RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments, as well as state, local, territorial and tribal child welfare agencies and dependency courts and judges to enact laws and rules, and to develop policy and practice changes that:

(1) Promptly, fully, and expansively implement the older youth provisions of the federal Fostering Connections to Success and Increasing Adoptions Act and, in particular, extend foster care, independent and transitional living services, adoption assistance, and guardianship assistance to all youth and young adults through at least age 21;

(2) Ensure that dependency court jurisdiction is extended for young adults who elect to remain in child welfare agency care until at least the age of 21 (or any earlier time the young adult may elect to leave care) and that all Title IV-E requirements including case planning, transition planning, and court oversight are met;

(3)(a) Give young adults the option to exit care upon the age of 18 or at any age afterwards, but ensure that these young adults fully understand the implications and magnitude of any decision to exit care and are provided support and services to ensure a smooth transition to adulthood, and (b) create a mechanism for young adults who exit care after attaining age 18 to re-enter care through age 21; and

(4) Ensure that young adults in child welfare agency care are: (a) actively involved in all phases of permanency, independent living, and transition planning; (b) present at, and actively engaged and informed participants in, their own dependency court proceedings; and (c) represented by a well trained, competent and effective client-directed lawyer in all dependency court proceedings through the termination of their case and in any reentry into care thereafter.

FURTHER RESOLVED, That the American Bar Association urges the development of regulations and guidelines in regard to the Fostering Connections to Success and Increasing Adoptions Act, including but not limited to: (a) a broad and flexible definition of federally reimbursable “supervised settings” in which young adults are “living independently” based on the best practice experiences of states with effective models; (b) an expansive interpretation of the Act’s language defining the youth and young adults eligible for federal funding for care, support and services through age 21; and (c)
clarification that all Title IV-E requirements, including representation and court supervision, are applied to young adults who remain in child welfare agency care through age 21.

FURTHER RESOLVED, That the American Bar Association urges state and local bar associations, law firms, and individual lawyers to develop and promote pro bono programs to ensure that youth and young adults have access to needed transitional supports and services and that the rights of youth and young adults are fully preserved while in, transitioning from, or after exiting child welfare agency care.
REPORT

Each year, approximately 26,000 youth “age out” of foster care in the U.S., the majority leaving foster care at the ill-prepared age of 18.1 Youth who leave the foster care system at age 18 are more likely to experience homelessness, unemployment, unplanned pregnancy, justice system involvement, substance abuse, and lack of health care than those youth who are allowed to stay in foster care past age 18.2 Despite these outcomes, however, many states do not allow youth to remain in care beyond age 18, often due to the lack of resources – especially in difficult fiscal times – to support older youth as they transition into adulthood. While few parents would turn their children out and force them to manage the challenges of independence completely alone at the age of 18, many state systems force foster youth to grapple with exactly that scenario.

Beginning October 1, 2010, the Fostering Connections to Success Act3 (the FCSA) allows states to amend their Title IV-E plans to extend foster care to youth up through age 21.4 If the state plan amendments are approved, states may claim federal funds for youth in foster care beyond their 18th birthday to the age of 19, 20, or 21.5 States may also extend adoption assistance and/or guardianship payments on behalf of youth up to ages 19, 20, or 21.6 The protections and requirements currently in place for younger children in foster care would continue to apply for youth ages 18 to 21.7 Youth ages 18 to 21 could be placed in a supervised setting in which they are living independently, as well as in a foster family home or group home.8

The Fostering Connections to Success Act requires that in order for states to be reimbursed for the care of youth over age 18, youth remaining in care must meet one of the following conditions: the youth is completing secondary education or is in a program leading to an equivalent credential; the youth is enrolled in an institution that provides post-secondary or vocational education; the youth is participating in a program or activity designed to promote, or remove barriers to, employment; the youth is employed for at least 80 hours per month; or the youth has a medical condition which makes him or her incapable of engaging in these activities (updated information on the condition must be maintained in the child’s case plan).9

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1 See Clark M. Peters, et al., Extending Foster Care to Age 21: Weighing the Costs to Government Against the Benefits to Youth, Chapin Hall Issue Brief, at 1 (Chapin Hall Center for Children, Chicago, IL, 2009).
2 See Mark E. Courtney, et al., Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19 (Chicago: Chapin Hall at the University of Chicago, 2005); see also, Peter J. Pecora, et al., Educational and Employment Outcomes of Adults Formerly Placed in Foster Care: Results from the Northwest Foster Care Alumni Study, 29 CHILD. & YOUTH SERVICES REV. 1459 (2006).
4 National Foster Care Coalition, Frequently Asked Questions on the Provisions Designed to Impact Youth and Young Adults, 55 (June 2009).
5 Id. at 21.
6 Id. at 22-23.
7 Id.
8 Id.
States should strive to ensure that the youth meet one of these conditions so that they are covered by federal funding. Moreover, even if youth are unable to meet these conditions at age 18, states should support these youth who are struggling – even absent federal IVE funds to defray these costs – and work to put the youth on a more stable path of schooling or employment.

As states consider – and advocates advance -- strategies that will hopefully include full and expansive implementation of this new federal legislation, a variety of questions and challenges are likely to arise. The American Bar Association can play a key role in encouraging states to seize this new opportunity to support foster youth beyond age 18 and implement the Fostering Connections to Success Act in an expansive and inclusive manner. The American Bar Association can also be instrumental in advocating for clear guidance that will encourage states to enable youth in foster care to receive ongoing support beyond age 18.

I. Extending Foster Care, Independent and Transitional Living Services, Adoption Assistance, and Guardianship Assistance To Youth and Young Adults in Foster care Until At Least Age 21 Is Both An Appropriate and Fiscally Sound Strategy

Some states have opted to use their own resources in past years to support youth in foster care beyond age 18. Those states often provide a network of services and resources, such as subsidized housing, job training and counseling, educational opportunities, substance abuse treatment, and access to health care and mental health counseling, which are critical in improving long-term outcomes for youth between the ages of 18 to 21. Research has shown that youth who remain in care beyond age 18 are able to achieve significantly improved outcomes in increased postsecondary educational attainment, delayed pregnancy, and higher earnings, and a greater likelihood of receiving independent living services.

Extending care to age 21 is not just the right thing to do for the success of young adults in foster care, but is also the fiscally responsible policy for state government. With more young adults attending and completing college by remaining in care, researchers have concluded that expected work-life earnings will increase an average of $72,000 and that the average per-youth cost of extending foster care for 2 years, net cost offsets associated with public assistance receipt, will be approximately $37,948. Thus, by extending care to age 21, state governments gain a return of almost $2 for every $1 spent on young adults. And, extending care to young adults through age 21 is better for society at large because it reduces homelessness, crime and dependency on the state.

This data underscores the need for prompt action by states to seize the new opportunity available to them to get federal funding if they extend foster care to age 21 through

10 See Mark E. Courtney, et al., When Should the State Cease Parenting? Evidence from the Midwest Study (Chapin Hall Center for Children, Chicago, IL, 2007).
11 Id.
12 See Clark M. Peters et al., The benefits and costs of extending foster care to age 21, 27 (Chicago: Chapin Hall at the University of Chicago, 2009).
13 Id.
14 See Mark E. Courtney, et al., supra note 2; see also, Peter J. Pecora, et al., supra note 2.
implementation of the *Fostering Connections to Success Act*. Moreover, this data shows that when states implement the *Fostering Connections to Success Act*, it is in their best interest to interpret the Act expansively.

There are, however, some open questions that remain as state implementation of the *Fostering Connections to Success Act* moves forward, such as: What are effective ways for states to put youth on a path to meet the conditions set out in section 201 of the *Fostering Connections to Success Act*, the federal eligibility requirement that youth need to fulfill in order for states to receive federal reimbursement for youth staying in care over age 18? How can we ensure that youth over age 18 have adequate legal representation and effectively advocate for their positions in the court and legal process? How can courts most effectively act as conveners, centers of accountability, and outlets for encouragement for youth over age 18? What kinds of housing options are best suited to youth over age 18 and how can we ensure that federal implementing regulations for the *Fostering Connections Act* support these options? How can states encourage young adults to take a leadership role in their preparation for adulthood when they stay in care past age 18? The ABA should work with government, court and child welfare leaders and advocates to satisfactorily answer these and related questions as the *Fostering Connections Act* enters its implementation phase. In particular, the ABA should advocate for and help promote the development of regulations and guidelines that provide for both a broad and flexible definition of federally reimbursable “supervised settings” in which young adults are “living independently” based on the best practice experiences of states with effective models, as well as an expansive interpretation of the Act’s language defining the youth and young adults eligible for federal funding for care, support and services through age 21 (as discussed below).

**II. The Benefits of Maintaining Dependency Court Jurisdiction Over Older Youth**

Under the *Fostering Connections to Success Act*, states will only be federally reimbursed for youth in foster care who are eligible for Title IV-E maintenance payments.15 In order for youth over age 18 to remain eligible for Title IV-E and, therefore, for federal reimbursement, they must meet all Title IV-E requirements.16 An essential part of the Title IV-E requirements includes court jurisdiction over the youth in care.17

Court oversight and engagement is important for youth who elect to remain in child welfare agency care between the ages of 18 to 21. In particular, courts can be instrumental in helping ensure that youth in foster care receive the support to which they are entitled.18 Courts also can serve as effective conveners of the multiple systems through which youth must navigate.19 Courts also can contribute substantially to development by foster youth of the decision-making skills that are essential to a successful transition to adulthood by insisting on

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15 National Foster Care Coalition, *supra* note 4, 22-23.
16 *Id.*
17 *Id.*
19 *Id.*, 69-73.
youth participation and leadership in the implementation of their service plans and in the court and legal process.\textsuperscript{20}

III. The Need to Maintain Flexibility For Youth Who Opt to Exit Care to Reenter Up to Age 21

Even in state which have extended foster care to age 19, 20 or 21, youth at age 18 may want to assert their independence by leaving the foster care system.\textsuperscript{21} The foster youth who is about to turn 18 must be fully informed of the consequences of existent care and thereafter have the option to return to the foster care system because, as one former foster youth explains about her decision to leave care at age 18, "I thought it was going to be easier ... that I would have all this freedom. But no one knows ... being an adult is really hard."\textsuperscript{22} The transition to adulthood is not a linear process and policy should reflect this principle.\textsuperscript{23}

While the \textit{Fostering Connections to Success Act} does not specifically speak to re-entry for youth over age 18, it provides no barriers to implementation of this practice.\textsuperscript{24} Indeed, recent federal guidance has confirmed that allowing youth to reenter care after age 18 is consistent with the Act.\textsuperscript{25} In order for youth who re-enter after 18 to remain eligible for Title IV-E and, therefore, for federal reimbursement, they must meet all Title IV-E requirements,\textsuperscript{26} including court jurisdiction over the youth in care.\textsuperscript{27} To that end, states should consider keeping open the cases of youth ages 18 and older who exit care or crafting a process of transitional discharge that preserves the option for re-entry and at the same time maintains federal reimbursement for care of these youth.\textsuperscript{28}

IV. The Value of Early and Expansive Transition Planning

The \textit{Fostering Connections to Success Act}\textsuperscript{29} adds a new mandate that all youth\textsuperscript{30} who are receiving foster care maintenance payments under Title IV-E be provided a personalized

\begin{footnotesize}
\begin{enumerate}
\item Emily Buss, \textit{Juvenile Court for Young Adults? How Ongoing Court Involvement Can Enhance Foster Youths’ Chances for Success}, 48 FAM. CT. REV. 262 (2010).
\item National Foster Care Coalition, \textit{supra} note 4, 53-54.
\item ACF Guidance issued on April 7, 2010.
\item Id.
\item Id.
\item Id.
\item “Youth who have returned home or for whom kinship guardianship assistance or adoption assistance payments are being made must also have a transition plan if they are also receiving Chafee Program benefits or services.” National Foster Care Coalition, \textit{supra} note 4, 38.
\end{enumerate}
\end{footnotesize}
transition plan during the 90-day period before the youth ages out of care. The transition plan must be developed with the youth by a caseworker on the staff of the State agency and, as appropriate, other representatives who work closely with the youth. The transition plan must include at a minimum specifics on: housing, health insurance and education; local opportunities for mentors and continuing support services; and workforce and employment services. The plan must be personalized at the direction of the youth and be as detailed as the youth elects.

The courts will be essential to ensuring that this new transition planning requirement under the *Fostering Connections to Success Act* is meaningful. Courts need to provide oversight of transition plans to ensure the goals contained in the plan are viable; the plan is coordinated meaningfully with any previous independent living plans; the youth actively participate in the plan’s creation; the plan is tailored to meet the individual needs of the youth; the plan contains the supports and services identified as important by the youth; the plan is as specific as the youth wants and needs to successfully transition from care; and that there is sufficient follow up with the caseworker and the youth to ensure that the services and supports written in the transition plan are implemented. States should, therefore, consider enacting laws or policies that explicitly require additional court monitoring of compliance with the *Fostering Connections to Success Act*, and condition discharge from foster care on the successful satisfaction of these new discharge planning conditions.

V. Mechanisms for Ensuring Active and Engaged Older Youth Involvement

In order to effectively improve outcomes for older youth and young adults in foster care, states must actively engage them in case planning and court hearings. As discussed above, the *Fostering Connections to Success Act* mandates that states must provide and implement a detailed transition plan 90 days before the youth exits out of foster care. The statute emphasizes that the new transition plan must be personalized at the direction of the youth, be as detailed as the youth elects it to be, and include input from people that the youth identifies as important in his/her life. Moreover, as part of successful implementation of the *Fostering Connections to Success Act*, states must ensure that youth and young adults are present at, actively engaged in, and informed participants of their court proceedings. The purpose of this new federal law is to encourage states to provide the tools foster youth need in preparing to take control of and responsibility for their own lives. Therefore, foster youth must play a central role in informing, guiding and leading the court and legal process that oversees this process of preparation for their successful transition to adulthood.

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31 When the youth ages out of care, the youth could be age 18 or age 19, 20, or 21 if the state in question extends care up to one of those ages and the youth chooses to remain in care.
32 These additional representatives may include independent living program staff, lawyers, foster parents, relative caregivers, CASA volunteers, doctors, mental health professionals, teachers, vocational counselors, mentors, biological family members, friends and others identified by the youth as helpful to the process of planning for a successful transition.
33 National Foster Care Coalition, *supra* note 4, 55.
34 Fostering Care Coalition, *supra* note 21.
35 Id.
States need to consider the importance of youth being represented by a client-directed lawyer in all dependency court proceedings through the termination of their case and in any reentry into care thereafter. Currently, more than half of states require the appointment of an attorney or guardian ad litem by statute or case law and about a dozen other states regularly appoint attorneys for children as a matter of practice.\textsuperscript{36} Requiring the appointment of lawyers for youth is critical to ensuring youths’ legal rights are adequately articulated and protected.\textsuperscript{37} The appointment of client-directed lawyers should be considered by all states and mandated for young adults who remain in care beyond age 18. Youth and young adults deserve lawyers who can enable and empower their voice in the legal process that will define their futures.\textsuperscript{38} Moreover, under the professional rules that govern attorney representation, the guardian ad litem model is inappropriate for lawyers representing foster youth who are ages 18 or older.

VI. Promoting Pro Bono Programs to Assist Older and Transitioned Foster Youth

Youth transitioning out of foster care often have traumatic histories and a range of personal and legal issues that cannot be resolved within their dependency court cases. The legal issues they face range from obtaining housing and public benefits to addressing criminal collateral consequences, to matters involving trusts and estates. In some states, youth have no legal representation. However, even in states where youth are guaranteed legal representation while in foster care, once they exit or age out of the system and their dependency case is dismissed, they will likely no longer have access to an attorney.

A proposed American Bar Association pro bono initiative will partner volunteer attorneys with state foster alumni groups to target the legal needs of youth in foster care who are over age 18, as well those youth who have aged out of foster care up to the age of 23. It will pursue funding through the support of individual fellowship applications and by approaching those foundations already engaged in promoting the work of foster youth serving organizations. Providing these youth with the advice and counsel of pro bono attorneys with expertise on the legal issues they face, is critical to ensure that they can transition successfully to adulthood.

VII. CONCLUSION

The outlook for the teens who exit or “age out” of foster care without effective legal representation, support from the system, and a viable and permanent plan for their future, is bleak. These teens are more likely to face homelessness, joblessness, drug addiction, early pregnancy, mental health problems, and involvement with the justice system.\textsuperscript{39} The Fostering Connections to Success Act provides for the first time federal resources to support foster youth beyond age 18. Through this resolution, the American Bar Association hopes to reinforce and advocate for full implementation of the provisions of the Act most relevant to older youth and

\textsuperscript{36} Andrea Khoury, \textit{Why a Lawyer? The Importance of Client-Directed Legal Representation For Youth}, 48 FAM. CT. REV. 277, 280 (2010).
\textsuperscript{37} Id.
\textsuperscript{38} Id.
\textsuperscript{39} Clark M. Peters, \textit{supra}, note 1.
the development of policies and procedures that will improve outcomes for older youth. This resolution reaffirms the American Bar Association’s commitment to youth at risk. It addresses the challenges these youth face and offers specific suggestions to provide them with the support and services they need in order to make successful transitions to adulthood.

Respectfully submitted,
Laura V. Farber, Chair
ABA Commission on Youth at Risk
August 2010
This recommendation, building on related ABA policy, urges state, local, territorial, and tribal governments to effectively implement the older youth provisions of the Fostering Connections to Success and Increasing Adoptions Act, in particular to extend foster care, independent and transitional living services, adoption assistance, and guardianship assistance to all youth and young adults until at least age 21; to ensure that dependency court jurisdiction is extended for young adults who elect to remain in child welfare agency care until at least the age of 21 (or any earlier time the young adult may elect to leave care); that all federal Title IV-E (Social Security Act, child welfare provisions) protections and requirements including case planning, transition planning, and court oversight are met; that young adults are given the option to exit care upon the age of 18 or at any age afterwards, but ensuring that these young adults fully understand the implications and magnitude of any decision to exit care and are provided supports and services to ensure a smooth transition to adulthood; and that states create a mechanism for young adults who exit care after attaining age 18 to re-enter care until age 21; and that young adults in child welfare agency care are: (a) encouraged to be actively involved in all phases of permanency, independent living, and transition planning; (b) present at, and actively engaged and informed participants in, their own dependency court proceedings, and (c) represented by a well trained, competent and effective client-directed lawyers in all dependency court proceedings through the termination of their case and in any reentry into care thereafter.

2. Approval by Submitting Entity.

The Recommendation was approved by the Commission on Youth at Risk on April 28, 2010.

3. Has this or a similar recommendation been submitted to the House or Board previously?

This recommendation has not been submitted to the House or Board previously. However, the House has approved similar recommendations relating to youth transitioning from foster care. In 2007, the House of Delegates passed a resolution encouraging bar associations, judges and attorneys to lead and promote efforts to create comprehensive support services for youth who age out of foster care and other foster youth until at least age 21.
4. **What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?**

Existing ABA policy on foster youth transitioning youth will be enhanced by this resolution. Since the adoption of this existing ABA resolution, the federal Fostering Connections to Success and Increasing Adoptions Act (PL 110-351) was passed and represents the most significant child welfare reform legislation in almost a decade. The proposed resolution seeks to further ensure dependency court jurisdiction is extended, preserve Title IV-E protections and increase the legal mechanisms for accountability of various provisions of Fostering Connections. The following is the text of the policy that was adopted by the ABA in August of 2007 on Youth Transitioning from Foster Care:

**August 2007**

Resolved, that the American Bar Association encourages bar associations, judges, and attorneys to lead and promote efforts to create comprehensive support and services for youth who age out of foster care ("transitioning youth") and other former foster youth until at least age 21, and urges amendment of applicable law, and court and child welfare practices, to:

1. Mandate provision of comprehensive post-majority child welfare services to transitioning and former foster youth until age 21 or older, with the option for renewal of support after exit from care;
2. Ensure each transitioning youth has a permanent, significant connection to an appropriate adult;
3. Provide all youth with the ability and right to attend and fully participate in all hearings related to their cases;
4. Mandate a court review hearing and judicial findings specifically setting forth a transition plan before the case of any transitioning youth is legally terminated;
5. Ensure that participation in school and extracurricular activities are actively promoted and ensure a youth’s participation in child welfare case and court activities does not result in academic penalties;
6. Ensure all foster youth are afforded the same rights to and support of educational attainment – including enrollment, educational stability, and school continuity – as homeless youth under federal law;
7. Mandate the maintenance, appropriate sharing, and timely transfer of all necessary education records relating to school progress, attendance and placement by all agencies, including providing a copy of records to transitioning youth;
8. Assist youth with accessing and completing postsecondary education and receiving financial assistance;
9. Ensure availability of a continuum of housing options for transitioning and former foster youth;
10. Assist transitioning and former foster youth in attaining financial health and stability; address barriers to obtaining proper identification, clean credit histories, needed transportation and participation in age-appropriate activities; and
11. Provide educational and vocational assistance and support for all transitioning and former foster youth over age 16 and promote incentives to encourage the employment of current and former foster youth.

Further Resolved that the American Bar Association urges Congress to amend federal law to expand services and support for transitioning youth by:

1. Amending Title IV-E of the Social Security Act to allow states to be reimbursed for care and services provided to current and former foster youth after their 19th birthday;
2. Providing clear and broad definitions in federal law regarding financial aid pertaining to “ward/dependent of the court” and “emancipation” to ensure that youth may receive financial aid without the requirement of a parental signature or parental income information;
4. Clarifying the Family Educational Rights and Privacy Act as it pertains to sharing health and education information among agencies, judges and advocates involved with the care and education of and legal proceedings involving foster youth; and
5. Implementing requirements to preserve every foster youth's Social Security Act entitlements and other financial assets for use directly by that youth.

5. What urgency exists which requires action at this meeting of the House?

Each year, approximately 26,000 youth “age-out” of foster care in the United States. Studies show that youth who leave the foster care system at age 18 are more likely to experience homelessness, unemployment, unplanned pregnancy, justice system involvement, substance abuse, and lack of healthcare than those who are allowed to stay in foster care past age 18. Beginning October 1, 2010 the Fostering Connections to Success Act will allow states to amend their Title IV-E plans to extend foster care to youth up through age 21 and be reimbursed for this care if conditions are met. The ABA can be instrumental in advocating clear guidance that will encourage states to move forward and enable foster youth to receive on-going support beyond age 18 by supporting the extension of care to age 21, maintaining dependency court jurisdiction over older youth, ensuring the new transition planning requirement is met, alleviating barriers to re-entry for youth who have exited care, ensuring mechanisms for older youth involvement, and promoting pro bono legal assistance for transitioning foster youth to ensure they can transition successfully to adulthood.

6. Status of Legislation. (If applicable.)

The Fostering Connections to Success Act (HR 6307) was introduced by Representative Jim McDermott (D-WA), who chairs the Ways and Means Income Security and Family Support Committee, on 6/19/08. HE 6307 was a stripped down version of the Invest in KIDS Act (HR 5466), a more ambitious child welfare proposal.

HR 6307 by-passed the committee was approved by the House on 6/24/08. The Senate Finance Committee developed similar legislation. The House and Senate negotiated a compromise bill (HR 6893) that was introduced by Representative McDermott on 9/15/08. The bill passed the House on 9/17/08 and the Senate on 9/22/08. The President signed the bill on 10/7/08, making it Public Law 100-351.

7. Cost to the Association. (Both direct and indirect costs.)

None.
8. **Disclosure of Interest.** (If applicable.)

There is no known opposition at this time.

9. **Referrals.**

Judicial Division
Young Lawyers Division
Section of Individual Rights & Responsibilities
Section of Family Law
Criminal Justice Section
Commission on Homelessness & Poverty
Section of Litigation
Section of State and Local Government Law
Government and Public Sector Lawyers Division

10. **Contact Person.** (Prior to the meeting.)

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11. **Contact Person.** (Who will present the report to the House.)

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EXECUTIVE SUMMARY

1. Summary of the Recommendation

This recommendation, building on related ABA policy, urges state, local, territorial, and tribal governments to effectively implement the older youth provisions of the Fostering Connections to Success and Increasing Adoptions Act, in particular to extend foster care, independent and transitional living services, adoption assistance, and guardianship assistance to all youth and young adults until at least age 21.

2. Summary of the Issue that the Resolution Addresses

The resolution ensures that dependency court jurisdiction is extended for young adults who elect to remain in child welfare agency care until at least the age of 21 (or any earlier time the young adult may elect to leave care); that all federal Title IV-E (Social Security Act, child welfare provisions) protections and requirements including case planning, transition planning, and court oversight are met; that young adults are given the option to exit care upon the age of 18 or at any age afterwards, but ensuring that these young adults fully understand the implications and magnitude of any decision to exit care and are provided supports and services to ensure a smooth transition to adulthood; and that states create a mechanism for young adults who exit care after attaining age 18 to re-enter care until age 21; and that young adults in child welfare agency care are: (a) encouraged to be actively involved in all phases of permanency, independent living, and transition planning; (b) present at, and actively engaged and informed participants in, their own dependency court proceedings, and (c) represented by a well trained, competent and effective client-directed lawyers in all dependency court proceedings through the termination of their case and in any reentry into care thereafter.

3. Please Explain How the Proposed Policy Position will Address the Issue

Since the adoption of this existing ABA resolution, the federal Fostering Connections to Success and Increasing Adoptions Act (PL 110-351) was passed and represents the most significant child welfare reform legislation in almost a decade. The proposed resolution seeks to further ensure dependency court jurisdiction is extended, preserve Title IV-E protections and increase the legal mechanisms for accountability of various provisions of Fostering Connections.

4. Summary of Minority Views

No opposition to this recommendation has been identified.