



Extending Support for Foster Youth Beyond Age 18: State Bills Introduced in the Wake of the Fostering Connections Act

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On October 7, 2008, President Bush signed the “Fostering Connections to Success” Act, H.R. 6893 (now P.L. 110-351), into law. As a result of this significant enactment, states will have the opportunity to obtain federal funds for support of youth in foster care beyond age 18.

In the wake of the Federal Fostering Connections to Success Act, the ABA Center on Children and the Law Bar-Youth Empowerment Project and others asked states to identify recent bills introduced since enactment of P.L. 110-351 that would extend support for foster youth in that state beyond age 18. As a result, valuable information has been acquired in regard to states that are seeking to avail themselves of the new federal resources and create mechanisms for support of youth beyond age 18.

The attached chart summarizes key information obtained in regard to states that introduced new legislation to extend support for foster youth beyond age 18. As more information is acquired, efforts will be made to update this chart.¹ To date, the following information is known:

- As of **July, 2009, ten states** were identified with pending (or recently passed) bills that seek to take advantage of the Fostering Connections to Success Act and extend support for foster youth beyond age 18. (In addition to these states, other states responded to the email inquiry and noted that they already extend support beyond age 18; this chart did not include those states – the focus is on *new* legislation crafted in the wake of P.L. 110-351.)
- Some states that already extend care to 21 have also introduced new legislation in the wake of the Fostering Connections to Success Act that implement more detailed transition planning requirements or other enhanced supports for youth beyond age 18. Those states are included if their legislation goes beyond simply implementation of the transition plan requirements set forth in the Fostering Connections to Success Act. Arkansas

¹ Anyone with information on states not listed on the chart that have introduced legislation in the wake of the Fostering Connections to Success Act to extend support for foster youth beyond age 18 should email that information to:kellyk@staff.abanet.org.. The ABA Center on Children and the Law Bar Youth Empowerment Project intends to engage in ongoing efforts to update this chart and provide further information relating to work around the country on the Fostering Connections to Success Act. For more information on the Bar Youth Empowerment Project see <http://www.abanet.org/child/empowerment/home.html>.

- Some states responding to the email inquiry indicated that they are continuing to consider possible new legislation and/or that legislation is likely to be drafted in the future.

- The attached chart summarizes key characteristics of the ten states' bills; links to those bills are also noted on the chart. An analysis of those bills reflects that:
 - Four states (Illinois, Massachusetts, Minnesota, and California) allow opportunities for youth over age 18 to **re-enter care** if the youth initially was not inclined to seek continued assistance or (in the case of the California legislation) if the youth “aged out” of foster care before the bill’s enactment but thereafter sought continued support and reentry into care.
 - All but one state, New Mexico, would extend care to **age 21**. One Massachusetts bill would extend care to age **22**.
 - Five states address legal representation. One of those states, Texas, makes attorneys for these emerging adults *optional*!
 - Three states afford youth the option to **consent or refuse** continued support. Conversely, Illinois would empower the court to make that decision for the youth, and Texas provides for nonconsensual continuation of jurisdiction for youth who may be incapacitated.
 - Six states discuss the nature of **court involvement** in overseeing the ongoing services and cases for these older youth.
 - Four states specifically describe the **array of services and support** these older youth would receive, such as: providing youth with ID and Social Security cards, assistance in obtaining housing, applying for colleges or vocational programs, applying for health insurance, and maintaining ties with mentors or individuals who are important to the youth.

**Extending Support for Foster Youth Beyond Age 18 –
State Bills Introduced in the Wake of the Fostering Connections Act**

State/Bill/Link	Bill Status ¹	Age Support Extended to	Program Structure ²	Opportunity to Re-enter Care	Court's Role/Review	Legal Representation	Youth Involvement	CSW Role	Collaborative/Holistic Services
Alaska SB105 http://www.legis.state.ak.us/basis/get_bill_text.asp?hsid=SB0105A&session=26	P	21	Program must be designed as a continuation of independent living skills training that was initiated when the youth was identified as being likely to remain in state foster care until age 21. Bill also references tuition waivers, education loans and medical assistance to age 21				Program requires the youth to be directly involved in identifying the program activities that will prepare them for independent living	A social worker employed by the department shall, at least once a month, conduct visits with the youth. The majority of visits must be conducted at the location of the youth's placement.	Department must coordinate with local public and private agencies in designing an independent living skills program
Arkansas SB359 http://www.arkleg.state.ar.us/assembly/2009/R/Bills/SB359.pdf	L (3-11-09)	21	Transition planning description tracks P.L. 110-351		A circuit court shall continue jurisdiction over a youth who has reached 18 to ensure compliance with this bill; does not limit the discretion of a circuit court to continue jurisdiction for other reasons as provided for by law	Department shall provide notice to the youth and his/her attorney before a hearing in which the department or another party requests a court to close the case is held. The youth and his/her attorney shall fully participate in the development of his/her transitional plan	Department shall include the youth in the process of developing a transition plan, empower the youth with information about options and services available, provide the youth with the opportunity to participate in services tailored to his/her needs		Department of Human Services must assist youth with activities including: completing applications for Medicaid or other health insurance, referrals to transitional or other housing, obtaining employment or other financial support, applying for admission and aid for college or vocational training programs

¹ P=Pending; L=Passed into law (with date of enactment noted in parenthesis)

² Content of boxes reflects information appearing in bill on specified issues; a blank box indicates silence on that issue and/or specifics of bill not yet drafted

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California AB12 http://www.leginfo.ca.gov/pub/09_10/bill/asm/ab_001-0050/ab_12_bill_20090429_amended_asm_v96.pdf	P	21	<p>During the last review before the youth turns 18, the dept. shall present to the court a report describing the youth's plans to remain in foster care and plans to meet one or more of the criteria needed to retain jurisdiction to 21. The report shall describe the efforts made and assistance given so that the youth will be able to meet the criteria for extension of support. During reviews conducted after the youth (labeled the "nonminor dependent") is 18, the dept. shall present to the court a report addressing the youth's progress in meeting the goals in the transitional case plan and propose modifications to further these goals. The selection of placement shall be based upon the developmental needs of the youth by providing opportunities to have incremental responsibilities that prepare the youth for the transition to independent living, and by providing freedom for the youth to prepare for self sufficiency. If a youth is placed in a group home, the case plan shall specify why that placement is necessary for the youth's transition to independent living.</p>	<p>A youth who has not yet reached age 21 and who exited foster care at or after age 18 (even if before the bill's passage) may petition the court to resume dependency or delinquency jurisdiction over the youth. Aid to the youth can be suspended and resumed until age 21.</p>	<p>During the last review hearing before the youth turns 18, the court shall ensure that (i) the youth's transitional plan includes a plan for the youth to meet the criteria needed to retain jurisdiction to 21 and (ii) the youth has been informed of his right to seek the termination of jurisdiction. The court shall not terminate jurisdiction for a youth at age 18 unless there has been a hearing. The court shall continue dependency for youth who meet the criteria, unless the court finds that the youth cannot be located or the youth does not wish to remain under jurisdiction. If this is the case, the court must ensure that the youth has been informed of his options. If jurisdiction is retained, the status of every youth shall be reviewed at least once every 6 months, and the court shall order the development of a planned permanent living arrangement. Aid cannot be terminated unless the court terminates dependency jurisdiction.</p>	<p>Any notices of action regarding eligibility shall be sent to the youth and to his council.</p>	<p>Youth shall retain all legal decision making authority as a legal adult and be afforded due process prior to an involuntary termination of aid. Any notice re. eligibility shall be sent to youth. Youth may receive all or some of the payments directly. Youth's case plan shall be developed with, and signed by, youth. Eligibility requirements track HR6893: youth must be completing secondary ed. or equivalent, enrolled in post-sec. or vocational ed., participating in a program or activity designed to promote or remove barriers to employment, employed for at least 80 hrs/mo., or incapable of doing these activities due to a medical condition. Youth shall be presumed to continuously meet these conditions unless/until CSW and PO document otherwise.</p>	<p>Before the court terminates jurisdiction, the dept. shall submit a report verifying that the following services, documents and information have been provided: written information concerning youth's dependency case, social security card, copy of birth certificate, drivers license or ID card, health and education summary, a letter including the dates that the youth was within jurisdiction of the court and a statement that the youth was in compliance with financial aid documentation requirements, and if applicable, death certificates of parents and proof of youth's citizenship or legal residence. Dept. must also show that they assisted the youth in applying for health insurance, applying for college or vocational admission, and in maintaining relationships with individuals who are important to the youth</p>	

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Illinois HB4054 http://www.ilga.gov/legislation/96/HB/PDF/09600/HB4054enr.pdf	P	21	Extended care available to youth who remain committed to the dept. at age 18 and to youth who received care, services and training by the dept. prior to age 18 and whose best interest in the discretion of the dept. would be served by continuing the care due to severe emotional disturbances, physical disability, or social adjustment, or because of the need to complete an educational or vocational program. When a youth is committed to the dept. following reinstatement of wardship, the dept. shall, within 30 days, prepare and file with the court a case plan	Any time before youth turns 21, court may reinstate wardship that was vacated if the youth is not presently a ward of the court and it is in the youth's best interest that wardship be reinstated.	When terminating wardship of a youth over 18 who is not the subject of a petition to reinstate wardship, the court shall make specific findings of fact as to the youth's wishes regarding case closure and the manner in which the youth will maintain independence. The youth's lack of cooperation with services shall not by itself be considered sufficient evidence that the youth is prepared to live independently and that it is in the best interest of the youth to terminate wardship	A youth who is the subject of a "petition to reinstate wardship" shall be provided with legal representation	In order to reinstate wardship, the youth must consent. Reinstated wardship shall be discontinued if the youth no longer consents to participation or achieves self-sufficiency as identified in the youth's service plan		When a youth is committed to the dept. following reinstatement of wardship, the dept. shall promptly refer the youth for such services as are necessary and consistent with the youth's health, safety and best interests
Massachusetts S40 http://www.mass.gov/legis/bills/senate/186/st00/st00040.htm	P	22	Transition planning description tracks P.L. 110-351	If a youth who has reached 18 leaves the care of the department but requests, before reaching 22, that the department re-open their case, the department shall make every reasonable attempt to provide a program of support which is acceptable to the youth and which permits the department to renew its responsibility	The juvenile court shall retain jurisdiction until it finds, after a hearing at which the youth is present, that a satisfactory transition plan has been provided for the youth		Transition plan must be personalized at the direction of the youth, and is as detailed as the youth may elect		Services offered track P.L. 110-351): Transition plan shall include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services

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Massachusetts H123 http://www.mas.gov/legis/bills/house/186/ht00pdf/ht00123.pdf	P	21	If a youth is in the care of the department and is receiving services from the department of mental health, and continues to be eligible for services from the department after age 18, the youth shall continue to receive mental health services until the youth is no longer under the department's care			Before the youth turns 18, the youth's attorney shall have the opportunity to negotiate the details of services that the youth desires to receive after age 18	The youth shall have the opportunity, along with his or her attorney, to negotiate the details of services that the youth desires to receive after age 18		
Minnesota SF666 https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=S0666.1.html&session=ls86	L (5/19/09)	21	Upon request of youth between ages 18-21 who had been in foster care for 6 consecutive months before their 18th birthday, who was discharged while on runaway status after age 15, or who had been under care of state as dependent/neglected, local agency shall develop a specific plan related to the youth's vocational, educational, social or maturational needs	Upon request by a youth between age 18-21, who was discharged while on runaway status after age 15, the local agency must develop a transition plan in conjunction with the youth and other appropriate parties			Local agency must develop plan in conjunction with the youth		Local agency must develop plan in conjunction with other appropriate parties and shall ensure that any foster care, housing or counseling benefits are tied to the plan

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New Mexico SB248 http://www.nmlegis.gov/Sessions/09%20Regular/final/SB0248.pdf	L (4/7/09)	19	Prior to the youth's 17th birthday, the department shall meet with the youth, the youth's attorney and others of the youth's choosing to develop a transition plan. Remainder of transition planning description tracks P.L. 110-351		The court shall order a transition plan for the youth to be reviewed at every subsequent review and permanency hearing. At the last review or permanency hearing prior to the youth's 18th birthday, the court shall review the transition plan and determine whether reasonable efforts have been made to implement requirements of the transition plan. If the court determines that reasonable efforts have not been made and that termination of jurisdiction would be harmful to the youth, the court may continue jurisdiction for an additional year with youth's consent. The court may dismiss the case at any time after the youth's 18 th birthday for good cause.		Youth must consent to continued jurisdiction		
Rhode Island S0275 http://www.rilin.state.ri.us/BillText/BillText09/SenateText09/S0279.pdf	P	21	A youth who is under the jurisdiction of the court prior to age 18 shall continue under the court's jurisdiction until the youth turns 21, unless discharged prior to turning 21						

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Texas HB704 http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/HB00704F.pdf	L (7/8/09)	21	Extended care is available to youths who were in the conservatorship of the dept. on the day before turning 18 and who were under the continuing, exclusive jurisdiction of the court. Jurisdiction may also be extended without the youth's consent in order to allow the dept. to refer the youth for guardianship services if the court believes youth may be incapacitated		Court may hold periodic review hearings or may schedule a hearing on request of the youth. If the court determines that the youth is entitled to additional services under the dept. rules or under a contract with a service provider, the court may order the dept. to take appropriate action to ensure that the youth receives the additional services.	Appointment of council or GAL is <u>optional</u> : the court <u>may</u> continue the appointment or renew the appointment of a GAL, volunteer advocate, or attorney ad litem for the youth on request of the youth	Youth who are not believed to be incapacitated must request the extension of care. Jurisdiction terminates if these youth withdraw consent. Jurisdiction may be extended without consent if the court believes youth may be incapacitated. Court may schedule a hearing on the request of the youth. Court may continue or renew the appointment of a GAL, volunteer advocate or attorney ad litem on request of the youth. A youth who consents to the extension has the same rights as any other adult of the same age.		
Washington HB1961 http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Bills/1961-S2.E.pdf	L (4/25/09)	21	Department shall have authority to continue foster or group care and provide necessary support and transition services to youth ages 18-21				Eligibility requirements track P.L. 110-351: youth must be either completing secondary education or equivalent, enrolled in post-secondary or vocational education, participating in a program or activity designed to promote or remove barriers to employment, employed for at least 80 hours per month, or the youth is incapable of doing these activities due to a medical condition		