



Implementation of Title IV-E Funded Voluntary Foster Care

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Inquires Sent to All States

- E-mail was sent to each state's Foster Care Manager in mid-May requesting a phone conference to discuss the states plans, progress and challenges.
- To date 24 states have conducted a call.
- Calls have included states in all stages of implementation from undecided to having an approved state plan revision.

Inquiry Calls

- Main focus of calls is to determine if the state has, or has plans to, implement the program.

Questions asked included:

- Is there is currently a program for 18-21 and how it is funded (state, county, local).
- Number of potential youth and eligibility parameters (i.e. to what age, JJ youth, etc.)
- Was a fiscal analysis completed?

Inquiry Calls - Questions

- How would foster care after 18 look different from foster care prior to age 18?
- How will court hearings be held?
- How have young adults been involved in development of policy and programming?
- Reentry provisions/trial independence?
- Can maintenance payments be made directly to youth?

States that have Implemented Title IV-E Extension of Foster Care

- Alabama
- Arkansas
- Illinois
- Maryland
- Minnesota
- Nebraska
- New York
- Six of the seven programs extend foster care to age 21 and allow all of the eligible groups to participate (education, work, career).
- Nebraska allows all eligible groups but extends foster care to age 19.

Submitted Pending Approval of States Plans

- District of Columbia
- Massachusetts
- Tennessee
- Texas
- W. Virginia
- 4 states extend to age 21 for all groups.
- Tennessee will extend to age 20 only for the education group
- W. Virginia to age 21 for education and career planning groups only.

Advantage for States with Existing Programs for 18 – 21

- States with existing programs that include payment for IL placements through state or county funds after age 18:
 - ✓ Have determined the title IV-E extension is a funding maximization opportunity.
 - ✓ Are ahead in implementation because policy and practice already exist.
 - ✓ Main challenge is often the requirement for continued court jurisdiction after 18 or legislation that must be passed.

Obstacles to Implementation

- Fiscal impact (i.e. increased costs for staffing, state funds based on FMAP, etc.).
- 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.

Confusion on Program Instructions

- Did the state have to implement the Kinship Subsidized Guardianship program prior to implementing the extension.
- Extension of Adoption and Guardianship subsidy – unclear about this only applying if this occurred at or after age 16.
- The requirement to provide a “programmatic or practice rationale” for choosing a lower age than 21 appeared to preclude using fiscal issues as a rationale.

Title IV-E Eligibility

- The number of youth that are IV-E eligible is often a determining factor in the decision to implement the program (is there a cost benefit).
- Some states determined that the percentage of eligible youth at age 18 is small and would not justify the changes to legislation and policy that are required.
- States don't always realize that the program instructions provide a means for a youth who is not IV-E eligible prior to age 18, to become eligible after age 18 in voluntary foster care.

Requirements for Title IV-E Eligibility after 18

*A voluntary placement agreement entered into between the youth age 18 or older and the title IV-E agency can meet the removal criteria in section 472(a)(2)(A)(i) of the Act. In this situation the youth age 18 or older is able to sign the agreement as his/her own guardian.

(*Language from Program Instructions issued on 7/9/10 by the Children's Bureau page 6.)

Title IV-E Eligibility after 18 Authorizing Placement & Care

*If the title IV-E agency accepts voluntary placement agreements from a child age 18 or older, this same voluntary placement agreement can authorize that the title IV-E agency have placement and care responsibility of the child.

(*Language from Program Instructions issued on 7/9/10 by the Children's Bureau page 7.)

Title IV-Eligibility after 18

AFDC Program Criteria

*For a youth who is entering or reentering foster care after attaining age 18 (consistent with the criteria in the last two slides), AFDC eligibility is based on the youth without regard to the parents/legal guardians or others in the assistance unit in the home from which the youth was removed as a younger child (e.g., a child-only case).

(*Language from Program Instructions issued on 7/9/10 by the Children's Bureau page 7-8.)

Qualifying for Title IV-E Eligibility after 18

- To qualify a youth that was not IV-E eligible prior to age 18:
 - There must be a new foster care episode.
 - The court must close the prior case and reopen a new foster care case based on the Voluntary Agreement signed by the young adult.
 - This can occur in the same court hearing or a year later if the state develops policy to reflect this process in the Voluntary Foster Care program.

Policy for Young Adults

- The states that have implemented or submitted plans have determine the changes required in the Act (i.e. definition of “child”, caseworker visits, extending court jurisdiction, etc.)
- There is recognition of the need to develop “young adult” (y.a.) specific policy and practice but few changes have been made.
- There must be a recognition that they are legally adults and need the same degree of independence and decision making that other young adults over the age of 18 are granted.

Do We Really Want Them to Stay

- If restrictions and expectations remain the same after age 18 there will be a large drop out rate as y.a. in foster care realize they don't have the opportunities other y.a. experience.
- If we don't provide the learning opportunities the y.a. will "age out" at 21 no more capable of dealing with daily challenges than they were at 18.

Question

- 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?

Living Arrangements

- Several states only allow y.a. to be in licensed placements.
- Many y.a. will want to try living in their own apartment to learn “what it takes” while they still have support.
- They need to learn how to manage their own budgets. Making maintenance payments directly to the y.a. is a critical part of the learning process.

Questions

- What if a y.a. doesn't pay rent and make appropriate decisions? How can we determine if they are ready to handle the responsibilities?
- If maintenance is paid directly to a y.a. will this be considered income when applying for other financial programs?

Reentry to Foster Care

- Reentry and Trial Independence are critical elements that states must think through carefully.
- If a state has policy that allows youth to reenter foster care at any time until age 21 - each episode will require a new voluntary agreement that then qualifies the y.a. for title IV-E eligibility.

Trial Independence Agreements

- If there are to be parameters on reentry these need to be explained and provided in writing prior to the y.a. exiting.
- Trial Independence Agreements ensure the young adult, court and caseworker understand the conditions for reentry and can keep case open with IV-E eligibility up to 6 months.

Question

- If a youth is on Trial Independence the case remains open but there are no requirements for caseworker visits or court hearings. This seems to contradict the IV-E program requirements.
- Should reentry be limited? Or does this reflect the way other y.a. leave home and return when they need support?

Court Hearings

- Some y.a. have said that they don't want to go to court after age 18 because this 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 the y.a. and also provides reports to the court.
- Y.A. who have a positive relationship with the Judge or Hearing Officer would want the option to continue with hearings.

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 y.a. defines as being in their best interest.
- This change in relationship empowers the y.a. to make decisions and take responsibility for their life.

Question

- What types of training will be needed for courts and attorneys to ensure they understand the change in status for a young adult who “volunteers” to remain in foster care after age 18.

How Flexible Can We Be

- This is a time to make critical changes in policy and practice to maximize the learning opportunities for y.a. in voluntary foster care.
- Providing support and guidance while allowing risk taking and increased autonomy are critical if y.a. are going to see this as a benefit and voluntarily remain in care.

Question

- Although there is allowance for states to develop new practice with y.a. there are also restrictions such as the requirement for face to face monthly visits with the caseworker.
- For y.a. in college or working in another part of the state wouldn't monthly Skype or other virtual face to face visitation be appropriate?

We Need to Honor the Voices

- Developing policy without the critical involvement of young adults who have experienced foster care will result in a program that doesn't respond to what y.a. need and want.
- We need to acknowledge their insight and value their voice in the process. It is never too early to have y.a. at the table.



Nothing About Us Without Us

Young adult must be involved in developing policy and practice to prepare them to act as advocates and trainers. They can carry their message to stakeholders, the public, and other youth in foster care.

Recommendation

- Young adults should be a driving force behind the changes to be made.
- They should be trained as facilitators and co-present to all audiences – staff, courts, foster parents, legislators.
- The message is heard more clearly when it comes from those who know first hand the importance of the changes.

Resources

- You will be hearing next from Angie Schwartz from California who will provide information and a website with excellent resources.
- Designing Foster Care to 21: A Discussion Guide for State Leaders

http://www.nrcpfc.org/fostering_connections/emancipating_older_youth.html