

# Transition Planning for Youth Eligible for Fostering Futures

Em Parente, LCSW, PhD  
Foster Care Program Manager  
Virginia Department of Social Services  
Carol Wilson  
Program Consultant  
Office of Children's Services

# Why extend Foster Care?

- Shift in the population at large
  - The age of independence is moving further into adulthood, well beyond the age of 18
- Negative outcomes for children exiting foster care, including higher rates of:
  - Unemployment
  - Homelessness
  - Early parenting
  - Dependence on public assistance
  - Lack of secondary and postsecondary education
  - Involvement with the criminal justice system

# Legal Authority

- Federal “Fostering Connections to Success and Increasing Adoptions Act of 2008” allows states to extend foster care services to youth until the age of 21 if the youth is in foster care on his/her 18<sup>th</sup> birthday.
- Additional specific requirements for foster youth over the age of 14 were added by the federal “Preventing Sex Trafficking and Strengthening Families Act of 2014.”

# Legal Authority

- Virginia 2016 Appropriations Act (Item 246 #3c) extends foster care to youth in foster care who attain age 18 on or after July 1, 2016.
  - Defines population
    - Youth in foster care placement who attain age 18 on or after July 1, 2016
    - Youth who were in foster care placement prior to commitment to DJJ who attain age 18 after July 1, 2016 are eligible upon release from commitment
    - Exceptions
      - Youth who will graduate prior to 19<sup>th</sup> birthday
  - Excludes placement in group homes or residential programs

# Philosophy

- Goal is to help equip the youth for adult life while providing the balance of support and flexibility needed for a youth at this transition age
- Local departments of social services shall offer services including support and guidance to Fostering Futures youth
- Local department of social services holding custody at the time of the youth's 18<sup>th</sup> birthday remains the responsible LDSS

# Philosophy

- Services are voluntary on the part of the youth
- Responsibilities of both parties are outlined in the Voluntary Continuing Services and Supports Agreement (VCSSA)
- LDSS and FAPT must strike balance between supporting youth and providing structure
- Should not be punitive
- Youth may exit and enter Fostering Futures at any time and any number of times until age 21

# Basic Requirements

- Must turn 18 in foster care, or
- Must have been in foster care immediately prior to their commitment to DJJ and leave a DJJ facility after age 18 and before turning 21. and
- Must be between 18 and 21

# Basic Requirements

- All participants will sign a **Voluntary** Continuing Services and Support Agreement (VCSSA)
  - Youth are automatically in the program upon turning 18.
  - The agreement isn't just a service agreement, it acts as an entrustment agreement.
  - The agreement must be approved by the Juvenile and Domestic Relations Court.



# Overview: Title IV-E Eligibility

- Once the youth and the LDSS sign the agreement the child is presumed IV-E eligible
- LDSS must file court petition within 30 days
- Court must approve agreement within 180 days\*
- IV-E eligibility is determined based on youth's earned income
  - Income exclusions

\*If not approved by court in 180 days, youth is not eligible for IV-E or CSA-paid maintenance

# Continuing Eligibility Criteria

- Participants must meet at least one of these five criteria to continue to be eligible for the program:
  1. Completing secondary education or in a GED program
  2. Enrolled in college or a vocational program
  3. Attending classes to promote employment or remove barriers to employment
  4. Working at least 80 hours per month, or
  5. Unable to meet one of the four conditions above due to a documented medical reason

# Continuing Eligibility Criteria

- Completing secondary education or in a GED program
  - Includes enrollment in a secondary school, e.g. public high school, alternative high school, private school, adult education classes, program leading to GED, or special education activities described in the IEP
- Enrolled in college or a vocational program
  - May include remedial courses, coursework without formal admission to the institution, attendance at multiple institutions, or correspondence or on-line courses affiliated with a licensed institution

# Continuing Eligibility Criteria

- Attending classes to promote employment or remove barriers to employment
  - May include, but is not limited to internships, volunteering, vocational rehabilitation, counseling, driver's education, less than half-time secondary education, or participation in a substance abuse program
- Working at least 80 hours per month
  - May include paid employment full or part time, including paid internships, apprenticeships, or work study programs

# Continuing Eligibility Criteria

- Unable to meet one of the four conditions above due to a documented medical reason
  - A medical condition is a short-term or long-term physical health impairment or a mental/emotional or behavioral health, developmental or cognitive disability or impairment.
  - The youth does not have to be currently receiving or seeking treatment or remediation for the condition.
  - The condition must be verified by a medical professional as preventing the participant from meeting another criterion.

# Eligibility for Fostering Futures

- LDSS and FAPT/CPMT are encouraged to work with youth and support youth in meeting at least one of the criteria
- Youth are given 30 days' notice if decision is made to terminate due to failure of youth to honor agreement; maintenance and services continue during this time

# Overview:

## Foster Home Placements

- Fostering Futures youth may continue to reside in current foster home or another foster home (local agency or LCPA/TFC). If so:
  - Foster parents receive maintenance payment (basic + enhanced, if appropriate)
  - LCPA/TFC receives Private Provider Support, Supervision and Administration payment
  - If youth is eligible for TFC Case Management, Medicaid will pay until age 21
- Essentially, FF youth in foster homes are treated the same as youth under the age of 18
- Foster homes must be appropriately approved or licensed

# Overview: Supervised Independent Living Arrangements (ILA)

- Living arrangements may be supervised by:
  - The local DSS
  - A licensed child placing agency authorized to offer Independent Living Arrangements (22VAC40-131-440 H.-L.)
  - Youth may reside in any number of supervised living settings, including but not limited to:
    - College dormitory
    - Room or apartment/house rented independently or shared with a friend or family member
    - In the home of a friend or family member
- LDSS does not “approve” the ILA setting.



# Overview: Supervised Independent Living Arrangements (ILA)

- Licensed child placing agencies authorized to offer Independent Living Arrangements typically provide this service through “apartment programs,” but may provide this service in alternate settings
- IL Arrangements cannot be residential shelters or group housing
- Service is not comparable to “case management”
  - A provider could offer case management to a youth in a supervised living arrangement but it would be a discrete service and not provided on a per diem basis

# Independent Living Arrangements

- Participants may also reside in an Independent Living setting. These settings include:
  - On their own
  - With their spouse
  - In a college dormitory
  - With a family or extended family member
  - Military reserves
  - Job Corps or vocational school
- LDSS do not approve these arrangements

# Exception for youth on track to graduate before 19

- Fostering Futures participants cannot be placed in group homes or residential Tx Programs
- Youth placed in a group home or residential program prior to turning 18
  - Can remain eligible for foster care placement in their group home or residential setting under the current title IV-E exception, until such time as they graduate or it is determined that they will not graduate before turning 19.
  - Then they will transition into Fostering Futures and must transition to another type of placement.

# Maintenance Payments

- Payments are intended to cover the participant's costs for food, shelter, clothing, supplies and personal incidentals.
- May be made directly to the youth placed in an IL arrangement with responsibility to pay for rent, groceries and other basic expenses.
  - This replaces the current IL stipend (a service) which will no longer be used except for youth between 16 and 18 years old
- Participants are eligible for annual clothing money.
- Maintenance payments can be made for the minor child(ren) of a Fostering Futures participant residing with the participant.



# Fostering Futures scenario #1

Almost 18 year old placed in a TFC with her infant. She is on track to graduate before turning 19. She has aspirations to go to college. However, when she gets upset with her foster parents, who can be very inflexible around normal 18 year old activities and interests, she says she will leave when she turns 18.

- What options are 'allowable' for this young lady?
- How might the LDSS facilitate a discussion with this young lady and her foster parents which facilitates partnering and the best possible decision-making on the part of the soon-to-be 18 year old? (What would best practice be in this situation?)

# Fostering Futures scenario #2

Almost 18 year old placed in a group home and enrolled in a GED program. He is on track to complete the GED within a couple of months. He is adamant that he is leaving the group home when he turns 18; he plans to return to his mom's home. LDSS has concerns that young man will quickly return to engaging in criminal behavior and drug use if he returns to his mother's home. Additionally, mom lives some distance from the GED program and does not have reliable transportation.

- What options are 'allowable' for this young man?
- What would best practice be in this situation?

# Fostering Futures scenario #3

A Fostering Futures participant leaves her TFC placement because she wants to have control over her own money. She has a plan to live with a friend. However, this plan almost immediately breaks down, and the young lady is calling the LDSS for assistance. The foster family is not willing to take her back (!!!) because they are upset that she was disrespectful when she left.

- What options are 'allowable' for this young lady?
- What would best practice be in this situation?



# Fostering Futures scenario #4

Fostering Futures youth in IL arrangement (apartment program) has been working, but lost job between FAPT reviews. This FAPT is very supportive when youth are working or going to school, but requires documentation of grades or employment. FAPT agrees to discuss again in 30 days, to give youth more time to find a new job or consider school again. At the next FAPT, youth reports he has completed online applications and gone to interviews, but hasn't found anything. Provider reports youth has not left apartment except to visit girlfriend, plays video games and refuses to comply with rules, even basic chores. The provider is not aware of any job interviews.

- What options are 'allowable' for this young man?
- What would best practice be in this situation?

# Fostering Futures scenario #5

Fostering Futures (or IL) youth is living with in an IL apartment program with her baby. The baby's father (age 21) lives elsewhere but is very involved with providing for the child and care-giving. He spends the night at the apartment at least 2-3 times a week, but sometimes more. A great deal of concern is expressed by the provider, FAPT members and LDSS who do not think the father should be allowed to stay overnight.

- What options are 'allowable' for this young lady?
- What would best practice be in this situation?

# Question:

## Private Day and FF

- Youth enrolled in Fostering Futures in one locality; moves to another. She also has a private day IEP. **Does the case transfer to Locality #2?**
  - Locality of origin maintains FF case and responsibility for private day costs, just as with foster children under the age of 18. With IL-only youth, the locality of residence of the youth (or the youth's guardian) is responsible for the private day educational services.

# Question:

## PFC and FF

- **Do youth in Permanent Foster Care (PFC) need to enter the Fostering Futures Program?**
- **Answer:** All youth who turn 18 after July 1, 2016 are required to enter the Fostering Futures Program in order to access continued services and support. Fostering Futures runs concurrently with the PFC agreement, placement and services. Entering Fostering Futures does not impact the PFC situation in any way; rather, it creates an opportunity for an eligibility determination for title IV-E funding. The LDSS must work with the young adult to execute the VCSSA within 30 days of their 18th birthday, or neither Children's Services Act (CSA) nor title IV-E funding will be available to pay for placement.

# Question: Congregate Care and FF

- **Can youth who turn 18 after July 1, 2016 and wish to enter the Fostering Futures Program remain in congregate care placements?**

Group home and residential placements are not allowable placement options under Fostering Futures. However, in order to ensure that youth who are on track to graduate from high school or an equivalent program are not forced to change schools as a result of a placement change when turning 18 youth who are expected to complete secondary schooling or equivalent training before reaching age 19 and who are appropriately placed in a group home or residential placement at age 18, may continue in their current foster care status and placement until they complete school or it becomes clear that they will not complete school prior to their 19th birthday in accordance with Section 406(a) of the Social Security Act. At the time of completion of or withdrawal from secondary schooling, these young adults shall be immediately transitioned into the Fostering Futures Program and placed in an allowable setting. Available funding for the congregate care placement ends on the last day of the month in which the youth leaves school.

Because the new foster care episode begins the day that the last required signature is obtained on the Voluntary Continuing Services and Support Agreement (VCSSA), the agreement will need to be fully executed when the young adult transitions into the new placement. If this does not occur, the locality will need to use local only money until the VCSSA is fully executed.

# Exit from Fostering Futures (1)

- Participation may be terminated at any time by the participant through verbal or written notification to the service worker.
  - The LDSS must respond in writing informing the participant of the consequences of terminating the agreement, the right to re-enter the program at any time prior to reaching age 21 if eligibility criteria are met, and the procedures for reentering the program.
  - The LDSS must provide 30 days notice before ending payments or services.

# Exit from Fostering Futures (2)

- Participation may be terminated at any time by the LDSS if it is determined that the youth no longer meets the eligibility criteria.
  - The LDSS must notify the youth in writing of the basis for the termination and that all services and support will be discontinued 30 days from the date of the agency's notice, unless the participant is able to meet eligibility criteria again during that period.
  - Procedures for appealing the termination must be included with the notification.
  - Information about criteria and procedures for re-entering the program must be included with notification.

# “Re-entry”

- Participants who have exited the program, may re-enter by signing a new VCSSA at any time prior to their 21<sup>st</sup> birthday, provided they meet one of the eligibility requirements.
- There is no limit to the number of times the young adult can re-enter, nor is there a limit to the time between exit and re-entry.
- If the participant has been out of the program for more than six months, another court hearing to approve the agreement is required.



# DJJ Eligibility

- Youth who were in the custody of a LDSS immediately prior to their commitment to DJJ who turn 18 on or after July 1, 2016 are eligible
  - Upon release from commitment, and
  - At any time before they turn 21, and
  - Are eligible for re-entry, should they exit the program and want to re-enter
- Youth must meet one of the five eligibility criteria

# Questions?