

Supporting Youth Who Are Aging Out of Foster Care

by Miriam Aroni Krinsky and Theo Liebmann

Most emancipated foster youth are woefully unprepared for independent adult life: only one-third have a driver's license, fewer than four in 10 have at least \$250 in cash, and fewer than one-quarter have the basic tools to set up a household, let alone the skills to know what to do with those tools. With generally no more than a garbage bag of belongings, our foster youth commonly leave foster care with no significant connection to a responsible adult, no one to provide them needed guidance, and no place to turn when they falter.

We know that extending support for even a few years to the thousands of youth who otherwise would leave care at age 18 would enable a much higher percentage of foster youth to become productive members of our communities. Youth who were allowed to remain in foster care beyond age 18 in a few forward-thinking states have been shown to be more likely to be working toward completing a high school diploma or in college, and far less likely to be victims or perpetrators of crime and violence. These studies confirm the wisdom of embracing policies and practices that can lengthen the window of support for these vulnerable and at-risk youth.

New Opportunities under the Fostering Connections Act

The "Fostering Connections to Success and Increasing Adoptions Act" (H.R. 6893) (the "FCA" or "Fostering Connections Act"), signed into law on October 7, 2008 as Public Law 110-351, provides federal funds for the first time to enable states to extend child welfare services through age 21. With this legislation, courts, advocates, and child welfare professionals in local, state, and tribal governments will

have new resources and opportunities to create supports to meet the needs of young adults in foster care. Effective October 1, 2010, federal funds will support state efforts to extend foster care services and oversight beyond age 18.

Yet these opportunities also create challenges. States must consider how and whether to opt into this new legal landscape. Court and child welfare professionals must rethink practices and devise new ways to address the needs of these young adults.

Recommendations

At the National Summit, working groups proposed 56 major recommendations. Several key themes emerged during the Summit and the crafting of the recommendations. There was uniform recognition that:

- Youth must be afforded much greater involvement in the decisions being made about them by judges, attorneys and agencies;
- States implementing the FCA should seize the opportunity to make major changes to how older youth are served by their child welfare agencies and courts; and
- Data collection, information sharing, and analysis of the effectiveness of new policies must be done to ensure continuous improvement of how older youth are served by child welfare systems and the courts.

While some recommendations are aspirational, others provide concrete guidance and strategies to implement the FCA.

Permanency for Older Youth

1. Federal and state governments, as well as state child welfare agencies, must develop laws and practices consistent with the FCA's objectives

The ABA Commission on Youth at Risk has released *Charting a Better Future for Transitioning Foster Youth*, a report with over 55 policy and practice recommendations for states and localities to support the 30,000-plus youth, ages 18 or older, who exit state and local foster care systems each year. These recommendations were based on a National Summit held in April 2010 that drew together experts to discuss how to use opportunities created by the Fostering Connections Act to help foster youth transition from foster care. An adaptation of the report's executive summary appears here. *View the full report at: www.americanbar.org/groups/youth_at_risk.html*

and provisions confirming that permanency should be continuously pursued for all youth.

2. Federal and state governments, as well as state child welfare agencies, must develop laws and practices that promote and appropriately value youth's parental ties and extended family connections.

3. States and child welfare agencies should develop programs and practices that acknowledge the unique needs of young adults, are youth-driven, and use assessment tools to measure the effectiveness of programs serving them.

Courts and the Legal Process

4. States should enact legislation ensuring that juvenile court jurisdiction continues.

5. Courts should adopt procedures and modify hearings to ensure that older foster youth and young adults are present at, and involved participants in, their own court hearings.

6. HHS should provide guidance, consistent with these recommendations, to ensure compliance with the FCA.

7. State and local governments and judicial leaders should develop and promote new policies and practices that enhance the resources, support and prominence of juvenile courts.

Housing and Placement

8. States must create placement and housing options that meet foster youth's individual needs and prioritize permanency, as no youth should be permitted to transition from foster care to homelessness.

9. The child welfare system should support youth until age 21 and reframe its housing and placement practices to meet the needs of older youth.

10. Child welfare agencies should include transition planning that ensures safe and stable housing as part of effective independent living and permanency planning.

11. Federal and state governments should promote creating affordable housing options for youth after they leave care.

Education and Employment

12. Child welfare agencies should develop and implement policies and practices predicated on the assumption that the education and employment outcomes of children and youth in foster care should be equal to or better than those achieved by their peers not in foster care.

13. Interventions that improve educational and employment outcomes of foster youth should address needs of sub-populations that may face additional barriers to education and employment.

14. Child welfare agencies, school districts and the courts should establish a clear division of responsibilities for addressing the educational

needs of children and youth in foster care.

15. Child welfare agencies should ensure every child or youth in foster care has an educational advocate who monitors that child's or youth's academic progress and intervenes when needs are identified.

16. Every court hearing for school-aged children and youth in foster care should include an inquiry about their education.

17. Child welfare agencies and school districts should work together to ensure that foster children and youth remain in the same school even when they change placements, unless doing so is not in the child's best interest. To achieve this, child welfare agencies and school districts should create a blended funding stream that pays for the costs of transporting children and youth to their school of origin.

18. Educational outcome measures should be added to the list of data elements that child welfare agencies are required to report to the federal government.

19. States should develop policies and programs that promote the postsecondary educational attainment of youth in foster care and provide them employment opportunities. These would include tuition waivers that current or former foster youth could use at any public college or university in the U.S.

20. Congress should increase the annual appropriation for the Education and Training Voucher (ETV) program so that ETV funds are available to all eligible current and former foster youth.

21. Colleges and universities should provide wraparound services to students who are current or former foster youth to increase their retention and graduation rates.

Health and Mental Health

22. States should create a single, centralized entity to develop, coordinate, and oversee the implementation of health care policies for children and youth in care.

23. States must provide all children and youth with an initial medical and mental health screening immediately upon entering care, a comprehensive evaluation within the first month, and regular periodic examinations throughout their time in care.

24. States should develop an electronic "medical passport" for every child and youth in foster care.

25. States should develop models of health care delivery that provide youth with a "medical home base" with professionals knowledgeable about issues confronting youth in care.

26. Child welfare agencies should develop a new paradigm for providing services to older youth, "a young adult well-being model," which includes physical and emotional health.

27. Youth must be given a "voice" in the treatment process.

28. The child welfare system should expand the definition of "therapeutic" services to supplement traditional mental health treatments and support healthy emotional development.

29. States must ensure that all youth leaving care have been given essential discharge exams, documents, and services.

30. States should opt into the Chafee Medicaid waiver to provide health coverage until age 21 for youth leaving care.

Crossover Youth

31. Laws, court policies, and practices should reduce the ease with which dependent youth enter the

delinquency system, and they should also increase the ability of delinquent youth to be reclassified as dependent youth.

32. Funding reforms should be considered that will avoid the necessity of transferring a youth from one “system” to another for service accessibility, while financial restrictions that inhibit all systems’ abilities to best serve children should be eliminated.

33. Policy discourses about delinquent youth must be reframed, so that services for them are not limited to those simply serving “bad kids.”

34. Jurisdictions should develop coordinated assessments and services between the delinquency and dependency systems to focus on the needs of and outcomes for cross-over youth.

35. Crossover youth data collection should be a priority.

36. Judicial and child welfare leaders and professionals should ensure that delinquent youth, in appropriate circumstances, are adjudicated dependent before their 18th birthday to maintain eligibility for services in the dependency system.

37. Arrest or conviction after a young adult’s 18th birthday should not preclude continuation of or return to the dependency system.

38. Dependency and delinquency system caseloads must be reasonable to effect change.

39. Cross-system protocols should include information-sharing mechanisms that provide consent and confidentiality safeguards while promoting service coordination.

40. Jurisdictions should take steps to change practice related to cases involving youth involved in more than one “system.”

Youth Engagement and a Youth-Focused System

41. Involving and effectively engaging youth in permanency planning, court hearings, and policy development will require all involved professionals to make basic and fundamental accommodations to facilitate youth involvement.

42. Professionals should effectively engage youth in all aspects of their cases and should have the requisite training and skills to ensure that youth are not simply present but actively participate.

43. Youth must be provided with the training, information, knowledge and power to become engaged participants in court, case planning, and policy arenas.

44. Child welfare professionals should develop and promote services and programs that support effective youth involvement

45. Youth who have been involved in the child welfare system should educate their peers on the benefits of being involved.

46. Child welfare professionals should be required in standards of practice to meet with and involve youth in their permanency planning and in other aspects of their case.

State Implementation of the Fostering Connections Act

47. States should identify which areas of the FCA are mandatory and which are optional and take affirmative steps to implement all of these provisions.

48. HHS should provide more structured guidance to states on certain key issues.

49. HHS should allow flexibility in how states comply with certain provisions of the FCA.

50. States should provide training to various stakeholders to help them implement the FCA.

51. HHS should provide states with information and updates on state challenges and best practices for policy and implementation.

52. HHS should provide states with assistance and guidance to clearly and accurately calculate the costs and savings associated with implementing various FCA provisions, including an examination of FCA areas that may offset costs.

53. HHS should support state efforts to phase in the option to extend care to youth over age 18 until all youth are covered by a specified date and to allow youth to reenter care up until age 21.

54. Youth involvement in FCA planning and implementation should be encouraged, expected and supported.

55. Courts should consider the older youth sections of the law as part of the total set of opportunities presented by the FCA.

56. Combating disproportionality should be a priority throughout states’ planning and implementation of the FCA.

Next Steps

Legislators, policy advocates, administrators, attorneys, courts, and foster youth can use these recommendations for two purposes: (1) as a resource for actions to take to improve outcomes for older foster youth; and (2) as a tool to support and enhance efforts to advocate for changes and improvements in how legislatures, agencies, and courts work with older foster youth. These recommendations provide a platform for ongoing innovations and a roadmap for concrete practices that can improve the path to adulthood for the many foster youth who every year venture out on their own.

Miriam Aroni Krinsky and Theo Liebmann were the Summit Co-Chairs and Co-Reporters.