

CHAPTER 10: EXTENDED FOSTER CARE

Introduction: Most young people do not make the transition to adulthood until their mid-20s. They usually receive a lot of support from their families and other adults in their lives. This support allows them to focus on their goals for the future by having time to go to college, getting training, or try out different job and career paths. You deserve the same type of support if you are in foster care and have not yet found permanency or family. Extended foster care can provide you with an opportunity to continue to work towards your educational, employment, and treatment goals while receiving support, guidance, and a place to live. Extended foster care gives you more time to learn skills so when you leave foster care you have a strong foundation for success. This chapter gives you information about extended foster care and returning to care if you need support between ages 18 and 21.

What is extended foster care?

- The foster care system used to stop—and youth would age out—at age 18. Now, the foster care system of most states, including Pennsylvania’s, extends until a youth turns age 21.
- If you are in extended foster care, you will still receive placement and services from the child welfare agency. Because you are an adult, the services you get will look different and should be age appropriate.
- You can participate in extended foster care by staying in care from age 18 on, or you can re-enter care between ages 18 and 21.

Who decides if I can be in extended foster care?

- It is the judge who decides whether you are eligible for extended care based on the eligibility criteria that are established in the law and are described below.¹
- The judge will listen to you, your lawyer, and the child welfare agency to make this decision, but in the end it is the judge who makes the decision.

How can extended foster care help me?²

- Becoming an adult isn’t easy for anyone. From ages 17–21, you will finish high school, start college or begin your career, find a place of your own, and learn how to support yourself. There’s a lot going on!
- During this time most youth receive significant financial, emotional, and social support from adults. You also deserve support, and extended foster care can help you build your support network.
- Staying in foster care past age 18 can help you meet your goals. If you remain in care, you will:
 - Have a place to live;

- Have health insurance and access to medical and mental health treatment;
- Get support from people like social workers, case managers, your lawyer, and child advocates who can assist you in getting the services and supports you need in planning for your future; and
- Have court reviews of your case and be able to talk to your lawyer and a judge about your needs or problems you are facing.

How will extended foster care be similar to foster care before age 18?

- In extended foster care you will still have court hearings and a case worker, as well as a placement and other support services. That means you will have some place to live and supportive services to help meet your financial, emotional, and social support needs, as well as continued services to help you achieve permanency.

How will extended foster care be different from foster care before age 18?

- In extended foster care, you will have the opportunity to have more freedom and responsibility, and less supervision.
- You will have an opportunity to be placed in living settings that give you more freedom. These are called supervised independent living placements.
- You are legally an adult in extended foster care, and the agency should respect that by allowing you to make decisions about your own life and supporting you.

When should I be told about extended foster care?

- You should be told about extended foster care as part of your transition to adulthood planning that begins at age 14.
- The Children in Foster Care act requires that you be told about your right to remain in care after age 18.³

Who is eligible for extended foster care?

A youth is eligible for extended foster care if he or she is:

1. Under the age of 21 years, and
2. Was adjudicated dependent before reaching the age of 18 years, and
3. Requests that he or she participates in extended foster care, and
4. He or she is doing at least one of the following activities:
 - a. Completing secondary education or an equivalent credential;
 - b. Enrolled in an institution which provides postsecondary or vocational education;
 - c. Participating in a program actively designed to promote or remove barriers to employment;

- d. Employed for at least 80 hours per month; or
- e. Not able to do the activities listed above because of a medical or behavioral health condition.⁴

Can you tell me more about the eligibility categories? What do they mean?

Completing high school or an equivalent program: You are eligible for extended foster care if you are completing your high-school education or are enrolled in a program that helps prepare you for getting your General Equivalency Diploma (GED). Enrollment can be in a public high school, charter high school, an alternative high school, a nonpublic school, adult education classes, or any other course of study leading towards completion of a high school diploma, General Equivalency Degree, High School Proficiency Certificate, or High School Completion Certification.

Enrolled in a post-secondary education or vocational program: Being enrolled in one of these programs makes you eligible for extended foster care. A few examples of institutions that provide Post-Secondary or Vocational Education include, but are not limited to community colleges or junior colleges, four-year colleges or universities, trade schools, including Job Corps.

Participating in a program to help you get a job (removing barriers to employment): The specific program under this extended foster care criteria will be individualized and depend on your specific barriers to employment and what will help you address them. It is important that you talk with your caseworker and case planning team to identify the barriers you are facing and the activities or program you will be a part of to address those barriers. Examples include but are not limited to:

- programs or services recommended or provided by the county Independent Living Program;⁵
- vocational or trade programs;
- vocational or job skills development programs through the Office of Income Maintenance (welfare), Career Link or other Workforce Development entities;
- programs designed to improve work readiness or work skills;
- an internship that helps you gain work skills;
- treatment for a behavioral health or other issue that is needed to help you get and keep a job;
- a specific plan for an activity or services that is included in your case plan that will address barriers you are facing to employment.

Employed for 80 hours a month: To meet this criteria you can work a part-time or full-time position, multiple positions and unpaid or paid internship or apprenticeship (to include volunteer work.)

Cannot do any of the activities listed above because of a documented behavioral health or medical condition: If you have a medical or behavioral health condition that prevents you from meeting any of the above listed activity-based criteria, you can still stay in care. Talk with your

caseworker or attorney if you think you may qualify due to a disability. You will need documentation of your disability and how it prevents you from being engaged in one of the other eligibility activities. That documentation will be updated every six months and kept in your case plan.

Do I have to do more than one of these five activities to be eligible for extended care?

- No. You must do at least one of the listed activities or meet the exception because you have a disability to be eligible.
- You may want to do more than one activity to achieve your transition to adulthood goals. For example, you may want to work part-time in addition to going to college or a trade school so that you can case money while you working towards a degree. Or you may want to do an internship in addition to going to school to get work experience.
- Extended foster care is meant to help you have a good transition to adulthood. Your time in extended care should be focused on how you can get the skills and other supports you need so you can leave care and have a good plan for how you will live, support yourself and continue working on your goals.

Should I have a secondary basis for eligibility for extended care?

- Yes. Having two potential bases for eligibility for extended care is like having a back-up plan and that is always a good idea.
- It is recommended that you work with your case planning team to have a primary (first choice) for eligibility and a secondary choice as well. This will help you be able to respond to any challenges you are facing, get help, and remain in care.
- For example, if your primary basis for eligibility is college and your secondary basis is employment, your case plan would include information about steps you would take to get a job if you needed to and would reflect discussions you had with your team about your interests, skills and work experience. If something happens to interrupt your college plans, you could shift to pursuing your employment goals and would be ready to do that.

Can I change my criteria for eligibility for extended foster care?

- Yes. You need to meet at least one eligibility criteria, but you can change your basis for eligibility if it makes sense and helps you stay on track for meeting your goals.
- However, at each permanency hearing the court must find that you still meet one of the activity requirements or the exception.⁶
- Both you and your team should work together to plan for possible changes so that appropriate goals and support can quickly be put in place to reflect any changes. Having a backup plan or secondary basis for eligibility can make this process easier.

Am I still eligible for extended care if I have been arrested, adjudicated delinquent, or convicted of a crime?

- Yes. If you meet the eligibility criteria listed above, you are still eligible for extended foster care even if you are involved in the juvenile or criminal justice system.
- This is an area that sometimes people get confused about. Please let your lawyer know if you are being told you are not eligible for extended foster care and you think that you are.

What do I need to do to participate in extended foster care? Is it automatic?

- Staying in care past 18 is NOT automatic.
- Staying in extended foster care is YOUR choice, and YOU have to ask the court to stay in care past 18.
- Tell your caseworker and lawyer that you want to stay in care and make sure the judge in your case knows so he or she determines that you are eligible in court.
- Your county child welfare agency may have a form or letter you can sign to make your request so ask them about it.
- Your child welfare agency should help you document how you are eligible for extended foster care.
- It is a good idea to put your request to be in extended foster care in writing. Use this form to let people know that you would like to participate in extended foster care.

Will I still have a lawyer when I am in extended foster care?

- Yes!
- Your lawyer should be advocating for what you want when you are in extended care.⁷
- Talk to your lawyer about your goals for extended care and where you hope to be when you leave care. They can help you advocate for yourself and make sure you get what you need to meet your goals.

If you want a new lawyer because you do not feel like they are doing their job, ask the judge to appoint a new attorney for you and be prepared to explain why you do not feel your current lawyer is meeting your needs.

Will I still have a caseworker in extended foster care?

- Yes.
- You will have a caseworker and will have case planning meetings to address your permanency and transition goals and services.

Will I still have court hearings in extended foster care?

- Yes.
- You will still have a hearing to review your case at least once every six months.⁸
- The judge will review many things at these hearings, including whether you are still eligible for extended care, whether you are receiving the services and supports you need, and what help you are receiving to achieve permanency and your transition to adulthood goals.⁹

Will I still have a permanency goal if I'm in care past 18?

- Yes.
- Being connected with family and supportive adults helps you as you transition to adulthood by making sure that you have people to provide guidance, stability, and love as you try new things and take on adult responsibilities.
- As long as you are in care, all efforts should be made to achieve permanency for you, whether you are age 2 or age 20. (See Chapter 1: Rights Related To Family And Permanency)

Where can I live if I remain in care past age 18?

- Where you live depends on your needs, skills and wishes. Just like when you were under age 18, the goal is for you to be in a placement where your needs are met and that is the most family like and least restrictive.
- Here are some examples of places you could live in extended foster care:
 - Remain in your current foster or kinship home
 - Move to a new foster, kinship home
 - Live in a Transitional Living Placement where you live with about 3 to 4 other youth, have a good amount of freedom and responsibility, but still have supervision and support
 - Supervised independent living placement, which could include:
 - An apartment where you get some amount of supervision and support
 - An apartment with less support and supervision
 - A host home where you live with a host you identify
 - A college dormitory
 - Other settings approved by the court.¹⁰
- **Placement options are not limited to this list.** The child welfare agency has more flexibility to create a placement that works for you once you turn age 18. If you have ideas for placement or resources, let your worker, lawyer, and judge know.

TIP: If you have a good idea for a safe living arrangement that would work for you, including a relative or another resource who could find you a place to live, let your caseworker, lawyer, and court know.

What should I do if I want to stay in care and am being told I cannot or I am not eligible?

- Ask to meet with your case planning teaming to talk about the five eligibility criteria and which one you might meet. There should be one that fits your needs and strengths. Ask your team to help you find it.
- Let your lawyer know you want to stay in care and ask for help.
- Make sure the judge in your case know that you want to stay in care and do not want to age out.

What is resumption of jurisdiction or reentry?

- Resumption of jurisdiction-- or re-entry-- is when a youth exits care but later re-enters extended foster care between ages 18- 21.
- Most 18 -year-olds want their freedom, especially if they have been in the system for a while. Re-entry gives you the opportunity to come back into care if you decide you need help.
- Most young adults have the option to return home to family as they grow up. Re-entry attempts to provide youth who were in foster care a safety net that they may not have.
- The legal term for re-entry is resumption because the court is re-opening or resuming a dependency case that was closed.

Who is eligible for re-entry?

- You are eligible to re-enter if:
 - The court closed your case when you were 17 and 9 months or older;
 - You are still under age 21; and
 - You are meeting one of the participation requirements for extended foster care.^{11 12}

How can re-entering foster care help me?¹³

- Re-entering foster care can help you:
 - meet your basic needs, like having a place to live.
 - handle a crises or problem that comes up for you after you leave care.

- give you support and time so you can focus on your goals

Who should I contact if I am interested in re-entering foster care?

- You can contact your former county caseworker, IL worker, or lawyer and ask them for help.
- You can find the IL coordinator for your county on the Pennsylvania Youth Advisory Board website.¹⁴
- The county child welfare agency or your lawyer can file a petition for resumption of jurisdiction.
- If you are having trouble getting help, you can call Juvenile Law Center at 1-800-875-8887. Let them know you are a youth thinking about re-entering care and you are having trouble getting help.

How long will it take to re-enter care?

- County child welfare agencies should handle your requests as quickly as possible, but there is not a set timeline in the law for how quickly the agency must respond to you.
- Once they determine that you are eligible to re-enter, they will file a petition with the court for resumption of jurisdiction. Your lawyer can also file a petition for resumption with the court.
- You should let the child welfare agency know if you have immediate needs like housing, health, or other things that cannot wait. They should be able to help you with these things while the re-entry process is occurring.
- Once a petition for resumption—re-entry—is filed with the court, a hearing should occur within 30 days.¹⁵ Let your caseworker or lawyer know if you have immediate needs and they can help you with what you need and ask the court to schedule a hearing more quickly.

Can I get help while I wait for the re-entry process to happen?

- **Yes.**
- If you are eligible, re-entry should not take a long time, but it is process that involves the child welfare agency and the courts.
- When you ask to re-enter, your child welfare agency should ask you whether you have any immediate needs and if you are safe. The child welfare agency should provide you assistance with a range of for services and supports if you need help right away.

- If you need help while waiting to re-enter and are not receiving it:
 - Talk to your IL worker, your caseworker, or a supervisor and let them know that you think you are eligible for re-entry, but need help while you wait for the case to get to court.
 - Talk to you lawyer and ask for help.

Can I get services without re-entering care?

- Yes!
- You may be eligible for many services in aftercare as well as some other educational and health benefits. (See Chapter 11: Aftercare Services)
- Extended foster care is a good option for you if you need longer term support and need more time to figure out a good plan before you go out on your own again. Aftercare may be a good match for you if you just need help filling some gaps and want help finding resources.
- Talk with your IL worker and your lawyer about the pros and cons of re-entering care and just getting aftercare.

What will happen once I re-enter foster care?

- If you re-enter foster care you will be able to participate in all extended foster care services.
- This means you will have a placement or living arrangement, casework services and supports, a lawyer, and you will have a case plan and go to court.
- When you are back in care you will be able to continue with and set new goals for yourself related to school, work, family and anything else you think will help you build your skills as an adult.

¹ 237 PA. CODE § 1610 (2015); 237 PA. CODE § 1611 (2015) (permanency hearings and orders for children over eighteen)

² *Pennsylvania's Act 91: Extending and Re-Entering Foster Care*, JUVENILE LAW CENTER (June 8, 2015), <https://jlc.org/resources/pennsylvanias-act-91-extending-and-re-entering-foster-care>.

³ 11 PA. STAT. § 2633(23) (2011).

⁴ 42 Pa.C.S.A. § 6302 ("child").

⁵ OFFICE OF CHILD., YOUTH, & FAM., PA DEPT. OF PUB. WELFARE, OCYF BULL. NO. 3130-14-01, YOUTH INDEPENDENT LIVING SERVICES GUIDELINES, P. 14-15 (2014), <https://www.payab.pitt.edu/files/2014IndependentLivingServicesGuidelinesBulletin.pdf>.

⁶ 42 Pa.C.S.A. § 6351(f)(8.1).

⁷ Pa. R.J.C.P. 1151 (B)((1)(f).

⁸ 42 Pa.C.S.A. § 6302; 237 PA. CODE § 1610 (2015); 237 PA. CODE § 1611 (2015).

⁹ 237 PA. CODE § 1610 (2015); 237 PA. CODE § 1611 (2015) (permanency hearings and orders for children over eighteen)

¹⁰ OFFICE OF CHILD., YOUTH, & FAM., PA DEPT. OF PUB. WELFARE, OCYF BULL. NO. 3130-14-01, YOUTH INDEPENDENT LIVING SERVICES GUIDELINES, P. 5-11 (2014), <https://www.payab.pitt.edu/files/2014IndependentLivingServicesGuidelinesBulletin.pdf>.

¹¹ 42 Pa.C.S.A. § 6351(j).

¹² Juvenile Law Center, *Pennsylvania's Act 91 – Law on Re-Entering Foster Care*, YouTube (June 8, 2015), <https://www.youtube.com/watch?v=ydsjDCXvyBI>.

¹³ Juvenile Law Center, *Pennsylvania's Act 91 – Extending and Re-entering Foster Care*, YouTube (June 8, 2015), <https://www.youtube.com/watch?v=m8lHWpPy7L8>.

¹⁴ Independent Living Contact List by County, PA YOUTH ADVISORY BD., http://www.payab.pitt.edu/IL_Contacts.htm (last visited June 8, 2020).

¹⁵ 237 PA. CODE § 1635(A) (2015).