

National FAQ for Young Adults Medicaid to 26 for Former Foster Youth

Thanks to the Affordable Care Act, you may be eligible for free health insurance if you were in foster care when you were age 18 or older!

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How does the Affordable Care Act (ACA) help former foster youth?

The ACA provides young adults under age 26 with free health insurance through the Medicaid program if they were in foster care on or after their 18th birthday and enrolled in Medicaid.

Who is eligible for Medicaid until age 26 as a former foster youth?

You qualify for Medicaid until age 26 in the state where you were in foster care if:

- You were in foster care at age 18 or older and enrolled in Medicaid at that time in the state you are now applying for Medicaid, and
- You are under age 26.

What if I move to another state after I age out of foster care?

Currently, states are only required to give coverage under Medicaid to 26 to young adults who were in foster care in that state. However, some states have decided that they will cover former foster youth from any state. This means if you move to one of those states, were in foster care at age 18 or older, and were enrolled in Medicaid at that time, you can be covered under the former foster youth category until age 26.

Below is a list of states that cover former foster youth no matter what state they were in foster care¹:

- California
- Georgia
- Kentucky
- Louisiana
- Massachusetts
- Michigan
- Montana
- New Mexico
- New York
- Pennsylvania
- South Dakota
- Wisconsin
- Virginia

¹ This list is accurate as the time of posting of this fact sheet in March 2015.

Questions About General Eligibility

What does it mean to be in “foster care” at age 18? What kind of placements are “foster care”?

For the purposes of eligibility, to be in “foster care” at age 18, you must be placed by the child welfare agency in one of a number of placements that are defined as “foster care” under the federal regulations.

The federal regulation defines “foster care” as “24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes.” 45 C.F.R. § 1355.20. “Foster care” also includes supervised independent living placements² if the young adult remains in the placement and care of the child welfare agency.

Does “foster care” include kinship care, foster family care, group homes, residential treatment centers, transitional living placement, and supervised independent living placements?

Yes. If you were placed in any of these living arrangements and received services from the child welfare agency, you were in “foster care” as defined above. If you were age 18 or older while in “foster care” and getting Medicaid at that time, you qualify for Medicaid as a former foster youth until age 26 as long as you still live in the state where you were in “foster care” OR you live in one of the states listed above that is covering out of state former foster youth.

²In 2008, a federal law called the Fostering Connections to Success and Increasing Adoptions Act amended the definition of “child care institution” to include “a supervised setting in which the individual is living independently.” 42 U.S.C.A. 671 (c)(2).

Are young adults who were adopted or entered into kinship guardianship arrangement eligible for Medicaid as a former foster youth?

It depends. Kinship guardianship or an adoptive placement is not considered “foster care.”³ However, if you were in a placement that was considered “foster care” and enrolled in Medicaid at age 18 or older before being adopted or entering a kinship guardianship arrangement, you may be eligible for the former foster youth coverage. For example, if you were in extended foster care, placed in a supervised independent placement at age 18, and then adopted at age 19, you are likely eligible for Medicaid until 26 under the former foster youth category.

Do young adults who were adjudicated delinquent qualify for Medicaid coverage for former foster youth?

Maybe. If you were determined to be delinquent and in the juvenile justice system but placed in a living arrangement defined as “foster care” at age 18 or older and enrolled in Medicaid at that time, you may be eligible under the former foster youth category depending how your state runs its juvenile justice system. You should apply and see if you are eligible.

Do foster youth who are not U.S. citizens qualify for Medicaid until age 26 under the former foster youth status?

For a young adult who was in foster care and enrolled in Medicaid at age 18 to be eligible, they must have U.S. citizenship status or one of the immigration statuses required under federal law for full Medicaid coverage. The list below is not exhaustive, but provides examples of some of the immigrations statuses that former foster youth may have, and for which they would be eligible for Medicaid as a former foster youth:

- U.S. citizenship
- Refugee status
- Lawful permanent resident (“green card” holder)

³ Source: Medicaid and CHIP FAQs: Funding for the New Adult Group, Coverage of Former Foster Care Children and CHIP Financing (December 2013)(Eligibility for Former Foster Children , Q 9), available at <http://www.medicaid.gov/Federal-Policy-Guidance/downloads/FAQ-12-27-13-FMAP-Foster-Care-CHIP.pdf>.

- Granted asylum
- Certain victims of human trafficking
- Certain battered spouses and children
- Cuban or Haitian entrants

Young adults who have or had Special Immigrant Juvenile Status (SIJ) usually also have lawful permanent resident status (a "green card") and are therefore eligible for Medicaid in the former foster youth category if they were in foster care at age 18.

Does eligibility depend on how much money I make?

NO. As a former foster youth, you are eligible for free Medicaid no matter how much money you make.

This is free health insurance. Do I have to pay *anything* to receive care?

You do not have to pay anything to become eligible for coverage in the former foster youth category. That is, you do not have to pay anything to purchase this health insurance. However, you should check with your state to see if you have to pay any copays when you are out of care and over age 18. Copays are an amount of money you are charged to help pay for the cost of the service or treatment. If copays apply, they are usually very small and you may be able to get assistance in paying them.

I was in foster care in one state at age 18 and may move to another state after I leave care, can I get Medicaid as a former foster youth in the state where I now live?

Not necessarily. The ACA does not require states to cover former foster youth from other states. Some states have decided that they will cover young adults who were in foster care in other states, but not all have decided to do so. *For a full list, see the list of states under [the second question](#) in this FAQ.* Before you move to another state you should find out if that state is covering out of state former foster youth so you know if you will have access to this coverage if you move.

Many states have expanded their Medicaid program, so if you move to a state that is not covering former foster youth from other states, you should still apply for Medicaid because you may be eligible for coverage under another category.

Questions for Young Adults Who Are Still in Foster Care

If I am about to discharge from foster care at age 18 or older, do I have to fill out a new application to get Medicaid coverage as a former foster youth?

It depends. In some states, if you are currently in foster care and will be discharging when they are age 18 or older, you will be enrolled automatically in Medicaid under the former foster care category upon discharged. In other states, you may need to apply. Please check with your state children and youth agency to see what policies apply so you can make sure you are covered.

What can I do to make sure I am covered when I leave care?

Your county child welfare worker should do the work to make sure you are covered under the former foster youth category, but there are a few things you can do to help make sure your health insurance is in place when you leave care.

- Make sure your transition plan states that your *child welfare worker will complete your state's process for getting you enrolled* in Medicaid or will help you enroll if you do not have a process in place.
- Ask that the court *document that your eligibility in the former foster youth category has been established and the person responsible for enrolling you*. Many states have court rules mandating that your transition plan must contain specific information about your health insurance coverage.
- Ask for *a copy of your state's discharge form* so you have proof that your case was closed so you have documentation of your former foster care status if needed in the future.
- Ask the court to *issue an order at your transition hearing* that explains that you were in foster care at age 18 and enrolled in Medicaid. This can serve as additional proof of your former foster care status.

Do I get to keep my same insurance card when I leave care?

It depends. In some states, you will keep the same insurance plan and card. In some states, you will receive a new card. Talk to your case planning team and make sure your transition plan includes: information about your health plan, your health care providers, documentation that you have been given your insurance card, and

information about any steps you need to take to maintain your eligibility for insurance.

After I leave care what actions do I have to take to make sure I keep my insurance coverage as a former foster youth until age 26?

It depends. In some states, young adults are automatically re-enrolled each year until age 26. In other states, young adults will have to complete a renewal application each year. Make sure you know your state's practice so you can comply with all renewal procedures so you do not lose your coverage.

Questions for Young Adults Who Were Previously Adjudicated Delinquent

Do young adults who were previously adjudicated delinquent qualify for Medicaid coverage for former foster youth?

Some may be eligible. If you were determined to be delinquent by a judge, but placed in a living arrangement defined as "foster care" at age 18 or older and enrolled in Medicaid at that time, you would be eligible under the former foster care category. In many states, delinquent youth are placed in living arrangements that are considered "foster care" under the federal definition and supervised by child welfare agency. As mentioned above, these include: kinship care, family foster homes, group homes, residential treatment centers, transitional living programs, and supervised independent living. Delinquent youth who were in these placements at age 18 or older and receiving Medicaid at that time would be eligible for Medicaid until 26 under the former foster care category. If you think you might fall into this category, you should apply.

Questions for Former Foster Youth Who Were in Foster Care at Age 18 and are Under Age 26

I have been out of care for a while and just found out about this new opportunity for health insurance for former foster youth. How do I apply?

If you are not currently in care, are under age 26, and think you may be eligible, you should apply for Medicaid in your state. When you are filling out the application look out for a question about whether you were in foster care at age 18 or older and make sure you check “yes.” You should also check with your child welfare agency and the Independent Living program in your state to see if they have developed any special processes for helping former foster youth enroll in the Medicaid to 26 program.

How do I prove that I was in foster care at age 18?

First, check your state’s verification process. Your state may be able to verify your former foster youth status without you submitting any documents. If you are required to produce documents to verify your status and you have a copy of a court order or information on child welfare agency letterhead that states that you were in foster care at age 18 and enrolled in Medicaid at that time, you will be in great shape. If you do not have those documents, here are a few things you can do:

- Call the child welfare agency and ask for help in providing documentation.
- Call the Independent Living Coordinator for the state or county you were in care with and ask if he or she can help you with documentation.
- If you are trying to prove your former foster youth status in another state than the one you are applying in, you can call the Independent Living Coordinator and Child Welfare Agency for that state and ask for their help. Here is a link to a list of all the IL State Coordinators: <http://www.nrcyd.ou.edu/state-pages/coordinators>. Here is a link to the state child welfare agencies: https://www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?rs_ID=16&rate_chno=AZ-0004E.

Does it matter how much money I make?

NO. As a former foster youth, you are eligible for free Medicaid no matter how much money you make.

I already have health insurance through my school or work. Why should I sign up for Medicaid for former foster youth?

Medicaid for former foster youth provides you with certain benefits that you may not receive with your current insurance. For example:

It's free insurance. You pay \$0 for your insurance regardless of how much money you make. While there may be some co-pays after age 21; you will not need to pay for your insurance.

You can keep your coverage until age 26 even if you start earning more money, change jobs, or leave school.

I already have Medicaid because I am low-income. Why should I enroll in Medicaid for former foster youth?

The Medicaid coverage available to former foster youth may include certain benefits that are not available to people enrolled in other Medicaid categories. For example, if you are enrolled in Medicaid for former foster youth, you stay covered until your 26th birthday even if your income changes.⁴

Questions for Former Foster Youth who are Parents

Do my children automatically qualify for Medicaid because I am a former foster youth?

NO. Your children do not automatically qualify for Medicaid because you are a former foster youth. But your children may qualify for Medicaid based on other reasons (for

⁴ Source: Medicaid and CHIP FAQs: Funding for the New Adult Group, Coverage of Former Foster Care Children and CHIP Financing (December 2013)(Eligibility for Former Foster Children , Q 5), available at <http://www.medicaid.gov/Federal-Policy-Guidance/downloads/FAQ-12-27-13-FMAP-Foster-Care-CHIP.pdf>.

example, based on your income or due to a disability). When you go to sign up for Medicaid for yourself, you should also ask about and apply for health insurance for your children. As a former foster youth, eligibility does not depend on your income. But if you are applying for coverage for your children, you should answer income questions in order to determine if your children qualify for coverage based on your family's income.