



# Extending Services to 21: How Nebraska and Other States are Examining New Federal Opportunities

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**PROJECT  
EVERLAST**  
FINDING SOLID GROUND FOR FOSTER YOUTH

# Requirements

- The young adult population, 18 and older, must be in foster care under the responsibility of the title IV-E agency.
- Foster care extension beyond 18 must apply to adoption and guardianship assistance (if occurred 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.

# Requirements

- Annual permanency hearings must be held by the court **unless** the young adult is in foster care under a voluntary agreement.
- Administrative reviews must be held by court or approved board for all young adults.
- Monthly face to face caseworker visits must be conducted and reported.
- All young adults in title IV-E funded foster care are categorically eligible for Medicaid.

# Requirements

- Young adults with children – agency must cover the costs of the child in a foster family home, child care institution, or **supervised independent living setting** and the child is categorically eligible for Medicaid.
- Permanency - efforts must continue to assist young adults in developing permanent connections with caring adults.

# State Options

- Maximum Age 19, 20 or 21
- Conditions of Eligibility
  - ✓ Completing Secondary Education
  - ✓ Enrolled in Post-Secondary or Vocational
  - ✓ Participating in program/activity to promote or remove barriers to employment
  - ✓ Employed for at least 80 hours a month
  - ✓ Incapable of doing any of these activities due to a medical condition.

# State Options

- Voluntary Agreements
- Reentry/Trial Independence
- Approved Living Arrangements
- Maintenance payments made directly to young adult

# 14 Approved State Plans for Implementation (as of 6/5/12)

Alabama	Maryland	Oregon
Arkansas	Massachusetts	Tennessee
California	Minnesota	Texas
D.C.	Nebraska	Washington
Illinois	New York	

- 12 of the States extend foster care to age 21. California extending to 19 - 20 in 2013 and 21 in 2014.
- Nebraska maintained the existing program with a maximum age of 19 to draw down IV-E funding.

# States with Plans Submitted And/or Extensions Implemented

(as of 7/1/12)

- W.Virginia
  - Michigan
  - Indiana
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- W.Virginia & Michigan will extend to age 21.
  - Indiana will extend to age 20.

# Eligibility Conditions in States

- 12 states that have approved plans to implement the extension allow all 5 conditions.
- Washington is extending for secondary education only and Tennessee does not include the employment condition.
- West Virginia is pending approval and will allow secondary and post secondary, vocational training and career preparation.
- Michigan and Indiana are pending approval and have implemented with all 5 eligibility conditions.

# Obstacles to Implementation

- Fiscal impact - Need for fiscal analysis to determine costs and benefits.
- Extension includes Medicaid and this will be a new covered group for many states.
- Extension of court jurisdiction incurs costs and additional personnel.
- States that are county administered challenged by local budget issues.

# Meeting Needs of All

- “We encourage a title IV-E agency to consider how it can provide extended assistance to youth age 18 and older to the broadest population possible consistent with the law to ensure that there are ample supports for older youth.” (ACYF-CB-PI-10-11)
- Need to include all eligibility conditions.
- Must have flexible programming and build “social capital” to ensure all young adults can benefit from extension of foster care.

# Meeting the Needs of the Most At-Risk Populations

- Chapin Hall Report of Subpopulations
  - ✓ Ensure services are individualized to meet needs.
  - ✓ Recognize struggling young adults who lack social capital, face mental health and substance abuse issues.
  - ✓ Pregnant and Parenting - need advocacy, support and programs to address specific issues.
  - ✓ Their voices must be included in developing programs and services – what do they define as effective?

# What Needs to Change

- Foster care with current policies will not provide age appropriate options.
- All stakeholders must acknowledge and respect the “adult” status after age 18.
- Program must be supportive and based on authentic young adult involvement.
- Young adult voice in policy and practice.
- Young adult lead in transition planning.

# Placement Options

- Program Instructions encourage agencies to be “innovative”.
- Living arrangement should:
  - Be developmentally appropriate.
  - Recognize the need for independence.
  - Respect the young adults right to make decisions.
  - Allow for young adult to live in an unlicensed setting with supervision if appropriate.

# Voluntary Agreement (VA)

- Entering into a VA signifies the decision to remain in care has been made by the young adult.
- The young adult is their own guardian and authorizes placement and care responsibilities.
- Title IV-E eligibility depends on AFDC standards and would now be based on the young adult's income.

# Voluntary Foster Care

- D. C. – No - all young adults are required to remain in care until 21.
- Illinois – Working towards all young adults signing a VA by 2013.
- Mass., Mich., Tenn., Texas, – All young adults sign VA at 18.
- Minnesota - Only at reentry
- Other states may have a mix of VA and non-VA young adults over age 18.

# Maintenance Payments

- Title IV-E agency may (but is not required to) pay all or part of the foster care maintenance payment directly to the youth.
- Could be in Supervised Independent Living situation or in foster home with an agreement defining responsibilities for paying monthly rent.
- Young adults must learn to develop budgets and to pay bills. It is about “readiness” to live on their own.

# States that Allow Direct Payments to Young Adults

- California
- D.C.
- Illinois
- Maryland
- Michigan
- Minnesota
- Tennessee
- Texas
- W. Virginia

# Reentry to Foster Care

- Reentry and Trial Independence are critical elements that states must think through carefully.
- Many young adults will want to try it on their own – safety net must be provided.
- There should not be limitations on reentry – young adults must sign a voluntary foster care agreement and meet requirements when reentering.

# State's Reentry Policy

- Unlimited reentry to age 21
  - California
  - Massachusetts
  - Michigan
  - Tennessee
  - Texas
  - W. Virginia
- Illinois – Assessment to determine if other type of funding would meet their needs.
- Minnesota – If parental rights terminated unlimited, if not based on county funding.
- New York – Within 24 months of discharge and only 2 separate reentries.

# Court Hearings

- Some young adults don't want to go to court after age 18 - hasn't been a positive experience in their life.
- Allowance for another type of "hearing" through a court approved board (fcrb, casa, etc.) that is responsive to the needs of young adults and provides reports to the court.
- If young adult has a positive relationship with the Judge or Hearing Officer - option to continue with hearings.

# Court Process after 18

## States with Extension Implemented

- Many states had court hearings past age 18 in place prior to the Fostering Connections extension.
- D.C., Ill., Mass., Md., N.Y., OR, etc. These states have continued the court hearing process without changes.
- These states may not recognize the change to adult and voluntary status.
- Tennessee is reviewing use of LGAL as this is not appropriate representation for an adult.

# Change in Attorney Relationship

- For younger children in foster care the Guardian Ad Litem advocates for what they believe is in the child's best interest.
- For young adults, the relationship must become client driven.
- The attorney must represent what the young adult defines as being in their best interest.
- This change in relationship empowers the young adult to make decisions and take responsibility for their life.

# Court Process after 18 California

- California's young adults continue under the court's dependency, delinquency or transition jurisdiction.
- California Fostering Connections to Success Act specifies that these case reviews shall be conducted in a manner that respects the youth's status as a legal adult.

# Court Process after 18 Michigan

- Michigan will move all young adults to voluntary foster care at age 18 through a signed agreement and a court hearing.
- After the young adult has court approval for voluntary foster care the court will close their case. No court supervision after age 18.
- If a young adult reenters foster care after age 18 court must approve and then will close the case.

# Administrative Reviews

- If the young adult remains in foster care through a Voluntary Agreement permanency hearings are not required.
- Administrative reviews must be conducted and include at least one person not involved with the case.
- If courts are not involved there should be a review panel with the authority to hold the agency accountable for providing services and supports.

# Administrative Reviews

- Michigan process.
- Massachusetts has court hearings and an administrative review by the Foster Care Review Board every 6 months for all youth over age 14.

# Permanency

- Each young adult defines permanency in a unique way.
- Positive connections are key to success.
- Agency must support efforts to establish positive relationships.
  - ✓ Return to relatives.
  - ✓ Adoption after age 18.
  - ✓ Young adult making new connections.
  - ✓ Becoming a “couple”.

# Issues States Face

- How does a state develop policy and practice guidelines that allow the young adult to make decisions while ensuring that the caseworker/foster parent are not held responsible for the consequences that may result?
- What if a young adult doesn't pay rent and make appropriate decisions? How can we determine if they are ready to handle the responsibilities?

# Resources to Address Issues

- California's SLP Readiness Assessment Sample Tool

<http://www.cafosteringconnections.org/resources.html>

- Texas – Caring for Older Youth

[http://www.dfps.state.tx.us/documents/PCS/2010-10\\_ProviderGuideServingOlderYouth.pdf](http://www.dfps.state.tx.us/documents/PCS/2010-10_ProviderGuideServingOlderYouth.pdf)

- Texas Right's & Responsibilities

[http://www.dfps.state.tx.us/Child\\_Protection/Transitional\\_Living/forms.asp](http://www.dfps.state.tx.us/Child_Protection/Transitional_Living/forms.asp)

# Indiana's RFP for Extension

- Provides definitions, explanations and outcomes for age appropriate services and supports.
- Specialized Case Manager Model
- Addresses Relational Permanency and Social Capital

[http://www.in.gov/dcs/files/Collaborative\\_Care\\_RFP.pdf](http://www.in.gov/dcs/files/Collaborative_Care_RFP.pdf)

# Lessons Learned

- Agencies will want to involve and educate the public and stakeholders in developing the extension prior to implementation.
- If public understands the importance of allowing young adults to make decision there will be more acceptance of issues that may arise and an increase of support.
- Must include all agencies – state and local – in determining services available to young adults and how these are accessed.

# Where is Nebraska in the Process?

- **LB 1063** introduced by Sen. McGill during 2012 session - had a positive hearing, but did not advance
- A group of stakeholders - including youth - convened to discuss **programmatic design**
- National consultants conducted a **fiscal analysis** of the cost of several possible models
- Focus is on a *voluntary (VPA), youth-led* system of extended/transitional services and supports in Nebraska

# Where is Nebraska in the Process?

- **LR 537** - interim study to gather data and develop recommendations on the unmet needs of and gaps in services available to youth who transition or "age out" of Nebraska's foster care system.
  - "The committee shall consult with youth with foster care experience, the DHHS, and other parties who may have relevant information."
- **Data collection:** focus groups with youth & surveys of other stakeholders

# Reports and Research

- **Jim Casey Youth Opportunities Initiative Reports:**
  1. The Adolescent Brain: New Research and Its Implications for Young People Transitioning From Foster Care
  2. Foster Care to 21: Doing It Right
  3. Social Capital: Building Quality Networks for Young People in Foster Care
- **Fosteringconnections.org**
  1. Designing Foster Care to 21: A Discussion Guide for State Leaders
  2. Number of Youth Aging Out of Foster Care Drops below 28,000 in 2010