

Fostering Connections Act - Title IV-E Extension of Foster Care A Primer on the Program Instructions

Requirements of the Extension

- The young adult, age 18 and older, must be in foster care under the responsibility of the title IV-E agency.
- If a title IV-E agency determines the age of the foster care extension beyond 18 this must also apply to adoption assistance for all youth who are adopted from foster care after attaining age 16.
- If the agency has opted into the title IV-E kinship guardianship assistance program, the extension must also apply to youth in foster care who were placed in guardianship after attaining age 16.
- The agency must change the definition of “child” for the purpose of the title IV-E programs, to the maximum age chosen for the extension.
- All young adults in title IV-E funded foster care are categorically eligible for Medicaid.
- Annual permanency hearings must be held by the court unless the young adult is in foster care under a voluntary agreement.
- Periodic reviews must be held “by courts or by an administrative panel of appropriate persons, including at least one of whom is not responsible for case management”.
- Monthly caseworker visits must be conducted and reported.
- Efforts must continue to assist young adults in developing permanent connections with caring adults.
- Young adults in extended foster care may have a child living with them. The requirement to cover the costs of the child in a foster family home, child care institution, or supervised independent living setting is in effect and the child is categorically eligible for Medicaid.

Options States May Choose in Extending Foster Care

1. *Maximum Age* - Title IV-E agencies must first determine the maximum age for the extension as 19, 20 or 21. The recommendation in the Program Instruction is to extend to age 21 and if a lower age is chosen there must be a written description that is based on “programmatic or practice rationale”. The maximum age must apply to all three programs – foster care, adoption assistance and, if applicable, guardianship assistance.
2. *Conditions for Eligibility* - The title IV-E agency must determine the educational and/or employment conditions under which young adults over age 18 will be eligible for the extension. The state may elect to allow only one of the conditions or a combination of conditions for eligibility. The option to allow all five conditions as qualification for inclusion would meet the intent to provide extended assistance to the “broadest population possible consistent with the law to ensure that there are ample supports for older youth”.

To be eligible for the extension a young adult must meet one of the following conditions:

- a. Completing secondary education or a program leading to an equivalent credential.
 - b. Enrolled in an institution which provides post-secondary or vocational education, full-time or part-time in a university or college, or enrolled in a vocational or trade school.
 - c. Participating in a program or activity designed to promote, or remove barriers to employment.
 - d. Employed for at least 80 hours per month.
 - e. Incapable of doing any of the previously described educational or employment activities due to a documented medical condition.
3. *Court Jurisdiction* - Permanency Hearings and Periodic Reviews - A judicial determination that the agency has made efforts to finalize a permanency plan is required annually **unless** the young adult is in care through a voluntary agreement. Permanency hearings after age 18 must ensure that the young adult is engaged in the decision making process. There should be time taken to discuss the transition plan that has been developed and confirmation that the young adult is in agreement and believes progress towards the goals is being made.
4. *Reentry and Trial Independence* - The title IV-E extension allows for a young adult, age 18 or older, to leave foster care for a period and return prior to age 21 with all of the same supports and services provided to a young adult who remained in care continuously. If the state opts to use "trial independence", the young adult, who is title IV-E eligible and has signed a voluntary agreement, is allowed to leave foster care for up to six months and return without the requirement for a new judicial determination or voluntary placement agreement. The court may authorize up to a year for the trial independence with the same stipulations for IV-E eligibility.
5. *Approved Living Arrangements* - The Program Instruction encourages title IV-E agencies to be "innovative" in determining living arrangements that are developmentally appropriate for young adults while meeting the requirements for supervision. The allowable living arrangements should recognize the young adult's need for independence and respect their right to make decisions. The traditional "independent living" arrangements are now approvable as foster care settings for young adults over age 18. This includes single or shared apartments and dorms or host homes with a supervising case manager.
6. *Maintenance Payments* - In addition to allowing young adults to live in non-licensed independent living settings with supervision, the title IV-E agency may (but is not required to) pay all or part of the foster care maintenance payment directly to the youth.
7. *Permanency through Adoption* - With the extension of foster care up to age 21, title IV-E agencies can extend adoption assistance and also initiate adoption assistance for young adults adopted after age 18. This significant change can make the difference for relatives and foster families that do not have the financial means to adopt without assistance.