

February 9, 2021

Dear Child Welfare Colleagues:

We write as child welfare stakeholders and advocates that work with and on behalf of youth in and leaving foster care. We know that you are working hard to meet the needs of young people in foster care and who have aged out prior to and during the pandemic and that the work you do is and continues to be challenging. The recent passage of the *Consolidated Appropriations Act, 2021*, which contains H.R. 7947, the *Supporting Foster Youth and Families Through the Pandemic Act*, provides an incredible opportunity to meet the urgent needs of young people while also providing child welfare agencies the increased capacity and funding to do so. We know that you are eager to implement the law so that young people can finally receive needed assistance. We write as colleagues to encourage swift implementation planning and action and to offer our best suggestions for steps you can take immediately. We are aware that federal guidance is forthcoming, but believe that there is much in the law that is clear and that states can take action immediately. The undersigned stand with you as partners in implementation and look forward to working with you in the coming days.

Extended Services and Re-entry

The *Consolidated Appropriations Act, 2021* helps keep youth connected to placement and services during the pandemic by requiring that foster care services not be terminated due to a young person's age and that re-entry be permitted for young people up to age 22 who aged out during the pandemic, defined as April 1, 2020-September 30, 2021.

The extended service provision, which prevents aging out, is essential because it helps ensure that youth are not disconnected from services, housing, and a support system at a time when connection and reconnection with services can be challenging and can put youth at risk of harm. Similarly, re-entry is a vital tool for quickly being able to respond to a young person's need for placement and services. States must provide notice of the option to re-enter to youth who discharged from care during the COVID-19 public health emergency (April 1, 2020-September 30, 2021) and conduct a public awareness campaign about the option to voluntarily re-enter foster care for youth who have not attained 22 years of age.

The law applies to all states, regardless of whether they currently have extended foster care or re-entry, and is a mandate on the child welfare agency. We believe the mandate to provide continued placement and services and re-entry is distinct from, and does not require, court jurisdiction if states do not have that capacity under state law. Child welfare agencies can provide services voluntarily to young people and do not need court jurisdiction to do so. As with extended services, developing an agreement for services with the young person upon re-entry is an effective way to structure the vital services that are provided to youth. For young people who continue services or re-enter into care, child welfare agencies may use the placement option of "supervised independent living" for young adults over the age of 18. As the Children's Bureau noted in [guidance on extended foster care during the pandemic](#), making use of this placement type "may prove optimal in serving some youth during the COVID-19 crisis" and provides a framework for building placement capacity if it is needed to implement both the extended services and re-entry provisions.

The law provides states options to fund extended services and re-entry. States should maximize IV-E for youth and are able to do new income determinations as youth re-enter; states can use Chafee funds for youth who are not IV-E eligible for any number of reasons. We urge states to proceed with implementing these provisions and provide continued services to young people, so that they remain connected with services and can quickly reconnect with services during the pandemic through re-entry.

Using Chafee Funds to Meet the Immediate Needs of Youth Through Direct Financial Assistance

The months of advocacy that young people engaged in throughout the pandemic centered on the provision of direct financial assistance to meet immediate needs. The main intent of the \$400 million Chafee increase was to meet the immediate needs of young people through direct financial assistance and providing vital services and resources, like

housing and service navigation. Representatives from the Children’s Bureau have stated this on several instances, including a [Town Hall on January 8th](#). Current law is clear that states can use Chafee funds for multiple purposes, including the provision of direct financial assistance. See [42 U.S.C.A. 677 \(a\)](#). We urge you to move forward with developing these programs as you anticipate receiving your Chafee allocation. Experience during the pandemic demonstrated that providing payments without conditions and restrictions is the best way to get funds out quickly and without barriers. Young people need money to meet their basic needs, such as rent, food, wi-fi, transportation, and baby supplies, among others. We urge you to prioritize getting money out to youth so they can use these funds to meet their needs. We encourage you to partner with community-based organizations to advertise and distribute funds, as that may expedite fund distribution and build on the expertise of community-based agencies working with transition aged youth. These organizations can help get money out to youth and also provide support and guidance as young people continue to navigate services and supports during the pandemic.

In addition to using your Chafee increase for direct financial assistance, we encourage you to use funds for activities that meet the needs young people identified. These include: development or expansion of a rental assistance program to meet housing needs and purchase of goods like food, household supplies, and technology. Youth have also identified the need for “warmlines” to help young people get information and access resources, and have recommended that these lines be staffed by peers and those with lived experience. We encourage you to listen to young people in your state and to benefit from the multiple surveys and polls that took place during the pandemic that show clear national trends on need. Findings from surveys conducted during the pandemic of young people with lived experience in foster care were conducted by [FosterClub](#), the [Field Center](#) and the [Think of Us Covid Data Set](#).

Engaging Young People in Implementation

As you proceed with implementation, we encourage you to engage young people in the planning and implementation process and use their feedback to help fine-tune implementation over time. Some examples of ways you can do this are: surveying youth; inviting existing entities, such as youth advisory boards or other youth leadership groups, to meet and provide recommendations; and working with community-based agencies that currently engage youth. Engagement, outreach, planning, and notification activities are activities that are permissible uses of the increased Chafee allocation. We encourage you to invest in outreach and engagement strategies to lay the groundwork for sustained youth engagement after the pandemic and to hire and support the involvement of young people with lived experience in all engagement activities.

We appreciate your commitment to youth in foster care and look forward to working with you collaboratively to implement this important law.

Sincerely,

ACTION Ohio
Center for the Study of Social Policy
Children’s Advocacy Institute
Children’s Defense Fund
Children’s Law Center of California
Children’s Rights
Child Welfare League of America
First Focus Campaign for Children
Foster Care Alumni of America
FosterClub
Youth Villages

John Burton Advocates for Youth
Juvenile Law Center
National Center for Housing and Child Welfare
National Center for Youth Law
National Foster Youth Institute
OHIO YAB (Overcoming Hurdles in Ohio Youth
Advisory Board)
Think of Us
Youth Law Center