth services bureau chief, a youth age 17 in PSD custody may be eligible for ILPS, with the monthly maintenance payment provided with State general funds.

To assess whether ILPS is appropriate for a youth age 17, the permanency planning worker (PPW) shall review the Independent Living assessment and all other relevant information and determine whether:

- The youth has the basic skills necessary to safely live independently.
- Sufficient supports are available to the youth while living independently.

The PPW shall prepare a memorandum for decision to the regional manager and youth services bureau chief about whether ILPS is appropriate for a youth age 17, discussing the Independent Living skills assessment and describing the housing the youth will secure.

Eligibility for ILPS is reassessed on a continuing basis and may be revoked at PSD's discretion.

### Placement Agreements

**Citation: Ann. Stat. § 32A-4-2; Admin. Code 8.10.9.16**

The 'transition plan' is an individualized written plan for a child, based on the unique needs of the child, that outlines all appropriate services to be provided to the child to increase independent living skills. The plan shall also include responsibilities of the child, and any other party as appropriate, to enable the child to be self-sufficient upon emancipation.

*In regulation:* The written individualized transition plan shall be developed collaboratively with the participants present at the youth transition meeting. The transition plan shall identify a youth's needs; strengths and goals in the areas of safety, housing, education, employment, or income; health and mental health; and local opportunities for mentors and continuing support services. The plan shall identify activities, responsibilities, and timeframes to address the goals specified in the transition plan.

PSD shall present the transition plan to the court at the first hearing scheduled after the child's 17th birthday. The court shall order the transition plan for the child. The transition plan approved by the court shall be reviewed at every subsequent review and permanency hearing.

The YTS shall review and update the youth's transition plan with the youth at least once, 1 month prior to the youth's 18th birthday.

### Transition Supports Provided

**Citation: Admin. Code §§ 8.10.9.8; 8.10.9.12; 8.10.9.19; 8.10.9.20; 8.10.9.21**

Youth services shall:

- Assist youth in successfully transitioning into adult living
- Promote self-sufficiency
- Promote the safety, permanency, and well-being of youth
- Promote positive youth development
- Promote relationships with mentors and other supportive adults

Youth services shall be provided to youth in custody, youth who have aged out of foster at age 18, and youth who were adopted from foster care after the age of 16.

Life skills development shall be required for all youth in PSD custody, regardless of permanency plan, beginning no later than age 14. Life skills development is an individualized process of learning the knowledge and skills necessary to be successful in living as an adult. It may include, but is not limited to, group learning, taking advantage of teachable moments, individual practice with out-of-home providers, and use of community resources.

The YTS shall assist each youth age 14 and older in obtaining a copy of his or her credit report at no cost to the youth. This process shall be completed on an annual basis until the youth is discharged from foster care.

Start-up funds shall be available for eligible youth to assist them in purchasing household items or services needed to establish a home or to further independence. Expenses that are eligible for the use of start-up funds are determined according to the standards of the Chafee Act.

Education and Training Vouchers (ETVs) funds shall be available to eligible youth to assist them in obtaining postsecondary education or vocational training. ETVs may not cover expenses already paid by scholarships, grants, loans, work study, etc. Receipt of ETV funds shall not affect a student's eligibility for other Federal assistance. ETV funds shall be paid to the provider and shall not be distributed through personal checks payable to the youth. The assigned YTS shall assist the youth in filling out the necessary application and gathering the appropriate supporting documentation.

Youth who are age 18 up to age 26 who were in foster care and enrolled in Medicaid on their 18th birthday shall be eligible for Medicaid according to the provisions of the Affordable Care Act. Before the youth's 18th birthday, or upon the youth's request for Medicaid benefits, the youth shall complete and sign the application for Medicaid. The youth shall complete a new application and submit it to the YTS each year thereafter.

## **New York**

*Current Through February 2017*

### **Availability of Foster Care Beyond Age 18**

**Citation: Fam. CRT. Act §§ 1089; 1091**

When the permanency goal for a youth aging out of foster care is another planned permanent living arrangement that includes a significant connection to an adult willing to be a permanency resource for the youth, the local social services district may discharge the youth on a trial basis to the planned permanent living arrangement, unless the court has prohibited or otherwise conditioned such a trial discharge. Trial discharge for a youth aging out of foster care shall mean that the youth is physically discharged, but the local social services district retains care and custody or custody and guardianship of the child and there remains a date certain for the scheduled permanency hearing. Trial discharge for a youth aging out of foster care may be extended at each scheduled permanency hearing, until the youth reaches age 21, if a youth older than age 18 consents to such extension.

Prior to finally discharging a youth aging out of foster care to another planned permanent living arrangement, the local social services official shall give the youth notice of the right to apply to reenter foster care within the earlier of 24 months of the final discharge or the youth's 21st birthday. Such notice also shall advise the youth that reentry into foster care will only be available when the former foster care youth has no reasonable alternative to foster care and consents to enrollment in and attendance at an appropriate educational or vocational program.

A motion to return a former foster care youth younger than age 21, who was discharged from foster care due to a failure to consent to continuation of placement, to the custody of the local commissioner of social services or other officer, board, or department authorized to receive children as public charges, may be made by such former foster care youth or by a local social services official upon the consent of such former foster care youth, if there is a compelling reason for such former foster care youth to return to foster care.

The court shall not entertain a motion filed after 24 months from the date of the first final discharge that occurred on or after the former foster care youth's 18th birthday.

### **Requirements for Remaining in Placement**

**Citation: Fam. CRT. Act § 1091; Admin. Rules Tit. 18, § 449.4**

A motion for reentry into foster care that is made pursuant to this section by a social services official shall be made by order to show cause. Such motion shall show by affidavit or other evidence that:

- The former foster care youth has no reasonable alternative to foster care.
- The former foster care youth consents to enrollment in and attendance at an appropriate educational or vocational program, unless evidence is submitted that such enrollment or attendance is unnecessary or inappropriate, given the particular circumstances of the youth.
- Reentry into foster care is in the best interests of the former foster care youth.
- The former foster care youth consents to the reentry into foster care.

*In regulation:* Youth who participate in the supervised Independent Living program must be at least age 16 and no older than age 21. Such youth must have been in a foster care placement for at least 45 consecutive days during the period immediately preceding the date on which the youth entered a supervised Independent Living program, or must have been in the care and custody or custody and guardianship of a social services official or the Office of Children and Family Services and have been discharged from foster care on a trial basis.

### **Placement Agreements**

This issue is not addressed in the statutes and regulations reviewed.

**Transition Supports Provided****Citation: Admin. Rules Tit. 18, § 449.4**

Supervised Independent Living programs must include the following service components to provide youth with opportunities to achieve positive outcomes and make successful transitions to self-sufficiency:

- An ongoing support network of consistent adults or families in their lives
- A diligent and ongoing effort to establish an adult permanency resource for each youth
- Preventive health care
- Employment skills training and the development of work ethics
- Educational support
- Housing support
- Budgeting and financial management skills
- Shopping, cooking, and housecleaning skills
- Access to community resources and community linkages
- Connections with caring adults, such as mentors
- Positive youth development
- Necessary developmentally appropriate services
- Preparation for discharge and the transition to adulthood
- Parenting skills, child development education, and any other child rearing training deemed necessary
- Ongoing assessment of life skills competency

Health supervision and medical and dental care must be provided to each youth. The educational and recreational needs of the youth also must be met.

**North Carolina**

*Current Through February 2017*

**Availability of Foster Care Beyond Age 18****Citation: Gen. Stat. § 108A-48**

The Department of Social Services is authorized to establish a State Foster Care Benefits Program for the purpose of providing assistance to children who are placed in foster care facilities by county departments of social services in accordance with the rules and regulations of the Social Services Commission. The department may continue to provide benefits pursuant to this section to an individual who has reached age 18 and chosen to continue receiving foster care services until reaching age 21.

**Requirements for Remaining in Placement****Citation: Gen. Stat. § 108A-48; Admin. Code Tit. 10A, 70B.0102**

The department may continue to provide benefits to an individual who has reached age 18 years and chosen to continue receiving foster care services until reaching age 21 if the individual is:

- Completing secondary education or a program leading to an equivalent credential
- Enrolled in an institution that provides postsecondary 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
- Incapable of completing the educational or employment requirements of this subsection due to a medical condition or disability

*In regulation:* A county department of social services may determine that a child is eligible for foster care assistance payments if the following factors are established:

- The child is younger than age 18 and is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and may reasonably be expected to complete the program before reaching age 19.
- The child is younger than age 21 and is a full-time student or has been accepted for enrollment as a full-time student for the next school term pursuing a high school diploma or its equivalent, a course of study at the college level, or a course of vocational or technical training designed to prepare him or her for gainful employment.

## Placement Agreements

**Citation: Gen. Stat. § 7B-910.1; Admin. Code Tit. 10A, 70B.0102**

The court shall review the placement of a young adult when the director of social services and a young adult who was in foster care as a juvenile enter into a voluntary placement agreement. The review hearing shall be held not more than 90 days from the date the agreement was executed, and the court shall make findings from evidence presented at this review hearing with regard to all of the following:

- Whether the placement is in the best interests of the young adult in foster care
- The services that have been or should be provided to the young adult in foster care to improve the placement
- The services that have been or should be provided to the young adult in foster care to further the young adult's educational or vocational ambitions, if relevant

*In regulation:* A contractual agreement for residential services (CARS) is a voluntary agreement between the young adult and the agency that allows for State foster care board payment to a licensed foster care facility. The youth is not in local child welfare agency custody. Rather he or she has voluntarily agreed to be in the agency's placement authority for the duration of the agreement. A CARS agreement differs from a voluntary placement agreement in that the young adult, rather than his or her parents or guardian, is exercising his or her legal authority to request the placement arrangement.

CARS agreements may be offered to:

- Legally competent young adults age 18–21 who aged out of the county's foster care custody at age 18
- Legally competent young adults age 18–21 who were discharged from the county's custody prior to age 18, but are now requesting the service
- Legally competent and legally emancipated youth age 16–18 who are requesting the service

In the CARS agreement, the young adult agrees to:

- Remain enrolled in a full-time program of academic or vocational training or be accepted for full-time enrollment for the next term in an academic or vocational program
- Discuss any problems arising from the placement with the social worker
- Handle his or her responsibility to work through any problems that are within the young adult's control
- Notify the agency and placement provider in advance if he or she decides to leave school, the vocational program, or foster care

Both the local child welfare agency and the young adult have the right to end the CARS agreement at any time. If the agreement is not terminated by one of the parties, it will automatically be terminated on the young adult's 21st birthday.

## Transition Supports Provided

**Citation: Gen. Stat. § 108A-48; Admin. Code Tit. 10A, 70B.0102**

With monthly supervision and oversight by the director of the county department of social services or a supervising agency, an individual receiving benefits pursuant to this section may reside outside a foster care facility in a college or university dormitory or other semisupervised housing arrangement approved by the director of the county department of social services and continue to receive benefits pursuant to this section.

*In regulation:* In the CARS agreement the agency agrees to provide payment to assist with the cost of housing while the young adult is in an academic or vocational training program and to provide foster care services and other services for which the young adult is eligible. The agreement also clarifies that the young adult's eligibility for services, including transitional assistance, scholarship assistance, and eligibility for the extended foster care Medicaid program, are not contingent upon nor related in any way to the young adult's participation in a CARS agreement.

Transitional housing assistance is for young adults who have aged out of care; are moving to a permanent living arrangement; and need assistance with rent, rent deposits, or room and board arrangements. It includes agency services to learn to handle the responsibilities that accompany living on one's own.

Young adults on CARS agreements remain eligible for all services and resources and will continue to be eligible until age 21 regardless of their status on CARS. The service options include, but are not limited to:

- Involvement with ongoing activities at the agency, especially as youth leaders
- Life skill training
- Crisis management
- Assistance in strengthening personal support systems



- Assistance in obtaining employment
- Negotiation with employers, creditors, placement providers, etc.
- Accessing special funds for transitional needs
- Information and referral to appropriate community resources

The agency must provide the youth with information on the importance of designating someone to make health-care treatment decisions on behalf of the youth if the youth is unable to do so and does not have or want a relative who would otherwise be so designated to make such decisions. This requirement provides the youth with an option to execute a health-care power-of-attorney or health-care proxy.

The agency also must make the following documents available to the youth:

- An original or certified copy of the youth's birth certificate
- The youth's Social Security card
- The youth's latest complete immunization record and all other medical records
- All educational records
- Copies of any legal documents that the youth might need for employment or benefits, including verification of eligibility for extended foster care Medicaid, legal residency documentation, a letter verifying agency custodial responsibility at age 18, etc.

Each child in foster care under the responsibility of the State who has reached age 14 must receive without cost a copy of any consumer credit report every year until he or she is discharged from foster care and must be assisted (including, when feasible, from their court-appointed advocate) in interpreting the credit report and resolving any inaccuracies in the report.

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## North Dakota

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Cent. Code § 27-20-30.1**

For the purposes of this section, the term 'child' means an individual between age 18 and 21 who is in need of continued foster care services.

If a child is in need of continued foster care services as determined by the Department of Human Services and as set forth in a continued foster care agreement, the court shall make the following judicial determination:

- That the child is not deprived, delinquent, or unruly but is in need of continued foster care services
- That it is in the best interests of the child to remain in or return to foster care
- That reasonable efforts were made to meet the child's needs before a foster care placement for a child remaining in care for continued foster care purposes
- That the administrative county, as determined by the department, or that an agency or Tribal council of a recognized Indian reservation in North Dakota, shall continue foster care case management, unless otherwise agreed to or required by the department
- That the administrative county or an agency or Tribal council of a recognized Indian reservation in North Dakota must have care and placement responsibility of the child

### Requirements for Remaining in Placement

**Citation: Cent. Code § 27-20-30.1**

A child may remain in or return to foster care if the child:

- Is age 18 or older but is younger than age 21
- Has satisfied the education, employment, or disability requirements under the Fostering Connections to Success and Increasing Adoptions Act of 2008 [P. L. 110-351] and as set forth by the department

**Placement Agreements****Citation: Cent. Code § 27-20-30.1**

A child may remain in or return to foster care pursuant to a continued foster care agreement. The continued foster care agreement must be willfully entered into between:

- The Department of Human Services or its agent, the child, and the foster care provider
- An agency or Tribal council of a recognized Indian reservation in North Dakota (if the child is not subject to the jurisdiction of the state of North Dakota), the child, and the foster care provider

**Transition Supports Provided****Citation: Cent. Code § 50-06-34; Admin. Code § 75-03-37-02**

The department shall develop a program for services to transition-aged youth at risk. For the purposes of this section, 'transition-aged youth' means children and young adults at risk due to:

- Deprivation or other activities resulting in youth being involved with the foster care or juvenile justice system
- Serious mental illness or serious disabilities that do not qualify the youth for developmental disabilities case management
- Suicidal tendencies

Services to youth under the program must include:

- Individualized assessments to determine the needs and appropriate services to individual transition-aged youth at risk
- A single plan of care to coordinate services among available service systems, emphasizing existing case management resources
- Independent living skills, including self-advocacy training
- Enhanced or extended vocational rehabilitation, including transition from education to employment and from secondary education to higher education
- In-home support, including mentors, individual and family training, and access to respite care

Services to an individual youth must be appropriate to that individual and need not include all services of the program.

*In regulation:* Transition-aged youth at risk age 14 through 24 are eligible for participation in the transition-aged youth at risk program. Services to an individual youth must be appropriate to that youth and do not need to include all services of the program. The department shall provide the services. In addition to the services listed above, the services available under this program include:

- Substance abuse assessment and treatment
- Psychological and psychiatric evaluation and treatment
- Individual, group, and family therapy services
- Case aide services
- Crisis residential services

**Northern Mariana Islands**

*Current Through February 2017*

**Availability of Foster Care Beyond Age 18**

This issue is not addressed in the statutes reviewed.

**Requirements for Remaining in Placement**

This issue is not addressed in the statutes reviewed.

**Placement Agreements**

This issue is not addressed in the statutes reviewed.

**Transition Supports Provided**

This issue is not addressed in the statutes reviewed.

**Ohio**

Current Through February 2017

**Availability of Foster Care Beyond Age 18**

**Citation: Rev. Code § 2151.81; Admin. Code 5101:2-42-19.2**

The term 'young adult' means a person age 18 or older but younger than age 21 who was in the temporary or permanent custody of, or was provided care in a planned permanent living arrangement by, a public children's services agency or private child-placing agency on the date the person reached age 18.

*In regulation:* Each public children's services agency shall, when requested, provide services and support to former foster care recipients who emancipated from agency custody due to reaching age 18. The agency shall evaluate the strengths and needs of the young adult to determine the services to be offered. The services and supports are to complement the young adult's own efforts to achieve self-sufficiency, and shall be available until the young adult's 21st birthday.

**Requirements for Remaining in Placement**

This issue is not addressed in the statutes and regulations reviewed.

**Placement Agreements**

**Citation: Rev. Code § 2151.81; Admin. Code 5101:2-42-19.2**

A public children's services agency or private child-placing agency, on the request of a young adult, shall enter into a jointly prepared written agreement with the young adult that obligates the agency to ensure that Independent Living services are provided to the young adult and sets forth the responsibilities of the young adult regarding the services. The agreement shall be developed based on the young adult's strengths, needs, and circumstances. The agreement shall be designed to promote the young adult's successful transition to independent adult living and emotional and economic self-sufficiency.

*In regulation:* Based on the evaluation required above, the agency and the young adult shall develop a mutually agreed on written plan for the provision of services. The plan shall clearly outline the responsibilities of the young adult and the agency. The written plan shall be signed by the young adult and a representative of the agency.

**Transition Supports Provided**

**Citation: Rev. Code § 2151.81; Admin. Code §§ 5101:2-42-19; 2-42-19.2**

'Independent Living services' are services and other forms of support designed to help young adults to successfully make the transition to independent adult living and to achieve emotional and economic self-sufficiency. These services may include the following:

- Providing housing
- Teaching decision-making skills
- Teaching daily living skills such as securing and maintaining a residence, money management, utilization of community services and systems, personal health care, hygiene and safety, and time management
- Assisting in obtaining education, training, and employment skills
- Assisting in developing positive adult relationships and community supports

*In regulation:* Independent Living services include, but are not limited to:

- Academic support, including literacy training and help accessing educational resources
- Postsecondary educational support, including information about financial aid and scholarships
- Career preparation, including:
  - » Vocational and career assessment, guidance in setting and assessing vocational and career interests and skills, and help in matching interests and abilities with vocational goals
  - » Job seeking and job placement support, writing resumes, completing job applications, developing interview skills, understanding employee benefits coverage, and securing work permits
- Employment programs or vocational training, including apprenticeships, internships, or summer employment programs
- Budget and financial management
- Housing and home management, including:
  - » Assistance or training in locating and maintaining housing, filling out a rental application and acquiring a lease, handling security deposits and utilities, and understanding tenants' rights and responsibilities
  - » Instruction in food preparation, laundry, housekeeping, living cooperatively, meal planning, grocery shopping, and basic maintenance and repairs

- Health care, including health insurance and the health-care power-of-attorney
- Health education and risk prevention, including:
  - » Hygiene, nutrition, fitness and exercise, and first aid
  - » Medical and dental care benefits
  - » Maintaining personal medical records
  - » Sex education, HIV prevention, pregnancy prevention, and family planning
  - » Substance abuse prevention and intervention
- Mentoring, including being matched with a screened and trained adult for a one-on-one relationship involving the two meeting on a regular basis
- Room and board financial assistance, including rent deposits, utilities, and other household start-up expenses
- Education financial assistance, including allowances to purchase textbooks, uniforms, computers, and other educational supplies; tuition assistance; scholarships; payment for educational preparation and support services; and payment for General Equivalency Degree and other educational tests
- Other financial assistance, including any other payments made or provided by the county agency to help the youth live independently

The youth must be provided with the following documents:

- His or her original birth certificate
- His or her original Social Security card
- A State-issued identification card and information on obtaining a driver's license
- Health and education records

## Oklahoma

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. Tit. 10A, § 1-9-107; Admin. Code § 340:75-6-110**

An individual is eligible to receive services for the transition of the child to a successful adulthood from 14 until 18, during the time the individual is in the custody of the Department or Human Services or a federally recognized Indian Tribe and in an out-of-home placement. Successful adulthood services may continue to the age 21, provided the individual is in the custody of the department or a federally recognized Indian Tribe due to abuse or neglect and is in an out-of-home placement at the time of the individual's 18th birthday. Individuals who are age 14 or older, who have been released from the custody of the department or federally recognized Indian Tribe due to the entry of an adoption decree or guardianship order, are eligible to receive successful adulthood services until age 21.

*In regulation:* A youth may request placement in a department-paid placement and services from the department on a voluntary basis, or in special circumstances, a short-term voluntary placement while age 18, 19, or 20, when the youth:

- Reaches age 18 prior to completing his or her General Educational Development (GED) or high school education
- Did not obtain a GED or high school education and left an out-of-home placement after reaching age 18
- Has specified reasons approved by the district director for the county where the youth resides

### Requirements for Remaining in Placement

**Citation: Admin. Code § 340:75-6-110**

A youth is eligible for the Independent Living program when the youth:

- Is age 16 or 17, in an out-of-home placement, and in the legal custody of the department or a federally recognized Indian Tribe
- Is age 18, 19, or 20, and:
  - » Was in an out-of-home placement while in department or Tribal custody on his or her 18th birthday
  - » Entered a guardianship or adoption after age 16 to achieve permanency and who has not yet reached his or her 21st birthday
- Is age 21 and 22 and on his or her 21st birthday was participating in the Education and Training Voucher Program

## Placement Agreements

**Citation: Ann. Stat. Tit. 10A, § 1-9-107; Admin. Code § 340:75-6-110**

The permanency plan for the child in transition to a successful adulthood shall be developed in consultation with the child and, at the option of the child, with up to two members of the permanency planning team to be chosen by the child, excluding the foster parent and caseworker for the child, subject to the following provisions:

- One individual selected by the child may be designated to be the advisor and, as necessary, advocate of the child, with respect to the application of the reasonable and prudent parent standard to the child.
- The department may reject an individual selected by the child to be a member of the permanency planning team at any time if the department has good cause to believe that the selected individual would not act in the best interests of the child.

*In regulation:* The Independent Living plan describes the services, supports, and activities the child welfare specialist and youth identify as necessary for the youth to transition to independence, including the components required by Federal and State statutes. During the 90 calendar day period immediately prior to a youth's 18th birthday, the department and, as appropriate, the youth's representatives, provide the youth with assistance and support in developing an appropriate personalized transition plan based upon the youth's input and as detailed as the youth elects.

## Transition Supports Provided

**Citation: Ann. Stat. Tit. 10A, § 1-9-107; Admin. Code § 340:75-6-110**

The purpose of the Successful Adulthood Act is to ensure that eligible individuals, who have been or are in the foster care program of the department or a federally recognized Indian Tribe due to abuse or neglect, receive the protection and support necessary to allow those individuals to become self-reliant and productive citizens through the provision of requisite services that include, but are not limited to, transitional planning, housing, medical coverage, and education.

A child about to leave foster care by reason of having reached age 18 and who has been in foster care for at least 6 months shall be given the following documents pertaining to the child:

- An official or certified copy of his or her birth certificate
- His or her Social Security card
- Health insurance information
- A copy of his or her medical records
- A State-issued driver's license or identification card

Individuals who are eligible for services pursuant to the Successful Adulthood Act and who are between age 18 and 21 shall be eligible for Medicaid coverage, provided such individuals were also in the custody of the department or a federally recognized Indian Tribe on the date they reached age 18 and meet Medicaid financial eligibility guidelines.

*In regulation:* The Independent Living plan shall include specific options regarding:

- Housing
- Health insurance
- Education
- Local opportunities for mentors and continuing support services
- Employment supports and services

At each dispositional and review hearing, a determination is made whether:

- For a youth age 16 or older, the Independent Living services needed to assist the youth in making the transition from out-of-home care to independent living are being provided, not provided, or are not appropriate.
- Information was provided to the youth about the importance of designating another individual to make health-care treatment decisions on the youth's behalf if the youth:
  - » Becomes unable to participate in his or her health-care decisions
  - » Does not have, or does not want a relative, who would otherwise be authorized under State or Tribal law, to make health-care decisions
- The youth was provided with the option of executing a health-care power-of-attorney, health-care proxy, or other similar documents recognized under State or Tribal law.

A variety of services, resources, and funds are provided to facilitate successful transition into adulthood. Independent Living youth development funds are obtained through community contracted providers and are designed:

- To support the youth's Independent Living case plan in preparation for living independently
- For emergencies the youth encounters after leaving out-of-home care while learning to live independently

Each youth beginning at age 16 and continuing until the youth is discharged from out-of-home care receives:

- An annual copy of the youth's consumer credit reports
- Assistance interpreting the reports
- Assistance resolving any inconsistencies in the reports

## Oregon

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Admin. Rules § 413-030-0400**

Extension of foster care placement beyond the age of majority is not addressed in the statutes and regulations reviewed.

*In regulation:* The Department of Human Services provides transition planning with and services to a child or young adult to enable the person to:

- Obtain personal and emotional support and promote healthy relationships that can be maintained into adulthood
- Develop the personal life management skills necessary to function independently
- Receive education, training, and services necessary to lead to employment
- Attain academic or vocational education and prepare for postsecondary education or training
- Gain experience in taking responsibility and exercising decision-making control
- Transition to successful adulthood

### Requirements for Remaining in Placement

**Citation: Admin. Rules § 413-030-0410**

A child or young adult must meet the following eligibility criteria for youth transition services, however a child or young adult enrolled in an Oregon youth transition service prior to September 1, 2009, is eligible to continue to receive that service until the child or young adult has achieved independence, reaches age 21, or otherwise is no longer eligible for the specific service.

A child age 14 or older who is in substitute care through the department or one of the federally recognized Oregon Tribes or a former foster child is eligible for life skills training.

For an Independent Living housing subsidy, the child or young adult must meet all of the following requirements:

- Be age 16 or older
- Be in the care and custody of the department
- Be engaged in 40 hours of productive time per week, including a combined total of 25 hours or more of work or education activities and up to 15 hours of flexible time (including, but not limited to, volunteer activity, school sports, clubs, or counseling)
- Have had at least one prior substitute care placement
- Have the approval of the court to participate in the Independent Living housing subsidy service

If a high school diploma has not been achieved, the child or young adult must be working actively to achieve a high school diploma or General Equivalency Degree (GED). The child or young adult must be enrolled concurrently in skill-building services. The child or young adult may not live with any of his or her parents.

To be eligible for Chafee housing, an individual must meet all of the following requirements:

- Be age 18 or older but not yet age 21
- Have been discharged from the care and custody of the department or one of the federally recognized Tribes on or after reaching age 18
- Be engaged in 40 hours of productive time per week, including a combined total of 25 hours or more of work and education activities
- Have at least 4 hours of paid employment per week

If a high school diploma has not been achieved, the individual must be working actively to achieve a high school diploma or GED. In addition, the individual:

- Must be enrolled in skill-building services
- May not live with any of his or her parents
- May not be eligible for Chafee housing when receiving an education and training grant

To be eligible for an education and training grant, the child or young adult must:

- Be age 14 or older and currently in substitute care through the department or one of the federally recognized Tribes
- Have been dismissed from substitute care after reaching age 16 and had 180 or more cumulative days of substitute care

The young adult initially must receive the grant prior to reaching age 21. If the young adult is receiving the grant upon reaching age 21, he or she may continue to receive the grant until he or she reaches age 23. The young adult may not be eligible for an education and training grant when receiving Chafee housing.

### Placement Agreements

**Citation: Admin. Rules § 413-030-0445**

The department must initiate the development of the comprehensive transition plan for:

- A child who is age 14 or older and in substitute care or a young adult
- A former foster child who requests services as described in the rules and would benefit from a comprehensive transition plan

The comprehensive transition plan must identify goals and services in each of the following domains:

- Education
- Employment
- Health
- Housing
- Life skills
- Supportive relationships
- Community connections
- Transportation

The child age 14 or older, young adult, or former foster child must agree to the comprehensive transition plan, and the plan is signed by each person who participated in the planning meeting.

### Transition Supports Provided

**Citation: Admin. Rules §§ 413-030-0430; 413-030-0456; 413-030-0460**

The range of services available to a young adult transitioning to independent living includes:

- Skill-building services, which may include the following:
  - » Instruction in basic living skills, such as money management, home management, consumer skills, legal issues, parenting, health care, access to community resources, employment readiness, transportation, educational assistance, and housing options
  - » Educational and vocational training support, such as high school diploma or GED preparation, postsecondary education and academic support, job readiness, and job search assistance and placement programs
  - » Training, workshops and conferences, individual and group skills building for improved self-esteem and self-confidence, and interpersonal and social skills training and development
  - » Development of community networks and supports to transition successfully to adulthood
- The Independent Living housing subsidy
- Chafee housing
- Education and training grants to provide assistance with the costs of a postsecondary education or training program
- Youth Transition discretionary funds to provide limited financial assistance in meeting the transition to adulthood

The department must provide any young adult in its care or custody with the following information regarding health-care treatment:

- The importance of designating another individual to make health-care treatment decisions on his or her behalf if he or she becomes unable to participate in such decisions and does not have or does not want a relative who is otherwise authorized under State law to make such decisions
- The option to execute a health-care power-of-attorney, health-care proxy, or other similar document recognized under State law

The department must ensure that any child age 14 or older and in its care or custody annually receives a copy of a consumer credit report when one exists and receives some assistance in interpreting the credit report and resolving any inaccuracies in that report.

When the court relieves the department of the custody of the young adult reaching independence, the department must provide the young adult with the following written records:

- To the extent permitted by law, information concerning the case of the young adult, including family and placement history, location and status of each sibling, and contact information the young adult may use to seek additional information about his or her case or family history
- Health and education records, including:
  - » Health and immunization records
  - » Educational summary and records
  - » Information on how to identify a Health-Care Representative, complete an Oregon Advance Directive, and complete the Former Foster Care Youth Medical Referral Form
- A copy of each of the following and documentation that each has been provided to the young adult in official form:
  - » The birth certificate of the young adult
  - » Official proof of the citizenship or residence status of the young adult in a form acceptable to an employer required to verify immigration status
  - » The Social Security card of the young adult
  - » A driver's license or another form of State identification of the young adult
  - » When applicable, a death certificate of a parent of the young adult
  - » The young adult's credit report

## Pennsylvania

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Cons. Stat. Tit. 42, § 6351**

At each permanency hearing, a court shall determine all of the following:

- The services needed to assist a child who is age 14 or older to make the transition to successful adulthood
- Whether the child continues to meet the definition of 'child' and has requested that the court continue jurisdiction pursuant to § 6302 if the child is between age 18 and 21
- That a transition plan has been presented in accordance with section 475 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 675(5)(h))

At any time prior to a child reaching age 21, a child may request the court to resume dependency jurisdiction if:

- The child continues to meet the definition of 'child' pursuant to § 6302.
- Dependency jurisdiction was terminated within 90 days prior to the child's 18th birthday or on or after the child's 18th birthday, but before the child turns age 21.

### Requirements for Remaining in Placement

**Citation: Cons. Stat. Tit. 42, § 6302**

A 'child' is an individual who:

- Is younger than age 18
- Is younger than age 21 and committed an act of delinquency before reaching age 18



- Is younger than age 21 and was adjudicated dependent before reaching age 18, who has requested the court to retain jurisdiction, and who remains under the jurisdiction of the court as a dependent child because the court has determined that the child is:
  - » Completing secondary education or an equivalent credential
  - » Enrolled in an institution that provides postsecondary or vocational education
  - » Participating in a program actively designed to promote or remove barriers to employment
  - » Employed for at least 80 hours per month
  - » Incapable of doing any of the activities described above due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child

### **Placement Agreements**

#### **Citation: Admin. Code Tit. 55, Part V, Subpt. C, Ch. 3140, App. A**

The Federal law that established the title IV-E program also requires that an Independent Living case plan be developed for youth receiving title IV-E Independent Living services and, wherever appropriate, for other youth age 16 or older. The youth's Independent Living case plan shall be part of the youth's family service plan and include a description of the services that will help the youth prepare for transition from foster care to independent living.

### **Transition Supports Provided**

#### **Citation: Admin. Code Tit. 55, Part V, Subpt. C, Ch. 3140, App. A**

Direct services are activities conducted on behalf of a youth to achieve the goals and objectives established in the youth's Independent Living plan. Direct services include, but are not limited to, the following:

- Individualized assessment of the independent living needs of eligible children and the development of an Independent Living case plan based on that assessment
- Services related to education and vocational training, including:
  - » Career planning
  - » Preparation for a General Equivalency Degree or higher education
  - » Job readiness
  - » Job search assistance
  - » Job placement
  - » Tutoring or other remedial education
  - » Job follow-up activities
- Programs and services in basic living skills, including:
  - » Money management
  - » Home management
  - » Consumer skills
  - » Identifying and using community resources
  - » Use of transportation
  - » Health care
  - » Locating housing
  - » Problem-solving and decision-making
  - » Time management
  - » Communication skills
- Individual and group counseling, as well as workshops and conferences to promote:
  - » Self-esteem
  - » Self-confidence
  - » Development of interpersonal and social skills
  - » Preparation for transition to independence and termination from substitute care
- Stipends to youth for participation in and completion of independent living activities
- Activities that promote and assist teen parents and their children in making the transition from foster care

Stipends can be used as a 'nest egg' to fund start-up costs of independent living, such as a security deposit for an apartment, apartment utilities and furnishings, and tuition for education and training.

**Puerto Rico***Current Through February 2017***Availability of Foster Care Beyond Age 18**

This issue is not addressed in the statutes reviewed.

**Requirements for Remaining in Placement**

This issue is not addressed in the statutes reviewed.

**Placement Agreements**

This issue is not addressed in the statutes reviewed.

**Transition Supports Provided**

This issue is not addressed in the statutes reviewed.

**Rhode Island***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Gen. Laws § 14-1-6; Code of Rules § 03-007-001, Policy 700.0240**

When the court has obtained jurisdiction over any child prior to the child's 18th birthday by the filing a petition alleging that the child is dependent, neglected, and abused pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14, including any child under the jurisdiction of the family court on petitions filed and/or pending before the court prior to July 1, 2007, the child shall, except as specifically provided in this chapter, continue under the jurisdiction of the court until he or she reaches age 18.

A transition plan shall be approved by the court prior to the dismissal of an abuse, neglect, dependency, or miscellaneous petition before the child's 21st birthday.

*In regulation:* A youth who initially declines aftercare services may opt to receive services within 6 months of the date of case closure. The youth must contact the Department of Children, Youth and Families (DCYF) for authorization for referral to aftercare services.

A youth who voluntarily withdraws from aftercare services may opt to reengage in services within 6 months of the youth's withdrawal from aftercare services. The youth must contact the service provider to reengage in services.

**Requirements for Remaining in Placement****Citation: Code of Rules § 03-007-001, Policy 700.0240**

Youth in foster care who are enrolled in aftercare services will be closed to DCYF upon reaching age 18. A youth must meet all of the following requirements to be eligible for aftercare services:

- The youth must be a resident of Rhode Island.
- The youth must be at least age 18 but younger than age 21.
- The youth must exit foster care on or after the youth's 18th birthday.

Foster care is defined as 24-hour substitute care for a child who is placed away from the child's parents or guardians and for whom the department has placement and care responsibility through either court order pursuant to a dependent, neglect, and/or abuse petition or voluntary placement agreement. Foster care does not include placement in a training school or any other facility operated primarily for the detention of children who are determined to be wayward or delinquent.

A youth must:

- Voluntarily elect to receive aftercare services
- Actively take part in developing and participating in a transition to independence plan
- Either be seeking employment or be employed or attend an educational or vocational program
- Indicate recognition and acceptance of personal responsibility in the transition toward independence

The education and employment requirement may be temporarily waived if the youth is doing volunteer work while awaiting enrollment in school or actively pursuing employment. If the youth is employed, the youth shall contribute toward the costs of services on a sliding-scale basis.

**Placement Agreements****Citation: Gen. Laws § 14-1-6; Code of Rules § 03-007-001, Policy 700.0240**

At least 6 months prior to a child turning age 18, the court shall require DCYF to provide a description of the transition services, including the child's housing, health insurance, education and/or employment plan, available mentors, and continuing support services (including workforce supports and employment services) afforded the child in placement or a detailed explanation as to the reason those services were not offered. The details of a child's transition plan shall be developed in consultation with the child, wherever possible.

*In regulation:* The youth will have an individual self-sufficiency plan based on an assessment of the youth's strengths and needs to assist the youth in developing and/or enhancing life skills to maintain a safe, healthy, and stable home as the youth transitions to independence.

**Transition Supports Provided****Citation: Code of Rules § 03-007-001, Policy 700.0240**

DCYF is responsible for the provision of aftercare services and supports to youth between ages 18 and 21 who were formerly in foster care. Once family court jurisdiction has been terminated or if there is no family court involvement, a youth who is receiving services from DCYF at the time of the youth's 18th birthday may be eligible to receive transitional services and supports in one of the following ways:

- Youth who are residing in out-of-home placements and who require assistance with accessing housing, employment, postsecondary education, and medical insurance coverage will be closed to DCYF upon acceptance into an aftercare services program.
- Youth who can safely move from foster care into the homes of parents or relatives or who have other viable transition plans will be closed to DCYF. Eligible youth will be provided access to medical insurance coverage and postsecondary education assistance.

Services and supports to youth ages 18–21 continue to prepare these youth for the challenges and opportunities presented by adulthood. The primary goal is for youth to achieve an appropriate level of independence, recognizing and accepting personal responsibility for the transition from adolescence to adulthood. All services and supports are voluntary.

Post-foster care medical assistance through the Department of Human Services will be provided to a youth younger than age 21 who was in foster care on the youth's 18th birthday, who has been closed to DCYF, and who is a resident of Rhode Island. Youth must have proof of citizenship (e.g., birth certificate) and identity (e.g., local, State, or Federal identification card with photo) when the youth is discharged from DCYF. If the youth does not have a driver's license or a photo identification card, the worker shall assist the youth in obtaining a photo identification card.

Other supports may include:

- Education support through a State-funded Higher Education Opportunity Grant, a Federal Chafee Educational and Training Voucher, or Teen Grant Programs
- Assistance with obtaining and maintaining employment
- Aftercare program services and supports in which:
  - » Youth reside with families or on their own with community supports.
  - » The program maintains individual contact with the youth at a frequency defined in the self-sufficiency plan to assess youth's progress in achieving self-sufficiency and to coordinate and evaluate services and supports.
  - » Management support activities include services to enable the youth to access community resources and develop support systems.

**South Carolina***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Code of Regs. § 114-595**

The goal of an Independent Living program is to prepare youths, ages 16–21, for successful adult living through the provision of services related to daily living, problem-solving, and other skills that maximize the youth's potential to be a self-supporting, productive adult. A continuum of services shall be available and provided in accordance with the developmental readiness of youths served, in addition to their chronological age.

### Requirements for Remaining in Placement

#### Citation: Code of Regs. § 114-595

Admission to the Independent Living program shall be considered on the basis of:

- A preplacement visit to the program by the youth and the legal custodian
- The youth's willingness to enter the program
- The youth's readiness for independent living, including self-control and ability to work through a crisis (e.g., youth is behaviorally appropriate—not running, emotionally disturbed, substance abuser, etc.)—but allowing for some late adolescent issues and testing
- A completed application for admission
- A current/recent psychological evaluation, if indicated
- Other available documentation (e.g., current school report) that provides information on the youth's readiness and needs

Youth with a history of emotional disturbance, criminal activities, or mental illness shall not be admitted to any level of an Independent Living program directly from a hospital or residential treatment facility setting, unless the preplacement assessment documents their readiness for the level of responsibility and behavioral management necessary for successful participation in an Independent Living program.

### Placement Agreements

#### Citation: Code of Regs. § 114-595

Independent Living staff in partnership with the youth (and the legal custodian when possible) shall develop and implement a service plan. As appropriate, key family and extended family members and significant others (e.g., former residential program staff or foster parents and other involved service providers in the community) should be involved in assessment, planning, and implementation activities. The youth shall be asked for input on whom to include in the assessment and planning.

The written service plan must be:

- Based on the assessment/skills inventory
- Developed in partnership with the youth and significant others
- Include all items that are appropriate for the individual adolescent
- Considered as a contract and include specific measurable goals
- A mutual agreement between the adolescent and the program staff
- Completed within 30 days of the youth's admission to the Independent Living program

All evaluations and revisions of the plan shall include the youth as a partner, reflect documentation of the assessment, include mutual responsibilities, and, whenever appropriate, include the family and significant others.

### Transition Supports Provided

#### Citation: Code of Regs. § 114-595

A continuum of services shall be available and include, at a minimum, social work services, educational services, employment services, medical services, community involvement (e.g., social, recreational, leisure-time, religious, and cultural activities), and case management services. Services shall be provided in accordance with developmental readiness and stages of independence, not chronological age (i.e., services are individualized on the basis of the youth's needs and matched to the range of stages and developmental readiness exhibited by youth).

Educational services should include education or training on life skills, self-care, the activities of daily living, human sexuality, vocational or technical training, employment, housing, legal issues, and substance abuse.

Employment services should include:

- Assessing the adolescent's ability to find a job on his or her own and his or her strengths and weaknesses related to work
- Making use of available community employment and training resources and helping the youth access them
- Helping hard-to-employ youth develop the work habits and other skills (e.g., social and self-awareness) necessary to obtain and keep a job
- Developing job leads and working with employers who may employ youth

Social, recreational, leisure-time, religious, and cultural activities provided or arranged by the agency should expand the range of life experiences and be designed with sensitivity to the needs of indigenous special populations.

Opportunities should be made for youth to participate and take responsibility in peer support and community service programs. In addition, there should be opportunities for community involvement, including daily events that take the youth into the community (e.g., grocery store, post office, employment agency, etc.).

Individual, group, and family counseling services should be provided for all adolescents to help them better understand their past and present and prepare for their future. Case management services should include individual assessment of the youth's skills and needs; the development of a plan incorporating those services required from a variety of public and voluntary sources; follow-up and assessment of the effectiveness of services provided, with appropriate modifications in the plan; advocacy; and monitoring of the plan's implementation.

Youth who successfully complete the program shall enter predischarge status, including receiving advance notice of the discharge plan and date and an opportunity to participate in transition planning. Basic documents shall be provided to the youth who has successfully completed the program. These documents should include:

- A birth certificate
- A driver's license and/or an identification card
- A Social Security card
- A compilation of family history, including names and location of relatives and siblings, copies of parents' death certificates if either/both are deceased
- Complete medical records, including immunization card, doctors, clinics, hospitals, and dentists where services have been received, and information about eligibility for medical insurance
- A list of schools attended and previous placements, educational records (i.e., high school, General Equivalency Degree, and/or postsecondary diplomas)

Other basic data that should be provided include:

- Job resume and letters of reference
- A list of resources for counseling and crisis management
- A copy of the transition plan, including emergency contacts
- A list of health-care resources
- A list of legal rights and responsibilities and legal resources
- A list of contact persons to help with employment and vocational training
- How and who to contact in the agency for follow-up services
- A transition plan summary that includes the options available if the original plan fails

## South Dakota

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Laws §§ 26-6-6.1; 26-6-14**

Any child welfare agency, including the Department of Social Services, may continue to provide foster care for a person over the age of majority (age 18) but younger than age 21 if the person was in foster care immediately prior to reaching the age of majority and has not yet completed the 12th grade of school or is in a continuing course of remedial treatment and if the person consents in writing to continued foster care.

A child welfare agency shall be licensed for providing supervision and training in self-sufficiency and responsible independent living for youth age 16 through 20 who are wards of the State. This shall be known as an Independent Living Preparation Program (ILPP).

### Requirements for Remaining in Placement

**Citation: Admin. Code § 67:42:13:02**

The following requirements must be met before a placement agency may place an adolescent into an ILPP:

- The adolescent is age 16–21.
- The adolescent agrees with the case plan developed by the ILPP and the placement agency.
- The ILPP or placement agency has completed an assessment of the adolescent's life skills.

## Placement Agreements

### Citation: Admin. Code § 67:42:13:03

The placement agency must develop a written case plan for each adolescent before placing the adolescent into the ILPP. When preparing the case plan, the placement agency must involve the adolescent in care, the ILPP, and the parent or guardian. The case plan must contain at least the following information:

- A delineation of the respective roles and responsibilities of the ILPP, the adolescent, and other involved parties
- The goals and services to be provided or arranged by the ILPP, including a plan for supervisory contact between the adolescent and the licensed child welfare agency staff
- The financial support needed and how it will be provided to cover the adolescent's basic medical, educational, shelter, nutritional, clothing, and recreational needs
- The projected length of stay and conditions under which the adolescent may be discharged

The financial support may be provided directly by the ILPP; the placement agency; a parent, guardian, or custodian; the adolescent, through earnings from employment, financial aid, scholarships, grants, loans, or work-study; or any combination of these financial sources.

Each individual involved in developing the case plan must sign the plan. The ILPP must review and evaluate the adolescent's case service plan at least once every 3 months. The updated plan must include the progress made toward achieving the goals established in the previous plan and any amendments made to the plan.

## Transition Supports Provided

### Citation: Admin. Code §§ 67:42:13:04; 67:42:13:06; 67:42:13:07

Before an adolescent is placed into an ILPP, the placement agency or the ILPP must prepare an assessment of the adolescent's life skills. The assessment must identify any potential area of risk to the adolescent and must cover at least the following areas:

- Money management and consumer awareness
- Food management
- Personal appearance
- Health
- Housekeeping
- Transportation
- Educational planning
- Job seeking skills
- Job maintenance skills
- Emergency and safety skills
- Knowledge of community resources
- Interpersonal skills
- Legal skills
- Leisure activities
- Housing

The ILPP must provide supervision for each adolescent. Documentation of supervisory contact must be maintained in each adolescent's case file. At least once every 2 weeks, the adolescent's supervisor from the ILPP must meet with the adolescent in care. At least once a month, the meeting must take place in the adolescent's residence or living environment. As a result of the meeting, the supervisor must document at least the following:

- That there is no reasonable cause to believe that the adolescent's residence or life style presents a risk to the adolescent's health or safety
- That the adolescent is receiving necessary medical care
- That the current treatment program plan provides appropriate and sufficient services for the adolescent

The licensed ILPP shall ensure that adolescents have the necessary household utensils, bedding, bathroom supplies, and cleaning supplies needed to maintain an Independent Living arrangement. If the living arrangement for an adolescent in an ILPP is a site other than in a licensed group care center for minors or a licensed residential treatment center, the following additional requirements must be met:

- The living arrangement must meet local zoning ordinances.
- No firearms or other projectile weapons may be kept on site.
- The living arrangement must be equipped with a smoke detector on each level of the building.
- The water supply must be derived from a public water system and must be safe for household use.
- The living arrangement must have a working heating system.
- The living unit must be kept clean, neat, and free of litter and rubbish.
- The facility must have operating hand washing, bathing, and toilet facilities located in the living facility.
- The living facility must have an operating B-C portable chemical fire extinguisher in the cooking area.

## Tennessee

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Code § 37-2-417; Pol. Man. § 16.52**

The Department of Children's Services is authorized to develop a program to provide services to youth who are transitioning to adulthood from State custody. Services may be provided on a voluntary basis to any person who is at least age 18 but younger than age 21 who was in the custody of the department at the time of the person's 18th birthday.

Services also may be made available to any person who meets the requirements below but refused such services at the time of the person's 18th birthday if at any time the person seeks to regain services prior to the person's 21st birthday.

*In regulation:* The department extends foster care services to young adults age 18–21 who meet established title IV-E criteria and voluntarily agree to accept extension or reestablishment of foster care services as a young adult.

### Requirements for Remaining in Placement

**Citation: Ann. Code § 37-2-417**

Services may be provided on a voluntary basis to any person who is at least age 18 but younger than age 21 who was in the custody of the department at the time of the person's 18th birthday, and who is:

- Completing secondary education or a program leading to an equivalent credential
- Enrolled in an institution that provides postsecondary or career and technical education
- Participating in a program or activity designed to promote or remove barriers to employment
- Employed for at least 80 hours per month
- Incapable of doing any of the activities described above due to a medical condition, including a developmental or intellectual condition, which incapability is supported by regularly updated information in the permanency plan of the person

### Placement Agreements

**Citation: Pol. Man. § 16.51**

A transition plan is developed for all youth in State custody age 17 and older that becomes the ongoing planning document for young adults ages 18–21 receiving extension or reestablishment of foster care services as an adult. The focus of the plan is ensuring that supports are in place in place for youth following exit from custody at age 17 and older. The following areas are addressed in the plan:

- Life skills
- Social skills and supportive relationships
- Communication, including essential documents
- Education
- Physical and mental health, including identification of a health-care proxy
- Employment
- Housing
- Finances and money management
- Transportation

The plan is signed by all parties and copies are provided to the youth and other individuals involved in the development of the plan.

### Transition Supports Provided

**Citation: Ann. Code §§ 37-2-603; 37-2-604; Pol. Man. §§ 16.52; 16.53**

The private, nonprofit community is urged to establish a network to provide information, assistance, services, and supports to persons age 16–24 who were in foster care on the person's 18th birthday and persons from age 16–24 who have been in foster care at any time after the person's 14th birthday. The resource centers shall provide or facilitate the assistance necessary to:

- Deal with the challenges and barriers associated with the transition into adulthood and early adult years
- Support postsecondary education, vocational training, and job skills development for that person
- Find and retain employment, housing, transportation, parenting and family support, health care and mental health care
- Navigate systems and procedures that impact the person's education, employment, health, mental welfare, and basic needs

These services shall be available at any time until the person reaches age 24, regardless of whether the youth elects to remain in a voluntary extension of foster care arrangement with the department or the youth chooses to terminate any relationship with the State.

In preparing a foster child for independent living prior to the child reaching age 18, the department shall provide information on the resource centers to all children older than age 16 in foster care. The information shall include the address of the nearest resource center and services available from the center. Each child shall be encouraged to maintain periodic contact with resource center personnel and to provide current and accurate residence and contact information to the resource center. Ninety days before a child leaves State custody, the department shall notify the child of all information, services, web sites, and assistance available for postcustody.

*In policy:* The purpose of the program is to assist young adults, ages 18 to 21, transition to adulthood with the skills, knowledge, experience, and supports necessary for them to obtain education, housing, employment, health services, and permanent supportive relationships. Eligible young adults receive the following services as needed and applicable based on assessment, decisions made by the young adult and their teams, and continued availability of funding. These services include:

- Independent Living wraparound services to assist with expenses related to education, housing, transportation, job training, and other items as approved by the Office of Independent Living
- Housing assistance through placement support or supervised independent living options
- Case management services
- Scholarship services, including education and training vouchers
- An Independent Living allowance to assist with expenses related to independent living and postsecondary education and training opportunities

## Texas

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Fam. Code §§ 263.6015; 263.602; 263.6021**

A young adult is assigned trial independence status when the young adult:

- Does not enter extended foster care at the time of the young adult's 18th birthday
- Exits extended foster care before the young adult's 21st birthday

Trial independence is mandatory for a period of at least 6 months beginning on:

- The date of the young adult's 18th birthday for a young adult who does enter extended foster care
- The date the young adult exits extended foster care

A court may order trial independence status extended for a period that exceeds the mandatory period but does not exceed 1 year from the date the trial independence period commences. A young adult who enters or reenters extended foster care after a period of trial independence must complete a new period of trial independence. The trial independence status of a young adult ends on the young adult's 21st birthday.

A court that had jurisdiction over a young adult on the day before the young adult's 18th birthday continues to have extended jurisdiction over the young adult and shall retain the case on the court's docket while the young adult is in extended foster care and during a trial independence period.



A court that had jurisdiction over a young adult on the day before the young adult's 18th birthday may, at the young adult's request, render an order that extends the court's jurisdiction beyond the end of trial independence if the young adult receives transitional living services from the Department of Family and Protective Services. Unless the young adult reenters extended foster care before the end of the court's extended jurisdiction, the extended jurisdiction of the court under this section terminates on the earlier of:

- The young adult's 21st birthday
- The date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court

### **Requirements for Remaining in Placement**

**Citation: Fam. Code § 264.855**

If the department first entered into a permanency care assistance agreement with a foster child's kinship provider after the child's 16th birthday, the department may continue to provide permanency care assistance payments until the last day of the month of the child's 21st birthday, provided the child is:

- Regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate
- Regularly attending an institution of higher education or a postsecondary vocational or technical program
- Participating in a program or activity that promotes or removes barriers to employment
- Employed for at least 80 hours a month
- Incapable of any of the activities described above due to a documented medical condition

### **Placement Agreements**

**Citation: Fam. Code §§ 263.601; 263.602**

The term 'extended foster care' means a residential living arrangement in which a young adult voluntarily delegates to the department responsibility for the young adult's placement and care and in which the young adult resides with a foster parent or other residential services provider that is licensed or approved by the department or verified by a licensed or certified child-placing agency.

A 'young adult' is a person who was in the conservatorship of the department on the day before the person's 18th birthday.

A court with extended jurisdiction over a young adult in extended foster care shall conduct extended foster care review hearings every 6 months for the purpose of reviewing and making findings regarding:

- Whether the young adult's living arrangement is safe and appropriate and whether the department has made reasonable efforts to place the young adult in the least restrictive environment necessary to meet the young adult's needs
- Whether the department is making reasonable efforts to finalize the permanency plan that is in effect for the young adult, including a permanency plan for independent living
- Whether, for a young adult whose permanency plan is independent living:
  - » The young adult participated in the development of the plan of service.
  - » The young adult's plan of service reflects the independent living skills and appropriate services needed to achieve independence by the projected date.
  - » The young adult continues to make reasonable progress in developing the skills needed to achieve independence by the projected date.
- Whether additional services that the department is authorized to provide are needed to meet the needs of the young adult

### **Transition Supports Provided**

**Citation: Fam. Code § 264.121**

The department shall address the unique challenges facing foster children in the conservatorship of the department who must transition to independent living by:

- Expanding efforts to improve transition planning
- Extending foster care eligibility and transition services for youth up to age 21
- Extending Medicaid coverage for foster care youth and former foster care youth up to age 21 with a single application at the time the youth leaves foster care

Experiential life-skills training consists of training in practical activities, including grocery shopping, meal preparation and cooking, performing basic household tasks, and, when appropriate, using public transportation. The training must include a financial literacy education program that:

- Provides instruction on:
  - » Obtaining and interpreting a credit score
  - » Protecting, repairing, and improving a credit score
  - » Avoiding predatory lending practices
  - » Saving money and accomplishing financial goals through prudent financial management practices
  - » Using basic banking and accounting skills, including balancing a checkbook
  - » Using debit and credit cards responsibly
  - » Understanding a paycheck and items withheld from a paycheck
  - » Protecting financial, credit, and identifying information in personal and professional relationships
- Assists a youth who has a source of income to establish a savings plan and, if available, a savings account that the youth can independently manage

The 'Transitional Living Services Program' is a program for youth who are age 14 or older but younger than age 21 and are currently or were formerly in foster care, that assists youth in transitioning from foster care to independent living. The program provides transitional living services, Preparation for Adult Living Program services, and Education and Training Voucher Program services.

If, at the time a youth is discharged from foster care, the youth is at least age 18 or has had the disabilities of minority removed, the department shall provide to the youth, no later than the 30th day before the date the youth is discharged from foster care, the following information and documents unless the youth already has the information or document:

- The youth's birth certificate
- The youth's immunization records
- The information contained in the youth's health passport
- A State-issued personal identification certificate
- A Social Security card or a replacement Social Security card, if appropriate
- Proof of enrollment in Medicaid, if appropriate

The department shall require a person with whom the department contracts for transitional living services for foster youth to provide or assist youth in obtaining:

- Housing services
- Job training and employment services
- College preparation services
- Services that will assist youth in obtaining a general education development certificate
- Services that will assist youth in developing skills in food preparation
- Nutrition education that promotes healthy food choices
- A savings or checking account if the youth is at least age 18 and has a source of income
- Any other appropriate transitional living service identified by the department

## Utah

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Admin. Code R512-305-1; R512-305-2**

The option of foster care placement for a youth once he or she reaches the age of majority is not addressed in the statutes and regulations reviewed.

Transition to Adult Living (TAL) services are available to help prepare a youth who is receiving out-of-home services to gain skills to transition to adulthood and to provide support to youth upon leaving the custody of the Division of Child and Family Services. TAL is a continuum of services that begins while youth are in care and continues through postdischarge with the Young Adult Resource Network (YARN). YARN services are available to youth to age 21.

### Requirements for Remaining in Placement

**Citation: Admin. Code R512-305-2; R512-305-4**

Qualifications for and duration of services include:

- TAL services are required for all youth receiving out-of-home services, age 14 years or older, until Child and Family Services custody is terminated regardless of the youth's permanency goal.
- The YARN provides services for youth if they are no longer in Child and Family Services' custody and are not yet age 21, and the youth:
  - » Ages out of out-of-home care
  - » While in out-of-home care, after age 14, received at least 12 consecutive months of TAL services and the court terminated reunification

TAL services and YARN are available on the same basis to Native American youth who are or were formerly in Tribal custody within the boundaries of the State.

A TAL placement may be used as an out-of-home care placement. Qualifications for a TAL placement include:

- A youth must be at least age 16 to be in a TAL placement.
- The Child and Family Team is responsible for determining if a recommendation for a TAL placement for a youth is appropriate.
- The region director or designee is authorized to approve a TAL placement.

### Placement Agreements

**Citation: Admin. Code R512-305-3; R512-305-4**

The caseworker, with the assistance of the youth and Child and Family Team, ensures completion of the empirically validated life skills assessment to identify the strengths and needs of the youth. Based upon the empirically validated life skills assessment, a TAL plan is developed that identifies the youth's strengths, needs, and specific services.

The youth, with the assistance of the Child and Family Team, determines the TAL plan. Youth age 14 or older are required to have a TAL plan, with youth taking the lead in setting goals and facilitating the Child and Family Team with staff guidance. Youth age 14 and older must be given the opportunity to have at least two individuals of their own choosing as members of the Child and Family Team.

A TAL placement may be used as an alternative to out-of-home care when it is determined that such a placement is in the best interests of the youth. The appropriate types of living arrangements for youth in this situation include living with kin; living with former out-of-home caregivers while paying rent; living in the community with roommates; living alone; living in a group facility, YWCA, boarding house, or dorm; or living with an adult who has passed a background check or the placement was assessed and approved by the region director or designee. This recommendation will be presented to the Child and Family Team, who will work to ensure that this type of placement is appropriate and that the following practice guidelines are met:

- The caseworker and youth shall complete a contract outlining responsibilities and expectations while in the TAL placement.
- The caseworker shall visit with and monitor progress of the youth at least twice monthly or at an interval determined by the Child and Family Team.
- The youth may receive a TAL stipend while in the TAL placement.
- If the TAL placement is not successful, the Child and Family Team shall meet to determine, with the youth, a more appropriate living arrangement.

### Transition Supports Provided

**Citation: Admin. Code R512-305-2; R512-305-3; R512-305-5**

TAL services build on the youth's individual strengths and develop personal assets in order to help young people acquire the motivation and the means to be successful throughout their lives. The strategies are aimed at helping youth achieve five fundamental aspects of adult life, including work, career planning, and education; housing and money management; home life and daily living; self-care and health education; and communication, social relationships, family, and marriage.

The YARN consists of time-limited support to youth. This assistance can be provided through support, financial aid, or Basic Life Skills training. It may include housing, counseling, employment education, and other appropriate support and services to complement a youth's efforts to achieve self-sufficiency.

The TAL plan includes a continuum of training and services to be completed by the youth and designated team members in such settings as at the foster home, with a therapist, at school, or through other community-based resources and programs.

Basic Life Skills training shall be offered to each youth who reaches age 17. The training may include training in daily living skills, budgeting, career development and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention). Each youth who completes Basic Life Skills training may receive a completion payment.

The YARN provides support to youth who leave out-of-home care. A youth may access services by contacting a Child and Family Services office and being referred to a regional TAL coordinator. Services may include additional Basic Life Skills training, information and referral, mentoring, computer access for resources, and follow-up support. Funds also may assist eligible youth in the four areas listed below:

- Education, training, and career exploration
- Physical health, mental health, and emotional support
- Transportation
- Housing support

Funds used for room and board are subject to Federal limits.

## Vermont

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. Tit. 33, § 4904**

The term 'youth' means a person between age 18 and 22 who either:

- Reached his or her 18th birthday while in the custody of the Commissioner for Children and Families
- While he or she was between age 10 and 18, spent at least 5 of those years in the custody of the Commissioner for Children and Families

The Department of Children and Families shall provide foster care services to:

- Any youth who elects to continue receiving such services after reaching age 18
- Any individual under age 22 who leaves State custody after age 16 and at or before age 18
- Any youth (as defined above), provided he or she voluntarily requests additional support services

### Requirements for Remaining in Placement

**Citation: Ann. Stat. Tit. 33, § 4904; Code of Rules 13 172 700, §§ 7002.2; 7002.3; 7002.4**

The department shall require a youth receiving services under this section to be employed, to participate in a program to promote employment or remove barriers to employment, or to attend an educational or vocational program, and, if the youth is working, require that he or she contribute to the cost of services based on a sliding scale, unless the youth meets the criteria for an exception to the employment and educational or vocational program requirements of this section based on a disability or other good cause. The department shall establish rules for the requirements and exceptions under this subdivision.

*In regulation:* To be eligible, a youth must:

- Be between age 18 and 22
- Actively pursue the completion of a secondary education and/or actively pursue vocational, employment, or postsecondary educational goals
- Voluntarily consent to participate in the program and sign a voluntary services agreement

To remain eligible, the youth shall participate in 40 hours per week of productive time, including one or more of the following activities, based on the individual youth's voluntary services agreement:

- Secondary education (including homework and extracurricular activities)
- Postsecondary education
- Employment
- Community involvement
- Job search
- Therapeutic activities
- Other activities articulated in the youth's voluntary services agreement

A youth who does not have a high school diploma or General Equivalency Degree (GED) will be strongly encouraged to enroll and productively participate, through regular attendance and maintaining passing grades, in an educational program leading to high school diploma or GED.

The department may grant an exception to the productive requirements listed above. The nature and extent of the exception will depend on the youth's individual needs and may be granted for good cause where the application of the eligibility criteria would cause unnecessary hardship for the youth. Good cause exceptions may be found if the youth:

- Has a documented disability that renders him or her unable to participate in 40 hours of productive time
- Is in crisis and requires temporary, intensive therapeutic intervention
- Experiences other situations or life events which would prevent the youth from meeting his or her requirements

Any expectations for employment or productive time for full-time students shall take into consideration the youth's course load.

### Placement Agreements

**Citation: Ann. Stat. Tit. 33, § 4904; Code of Rules 13 172 700, § 7000.1**

At least 12 months prior to a child attaining his or her 18th birthday, the department shall assist the child in developing a transition plan. When developing the transition plan, the child shall be informed about the range of age-appropriate services and assistance available in applying for or obtaining these services.

*In regulation:* A 'voluntary services agreement' is an agreement that is signed by the youth, the youth's social worker or youth development coordinator, and the supportive adult with whom the youth will live, if applicable. The agreement outlines:

- The youth's goals
- The youth's commitment to continuing education, employment, and other productive use of time
- Agreements about the youth's financial contribution to his or her living expenses
- How adults will support the youth's goals, including crisis support

### Transition Supports Provided

**Citation: Ann. Stat. Tit. 33, § 4904; Code of Rules 13 172 700, §§ 7000.6; 7002.1; 7004**

The commissioner shall establish by rule a program to provide a range of age-appropriate services for youth to ensure a successful transition to adulthood, including foster care and other services as appropriate, housing assistance, transportation, case management services, assistance with obtaining and retaining health-care coverage or employment, and other services.

*In regulation:* An individual who turns age 18 while in department custody may continue in a residential care setting or a supported community-based treatment program, but only if the placement occurred prior to the individual reaching age 18. The individual may remain in the residential care or community-based residential program setting beyond his or her 18th birthday for only such time as is needed for the individual to complete a plan of treatment sufficient to make a smooth transition to community living for a period not to exceed 6 months.

Adult living programs are designed to assist youth in gaining skills and resources for self-sufficiency by supporting youth in safe and stable residences with appropriate adults.

All youth are eligible for incidental expenses grants regardless of other programs in which they may be enrolled. Grants may be awarded to cover expenses consistent with the youth's plan, such as:

- Education or training expenses (GED, American College Test (ACT), and Scholastic Aptitude Test (SAT) prep courses; GED testing; ACT and SAT testing; college application fees and orientation expenses)
- Legal documents (e.g., birth certificates, passports, identification cards)
- Driver's license (fees for permit and license, driver's education)
- Initial household start-up items (e.g. furniture, dishes, linens)
- Transportation costs, including:
  - » Public transportation costs related to education or family contact
  - » Gas cards
  - » Bicycle and helmet
  - » Minor repairs and tires for vehicle owned by the young person (but not including the purchase of a vehicle)
- Phone and utilities
- Computer
- College supplies
- Medical or dental expenses not covered by insurance

- Work-related items (e.g., tools, apprentice fees, clothing)
- One-time emergency expenses, as approved by the department
- Other reasonable expenses

## Virgin Islands

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

This issue is not addressed in the statutes and regulations reviewed.

### Requirements for Remaining in Placement

This issue is not addressed in the statutes and regulations reviewed.

### Placement Agreements

This issue is not addressed in the statutes and regulations reviewed.

### Transition Supports Provided

This issue is not addressed in the statutes and regulations reviewed.

## Virginia

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Code § 63.2-905.1**

Local departments and licensed child-placing agencies shall provide Independent Living services to any person between ages 18 and 21 who is in the process of transitioning from foster care to self-sufficiency. Any person who was committed or entrusted to a local board or licensed child-placing agency may choose to discontinue receiving Independent Living services any time before his or her 21st birthday in accordance with regulations adopted by the State Board of Social Services. A local board or licensed child-placing agency shall restore Independent Living services at the request of that person provided that (i) the person has not yet reached age 21 and (ii) the person has entered into a written agreement with the local board or licensed child-placing agency less than 60 days after Independent Living services have been discontinued.

Local departments and licensed child-placing agencies shall provide Independent Living services to any person between 18 and 21 years of age who (i) was in the custody of the local Department of Social Services immediately prior to his or her commitment to the Department of Juvenile Justice, (ii) is in the process of transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency, and (iii) provides written notice of his or her intent to receive Independent Living services and enters into a written agreement for the provision of Independent Living services with the local board or licensed child-placing agency within 60 days of his or her release from commitment to the Department of Juvenile Justice.

Local departments shall provide any person who chooses to leave foster care or terminate Independent Living services before his or her 21st birthday written notice of his or her right to request restoration of Independent Living services in accordance with this section by including such written notice in the person's transition plan.

### Requirements for Remaining in Placement

**Citation: Admin. Code Tit. 22, § 40-201-100(E)**

A youth placed in foster care before age 18 may continue to receive Independent Living services from the child-placing agency between the ages of 18 and 21 if:

- The youth is making progress in an educational or vocational program, has employment, or is in a treatment or training program.
- The youth agrees to participate with the local department in (i) developing a service agreement and (ii) signing the service agreement. The service agreement shall require, at a minimum, that the youth's living arrangement shall be approved by the local department and that the youth shall cooperate with all services.
- The youth is in permanent foster care and is making progress in an educational or vocational program, has employment, or is in a treatment or training program.

### Placement Agreements

**Citation: Ann. Code § 63.2-905.1; Admin. Code Tit. 22, § 40-201-100(A) & (D)**

The written agreement for Independent Living services shall provide details regarding the terms and conditions of the youth's receipt of Independent Living services.

*In regulation:* Independent Living services shall be identified by the youth, foster or adoptive family, local department, service providers, legal community, and other interested individuals and shall be included in the service plan. Input from the youth in assembling these individuals and developing the services is required. Local departments shall assess the youth's independent living skills and needs and incorporate the assessment results into the youth's service plan.

### Transition Supports Provided

**Citation: Ann. Code § 63.2-100; Admin. Code Tit. 22, § 40-201-100**

'Independent Living services' mean services and activities provided to a person who (i) was in foster care on his or her 18th birthday and has not yet reached age 21 or (ii) is at least age 18 but who has not yet reached age 21 and who, immediately prior to his or her commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

*In regulation:* Independent Living services shall be provided to all youth age 14–18 and shall be offered to any person between age 18 and 21 who is in the process of transitioning from foster care to self-sufficiency. Independent Living services include education, vocational training, employment, mental and physical health services, transportation, housing, financial support, daily living skills, counseling, and development of permanent connections with adults.

A youth age 16 and older is eligible to live in an Independent Living arrangement provided the local department utilizes the Independent Living arrangement placement criteria developed by the Department of Social Services to determine that such an arrangement is in the youth's best interests. An eligible youth may receive an Independent Living stipend to assist him or her with the costs of maintenance. The eligibility criteria for receiving an Independent Living stipend will be developed by the department. Local departments shall assist eligible youth in applying for educational and vocational financial assistance. Educational- and vocational-specific funding sources shall be used prior to using other sources.

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## Washington

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Rev. Code §§ 13.34.267; 74.13.031; Admin. Code § 388-25-0504**

If the court maintains the dependency proceeding of a youth pursuant to this section, the youth is eligible to receive extended foster care services pursuant to § 74.13.031, subject to the youth's continuing eligibility and agreement to participate.

A dependent youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches age 18. The court shall dismiss the dependency proceeding for any youth who is a dependent in foster care and who, at age 18, does not meet any of the criteria described below or does not agree to participate in the program.

The court shall order a youth participating in extended foster care services to be under the placement and care authority of the Department of Social and Health Services, subject to the youth's continuing agreement to participate in extended foster care services. The department's placement and care authority over a youth receiving extended foster care services is solely for the purpose of providing services and does not create a legal responsibility for the actions of the youth receiving extended foster care services.

To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age 18. If the dependency case of the nonminor dependent was dismissed pursuant to § 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement or pursuant to an order of dependency issued by the court. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age 19.

*In regulation:* Extended foster care is a program offered to young adults, age 18–21, who turn age 18 while in foster care, to enable them to:

- Complete a high school diploma or high school equivalency certificate
- Complete a postsecondary academic or vocational program
- Participate in a program or activity designed to promote employment or remove barriers to employment
- Be employed for 80 hours or more per month

### **Requirements for Remaining in Placement**

**Citation: Rev. Code § 74.13.031; Admin. Code §§ 388-25-0516; 388-25-0546**

The department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

- Enrolled in a secondary education program or a secondary education equivalency program
- Enrolled and participating in a postsecondary academic or postsecondary vocational education program
- Participating in a program or activity designed to promote employment or remove barriers to employment
- Engaged in employment for 80 hours or more per month
- Not able to engage in any of the activities described above due to a documented medical condition

*In regulation:* Participation in extended foster care is voluntary. A youth who does not agree to participate in extended foster care may request the court to dismiss his or her dependency case.

Unless otherwise authorized by court order, to remain in the extended foster care program the youth must:

- Agree to participate in the program as expressed in the written extended foster care agreement
- Maintain the standard of eligibility as set by the youth's academic program, employment-related program, or employment status
- Participate in the case plan, including monthly health and safety visits
- Acknowledge that the department has responsibility for the youth's care and placement by authorizing the department to have access to records related to court-ordered medical, mental health, drug/alcohol treatment services; educational records needed to determine continuing eligibility for the program; and for additional necessary services
- Remain in the approved foster care placement and follow placement rules, which includes:
  - » Staying in the placement identified by the department or approved by the court
  - » Obtaining approval from the case worker and notifying the caregiver for extended absences from the placement of more than 3 days
  - » Complying with court orders and any specific rules developed in collaboration by the youth, caregiver, and social worker

### **Placement Agreements**

**Citation: Rev. Stat. § 74.13.336**

A youth who has reached age 18 may request extended foster care services at any time before he or she reaches age 19 if on or after July 28, 2013:

- The dependency proceeding of the youth was dismissed at the time that he or she reached 18.
- The court, after holding the dependency case open, has dismissed the case because the youth became ineligible for extended foster care services.

Upon a request for extended foster care services by a youth, a determination that the youth is eligible for extended foster care services, and the completion of a voluntary placement agreement, the department shall provide extended foster care services to the youth. In order to continue receiving extended foster care services after entering into a voluntary placement agreement with the department, the youth must agree to the entry of an order of dependency within 180 days of the date that the youth is placed in foster care pursuant to a voluntary placement agreement.

A youth may enter into a voluntary placement agreement for extended foster care services only once. A youth may transition among the eligibility categories identified in § 74.13.031 while under the same voluntary placement agreement, provided that the youth remains eligible for extended foster care services during the transition. For the purposes of this section, a 'voluntary placement agreement' is a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.



**Transition Supports Provided****Citation: Rev. Stat. §§ 74.13.031; 74.13.540; 74.15.020**

The department shall make efforts to ensure that extended foster care services maximize Medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in Medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating Medicaid providers or there are no participating Medicaid providers in the area.

'Independent Living services' include assistance in:

- Achieving basic educational requirements, such as a high school equivalency certificate, enrollment in vocational and technical training programs offered at the community and vocational colleges
- Obtaining and maintaining employment
- Accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house

A baseline skill level in ability to function productively and independently shall be determined at entry. Performance shall be measured and must demonstrate improvement from involvement in the program.

Each recipient shall have a plan for achieving independent living skills by the time the recipient reaches age 21. The plan shall be written within the first 30 days of placement and reviewed every 90 days. A recipient who fails to consistently adhere to the elements of the plan shall be subject to reassessment by the professional staff of the program and may be declared ineligible to receive services.

'Transitional living services' include, at a minimum, the following:

- Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree
- Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs
- Counseling and instruction in life skills, such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options
- Individual and group counseling
- Establishing networks with Federal agencies and State and local organizations, including:
  - » The U.S. Department of Labor, Employment and Training Administration programs, including the Workforce Investment Act, which administers private industry councils and the Job Corps
  - » Vocational rehabilitation
  - » Volunteer programs

**West Virginia**

*Current Through February 2017*

**Availability of Foster Care Beyond Age 18****Citation: Code of Rules § 78-3-3; Foster Care Man. §§ 2.4.1; 5.31**

A 'transitioning adult' is an individual with a transfer plan to move to an adult setting who meets one of the following conditions:

- Is at least age 18 but younger than age 21, was in the custody of the Department of Health and Human Resources upon reaching age 18, remains under the jurisdiction of the juvenile court, and/or requires supervision and care to complete an education and or treatment program
- Is at least age 18 but younger than age 21, was adjudicated abused or neglected, or in departmental custody upon reaching age 18, and enters into a contract with the department to continue in an educational, training, and/or treatment program

*In policy:* Transitional living placements may be provided to youth at age 17 up to age 21, but youth must meet certain criteria in order to be eligible for this type of placement. Transitional living placements may be structured for youth who are in need of extra support and supervision, or they may be structured for youth who are capable of semi-independent living.

Former foster youth, age 18 through 20, who left care at age 18 or older, may apply to return to a foster care living situation if circumstances support the need for them to return to care. Foster care after age 18 applies to three categories of young adults:

- Those youth who remain in care after age 18
- Those youth who were former foster youth, left at age 18 or older, and request to return to foster care after age 18 through age 20
- Those youth whose parental rights have been terminated, were in foster care immediately prior to a Division of Juvenile Services (DJS) placement, and left DJS at age 18 or older

### **Requirements for Remaining in Placement**

**Citation: Foster Care Man. §§ 2.4.1; 5.31**

Prior to referral for placement supervised by a private agency or prior to placement in a transitional living placement setting directly supervised by the youth's worker, the youth's worker must determine the youth's eligibility for transitional living placement based on the following criteria:

- The youth is at least age 17 but younger than age 21.
- The youth is demonstrating responsible behavior and capable of living independently.
- The youth has completed his or her life skills assessment.
- The youth has basic living skills and can live independently.
- The youth is motivated to achieve goals, such as education or employment.
- The youth is pursuing education, employment, or other goal for independence.
- The youth must have a plan for activities of 40 hours a week.

Youth who apply for a return to foster care may be placed in boarding care age 18 through age 20 under the following conditions:

- The young adult requests continued financial supports after receiving a clear explanation of his or her right to independence and responsibility for self-support at age 18.
- The young adult meets one of the following criteria:
  - » The child is completing secondary education or a program leading to an equivalent credential.
  - » The child is enrolled in an institution which provides postsecondary or vocational education.
  - » The child is participating in a program or activity designed to promote, or remove barriers to, employment.
  - » The child is employed for at least 80 hours per month.
  - » The child is incapable of doing any of the above described activities due to a medical condition.

Boarding care must be discontinued for all youth the month upon their 18th birthday if they elect to assume their independence and/or they are not attending an educational program, or do not plan to continue or enroll.

### **Placement Agreements**

**Citation: Code of Rules § 78-25-2; Foster Care Man. Ch. § 5.31**

The 'transition plan' is a plan developed with a youth in foster care age 16 and older that establishes goals and a plan to help move a youth from foster care to independence.

*In policy:* When a former foster youth applies for foster care services, an assessment of the current circumstances shall be made. The individual may be eligible for other services from the department or from another community resource that would be more appropriate to meet his or her needs. All other agency and community resources are to be explored before approving foster care services. The youth must sign a voluntary placement agreement.

The voluntary placement agreement must be explained to the youth in detail as a 'contract' between the youth and the department. It does not place the youth back into the custody of the State. The youth has certain responsibilities to working towards meeting the goals and objectives of his or her transition plan and working on becoming semi-independent and self-sufficient. The department has responsibilities to provide the youth with assistance in meeting those goals and objectives. If a youth desires to remain in foster care after receiving an explanation of the situation, he or she must agree to sign a voluntary placement agreement.

**Transition Supports Provided****Citation: Foster Care Man. §§ 2.4.11; 5.28; 5.25; 5.33**

In some instances, a youth may wish to practice living semi-independently prior to final discharge from the foster care system. Experiential learning opportunities are available for these youth through the Transitional Living Placement option, in which foster care youth establish their own household in the community but are supplied with the following support, supervision, and services:

- Ongoing social casework
- Continued life skills instruction
- Assistance with career planning and employment and job maintenance
- Scheduled face-to-face contact between the youth and caseworker in addition to regular phone contact
- Planned and unannounced home visits
- Medical and behavioral health services, when needed

The youth's worker must assist the youth in locating and securing safe and affordable housing if the placement is being directly supervised by the department. The youth's worker must assist the youth in developing a monthly productivity schedule and a monthly budget and approve the schedule and budget.

The youth's worker must ensure that each youth participating in a Transitional Living Placement through a transitional living agency has access to funds necessary for establishing a household. Appropriate expenditures with start-up money include deposits for rent and utilities; purchasing furniture, bed linens, kitchen appliances, dishes, pots, and pans; and an initial supply of food.

The worker will begin gathering original documents that will be released to the youth upon his or her exit from the care and custody of the department. These items may include, but are not limited to:

- The youth's Social Security card
- Certified original birth certificate
- Health records, including immunization history
- Education records
- State-issued photo identification
- Any other information the youth may find helpful or important

The youth worker must explain the importance of designating someone to make health-care treatment decisions on behalf of the youth if the youth is unable to do so and does not have or want a relative who would otherwise be designated under State law to make such decisions. Youth also must be given information about how to execute a health-care 'advance directive' document recognized under State law.

Independent Living services may include:

- Referral/linkage services
- Advocacy services
- Housing services
- Employment services
- Transportation services
- Medical services
- Clothing services
- Educational services through Education and Training Vouchers

**Wisconsin***Current Through February 2017***Availability of Foster Care Beyond Age 18****Citation: Ann. Stat. § 48.366**

This section applies to a person who is a full-time student of a secondary school or its vocational or technical equivalent, for whom an individualized education program is in effect, and to whom any of the following applies:

- The person is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in a supervised Independent Living arrangement that terminates when the person reaches age 18.
- The person is in the guardianship and custody of an agency under an order that terminates on the date on which the person reaches age 18.
- The person is placed in a shelter care facility on the date on which an order specified above terminates.

No less than 120 days before an order described above terminates, the agency primarily responsible for providing services under the order shall request the person who is the subject of the order to indicate whether he or she wishes to be discharged from out-of-home care on termination of the order or wishes to continue in out-of-home care under a voluntary agreement. If the person indicates that he or she wishes to continue in out-of-home care under a voluntary agreement, the agency and the person shall enter into such an agreement.

If, at a hearing, the court determines that the person who is the subject of an order described above understands that he or she may continue in out-of-home care, but wishes to be discharged from that care, the court shall advise the person that he or she may enter into a voluntary agreement at any time before he or she is granted a high school or high school equivalency diploma or reaches age 21, whichever occurs first, as long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program is in effect for him or her. If the court determines that the person wishes to continue in out-of-home care under a voluntary agreement, the court shall order the agency primarily responsible for providing services to the person to provide transition-to-independent-living services for the person under that voluntary agreement.

### **Requirements for Remaining in Placement**

**Citation: Ann. Stat. § 48.57; Admin. Code §§ DCF 21.03; 21.05**

Counties may provide funding for the maintenance of any child who:

- Is age 18 or older
- Is enrolled in and regularly attending a secondary education classroom program leading to a high school diploma
- Is living in a foster home, group home, residential care center for children and youth, a subsidized guardianship home, or a supervised Independent Living arrangement

The term 'child' includes a person age 18 or older, if any of the following applies:

- The person is younger than age 19, is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma.
- The person is younger than age 21, is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, an individualized education program is in effect for the person, and the person is placed in the home of the kinship care relative that terminates after the person reaches age 18 or under a voluntary transition-to-independent-living agreement.

*In regulation:* A youth who was discharged from out-of-home care by aging out and who did not immediately enter a voluntary transition to Independent Living agreement or by termination of a voluntary agreement may be eligible to reenter out-of-home care if all of the following conditions are met:

- The youth is age 18 or older but younger than age 21.
- The youth is a full-time student at a secondary school or its technical or vocational equivalent.
- There is an individualized education program in effect for the youth.

The agency shall allow a youth who meets the eligibility criteria to reenter out-of-home care at least two times. The agency may use its discretion in determining whether to allow a youth who meets the eligibility criteria to reenter out-of-home care more than two times. Issues the agency may want to consider include whether the youth is homeless or at imminent risk of becoming homeless, is pregnant or parenting, or has significant mental health issues. The agency may also want to consider whether the youth's last discharge from out-of-home care was pursuant to an Independent Living transition-to-discharge plan that was agreed to by the youth and the agency.

The voluntary transition to Independent Living agreement shall be on a form prescribed by the department and include all of the following conditions:

- The youth is age 18 or older but younger than age 21.
- The youth is a full-time student at a secondary school or its technical or vocational equivalent.
- There is an individualized education program in effect for the youth.
- The youth will participate in activities assigned by the agency to prepare the youth for independent living.
- The youth will comply with school attendance requirements in the youth's individualized education program, school district policies, and truancy laws and ordinances.
- The youth will not be missing from his or her out-of-home care placement for more than 2 weeks without contact with the agency.
- If there is any change in the youth's circumstances that affects a provision of the voluntary transition to Independent Living agreement, the youth will notify the agency within 10 calendar days after the effective date of the change.

## Placement Agreements

### Citation: Ann. Stat. § 48.366

A person described above and the agency primarily responsible for providing services to the person may enter into a transition-to-independent-living agreement under which the person continues in out-of-home care and continues to be a full-time student at a secondary school or its vocational or technical equivalent under an individualized education program until the date on which the person reaches age 21, is granted a high school or high school equivalency diploma, or terminates the agreement, whichever occurs first. The agency will provide services to the person to assist him or her in transitioning to independent living.

No later than 150 days after a transition-to-independent-living agreement is entered into, the agency primarily responsible for providing services under the agreement shall petition the court for a determination that the person's placement in out-of-home care under the agreement is in the best interests of the person. The request shall contain the name and address of the placement and specific information showing why the placement is in the best interests of the person and shall have a copy of the agreement attached to it. If the court finds that the person's placement in out-of-home care under the agreement is in the best interests of the person, the court shall grant an order determining that placement in out-of-home care under the agreement is in the best interests of the person.

The person who is the subject of an agreement may terminate the agreement at any time during the term of the agreement by notifying the agency primarily responsible for providing services under the agreement in writing that the person wishes to terminate the agreement. A person who terminates a voluntary agreement may request the agency primarily responsible for providing services to the person under the agreement to enter into a new voluntary agreement at any time before the person is granted a high school or high school equivalency diploma or reaches age 21, whichever occurs first, as long as the person is a full-time student at a secondary school or its vocational or technical equivalent, and an individualized education program is in effect for him or her. If the request meets the conditions set forth in agency rules, the agency shall enter into a new voluntary agreement with that person.

## Transition Supports Provided

### Citation: Ann. Stat. § 48.385; Admin. Code §§ DCF 21.02; 21.06

A plan for making the transition from out-of-home care to independent living shall be personalized at the direction of the child, shall be as detailed as the child directs, and shall include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services. The child welfare agency shall ensure that the child is in possession of:

- A certified copy of the child's birth certificate
- A Social Security card issued by the Federal Social Security Administration
- Information on maintaining health-care coverage
- A copy of the child's health-care records
- Either a driver's license or a State-issued identification card

If the child is not in possession of any of those documents or that information, the agency shall assist the child in obtaining any missing document or information. This subsection does not apply to a child who has been placed in out-of-home care for less than 6 months.

*In regulation:* The 'Independent Living transition-to-discharge plan' is the plan for each youth exiting care on or after age 18 that contains provisions to ensure that basic resources are in place for the youth's transition to adulthood, including all of the following:

- The youth's anticipated date of and age at discharge from out-of-home care
- Information on how the youth will obtain and secure housing
- Information on how the youth will manage health-care needs
- Information on whether the youth intends to continue with formal education and how the youth will attain his or her educational goals
- Techniques for building relationships with supportive adults
- Employment services that are available to the youth
- Workforce support that is available to the youth
- The continuation of necessary supportive Independent Living services after the youth leaves out-of-home care
- Information on how the youth can obtain essential documents

Within 24 hours after the voluntary transition to Independent Living agreement is signed, the child welfare agency shall place the youth in out-of-home care or the home of a nonrelative person, or shall make other arrangements for housing for the youth. The agency shall place the youth in a long-term out-of-home care placement within 10 days after the voluntary transition to Independent Living agreement is signed.

## Wyoming

*Current Through February 2017*

### Availability of Foster Care Beyond Age 18

**Citation: Ann. Stat. § 14-3-431**

Unless sooner terminated by court order, all orders issued under this act shall terminate with respect to a child adjudicated neglected, when he or she reaches age 18, unless the court has ordered care or services to continue beyond that time. The court shall conduct a review hearing at least 6 months before the child reaches age 18 to determine whether care or transitional services should continue and for what period of time prior to the individual reaching age 21.

### Requirements for Remaining in Placement

**Citation: Code of Rules § 049-080-013**

A Transition/Independent Living Program (TILP) shall admit children who meet one or more of the following criteria:

- Demonstrates a level of maturity that will enable them to be involved in some community activities, including education and/or employment
- Requires minimum guidance or supervision
- Is aging out of State custody

In addition, a child in a TILP shall be required to seek employment at a wage of at least the existing minimum wage or perform volunteer work until employment is attained.

### Placement Agreements

**Citation: Code of Rules § 049-080-013**

At the time of admission, a TILP shall enter into a written agreement with each child. The agreement shall include:

- A delineation of the respective roles and responsibilities of the TILP, the child, and other involved parties
- A description of the rules governing the conduct and consequences of inappropriate behavior of the child while in the TILP
- A statement of financial responsibility (i.e., who is responsible for what)
- Approval signatures of the child, parent(s) or legal guardian(s), and representative of the TILP

All children must have a transition plan developed within 10 days of admission to the TILP. The TILP shall develop criteria to assess the child's competency in the following areas: employment, housing, education, and social development (i.e., relationships) and use the information in the development and assessment of the transition plan. A transition plan shall:

- Be developed with the following principles in mind:
  - » Be developed with the child as an active partner to foster his or her sense of ownership
  - » Document the child's strengths and needs assessment, including the skills required to achieve independence
  - » Involve the child's birth family and/or foster family, when possible, and significant others, whenever appropriate
  - » Identify the responsibilities, specified in measurable terms, that each member of the team is responsible for completing to support the goals
  - » Include timelines and methods for reducing the child's dependency and increasing self-sufficiency
  - » Include a targeted, outcome-based, anticipated discharge date
  - » Define possible supports the child will need upon discharge which may include medical and/or therapy and how those needs will be met
  - » Identify consequences should the child jeopardize community, personal, or other's safety while in the TILP
  - » Serve as a contract between the child and the TILP and provide measurable outcomes
- Include the following documentation:
  - » Name and contact information
  - » Custody status
  - » A summary of assessment results
  - » The child's vision of success
  - » Case goals and indicators
  - » An action plan
  - » The activities and supports necessary to achieve goals
  - » The respective roles and responsibilities of the TILP, the child, and other involved parties

- » The timeframes and methods to be used to gradually reduce dependency, while appropriately increasing personal responsibility
- » The criteria for achieving a successful discharge, to include expectations and plans for continuing care service
- » The services delivered and progress towards goals

### Transition Supports Provided

#### Citation: Code of Rules § 049-080-013

A TILP must identify goals and the services needed to help a child successfully transition from childhood into adulthood. In addition to housing, a TILP shall provide programming and services specific to preparing the child for independent living. The child shall be instructed in all aspects of independent living and self-sufficiency, including classroom work and possibly field trips and/or guest speakers in the following areas:

- Employment
- Nutrition and cooking
- Continuing education
- Money management
- Community resources
- Transportation
- Sexuality
- Housing

The transition plan will detail the services needed for competency expansion and enhancement in the following areas:

- Skills development
- Mental health and substance abuse counseling, as appropriate to individual needs
- Provision of information and assistance in obtaining access to community services
- Educational services
- Vocational and employment services
- Health services
- Housing services



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