

Youth Transitioning from the Child Welfare System: Legal Responses and Trends

Jennifer Pokempner
Juvenile Law Center
Philadelphia, PA
www.jlc.org

What the Research Tells Us

- Older youth learn best through experience (and through making mistakes).
- Youth require a significant amount of moral and financial support from family to make a successful transition.
- Higher education and the presence of a supportive and consistent adult are key indicators of a successful transition.
- The average age that youth successfully transition to adulthood is age 25.
- Youth in the child welfare system have the same needs as youth out of care as they transition to adulthood.
- Youth in the child welfare system do face unique barriers to making a successful transition to adulthood.

What the Research Tells Us

- Foster youth experience better outcomes when they are able to receive comprehensive services until at least age 21.
- Placement stability and in family-like setting is associated with positive adult outcomes.
- Many youth have contact with their biological family after leaving care.

What Child Welfare Data Tells Us

In FY 2004:

- 33% of youth in care were age 14 and older (of 517,000)
- 18% were ages 16 to 18
- 2% were ages 19 or older
- 8% had the “outcome” of emancipation
- 8% of youth 14 and older were adopted (of 52,000)
- 3% of youth 16-18 were adopted
- Older youth were more likely to be living in congregate care than more family-like settings

U.S. Department of Health and Human Services. AFCARS Report # 11 (Preliminary FY 2004 Estimates as of June 2006).

Legal Realities

- In over half of the states youth are permitted to stay in care past age 18.
- In many of these states this extension ends when high school is completed.
- Many states have no statutory or regulatory standards to ensure youth discharged from care are able to successfully transition to adulthood.

Current Funding Realities

- States can receive Title IV-E placement maintenance reimbursement until a youth is 18 or 19 if they are still in high school.
- The Foster Care Independence Act (FCIA) provides capped funds for independent living services for youth 16 and older, including those who have left care and are under 21.
- With FCIA funds, states spend about \$476 to \$2,300 per eligible youth. FCIA also provide funds for current and former foster youth to attend college or training school (ETV).

The Challenges:

- How do we map the legal and funding structure of the child welfare system on to what the research tells us about the transition to adulthood?
- How do we provide youth in care the opportunities and safety nets as they enter adulthood that we do our own children?

Legal Trends to Address These Challenges

- Expanding teen permanency efforts.
- Requiring that concrete outcomes prior to discharging a youth from care.
- Creating specialized court processes to improve transition planning and outcomes.
- Continuing the court's jurisdiction until youth is least age 21.
- Allowing youth to re-enter the system until they are 21.
- Creating comprehensive after care services for foster youth.

Enhancing Teen Permanency Efforts

Expansion of Family and Age-Appropriate Placements:

State Efforts

- Targeted recruitment and teen permanency projects.
- Working with youth-identified resources, including the biological family.
- Creation of supervised independent living and transitional living placements.

Federal Law

- Financial incentives for increasing number of older youth adoptions.

Models: Requiring Discharges only Follow the
Achievement of Concrete Outcomes

**New York—18 N.Y. ADC 430.12—
Diligence of Effort**

A youth cannot be discharged to another
planned living arrangement with a
permanency resource until it has been
documented that:

- the youth has been connected with a
permanency resource

- the youth is in a vocational or educational program or is working at a job and making at least 150% of poverty level
- the youth is equipped with life skills
- the youth is connected with community and other specialized resources
- the youth is being discharged to a living arrangement that is expected to last at least 12 months and is not a shelter or other residence for homeless persons

Model Discharge Policies

California: West's Ann. Cal. Welf. & Inst. Code § 391

A youth cannot be discharged from care or the court's jurisdiction without documentation that youth:

- Is present or attempts were made to notify youth
- Provided with information about family history, placement history, contact information for siblings
- ID Documents

- Assistance in applying for Medical Assistance
- Referral for transitional housing or other housing resources
- Assistance in obtaining employment or other income
- Assistance in applying to college or vocational program
- Assistance in maintaining relationships with individuals who are important to the youth

Creation of Specialized Court Practices and Enhancement Youth Involvement

Local Practices

- Benchmark Hearings—Cook County
- Older Youth Court Protocol—Philadelphia

Federal Law

- “Requirement for foster care proceedings to include, in an age-appropriate manner, consultation with the child who is the subject of the proceedings.”

Child and Family Services Improvement Act of
2006

Extending Court Jurisdiction

- Provides support and placement services for more of the transition period.
- Establishes a right to services that can be enforced.
- Requires a commitment of state resources because of the limitations on federal reimbursement. (Expanding IV-E eligibility to at least age 21 would facilitate continued jurisdiction in more states).

Permitting Youth to Re-enter Care

- Allows the system to accommodate key features of adolescent development:
 - ✓ Learning occurs through making mistakes.
 - ✓ Many youth “come back home” (several times) on their path to adulthood
- Connecticut and Maine provide re-entry

State Statute or Policy Dedicating Funds for Comprehensive Aftercare Services

California—Supportive Transitional Emancipation Program for Foster Youth and Transitional Housing Program +

- Dedicated funding stream for transitional housing for emancipated youth until **age 24**

West's Ann.Cal.Welf. & Inst.Code § 11403.1
& 2

Connecticut provides continuum of Adolescent Services until at least age 21.

Key Elements Include:

- **Community housing assistance program (housing subsidy and casemanagement)**
- **Aftercare services until age 23**

Other Efforts: Ensuring Access to “Mainstream” Youth Transition Services

- Youth w/special education needs are entitled to transition services (16-21)
- WIA Youth Employment Programs (14-21)
- Job Corps (16-24)
- Higher Education Act Services: Upward Bound, Education Opportunity Centers, and Student Support Services (16-24)

Other Efforts: Improving the Educational Experience of Foster Youth

- Ensuring school stability through extension of McKinney Vento to foster youth.
- Ensuring access to post-secondary education through tuition waivers.
- Ensuring retention in post-secondary education through student support services.

Key Component to Legal Change: Meaningful Youth Involvement

- Structured and financially supported Youth Advisory Boards.
- Consistent opportunities for youth participation.
- Youth involvement in lobbying and policy making.

Contact Information

Jennifer Pokempner

Juvenile Law Center

215-625-0551

www.jlc.org

jpokempner@jlc.org