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*SPECIAL REPORT*

***DEPENDENT YOUTH  
AGING OUT OF FOSTER CARE  
IN PENNSYLVANIA:  
A JUDICIAL GUIDE***

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*Supplement to*  
**A GUIDE TO JUDICIAL DECISIONS  
AFFECTING DEPENDENT CHILDREN:  
A PENNSYLVANIA JUDICIAL DESKBOOK**

THIRD EDITION

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Juvenile Law Center is a Philadelphia-based public interest law firm that ensures that the child welfare, juvenile justice and other public systems provide vulnerable children with the protection and services they need to become happy, healthy and productive adults.

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## Introduction

Youth typically experience important life changes between the ages of 15 and 21. Adolescence and the transition to adulthood are traumatic and full of ups and downs for youth, and their caretakers, even in the best of situations. During these years, youth try to figure out who they are, where they belong, and what they need to do to satisfy the expectations of the adult world.

In addition to the growing pains that all adolescents experience, young people in out-of-home care face unique challenges as they assume increasing levels of independence and responsibility. Overwhelming research has shown that foster children have a more difficult time than their non-foster care peers in becoming resilient and competent adults. Many young people who are raised in families remain in their parents' homes and draw on parental support -- both financial and non-financial -- well after reaching the age of majority. By contrast, youth in care do not have this option and often are cut off from their sole and limited support system at age 18.

The juvenile court has the opportunity -- and a special obligation -- to ensure that youth entrusted to the state's care have the support they need to age out of care as self-sufficient, healthy, and productive adults. To do this, the court must be aware of the age-appropriate needs and milestones that all adolescents experience, as well as the special needs of foster care youth who are making the transition to adulthood. This publication is designed to aid the court in planning for these youth.

The views in this document are solely those of Juvenile Law Center. Nevertheless, we gratefully acknowledge the assistance of our colleagues at other youth-serving organizations in the drafting of this document. Particular thanks go to the Education Law Center -- Pennsylvania, the Pennsylvania Health Law Project, Philadelphia Citizens for Children and Youth, Valley Youth House, and Will Wilson and Dave Derbes, Independent Living Coordinators at Pennsylvania Department of Public Welfare Office of Children, Youth, and Families. Finally, we thank the Andrus Family Fund for its financial support of this endeavor.

## I. Current Federal and State Law

### A. The Foster Care Independence Act

#### What has been the federal response to the needs of older youth in foster care?

Since 1985 federal law has recognized that older youth in foster care deserve special attention and programming. In that year, the Independent Living program was added to the Social Security Act. In 1999, the Act was further amended by the Chafee Foster Care Independence Act (FCIA) to respond to the limitations and perceived ineffectiveness of the Independent Living program. *See Appendix A for full text of The Foster Care Independence Act.* Testimony and reports submitted before Congress revealed that while approximately 20,000 youth age out of foster care each year, many are not prepared to live independently upon discharge, and few mechanisms were in place to track these youth and hold agencies accountable for their outcomes. Many youth are discharged from care without attaining basic education goals, such as graduating from high school or attaining a GED. Many become unemployed, homeless, and dependent on public assistance. *See U.S. Department of Health and Human Services, TITLE IV-E INDEPENDENT LIVING PROGRAMS: A DECADE IN REVIEW (U.S. Government Printing Office, 1999); U.S. Department of Health and Human Services, FOSTER CARE: EFFECTIVENESS OF INDEPENDENT LIVING SERVICES UNKNOWN (GAO/HEHS-00-13) (U.S. General Accounting Office, November 1999); R. Cook, A NATIONAL EVALUATION OF TITLE IV-FOSTER CARE INDEPENDENT LIVING PROGRAMS FOR YOUTH: PHASE 2 (Westat, Inc., Contract No. OHDS 105-87-1608, U.S. Department of Health and Human Services, 1991).*

In enacting FCIA, Congress found that:

States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in their best interest. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program, designed and conducted by the State and local government to help prepare them for employment, postsecondary education, and successful management of adult responsibilities.

P.L. 106-169, Title I, Subtitle A, § 101(a), Dec 14, 113 Stat. 1823 Congress also stated that:

The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such programs beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

*Id.*

## What has FCIA changed?

FCIA amended section 477 of the Social Security Act to strengthen and expand Independent Living programs. For example, FCIA doubled the amount of funding for the Title IV-E Independent Living program (\$140 million from \$70 million) and modernized the funding formula. (It should be noted that Pennsylvania has not received significantly more money in its allocations.)

### FCIA requires states to:

- Serve youth up until age 21 if they were in care at age 16, even if they are no longer in care. Thus, a youth who has been discharged from care can still receive services from the children and youth agency until s/he reaches the age of 21.
- Youth can now have up to \$10,000 in savings as opposed to \$1,000 and still be eligible for Title IV-E services.
- Create a role for young people in designing independent living services in their state.
- Use a portion of FCIA money to train staff and providers on how best to work with this age group on acquiring independent living skills.
- Develop outcome measures for programs that use FCIA dollars so that the federal government can evaluate performance. This was an important change as states have not focused on outcomes for older youth in care with the same rigor as outcomes for younger children who may be returning home or adopted. FCIA makes clear that states are accountable for the performance of its Independent Living programs and the outcomes and competencies achieved by aging-out youth. (Because they have frequent contact with these youth, judges can offer their experience and expertise in helping the state establish these outcomes.)

### Under FCIA, states also are permitted to:

- Use up to 30% of their FCIA money to provide room and board for youth who have aged out of the system and are over age 18 but under 21. This is an important change. While FCIA monies still cannot be used to pay for room and board for older youth *still committed* to agency care, FCIA allows the unprecedented opportunity for counties to address the unmet housing needs of youth aging out of care through the use of FCIA funds. Pennsylvania has allowed each county to decide whether to provide room and board. A summary of those counties' room and board policies that were available at the time that this supplement went to press is provided in Appendix B.
- Extend Medicaid coverage until age 21 for youth who have left foster care. To date, Pennsylvania has not decided to extend Medicaid coverage. To do so, the state Medicaid agency must amend its state Medicaid plan and submit it to its

regional U.S. Health & Human Services Medicaid office for approval. See Section II (A) for more information on Health Insurance.

### **Who should receive Independent Living services?**

Independent Living services must be provided to all youth in care who are age 16 and above, no matter what placement they are in and regardless of their permanency plan. (A youth does not have to be in a Supervised Independent Living *placement* to qualify for Independent Living *services*. See below.) Independent Living services can include, but are not limited to: career counseling and placement, educational counseling and support, instruction in budgeting and home management, family-planning and sexual health counseling, and instruction in self-advocacy.

It should be noted that FCIA does not change the preference that youth be raised in as family-like a setting as possible, such as with their biological families, or with adoptive parents or relatives. Older and younger youth should be considered for adoption and permanent legal custodianship. Independent Living services should be provided to youth while all efforts to achieve permanence are pursued; independent living skills are competencies that youth need regardless of placement. In fact, FCIA provides increased funding for adoption incentive payments, making clear that adoption should still be sought for teenagers in care. See 42 U.S.C. § 673b.

Supervised Independent Living (SIL) placements allow a greater degree of freedom and independence while still providing essential supervision, instruction and support to youth as they practice their independent living skills. Research confirms the efficacy of this model. But these types of placements are scarce in Pennsylvania. Instead, teenagers in care often experience one of two extremes: either they are in a placement that does not provide the freedom necessary to master independent living skills OR they are forced to sink or swim in a living situation with no support. Neither service model has a good track record in helping youth attain independence.

### **What is the difference between Independent Living *services* and Supervised Independent Living *placements*?**

Supervised Independent Living placements, often referred to as SIL placements, are living situations in which an older youth has a greater degree of independence than would be allowed in group or institutional care. While a youth is committed to a children and youth agency, SIL placements are primarily funded entirely by Title IV-E placement maintenance funds. Counties can also supplement these federal funds with local and state dollars to maximize the number of youth served. While SIL placements take various forms, the most common situation is one in which the youth is placed in an apartment, alone or with roommates. The placement agency: (1) pays the rent; (2) supervises the youth; and (3) provides the youth with independent living and life skills

instruction. SIL programs often require that youth engage in some kind of educational, vocational, or treatment activity as well as work.

Thus while SIL placements typically provide Independent Living services, such services are not tied solely to SIL placements. That is, all youth in care who are age 16 and older should receive Independent Living services, no matter where they live, so that they can practice their independent living skills in a supportive environment.

### **Can FCIA money be used by counties to increase the number of Supervised Independent Living (SIL) beds, which are often in short supply?**

No. FCIA monies cannot be used to provide room and board, which would include SIL placements, for youth *currently in the custody of a children and youth agency*. Counties can use non-FCIA, Title IV-E monies and their needs-based budgeting process to fund more SIL beds to meet the age-appropriate needs and permanency goals of older youth. Judges who must sign off on their county's needs-based budget should inquire into whether the needs of the youth in their county warrant additional funds. See section *“Creating Programs for Older Youth in Foster Care: What Judges Can Do”* at p. 5 below.

However, counties do have the option of using up to 30% of their FCIA money to provide room and board for youth who have left care at age 18 and are under age 21.

### **Does FCIA make any provisions for education and training?**

Yes. In January 2002, the Social Security Act was further amended by the Promoting Safe and Stable Families Act of 2001 (P.L. 107-133), adding section (i) to 42 U.S.C. § 677, which is the FCIA. Youth who are eligible for FCIA services under the state plan may also obtain vouchers to fund education and training until age 23. These vouchers cannot exceed \$5,000 or the cost of attendance. Unfortunately, to-date Congress has not appropriated any funds for these educational vouchers.

### **What other services should older youth in care receive in addition to Independent Living services funded by FCIA?**

The county agency's obligation to older youth goes beyond providing FCIA-funded Independent Living services. The court must ensure that older youth receive many of the same services that youth in care of any age should receive. This includes the court's fundamental inquiry into the appropriateness of the youth's placement and permanency plan. The placement must reflect and address the youth's needs as he or she approaches adulthood. For some, a referral for a Supervised Independent Living placement may be appropriate so that they may practice and master independent living skills while adoption, kinship care, or permanent legal custodianship are still sought. Other youth may be in stable, supportive foster homes with caretakers who are committed to being in the youth's life even after the youth reaches the age of majority; in these cases, services, including independent living services, should be provided to maintain the placement.

## **CREATING PROGRAMS FOR OLDER YOUTH IN FOSTER CARE: WHAT JUDGES CAN DO**

Judges who hear dependency cases are consumers of services provided by county children and youth agencies. As consumers, it is important for judges to participate in their county's needs-based planning process. This process is Pennsylvania's most important vehicle for service-creation and funding of services to dependent children, including those who are aging out of foster care. Through this planning process, judges can help to create services that they will later order in individual cases. Because it is often too late to create these services when youth reach the bar of the court, judges need to be routinely involved in the development of the county plan.

### **What is "needs-based planning"?**

Since the early 1990s, the Public Welfare Code has established a budgeting process that enables counties to predict and receive funding for the services that counties will provide in the following fiscal year. 62 P.S. §709.1. "Needs-based planning" ensures that the state will pay its share of the cost of children and youth services that are mandated by 55 Pa.Code §§ 3130.34-3130.38. Counties submit plans and budgets to Pennsylvania Department of Public Welfare (DPW) by August 15<sup>th</sup> of each year. DPW compiles the county submissions, and it approves or disapproves requests for funding for services. The Governor then submits the aggregate county child welfare needs-based budget to the General Assembly for the coming fiscal year, which begins on July 1. 62 PS. §709.1; 55 Pa. Code §3140.13.

### **How can the court participate in the needs-based plan?**

DPW regulations require counties to involve the public in developing needs-based plans. "Involvement" means, at a minimum, identifying the "needs and problems" which the plan must address. 55 Pa.Code §3140.14(a). Before counties develop their needs-based plans, they must invite the court to participate in developing the plan. 55 Pa.Code §3140.14(b). Indeed, DPW requires that Form CY 92 be included with the county plan submission. Titled "Documentation of Participation by the Juvenile Court," the form informs DPW that the juvenile court has assisted in the plan's development, and that the plan accurately reflects the needs of children and youth served by the court.

The purpose of having a plan is to ensure that services are in place to respond to identified needs. The submission to DPW is both a budget and planning document. While every county operates on its own timetable to meet the August 15<sup>th</sup> deadline for submitting plans, courts should be involved early and often with their county children and youth agencies. Think of the times that you have thought, "If only our county had that type of program." Ideally, judges and court staff should keep track of needs that go unmet because the county lacks a particular service. That information can inform the next round of planning.

## **B. Teenagers and the Adoption and Safe Families Act (ASFA)**

### **Can independence be a permanency plan?**

Yes. Independence – as contrasted to Independent Living services – can be a permanency goal if the placement and services delineated in the permanency plan provide the youth with supportive and family-like relationships and the skills and competencies they will need to eventually live on his/her own. As discussed below, it is preferred that the permanency plan for youth be as family-like as possible: every effort should be made to place older youth with adoptive families, relatives, and in permanent legal custodianship situations if they cannot be reunified with their parents. However, for some youth independence will be an acceptable permanency plan. Independence is distinct from emancipation as a permanency plan in that:

Independent living contemplates an arrangement that is stable and secure, and the focus is on features of the plan which enhance stability and permanency, whereas “emancipation” implies a discharge from foster care by virtue of one’s age.

Cecelia Fiermonte & Jennifer Renne, *MAKING IT PERMANENT: REASONABLE EFFORTS TO FINALIZE PERMANENCY PLANS FOR FOSTER CHILDREN*, American Bar Association Center on Children and the Law (Washington, D.C., 2002), p. 81-82 (hereinafter “*MAKING IT PERMANENT.*”). As Mark Kroner has noted:

Permanency for many of these youths means learning to live independently. Even if they do spend time with their family members, their chances for success are improved if they learn to count on themselves to solve their daily problems- and have the knowledge, experience and skills to do so.

Testimony of Mark Kroner before the House Ways and Means Subcommittee on Human Resources for the Hearing on Foster Care Independent Living (May 13, 1999).

A youth placed in “another planned permanency living arrangement” (see *definition on pp. 7-8 below*) may have the permanency goal of independence as long as the court has documented that it is not in the child’s best interest to return home, be referred for termination of parental rights, be placed for adoption, or with a relative or guardian. See Chafee Foster Care Independence Program Questions and Answers, [www.acf.dhhs.gov/cb/laws/chafee.html](http://www.acf.dhhs.gov/cb/laws/chafee.html). Indeed, federal regulations recognize an older teenager’s request that independent living be his/her permanency plan as a compelling reason not to pursue reunification. See 45 C.F.R. 1356.21(h)(3)(i); see also Office of Children, Youth and Families Bulletin No. 3130-01-01, “The Revised Interim Implementation Guidelines for the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89),” effective February 2, 2001, at p. 45.

Pennsylvania’s Juvenile Act does not explicitly state that either independent living or emancipation can be a permanency plan. Instead, the Act, as amended by Act 215, signed into law on December 9, 2002, provides that at the permanency hearing, the court must:

- determine if and when the child:
  - should be returned to the parents, guardian or other custodian;
  - will be placed for adoption and the county agency will file for termination of parental rights;
  - will be placed with a legal custodian;
  - will be placed with a fit and willing relative; or
  - *will be placed in another living arrangement intended to be permanent in nature approved by the court if the county agency has documented a compelling reason that it would not serve the child's physical, mental or emotional health, safety or morals to be in one of the four placements listed above;* and
- order continuation, modification or termination of placement or other disposition best suited to the protection and physical, mental and moral welfare of the child.

42 Pa.C.S.A. § 6351(f.1) (emphasis added).

Similarly, Pennsylvania's Office of Children, Youth, and Families has implemented ASFA's preferences in permanency planning through bulletins, by stating that a youth may have a permanency goal of:

- Return to parents;
- Place for adoption and the agency will file a petition to terminate parental rights;
- Place with a permanent legal custodian;
- Place permanently with a fit and willing relative; OR
- *Place in another planned permanent living arrangement but only when the other four goals have been ruled out.*

Office of Children, Youth and Families Bulletin No. 3130-01-01, "The Revised Interim Implementation Guidelines for the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89)," effective February 2, 2001, at p. 70 (emphasis added).

### **Can long-term foster care be a permanency goal for youth?**

No. ASFA eliminated long-term foster care as a permanency goal for youth. For many older youth in care, the permanency plan will be "another living arrangement intended to be permanent in nature." Pennsylvania Department of Public Welfare's Office of Children, Youth and Families has referred to this as "another planned permanent living arrangement," or APPLA.

### **What is – and is not – "another planned permanent living arrangement" (APPLA)?**

"Another living arrangement intended to be permanent in nature" (APPLA) is not defined by the Juvenile Act. Ideally, it is an arrangement that offers the permanency similar to that provided by a family, i.e., it provides consistent emotional support and shelter until the youth achieves independence or ages out of care. The court should inquire into the specifics of such a placement and spell out these specifics in an order, to ensure that the situation provides permanency and not just long-term foster care to the youth. As the ABA Center on Children and the Law has stated, "the agency must

provide reasons why the living arrangement is expected to endure.” MAKING IT PERMANENT at p. 79. For example, the agency can identify a specific adult or couple whose relationship will continue beyond the dependency case, or a network of adults, including relatives and/or non-relative mentors who agree to provide long-term support to the youth.

Recent Pennsylvania data indicate that out of the 6,810 youth in care who were over the age of 16 during the 2001 fiscal year:

- 24.1% were in group homes;
- 31% were in institutional settings;
- 9% were in kinship care foster homes;
- 27.4 % were in foster homes
- 5.4% were in Supervised Independent Living placements;
- 0.4% were in pre-adoptive homes
- 1.3% had run away from their placements
- 1.5% were on trial home visits

Title IV-E Youth Independent Living Program, Fiscal Year 2001 Program Report, Pennsylvania Department of Public Welfare Office of Children, Youth and Families, at p. 7. This data is noteworthy because placement in a group home or institutional setting is not likely to be an appropriate APPLA, unless there is a clear delineation of complementary services, such as a consistent mentoring and regular, planned contact with relatives or other visiting resources. As the ABA Center on Children and the Law points out, while a youth’s special mental health or physical needs may require placement in a group or residential facility for a period of time, in most cases adequate treatment should result in the youth’s ability to live in less restrictive and more family-like settings. See MAKING IT PERMANENT at p. 83.

The court should periodically revisit adoption, or placement with a relative or permanent legal custodian as permanency goals for these older youth in group and institutional placements. Circumstances and outlooks change over time. A youth who may not have considered adoption at age 12 may feel more comfortable with that choice at age 15. A sibling or relative who was not formerly available may become able to provide care for the youth as a kinship caretaker or a permanent legal custodian. Or the youth may have developed supportive relationships with mentors and friends who may be viable foster care or adoption resources. Agency workers and judges should ask youth if there are relative or non-relative resources who should be explored.

Finally, Pennsylvania Department of Public Welfare’s Office of Children, Youth & Families has stated that placement with a particular foster family will likely *not* be an acceptable APPLA unless the county agency has documented: (1) why it would serve the child’s best interest not to return home, be adopted, or be placed with relatives or a permanent legal custodian; and (2) that this particular foster family intends to provide for this child permanently and their commitment to the child extends beyond the child reaching the age of 18. See Office of Children, Youth and Families Bulletin No. 3130-01-01, "The Revised Interim Implementation Guidelines for the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89)," effective February 2, 2001, at p. 99. The ABA Center on Children and the Law concurs that permanent placement with a foster

family who has agreed to care for the child indefinitely is an acceptable permanency plan, as contrasted to placement in the foster care system with no specific family identified, which is not. See *MAKING IT PERMANENT* at p. 81.

### **Should youth 16 and older have a special Family Service Plan (FSP)?**

For youth 16 and over, the family service plan must include an Independent Living plan that delineates the services they are receiving to help them become self-sufficient, productive adults. Federal law requires that each youth age 16 and older have an IL plan as part of their FSP. Pennsylvania has required that each county submit an IL form – much like the FSP form – to use in developing IL plans for individual youth. See *Appendix D, Sample Independent Living Program Plan*.

The court should ensure that every youth in care, at age 16, is provided with “a written description of the programs and services which will help such a child prepare for the transition from foster care to independent living.” 42 U.S.C. § 675 (1)(D). See also 42 Pa.C.S. § 6351(8); 55 Pa. Code §3130.72. (The court also should review a youth’s Independent Living plan at the permanency review hearings as part of its determination as to whether reasonable efforts are being made to achieve a permanency goal of independent living, if that is the youth’s goal. 45 C.F.R. § 1356.21(b)(2).) The plan should be designed to help the youth develop competencies and connect him/her to services in the following areas:

**Education** - offering referrals to school retention support programs as well as help in gaining access to post-secondary education and training (i.e., assistance in the application and funding processes).

**Vocational and Career Services** - training, job placement and support, and career counseling.

**Physical and Mental Health Care** - teaching methods to obtain health insurance and navigate the health care system as well as access to age-appropriate health care services such as family planning and sexual health.

**Housing** - helping youth find appropriate housing in the private and public markets, and establishing the youth’s eligibility for housing benefits such as Section 8 vouchers.

**Relationships with Caring Adults** - providing family counseling (even if the permanency plan is not reunification) or connecting the youth to a mentoring program, peer support group, or civic activities.

**Knowledge of Community Resources and Public Benefits/Services** - informing youth about options available in the public health system, about transportation, and about benefits such as cash assistance and food stamps.

**Expertise in Daily Living Skills** - teaching basics, such budgeting and saving.

*See Bibliography for research resources on these competencies.*

## **Can a court refuse to make a finding of reasonable efforts to achieve the permanency plan of independence if adequate independent living services are not provided?**

Yes. The Adoption and Safe Families Act added the requirement that courts make findings that reasonable efforts to achieve whatever permanency plan is chosen for the youth at each permanency review hearing. See Office of Children, Youth and Families Bulletin No. 3130-01-01, "The Revised Interim Implementation Guidelines for the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89)," effective February 2, 2001, at pp. 28-29, 51. Pennsylvania's Juvenile Act was amended on December 9, 2002, by Act 215, to reflect this requirement. This finding must be made for the state to receive Title IV-E reimbursement. If the court does not believe that the youth is being provided with sufficient services to actually allow him or her to meet the goal of independence, no finding of reasonable efforts should be made. The court should scrutinize the efforts being made to help a youth achieve independence in the same manner that it reviews efforts made to reunify youth with their families or find adoptive homes. See Karen Aileen Howze, *HEALTH CARE FOR TEENS IN CARE*, American Bar Association Center for Children and The Law (Washington, D.C., 2002) (discussing this theory in depth).

## **What must be determined at permanency hearings?**

At six-month permanency hearings the court is charged with determining:

- the appropriateness of the youth's current placement
- the appropriateness and feasibility of the youth's placement goal, i.e., is it a placement that will provide the youth with the benefits of a secure family or the most family-like setting available?
- the appropriateness, feasibility and extent of compliance with the permanency plan developed to achieve that placement goal. For youth 16 years of age and older, the permanency plan must include services that will assist the youth's transition to independent living.
- any other services which are "best suited to the protection and physical, mental, and moral welfare of the child."

42 Pa.C.S.A. § 6351 (a), (f). See *Appendix E for a complete checklist to guide the court's inquiry at permanency hearings for older youth. See also supplemental appendix, a worksheet designed to help county children and youth caseworkers prepare for permanency hearings*, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html).

## **C. Pennsylvania Law Affecting Older Foster Youth**

### **Has Pennsylvania amended its regulations to incorporate the changes created by the FCIA?**

No. Chapters 3130 (regulating county children & youth agencies) and 3140 (same) of Title 55 of the Pennsylvania Code have not yet been amended to reflect the changes in FCIA or ASFA.

But while Pennsylvania's regulations have not yet been amended, Pennsylvania has promulgated pre-FCIA Title IV-E Independent Living program regulations, which are found at Appendix A of the Chapter 3140 regulations. In this Appendix, many of FCIA's goals and standards are reiterated in Pennsylvania's descriptions of how IL services should be provided and the goals of these services. Noting that the opportunity for meaningful, self-sustaining employment or further education is critical for achieving meaningful self-sufficiency and independence, Pennsylvania suggests that IL programs include:

- services to develop vocational and educational competencies including career planning, preparation for GED or higher education, job readiness, job search assistance, job placement, and tutoring or other remedial education.
- training to develop basic living skills in such areas as money management, home management, consumer skills, identifying and using community resources, use of transportation, health care, locating housing, problem solving/decision making, time management, and communication skills.
- individual and group counseling to aid youth in the development of self-esteem, self-confidence, and interpersonal skills as well as to facilitate the transition to independence.
- monies that can be used to fund security deposits for apartments and furnishings as well as education and training.

### **For how long and under what conditions can a youth over age 18 stay in foster care?**

In Pennsylvania, youth who have been adjudicated dependent before their 18<sup>th</sup> birthday can continue in foster care until age 21. This is often referred to as an "extension of care" or, in some counties such as Philadelphia, as a "board extension." A dependent child is entitled, upon demand, to stay in care beyond the 18th birthday if he or she was:

**adjudicated dependent before reaching the age of 18 years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed**, but in no event shall a child remain in a course of instruction or treatment past the age of 21 years.

42 Pa. C.S. § 6302 (emphasis added); *see also* 55 Pa. Code § 3130.5. *See Appendix C for a sample letter requesting an extension of care.*

Under the Juvenile Act, an extension of care **must** be permitted when the youth is in a course of instruction or treatment. Unfortunately, some county children and youth agencies as a matter of practice violate the law by seeking to drop youth from care when they turn 18. It is important to note that under the Juvenile Act, a youth cannot be discharged from care without a hearing being held. 42 Pa.C.S. § 6351. Moreover,

the juvenile court should deny a motion to discharge the case if the youth is still a "child" as defined under the Act. Most youth, even in the best circumstances, are not able to be completely self-sufficient at age 18. The unique challenges that youth in care face – including dealing with the trauma of abuse, neglect, and separation from family members as well as multiple placements – make it more difficult for them than other youth to achieve true independence at age 18.

### **What is “a course of treatment or instruction?”**

The Juvenile Act does not define “a course of treatment or instruction.” Absent an explicit definition, the juvenile court should apply common sense and broadly interpret “course of instruction or treatment” so as to effectuate one of the Juvenile Act’s central purposes: “[t]o **provide for the care, protection, safety and wholesome mental and physical development of children coming within the [juvenile] court’s jurisdiction.**” 42 Pa.C.S.A. § 6301 (emphasis added). A broad interpretation also furthers FCIA’s goals of helping youth achieve self-sufficiency and stability in certain core areas. These core areas include not only education and employment but also how to acquire and maintain stable housing, daily living skills such as budgeting and financial management, and preventative health care, as well as how to navigate the health care system. FCIA additionally requires states to address the needs of youth with disabilities or developmental delays. The course of treatment or instruction that these special needs youth require may not fit into traditional models of school or therapy.

Thus, a “course of instruction or treatment” is what a youth needs to learn how to grow up. It includes the wide array of services and programs youth are engaged in to facilitate their transition to adulthood and address their special needs. Supportive services to complete high school followed by enrollment in a community college with career counseling is one typical “course of instruction or treatment.” For another youth, the “course of instruction or treatment” may include training in how to find and maintain housing and obtain medical insurance and medical care. What is important is that the course of instruction or treatment be specifically tailored to meet that individual youth’s needs and aspirations.

### **Under what conditions can the juvenile court discharge a youth from foster care?**

Except for the requirement that a youth receive a hearing prior to discharge, 42 Pa.C.S. § 6351, Pennsylvania has no regulations or standards for discharging youth from care, although local court systems, such as Philadelphia, are developing discharge protocols. Thus, currently the court must be guided by the Juvenile Act’s general purposes as well as due process principles regarding notice and the opportunity to be heard.

Regardless of age, a dependent child should not be discharged from care unless the court has conducted a rigorous inquiry, including requiring that the county children and youth agency conduct an investigation into the situation and circumstances to which the child is to be discharged, or requiring that particular conditions be met prior to discharge. The court should apply the same rigor when inquiring into an agency’s plan to discharge a teenager to live on his/her own as it would if the agency proposed to return a child to his/her parents’ home, or to free the child for adoption.

Moreover, a youth should not be discharged without being present at the hearing. At the very least, the court should be satisfied that the county agency has tried to locate the youth and give him/her notice of the discharge before it occurs. The court may even consider holding the agency to the same “due diligence” standard that applies when the agency must identify and locate parents before terminating parental rights. At the least, a court should ask searching questions before accepting a children and youth agency's assertion that a youth cannot be found. The time around a court date is often troubling for a youth, who may leave placement temporarily to seek solace from a friend or relative. In these situations, the youth's whereabouts are often easily discovered, and the absence from care is often temporary. When a youth is absent from the hearing, the court should err on the side of keeping a case open, since closing a case ends all services to the youth, which may be the only source of support s/he has. And in most instances, closing the case is irreversible, as the youth over the age of 18 cannot again be adjudicated dependent.

### **What should a juvenile court require before discharging a youth?**

Discharge, like any disposition, should serve the youth's best interest and promote safety, permanency, and well-being. The court should require the county agency to present a discharge plan that covers all of the core areas, including:

- education
- employment
- housing
- health and mental health care
- health insurance coverage
- connections with family and/or caring adults
- connection with community resources and social services
- competencies in daily living skills

The court should not accept a plan that simply states where the youth will be living. The court should also reject discharge plans which do nothing more than refer youth to homeless shelters or county public assistance offices, since these “plans” on their face do not fulfill the permanency goal of independence and self-sufficiency.

The court also should consider holding an evidentiary hearing if the county agency seeks to discharge the youth on the grounds that the youth is “not cooperating” or is “ungovernable.” Developmental experts and common sense tell us that it is normal for teenagers to “act out” or rebel as they approach adulthood. This behavior is normative, and should not be accepted as the bases for petitions to discharge a youth from county care. Ironically, agencies that seek to discharge a youth because of “ungovernable” behavior are justifying their request on the very grounds that lead to adjudicating children dependent in the first instance. The county agency is often a caretaker of last resort. It should not be permitted to abandon the youth for some of the same reasons and behaviors that brought them into the system in the first place.

Finally, the court should consider deferring its decision to close the case when the judge is unsure of the youth's ability to live independently. For example, the court can discharge the commitment of physical or legal custody to the county children and

youth agency, but maintain supervision by the children and youth agency and list the case for a status review in 90 days. This time period will serve as a trial discharge. At the status listing, the court can consider whether the youth's discharge plan has helped him/her to achieve the permanency goal of independent living. If the youth's discharge has not worked, the court can order the county agency to fashion a new transition plan.

### **How should the court respond if the youth requests discharge?**

If the youth is requesting discharge or agreeing to a discharge, the juvenile court should conduct a colloquy to inquire as to the reasons for the request, and explore whether alternatives to discharge have been explored. It is important to keep in mind that youth may ask for discharge for reasons that have nothing to do with their readiness to live on their own. Some youth ask to be discharged because multiple placements have not met their needs and they feel that there is no more that the system can do from them. Other youth seek discharge because the placement they are in is not appropriate. For example, a youth may have outgrown her group placement, but may feel that she is going to be there indefinitely while awaiting an SIL placement. She may ask for or agree to a discharge because the wait has become too long. Discharges based on these reasons may not be in the youth's best interest and will not meet the youth's short and long-term goals.

Thus, the court should inquire of youth what they will need to succeed. The court should give the youth's counsel wide latitude in making a record of his or her client's needs, of the youth's experience in care, and of the youth's reason for agreeing to discharge. Again, as discussed above, deferring discharge and listing the case for review after a reasonable period of time may be the best course of action.

### **D. The Court's Obligation to Older Non-Foster Youth Seeking Assistance**

#### **Should the court adjudicate a 16 or 17-year-old dependent?**

A youth who wants to enter the children and youth system can and should be adjudicated dependent if there is no other alternative and if there is clear and convincing evidence that he or she meets the definition of a dependent child. 42 Pa. C.S.A. § 6302. The Pennsylvania legislature has decided that a child can be found to be dependent up until his or her 18<sup>th</sup> birthday. Youth who cannot return home, or who have no home to return to, for example, meet the definition of dependency up to reaching the age of 18. Courts must enforce the child welfare agency's responsibility to these youth. Many of these youth need the support that foster care offers. Often these older youth are most in need of the assistance of the court and child welfare agency because they are turned away by agencies which serve the adult population. Without the assistance of the child welfare system these minors will likely remain on the street or in unstable and potentially dangerous living situations.

#### **Should the court "emancipate" these older youth seeking assistance from the child welfare agency and family court?**

In most cases, the answer is no. Many older youth under age 18, who are seeking assistance because they are homeless or without parental support, are told that

emancipation will solve their problems. Youth in these circumstances will rarely meet the criteria for judicial emancipation. While there is no statewide procedure for emancipation, to be emancipated youth generally must provide proof that they are able to support themselves and live outside the care and control of an adult. See JLC Emancipation Fact Sheet, [www.JLC.org/home/info/FAQ/EMNinPA/EMNinPA.html](http://www.JLC.org/home/info/FAQ/EMNinPA/EMNinPA.html). Emancipation itself rarely provides stability for youth unless they are already in a position where they are fairly independent and self-supporting. Most youth who are seeking the help of the children and youth agency and the court are not in a stable situation, and are seeking assistance precisely because they are not yet able to support themselves and live on their own. These youth should be provided with services and, possibly, adjudicated dependent rather than told to request an emancipation decree.

### **What other services are available to a families in need of assistance to help their older youth?**

As with families with children of any age, the county children and youth agency should make every effort to help the family stay together prior to any court involvement being initiated. The children and youth agency has an obligation to offer a family with an older youth services to prevent placement and maintain family stability. A youth or parent can ask for these services.

Families and youth can also seek assistance from their county mental health system, Office of Vocational Rehabilitation (OVR) agency, or the network of social service agencies that exist in the county. Many counties also have agencies which receive funding under the Runaway and Homeless Youth Act. *See list of agencies on p. 36 below.* These agencies can provide counseling, and sometimes shelter, to a youth who has run away or is homeless, and to families who need help in addressing the issues of their older youth.

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<sup>1</sup> In Philadelphia, a family in need of assistance with older youth can contact the REAAP (Reasonable Efforts in Assessment, Access and Prevention) Unit at Family Court. REAAP, which is located in the Family Court building, links youth and families to services without a formal adjudication of dependency.

## **II. Ensuring Adolescent Well-Being at Permanency Review Hearings: Requirements, Entitlements, and Benefits under Federal and State Laws**

In addition to promoting safety and permanency, courts and child welfare agencies have a duty to ensure overall well-being of each child in foster care. The juvenile court has wide latitude in ensuring that the county children and youth agency provides a disposition which provides for “the care, protection, safety and wholesome mental and physical development of children,” 42 Pa.C.S.A. § 6301(b), and which is best suited “to the protection and physical, mental, and moral welfare of the child.” 42 Pa. C.S.A. § 6351(a). Regardless of age, a youth should be placed “in a family environment whenever possible, separating the child from parents only when necessary for his welfare, safety or health or in the interests of public safety.” 42 Pa.C.S. § 6301(b). Youth in care have a right to “treatment best suited to meet [their] needs” and the county agency must provide any service ordered by the court that furthers the goals of the Juvenile Act. *In re Tameka M.*, 580 A.2d 750, 755 (Pa. 1990).

At a minimum, federal and Pennsylvania law require these entities to develop, implement and document individualized health and education plans for adolescents in care. They must also address needs in those and other areas as part of an adolescent’s plan to transition from foster care to independent living. To plan well for teenagers, child welfare professionals and judges must be familiar with the entitlements that youth have to various health, education and other services, and how these services can be obtained. As explained in this section, some entitlements are particular to adolescents in foster care, while others are applicable to qualified youth whether they are or are not in the child welfare system.

### **A. Health Care**

Children in foster care are a medically vulnerable group. Several studies have confirmed that children in foster care, compared with other indigent children, experience elevated rates of acute and chronic physical health problems, developmental delays, and emotional, behavioral and mental disorders. Studies indicate not only that many received inadequate health care prior to placement, but also show that many children receive insufficient health services after entering foster care. The failure to collect children’s medical information when they enter foster care and convey that information to key parties, and lack of planning to ensure continuity of care and insurance coverage as children change placements, are some of the reasons cited for this undesirable outcome. See Judith Silver, Ph.D., et al., *YOUNG CHILDREN AND FOSTER CARE*, Paul H. Brooks Publishing Co.(Baltimore, Maryland, 1999); Karen Aileen Howze, Esq., *HEALTH CARE FOR TEENS IN CARE: A JUDGE’S GUIDE*, American Bar Association Center on Children and the Law (Washington, D.C., 2002).

## **What does the law require child welfare agencies and courts to do with respect to health care planning for adolescents in care?**

The child welfare agency is responsible for securing appropriate health care for children committed to its custody.<sup>2</sup> Case plans must include an identification of those health services to be provided to the child, and a timetable for the delivery of these services. Updates specifying what services have actually been provided and any changes to the health plan must be submitted to the court at permanency hearings. At a minimum, the agency is required to ensure that a teenager receives:

1. a complete physical examination by a physician within 60 days of admission to foster care, and an annual physical exam thereafter;
2. a dental examination within 60 days of admission, and a dental examination every nine (9) months thereafter;
3. immediate medical attention for all problems identified at these examinations; and
4. all necessary medical care when the minor is ill.

The Juvenile Act, 42 Pa.C.S.A. §§ 6301(b)(1.1), 6351(f)(2); 55 Pa. Code §§ 3130.31(3), 3130.34(4), 3130.38, 3130.61, 3130.67, 3700.51.

Case plans also must record the child's medical problems (including known physical, mental or emotional disabilities), the names and addresses of the child's health care providers, any medications the child is taking, the child's immunization records, and any other relevant health information. This information must be reviewed and updated each time a child changes placement, and provided to the child's new foster care provider to ensure continuity of care. 42 U.S.C. § 675(1)(B); 55 Pa. Code §§ 3130.67, 3700.39.

## **What type(s) of health insurance are youth entitled to when they are in care?**

Children in foster care who are eligible for federal Title IV-E funds are also categorically (i.e., automatically) eligible for Medicaid. Additionally, many Pennsylvania foster care children who do not qualify for Title IV-E funds may still be eligible for Medicaid, which is called Medical Assistance (MA) in Pennsylvania. That is because when a youth is committed to the legal custody of the county children and youth agency, the youth becomes a family of one and therefore only the youth's income is considered in determining Medicaid eligibility. Consequently, the state Office of Children, Youth and Families has determined that approximately 99% of children who enter placement qualify for MA. *See supplemental appendix , excerpt on Medicaid from Office of Children, Youth & Families Bulletin No. 3140-01-01, "Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption*

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<sup>2</sup> When parental rights have not been terminated, parents retain the right to participate in making health care decisions and – absent a court order – often still have to give their consent depending on the type of testing or treatment at issue. It is important to note, however, that under Pennsylvania law, adolescents may consent on their own to a variety of medical testing and treatment. *See excerpt from CONSENT TO TREATMENT AND CONFIDENTIALITY PROVISIONS AFFECTING MINORS IN PENNSYLVANIA at Appendix D.*

*Assistance Eligibility and Title XIX Medicaid Eligibility,” issued April 4, 2001, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html). Once a child comes into the care of the county children and youth agency, it is responsible for making contact with the county assistance office (CAO) to apply for MA on behalf of that child.*

### **To what services are adolescents entitled if they are covered by Medicaid?**

The Early and Periodic Screening, Diagnosis and Treatment Program -- commonly known as EPSDT -- is a federal program that provides special protections to children enrolled in Medicaid, from birth until their 21<sup>st</sup> birthday. See 42 U.S.C. § 1396d(r). Under EPSDT, children enrolled in MA are entitled to two types of health care services:

1. A number of initial and periodic screening examinations from birth until the child’s 21<sup>st</sup> birthday; AND
2. All medically necessary follow-up care that the child needs to:
  - a. correct a condition discovered during the screens; OR
  - b. lessen the condition’s effects; OR
  - c. achieve and maintain maximum functional capacity to perform daily functions.

The mandatory screens and services that children must receive on a regular basis under EPSDT include but are not limited to the following: physical exams; developmental assessments; mental health assessments; immunizations; sickle cell screening (for African American children); vision exams; hearing exams; and dental exams and care (including preventive, restorative, and emergency care). Federal law requires each state to develop a timetable — called a periodicity schedule — of when each of these screens or services must be made available to children on MA. EPSDT also requires that MA-covered children receive screens between regularly scheduled screens if there is reason to suspect that they may have a health problem.

Importantly EPSDT requires that MA-covered children receive **all medically necessary services**, treatment, and equipment to address any physical or mental conditions discovered during the screens. This can include a wide variety of services and equipment including mental health treatment, substance abuse treatment, family planning services and supplies, case management services, transportation, physical or occupational therapy, in-home nursing services, specialized equipment, and various equipment and medical supplies including eyeglasses, hearing aids and assistive communication devices.

### **What kind of mental health services can youth obtain if they are covered by Medicaid?**

Youth can receive inpatient and outpatient mental health treatment depending on their needs. In addition, Behavioral Health Rehabilitation Services, which are commonly known as “wraparound services,” are another entitlement available to MA-eligible children under the age of 21. These services are designed for children with emotional and behavioral disorders. Services are provided in such locations as the child’s home

and in school in order to prevent the child from being placed in a more restrictive environment, such as a long-term residential treatment facility or psychiatric hospital. A wraparound plan can include a variety of services, including but not limited to therapeutic staff support (TSS) to work one-on-one with the child in the child's environment, a behavioral specialist consultant to develop a behavior management plan for the child, and mobile therapy.

### **What happens to the youth's Medicaid coverage when s/he is discharged from foster care?**

When a youth is discharged from the county children and youth agency's custody, it is required to inform the CAO, which then closes that youth's individual MA case. If the youth is discharged into the custody of a parent or legal guardian, that individual must apply to the CAO to have the child placed on his/her MA case (assuming that the individual is eligible for MA.). See *supplemental appendix, income eligibility criteria*, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html). **When discharge and return to the family is planned for a youth, the county children and youth agency is legally required to take steps to assure that the child's MA eligibility is continued without interruption.**

Specifically the agency must inform the child's parent/legal guardian sufficiently prior to discharge about the change, and provide instructions about what the parent/legal guardian needs to do to maintain the child's MA eligibility once s/he returns home, including helping the family complete a timely application for MA if requested. **This is true even if the youth is discharged at age 18 and the plan is to return to the parent's care.** See *supplemental appendix, excerpt on Medicaid from Office of Children, Youth & Families Bulletin No. 3140-01-01, "Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XIX Medicaid Eligibility," issued April 4, 2001*, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html).

### **What types of health insurance can adolescents obtain once they are discharged from foster care?**

- If the youth is under 21 and returns to his or her parent's care, he or she may be eligible for MA as part of the family's case if the family meets the income guidelines. See *supplemental index, income eligibility criteria for MA*, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html).
- If the youth is under 19 and returns to his parent's care but the family is not eligible for MA, the family may still be able to obtain insurance for the youth at little or no cost through the Children's Health Insurance Program (CHIP). See *supplemental index, income eligibility criteria for CHIP*, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html).
- If the youth is under 19, and discharged to live independently, the youth can apply for MA on his or her own and likely will qualify.

- If a youth is 19 years of age or older and does not qualify for MA, s/he may still be able to purchase Adult Basic Coverage from the state. This program costs \$30 a month. It does not cover mental health or dental treatment. It provides only a limited discount for prescription medication. *See income eligibility criteria attached at supplemental appendix, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html).*
- Youth age 19 and older who are a family of one, and who are working full or part time, should apply for MA. These youth, however, will generally not qualify for MA unless they are receiving some other public benefit, like TANF, GA, or SSI. That is because youth who are working full time and earning at least minimum wage most likely will not be income eligible for MA. Nevertheless, these youth should apply because there may be some case specific facts that would allow the youth to establish eligibility.
- A disabled youth who receives Supplemental Security Income will continue to receive MA after discharge as long as SSI eligibility is maintained.
- A youth under age 21 may also qualify for MA regardless of family income if the minor meets the criteria for disability for SSI benefits. *See information in supplemental appendix, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html).*
- A youth who receives general assistance or TANF will generally qualify for MA. *See text at pp. 33-34 below on how a youth under 22 may qualify for general assistance and for information on TANF eligibility.*
- Most pregnant teenagers and teen mothers will qualify for MA whether or not they are in foster care.
- Youth with HIV/AIDS may qualify for MA.
- Youth taking Health Sustaining Medications may qualify for MA. *See Stacey A. Coggins, A GUIDE FOR DETERMINING YOUR ELIGIBILITY FOR FREE HEALTH CARE COVERAGE THROUGH MEDICAL ASSISTANCE (Pennsylvania Health Law Project, 2001), at [www.hplp.org/healthinfo/phlp\\_ma\\_manual.pdf](http://www.hplp.org/healthinfo/phlp_ma_manual.pdf) for more detail on establishing MA eligibility.*

### **Are there supportive housing options for youth with mental health impairments after they are discharged from care?**

Most counties offer supportive housing arrangements for persons with mental health impairments. However, most counties also have waiting lists for this housing, in some cases up to a year. For that reason, youth with mental health impairments who will require supportive housing upon discharge from foster care should be identified as soon as possible prior to discharge. The referral forms for supportive housing require detailed information about the youth's diagnosis and needs. Specifically, when the dependent child is between the ages of 16 ½ and 17, the court should inquire as to

whether the youth will need supportive housing services through the county office of mental health. The court can then direct the county children and youth agency to obtain the necessary evaluations and prepare the forms to make the application on behalf of the youth. Advocates and county agency workers should contact their county office of mental health/ mental retardation at least one year prior to the youth's anticipated discharge to learn about the supportive housing referral process. Addresses and telephone numbers for county offices can be found at the Department of Public Welfare's website: [www.dpw.state.pa/us/omhsas/omhcom](http://www.dpw.state.pa/us/omhsas/omhcom).

### **Can youth consent to mental health and drug treatment on their own?**

Yes. Youth can consent to mental health treatment without the consent of a parent, guardian or custodian when they are age 14 or older. They can consent to drug treatment at any age. To facilitate access to treatment for teenagers who may either be embarrassed to seek help or be more likely to do it on their own without the involvement of a social worker or foster parent, a judge can inform youth in court that they can seek and consent to treatment on their own.

### **What other health care needs should be addressed in a teenager's IL plan?**

One of FCIA's major focuses is on prevention services, particularly in the areas of teenage pregnancy and drug and alcohol addiction. Instruction on family planning topics should be a part of almost every teenager's IL plan. A youth's IL plan also should address mental health and/or substance abuse treatment if these are issues in his/her life. All teenagers should receive instruction on the numerous types of health care services they can consent to on their own without parental or agency involvement, even if they are under the age of 18. *See supplemental appendix, excerpt from CONSENT TO TREATMENT AND CONFIDENTIALITY PROVISIONS AFFECTING MINORS IN PENNSYLVANIA (describing when minors may consent medical testing and treatment), posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html).* Minors under the age of 18 can consent to testing and treatment related to sexual health and family planning, except in the case of abortion. To encourage youth to address these issues and seek treatment and education when needed, the court should inform youth of their right to obtain treatment on their own.

### **What are the most important steps that the court can take to ensure that a teenager receives appropriate health care, both while in care and after discharge?**

The court should:

1. Ensure that youth have continuous health insurance coverage as they change placements and at discharge. This is critical, particularly for youth with special health care needs. If the youth will not be eligible for MA once discharged, the discharge plan should specify what insurance the youth will obtain and how the cost of insurance will be covered.
2. Inquire at court hearings if the county children and youth agency has collected the youth's medical history, and if there are any medical issues that need follow up.

3. Ensure that youth are properly evaluated while they are in care to identify any special health care needs, by issuing court orders authorizing the evaluations or obtaining parental consent at permanency hearings.
4. Ensure that older youth understand how they can obtain and consent to services, such as mental health and treatment related to sexual health.

## **B. Education and Special Education**

National data reveals that many youth aging out of foster care experience poor educational outcomes. See Blome, W.W., *What Happens to Foster Kids: Educational Experiences of a Random Sample of Foster Care Youth and a Matched Sample of Non-Foster Youth*, 14 CHILD AND ADOLESCENT SOCIAL WORK JOURNAL 41-53 (1997). In large numbers, these youth are not completing high school or getting their GED. Many are so far behind their age group in school that they feel embarrassed to return to school despite their entitlement to public education and, for eligible children with disabilities, a special education.<sup>3</sup>

The unique barriers that foster children face to prompt school enrollment and receipt of an appropriate education contribute to these poor results. For example, when children change placements and thus schools frequently, problems arise, including delays in enrollment and records transfer as well as loss of school days. Difficulty in obtaining parental consent delays access to services, particularly disability related services. This situation is complicated in Pennsylvania by the lack of uniform statewide protocols for enrollment and transfer of records.<sup>4</sup> Youth in foster care are often more likely to be placed in the most restrictive educational placements and also are often not appropriately identified for special education services.

The consequences to youth can be severe. As researchers have noted, given the current economy “a GED only is insufficient and may be a deterrent to stable employment, and by itself, a high school diploma no longer assures employment beyond a poverty level wage.” E.V. Mech, *Foster Youth in Transition: Research Perspectives on Preparation for Independent Living*, 73 CHILD WELFARE 614, 606-623

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<sup>3</sup> Please see the next section for more information on the Individuals with Disabilities Education Act (IDEA) and the rights of children in foster care who require special education services.

<sup>4</sup> Education Law Center - PA and other advocacy groups have been lobbying for changes in state law that would set uniform, statewide requirements and timelines for enrollment. At the time that this supplement went to press, the State Board of Education had unanimously approved proposed regulations that would establish a uniform timetable for school districts to process their enrollment paperwork, including for nonresident children who live in institutions or foster homes. The proposed rules would require that schools enroll children no later than five business days after receipt of an application and documentation such as proof of age and immunization records. The proposed rules would also require the school that the child previously attended to forward the child's records to the new school within five business days of receiving a request for records. Before the new regulations can go into effect, they must undergo review by the state House and Senate education committees, the Attorney General's office and the Independent Regulatory Review Commission, a process that can take up to one year. To track the progress of these proposed regulations, you may consult the Education Law Center – PA's website at [www.elc-pa.org](http://www.elc-pa.org).

The Pennsylvania Department of Education has recently issued a revised Basic Education Circular (“BEC”) on the enrollment of students. This BEC standardizes school district enrollment policies and limits the type of information that districts can require as a condition of enrollment. Copies of the revised BEC can be found at <http://www.pde.state.pa.us/k12/cwp/view.asp?A=11&Q=84241>.

(1994). Thus, ensuring that youth in care receive appropriate educational services is crucial to promoting a successful transition.

As with health care, the county children and youth agency is responsible for securing appropriate educational services for children committed to its custody.<sup>5</sup> Service case plans must include a record of the names and addresses of the child's school/educational providers, the child's grade level, his or her complete school record, the child's physical, mental or emotional disabilities, if any, and any other relevant educational information. This information must be reviewed and updated each time a child changes placement, and provided to the child's new foster care provider to ensure continuity of care. 42 U.S.C. § 675(1)(B); 55 Pa. Code § 3130.67.

## 1. Regular Education

### **What entitlement do children in Pennsylvania have to a basic education?**

All youth, until they graduate or reach the age of 21 (whichever occurs first), are entitled to attend public school in the school district where they live with a parent or guardian. Even if a student drops out of school, the student has a right to re-enroll if he or she has not yet received a high school diploma and is under the age 21. The county children and youth agency must ensure that children in its care are enrolled or have access to education in compliance with the Public School Code, 24 P.S. §§ 1-101-27-2702. See 55 Pa. Code § 3130.87(a). If the youth is beyond the age of compulsory school attendance, the agency must ensure that the youth has the opportunity to obtain career counseling or continuing education. 55 Pa. Code 3130.87(c)

### **How do youth get into vocational programs in the public school system?**

Throughout Pennsylvania there are Area Vocational-Technical Schools (AVTS). These schools are either run by a particular local school district or by several school districts in combination. See *supplemental appendix for a list of AVTS*, posted at [www.JLC.org/transitions/deskbooksupl.html](http://www.JLC.org/transitions/deskbooksupl.html). AVTS provide vocational-technical training for half the day in some districts, while the remainder of the educational program is provided in the youth's school district. Several comprehensive AVTS provide the academic and vocational portions of the program at the same location.

While AVTS have entrance criteria, any youth can apply and can ask his or her local school for application materials and entrance criteria. Some AVTS have fewer slots than the existing demand. Special education students may have attendance at an AVTS as part of their transition plan in their IEP. See *below*. While regular education students are not entitled to any particular vocational or skills assessment, such an assessment can be requested.

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<sup>5</sup> When parental rights have not been terminated, parents retain the right to participate in making educational decisions and often still need to give their consent with respect to special education services. Please see the next section for more information on the rights of children in foster care who require special education services, and who is responsible for securing such services.

## **What school should youth in foster care attend if they are placed outside of their former school district?**

Children living with foster families have the right to attend school where the foster family lives, regardless of where their birth parents reside. These youth cannot be treated differently: the school district cannot require a foster care agency to disclose the reason for the child's placement as a condition of enrollment, nor can it require that a foster child attend an alternative school.<sup>6</sup>

One factor the children and youth agency is required to consider when seeking a foster care placement is its proximity to the youth's current school. 55 Pa. Code § 3130.67(b)(2)(iv). The court should inquire into whether the agency has explored placements that would allow school continuity.

## **Who can enroll a foster child in school?**

A child's foster parent or case worker can enroll the child in school. While there are no uniform rules for enrollment<sup>7</sup>, most schools require that the following information be presented: proof of residency, proof of age, and records of immunization.

## **Can a new school district refuse to enroll a youth who was expelled in the former school district?**

No, unless the youth was expelled for an Act 26 weapons offense, 24 P.S. § 13-1301-A *et seq.* Act 26 requires that whenever a student registers in a new school district, the student's "parent, guardian, or other person having control or charge of a student" must give the new school a sworn statement saying whether the student has ever been suspended or expelled from any public or private school in any state for offenses involving weapons, drugs, alcohol, willful injury to another person, or violence on school grounds. This statement then becomes part of the student's record. Once this statement is provided, the student must be admitted and provided with an education on the same terms as other students in that district. However, if the student was expelled for an act or offense involving a weapon, he or she may be placed in an alternative assignment or provided alternative education services for the duration of the expulsion by the old district. 24 P.S. § 13-1317.2(e.1).

## **When are transfers to disciplinary schools appropriate?**

Pursuant to Act 30, 24 P.S. § 19-1901-C *et seq.*, school districts may remove *disruptive students* from regular school programs and place them in alternative education programs to provide them with a sound educational course of study and counseling designed to modify disruptive behavior and return them to the regular school curriculum. A disruptive student is a student who poses a clear threat to the safety and

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<sup>6</sup> A child in foster care may, however, be required to attend an alternative school if he or she was expelled from a former school district for an act or offense involving a weapon, provided that the alternative assignment may not exceed the period of expulsion.

<sup>7</sup> See text at footnote 6 above.

welfare of other students or the school staff, who creates an unsafe school environment, or whose behavior materially interferes with the learning of other students or disrupts the overall education process.<sup>8</sup> A disruptive student may be placed in an alternative program after notice and an informal hearing between the student's parents, the student, and the school principal.<sup>9</sup> School districts must adopt a policy for periodic review of students placed in an alternative program and the review must occur, at a minimum, at the end of every semester the student is in the program. The purpose of the review is to determine whether or not the student is ready to return to the regular school curriculum.

Alternative education programs for disruptive youth may operate outside the hours of the normal school day and on Saturdays. The program's structure must enable its students to make normal academic progress and meet requirements for graduation.

## **2. Special Education**

Children with disabilities in foster care face the same barriers to education as regular education students, but may suffer even greater harm when they are denied the educational services to which they are entitled. Sadly, children with disabilities will often regress to a lower level of functioning when their educational programming is interrupted. They require an appropriate educational program provided in a consistent and timely manner to make meaningful educational progress. This is especially true for older youth, who must develop and master skills that will help them to transition to their desired post-school outcomes.

### **What are the entitlements to special education?**

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*, 34 C.F.R. Part 300, and Pennsylvania's Chapter 14 regulations, 22 Pa. Code § 14.101 *et seq.*, entitle eligible children with disabilities to a free, appropriate public education. To be eligible, a child must have a legally identified disability and, by reason thereof, a need for special education and related services. School districts must identify, locate, and evaluate all children with disabilities residing in the district, including children attending private schools, who are in need of special education services. Once a child is evaluated and determined to be eligible for special education, the district must provide an appropriate education in the least restrictive environment. Services are provided through an Individualized Education Program (IEP) which may include specialized instruction; related services (e.g., occupational therapy; physical therapy; speech therapy; emotional support services and counseling; etc.); assistive technology and services; behavior intervention programs; and transition services.

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<sup>8</sup> No student who is eligible for special education services pursuant to the IDEA may be deemed a disruptive student under Act 30, except that he or she may be disciplined consistent with federal and state law. Please see the next section for more information on disciplining students with disabilities.

<sup>9</sup> Where the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.

If a child with disabilities is not eligible for special education, he or she may still be entitled to reasonable accommodations pursuant to Section 504 of the Rehabilitation Act of 1973 and Pennsylvania's corresponding Chapter 15 regulations. 29 U.S.C. § 701 *et seq.*; 34 C.F.R. Part 104; 22 Pa. Code § 15.1 *et seq.* Section 504 and Chapter 15 prevent school districts from discriminating against otherwise qualified students who have physical, mental or health impairments simply because of those impairments. School districts are required to provide aids, services and accommodations designed to meet the educational needs of each student as adequately as the needs of non-disabled students. Examples of aids, services and accommodations may include, but are not limited to, special transportation, modified equipment, adjustments in the student's roster or the administration of needed medication.

### **Can a student in special education be disciplined like other students?**

Yes, they may be suspended for up to 10 school days in a row (and for a total of 15 cumulative school days in one school year). However, anything over a 10-day removal from school is considered a "change of placement" that requires additional procedural protections.<sup>10</sup> Students with disabilities cannot be disciplined for a manifestation of their disability. Accordingly, before a school can impose discipline that involves a change of placement for a student with a disability, it must first conduct a "manifestation determination review."

A school will only be permitted to remove a student from school for more than 10 days, and thereby change his or her placement, if the child's IEP team determines that the child's behavior was not a manifestation of his or her disability. The only exceptions to this rule occur if a child is involved with weapons or drugs at school or at a school function. In such cases, the child may be placed in an appropriate interim alternative educational setting for up to 45 days. In any event, the school district must conduct a functional behavior assessment and develop a behavioral intervention plan. Or, if the child already has a behavioral intervention plan, the IEP team must review the plan and modify it, as necessary, to address the problematic behavior.

### **Who should participate in developing a foster youth's IEP and consent to it?**

In addition to school district personnel, the IDEA requires a child's "parent" to participate in IEP meetings and consent to the IEP. Other people besides the youth's biological parent may qualify as a "parent" for purposes of special education planning. For example, if the child is living with a relative such as a grandparent or aunt and that person is acting in place of the child's parent, the relative may participate in the IEP process and consent to the IEP. In the case of a child whose parents' rights have been terminated, a long-term foster parent is regarded as a "parent" for purposes of the special education process. See 34 C.F.R. § 300.20. When no "parent" (as parent is defined in the federal regulations), is available, a "surrogate parent" must be appointed.

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<sup>10</sup> Any removal from school is a change of placement for a student with mental retardation that requires additional procedural protections.

See definition of “surrogate parent” below. As discussed in more detail below, the youth's case worker cannot sign off on the IEP.

Additionally, other individuals who have knowledge or special expertise regarding the child should attend the IEP meeting at the discretion of the parent or school district. For example, a case manager, therapist, or mentor who is involved in the child's life should attend. As discussed below, involvement of representatives from the Office of Mental Health and Retardation and the Office of Vocational Rehabilitation may be appropriate. Finally, the foster child should also attend his or her IEP meeting if appropriate.

### **What do surrogate parents do?**

A surrogate parent is a volunteer appointed by a school district for children with disabilities who do not have birth parents or family members to represent them in the special education process. The surrogate parent has all of the rights, and can make all of the special education or early intervention decisions, that are usually made by the child's parents. Surrogate parents can review educational records, request and consent to evaluations and reevaluations, and challenge the school's recommendations through informal and formal dispute resolution procedures. A surrogate parent does not have any rights outside of the special education process.

Anyone who believes that a child with a disability is in need of a surrogate parent can request that the school district appoint one for the child.

### **Who appoints surrogate parents?**

School districts (including charter schools) are responsible for securing surrogate parents for school-aged youngsters with disabilities. If the court or children and youth agency believe a child is in need of a surrogate parent, it can contact the child's school principal or director of special education and request, in writing, that one be appointed.

### **Who can – and cannot – serve as a surrogate parent?**

A surrogate parent must be at least eighteen years old, be a person of "good character" who is able to attend conferences regarding the child's educational program and be committed to acquainting him or herself with the student's educational needs and the special education system. A surrogate parent cannot be an employee of the State or the child's school district that is serving the child. *A children and youth or private agency caseworker or probation officer cannot serve as a surrogate parent for a child in his or her care.* A foster parent who otherwise meets the general eligibility requirements can be appointed by the school district as the surrogate parent for a child in his or her care, and in many cases may be the preferred person.

Courts should inquire into whether a surrogate parent has been appointed for a youth to ensure that the youth has the appropriate person enforcing his or her educational rights. The need is particularly urgent for older youth in institutional and group home settings who receive special education services.

## **Are teenagers with disabilities entitled to any transitional service planning with respect to their education?**

Yes, older youth with disabilities who have an IEP are entitled to “transition services” to help them make the transition from high school to adulthood. Transition services are designed to move youth into various post-high school activities, which can include:

1. post-secondary education, including community colleges, four-year universities, trade schools and technical schools;
2. vocational training, including programs funded through the state’s Offices of Vocational Rehabilitation and Mental Health/Mental Retardation;
3. employment, including supported employment;
4. continuing and adult education programs, including GED courses;
5. adult services provided by agencies including the Offices of Vocational Rehabilitation, Mental Health/Mental Retardation and the Social Security Administration); and
6. independent living and community living programs.

Beginning at age 14, a child’s IEP must state the child’s transition service needs, focusing on the child’s course of study, such as participation in advanced-placement courses or a vocational education program. At age 16, the IEP must state the child’s needed transition services, including a description of interagency responsibilities or any needed linkages. Transition services must be based upon the individual student’s needs, taking into account the student’s preferences and interests. Transition services can and should be coordinated with independent living services so that they reinforce one another and are not duplicative.

Transition services include instruction, community experiences, the development of employment skills, and other services that help youth achieve post-school adult living objectives. When appropriate, transition services also should include activities to help the student acquire daily living skills, and can include functional vocational evaluation. For example, if a student with a disability will be living in a group home and participating in supportive employment, he or she may need instruction in daily living and job skills (i.e., how to use public transportation, handle money, or go to the store). If the student will be going on to a program of post-secondary or vocational education, his/her transition services must include all of the courses that are prerequisites for entering that program.

Finally, transition services should also include teaching students “self-advocacy skills,” including the ability to speak clearly about preferences, aptitudes and abilities. Young adults with disabilities who are effective self advocates understand their disabilities, the impact on their daily lives and the supports that they need to be successful in school, employment and in the community. Equipped with such self-advocacy skills, the youth himself or herself can fashion a desirable educational program.

## **What accommodations will special education eligible youth receive in post-secondary schools?**

After students graduate from secondary school, they no longer have the protection of the IDEA. However, post-secondary schools, such as colleges and training schools, are prohibited from discriminating against individuals with disabilities under the Americans with Disabilities Act and the Rehabilitation Act. The Office of Civil Rights in the United States Department of Education is responsible for enforcing these laws. Under these laws, post-secondary schools must make reasonable accommodations for individuals with disabilities. Young people with disabilities attending post-secondary programs are entitled to academic adjustments or aids to ensure that the program does not operate in a discriminatory manner. Accommodations may include changes in academic programming, extended time for testing, aids, or changes in residential facilities if housing is offered.

If youth would like academic adjustments to be made in their post-secondary program, they need to inform the school that they have a disability and request academic adjustment. Post-secondary schools do not have an obligation as do public secondary schools under the IDEA to identify youth with disabilities. Thus, the youth must take the initiative in making this request. Most schools have a disability services coordinator or procedures for setting up adjustments. More information about the responsibilities of post-secondary schools to students with disabilities can be found at [www.ed.gov/ocr/docs/auxaids.html](http://www.ed.gov/ocr/docs/auxaids.html).

## **What are the most important steps that the court can take to ensure that a teenager with disabilities receives an appropriate education, both while in care and after discharge?**

The court should:

1. Take the time to understand the right to special education.
2. Recognize the right to special education as a resource for dependency intervention.
3. Ensure that a complete and updated copy of the child's school records is part of the case file.
4. Determine the child's disability status.
5. Ensure that the child has a current and appropriate IEP that is being implemented properly.
6. Ensure that the IEP contains a Behavior Intervention Plan, if appropriate.
7. Ensure that the child's placement is in the least restrictive environment.
8. Ensure that older students are receiving appropriate transition services and are involved in the transition planning process.
9. Ensure that older youth in post-secondary programs are receiving needed academic adjustments.

### **C. Other Services for Youth with Disabilities**

Youth with disabilities who are in foster care are entitled to independent living services to the same degree as all other youth in care. FCIA makes clear that

Independent Living (IL) services must be provided for youth “at various stages of independence,” including youth with disabilities. 42 U.S.C.A. § 677 (b)(2)(C). Youth with disabilities may need additional and different programming to help them achieve independence, and county children and youth agencies must provide developmentally appropriate IL services. Often youth with disabilities are excluded for IL services because they need more support and instruction, and providers do not feel they are able to handle IL programming. These youth must be prepared so they can live independently upon discharge from the custody of the county children and youth agency.

### **To what special educational services and vocational services are youth with disabilities entitled?**

As discussed in section II.B above, youth who have an Individualized Education Plan are entitled to services from their school district to help them make the transition to adulthood. These services can and should be coordinated with IL services so that they reinforce one another and are not duplicative.

### **For what special vocational/educational services are youth with disabilities eligible?**

Individuals age 16 and older with certain physical and/or mental health disabilities can receive training, educational, and employment support services from the state’s Office of Vocational Rehabilitation (OVR), which is organized in 15 District Offices in the state. Youth age 16 and over are eligible for services if they “have a disability that is, a physical, mental, or emotional impairment that results in a substantial impediment to employment, and [they] can benefit in terms of an employment outcome provided, and, Vocational Rehabilitation services are required for [them] to prepare for, enter, engage, and retain gainful employment.” See OVR Individualized Services, Eligibility Requirements, at [www.dli.state.pa.us/landi/cwp/view.asp](http://www.dli.state.pa.us/landi/cwp/view.asp).

It is important to note that the OVR eligibility standard is not the same and is generally less restrictive than the standards for SSI disability payments or special education. Often youth who do not qualify for SSI or special education will qualify for OVR services. OVR can start planning with a youth while he or she is still in high school and then continue upon graduation. OVR recommends that youth be referred two years prior to graduation for optimal planning to occur.

After a youth is found eligible for services, OVR will develop an individualized service plan based on the youth’s needs and interests. Services may include, for example, job training, job placement, job coaching or support, and partial funding for assistive technology. OVR also provides some residential training programs for eligible youth.

### **What special transition planning should be done for a youth who is mentally retarded?**

A youth who is classified as mentally retarded should be receiving services through both the office of mental retardation and the children and youth agency. It is

critical that these youth be classified as mentally retarded before age 18 – if they are not, they will not be eligible for services through the mental retardation system as adults.<sup>11</sup> A county's base service unit is responsible for completing an intake with the youth and determining eligibility and level of service. Connecting these youth to the mental retardation system is crucial as that system provides specialized housing, treatment, educational, and employment services.

### **Should the county agency apply for Supplemental Security Income on behalf of a youth with disabilities?**

Yes. Supplemental Security Income (SSI) is a means-tested federal benefit provided to persons with disabilities. The application is filed with the Social Security Administration and the applicant is required to submit medical and mental health information to demonstrate that he or she has a impairment that affects the ability to function in daily life or to work. The disability standard differs depending on whether the applicant has reached age 18. See 42 U.S.C.A. § 1382c(a)(3)(A) for the adult disability standard and 42 U.S.C.A. § 1382c(a)(3)(C)(I) for the childhood standard.

It is particularly important to identify and establish SSI eligibility for youth who will soon be aging out of care. While a youth may not receive, or be eligible for, the full financial benefit of SSI while in care,<sup>12</sup> the children and youth agency should use some portion of the SSI funds to help the youth address any of his/her special needs or receive medical and rehabilitative treatment not covered by Medical Assistance.

Establishing eligibility while in care can facilitate the transition upon discharge, whether it is to a supportive living situation or to independence. Upon discharge, the SSI benefit will be a key resource to youth in establishing their independence. An SSI eligible individual is also eligible for Medical Assistance, a critical benefit for youth who need consistent medical and mental health treatment to maintain stability. The Social Security Act also contains several provisions that encourage young adults as well as adults to participate in programs and attempt to work while continuing to receive support.<sup>13</sup> Of great importance is the provision that allows individuals who are "actively

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<sup>11</sup> While state regulations require that the onset of mental retardation occur before an individual's 22nd birthday, 55 Pa. Code § 4210.101a, age 18 is an important marker for most clinicians because the definition of mental retardation provided by the Diagnostic and Statistical Manual of Mental Disorders (4th ed.) requires that the onset occur before age 18. See DSM-IV, Mental Retardation, at 39. Because most clinicians use the DSM-IV definitions for diagnosis, it is important to identify a mentally retarded youth for services as soon as possible prior to reaching age 18.

<sup>12</sup> The Social Security Administration counts Title IV-E money used for a youth's placement as the child's income for the purpose of determining income eligibility for SSI.

<sup>13</sup> Disability-related work expenses, including tools, medical devices, or modifications that enable work, are deducted from gross earnings in determining income eligibility. 20 C.F.R. § 416.1112(c)(6). There are other earned income exclusions, particularly for youth under 22 who are attending school. See, e.g., 20 C.F.R. §§ 416.974(a)(2) and 416.1112(c). Of great importance is the PASS Program--Plan for Achieving Self-Support. 20 C.F.R. § 416.1112(c)(9). The PASS program allows an SSI recipient to exclude money from the income determination that is being set aside to meet a work-related goal, such as attending a vocational or educational program, or purchasing tools or aids that will help in attaining an employment goal. A particular PASS plan must be written for the youth to take advantage of this option. See Martha Matthews, *SSI Benefits for Teens with Disabilities in the Post-Welfare Reform Era*, XX YOUTH LAW NEWS 1 (JAN/FEB 1999) for more information on this subject.

participating" in a vocational rehabilitation plan that will likely "enable the person to work permanently" to remain on SSI until the completion of the program. 42 U.S.C. 425 (b); 20 C.F.R. § 416.2212.

If the court has a youth before it who may have a disability, it should inquire whether an application for SSI has been made. At the very latest, this inquiry should be made one year prior to the youth turning age 18.

#### **D. Services for Youth Who Have Children**

##### **When a dependent child has a child while in foster care, is that child also automatically dependent?**

No. A dependent child's baby should not be adjudicated dependent unless one of the criteria for dependency exists for that baby. Merely being born to a dependent youth is not a grounds for dependency. A dependent child who has a baby has the same parental rights and constitutional rights to family integrity as any other parent.

##### **Should a dependent child be placed with her child?**

A dependent youth is entitled to an appropriate placement and to services which "best suit" his or her needs. For most dependent youth who have a child, an appropriate placement means being placed with the child. Every effort should be made to place the mother and child together. The Juvenile Act's purpose to maintain the unity of the family, 42 Pa. C.S.A. § 6301(b), requires such effort. Among the placements that may be appropriate are mother-baby Supervised Independent Living programs and mother-baby foster homes.

##### **With what IL services should a dependent youth with a child be provided?**

A dependent mother or father should be offered many of the same IL services as other youth. Youth who are parents may need some other services to assist in developing their parenting capacities, including parent skills training and support groups to help them deal with the challenges of being a young parent.

##### **Should dependent youth who are parents be provided with day care services?**

Dependent youth who are parenting should be provided with day care services for their children so that they can pursue their educational, vocational, and treatment goals. Meeting these goals are of particular importance for these youth because upon discharge they will be supporting both themselves and a child. They should not be prevented from going to school, attending a training program, attending treatment or working because they do not have day care. Dependent youth who are parents may receive day care services through their children and youth mother-baby placement or through their school or educational program. Counties also provide subsidized day care for eligible parents. Most parenting dependent youth will be eligible for this subsidy given their income, but they may need help from the children and youth agency to establish eligibility. The Child Care Works helpline, at 1-877-4-PA-KIDS, can provide more information about this subsidy.

## **E. Other Benefits That Youth May Be Able to Obtain as Part of a Discharge Plan**

### **To what post-discharge benefits are youth entitled to under Title IV-E?**

Under FCIA, when youth are discharged from foster care they are entitled to receive aftercare services until they reach the age of 21. The court should insist that the county provide youth with information about what supportive services are available post-discharge and how the youth can obtain these services.

In addition, counties have the option to provide room and board services to youth who are discharged. Often these programs provide a step-down structure: the youth gradually takes on more responsibility in paying for living expenses and in a certain time period becomes responsible for all expenses. The youth is also required to follow the program rules, which often include working or being involved in educational or vocational training. Like SIL programs, these programs are a way for youth to be given degrees of freedom and responsibility while still receiving some support and instruction. If the county provides room and board after discharge, the court should make sure that the youth has been offered this opportunity. In addition, most counties provide stipends to older youth when they complete IL programs or upon discharge. Courts should be aware of the stipend policy for their county.

If, in the future, Pennsylvania amends the state Medicaid plan to provide MA coverage for youth discharged from care who are under 21, the court also should make sure that youth are aware of this coverage.

### **To what public benefits may an aging-out youth be eligible?**

When a youth is discharged from foster care, referral to the county public assistance office does not constitute an acceptable discharge plan. To qualify for public benefits, a young person must be categorically and income eligible. If youth have truly achieved their permanency plan of independent living, they should not need public assistance. There are, however, public benefits that young people should be made aware of upon discharge so that they know what is available to them if the need arises.

#### ***Temporary Assistance to Needy Families (TANF)***

Youth who are parents when they are discharged from foster care may be eligible for TANF, which provides cash assistance for the family. TANF has work requirements, which sometimes can be met through engaging in education or training. Because TANF is time limited and rarely provides enough income for a family to raise itself from poverty, families should utilize it only when necessary. Families also receive Medical Assistance when they are found eligible for TANF.

#### ***General Assistance (GA)***

General assistance is state cash assistance. In addition to an individual's meeting the income criteria, there are various categorical grounds for GA eligibility. The

relevant categorical grounds for eligibility for the aging out population, found at 55 Pa. Code § 141.61, are the following:

1. An individual between the ages of 18 and 20 years old who is attending secondary school or an equivalent vocational or technical program full-time and who is expected to complete the program before reaching age 21.
2. An individual who has been determined by a physician or psychologist to be permanently or temporarily disabled and unable to work.
3. An individual who is undergoing treatment for substance abuse in an approved program and the treatment precludes the individual from engaging in employment. (Assistance can only be approved on this basis for a lifetime maximum of nine months.)
4. A pregnant woman.
5. A victim of domestic violence. (Assistance can only be approved on this basis for a lifetime maximum of 9 months.)

### ***Supplemental Security Income (SSI)***

SSI provides financial support for individuals with disabilities. The Social Security Administration now provides many incentives for recipients to work or engage in rehabilitative and other supportive services without losing eligibility. Pennsylvania Protection & Advocacy (1-800-692-7443 x. 309) provides advice and assistance in planning in this area.

### **What housing resources are available to aging-out youth?**

Finding and maintaining affordable housing is one of the greatest challenges for aging-out youth. Among the most disturbing poor outcomes is the high incidence of homelessness among former foster youth. See, e.g., *YOUTH IN THE STREETS AND ON THEIR OWN: YOUTH HOMELESSNESS IN ILLINOIS* (Chicago Coalition for the Homeless, 2001); Nan Roman and Phyllis Wolfe, *WEB OF FAILURE: THE RELATIONSHIP BETWEEN FOSTER CARE AND HOMELESSNESS* (National Alliance to End Homelessness, 1995); *ALONE AFTER DARK: A SURVEY OF HOMELESS YOUTH IN CHICAGO* (Chicago Coalition for the Homeless, 1992). Many youth have not completed high school and do not yet have the skills to maintain a job that will provide income for affordable housing. Many of these youth do not have family they can rely on to provide housing resources until they complete a program of education or training. Without stable and affordable housing, aging-out youth are often unable to continue or maintain efforts towards self-sufficiency that they made while in care. Planning for a youth's post-discharge housing is crucial to the long-term effectiveness of the transition plan.

The lack of affordable housing is a problem faced by adults of all ages as well as aging-out youth. However, aging-out youth often feel the lack more acutely because they lack family support and resources. As described below, there are several ways that county children and youth agencies can provide housing for aging-out youth. Many counties have not taken full advantage of available housing options.

## ***Use of Family Unification Program (FUP) Housing Choice Vouchers***

The Family Unification Program (FUP) Housing Choice Vouchers were created for families in the child welfare system to facilitate reunification when the main reason for placement is lack of adequate housing. This program has existed for more than a decade and is administered by the U.S. Department of Housing and Urban Development (HUD). Local housing authorities can apply for these vouchers. HUD provides the housing vouchers and, generally, the county children and youth agency provides the support services. The local public housing agency and the child welfare agency are required to enter into a memorandum of understanding that details each agency's responsibilities.

In 2001, federal law was changed to allow FUP vouchers to be used for youth aging out of foster care. The following category of youth became eligible:

A FUP-eligible youth is a youth that the public child welfare agency has certified is a youth at least 18 years old and not more than 21 years old (has not reached his/her 22nd birthday) who left foster care at age 16 or older and who does not have adequate housing, and that the PHA has determined is eligible for a housing choice voucher.

66 Fed. Reg. No. 133 (Wed. July 11, 2001). These vouchers can only be used for 18 months. To use these vouchers for aging-out youth, the local housing authority must amend its selection criteria and the county children and youth agency must certify youth as eligible. This action would help many youth who are making the transition from care achieve stability at little cost to the children and youth agency, as the housing costs are borne by the local housing authority and HUD. The combination of affordable housing and supportive case management can be very effective in helping a youth make the transition to independence.

### ***Section 8 Vouchers for Independent Living Clients— The New York City Model***

New York City's child welfare agency, Administration for Children Services (ACS), has implemented an innovative program that utilizes existing public housing programs to serve youth leaving the foster care system. The program taps into non-FUP housing resources and, therefore, is not constricted by the 18-month FUP time limit for youth. In New York, priority in the award of section 8 vouchers is given to individuals who are homeless or displaced. Youth who are to be discharged from foster care and who do not have housing are included in this priority category

Eligible youth are identified by caseworkers six to eight months prior to discharge to ensure that the necessary paper work can be processed so that youth can leave care with a voucher and housing. This system has been in place for almost a year and has been successful in helping youth make a smooth transition to independence.

Support for this program was fueled by research that revealed the large cost to New York's shelter system incurred by youth aging out of the foster care system. Data

showed that utilizing the section 8 vouchers for this population was cost efficient and a good investment, particularly when case management services were added.

New York's policies could be implemented by local housing authorities in Pennsylvania, and could be facilitated through county IL coordinators. Most county public housing authorities have created priority categories for public housing for homeless families. Youth aging out of foster care could be folded into the preference for homeless families. Instituting such a program would reserve FUP vouchers for families within the child welfare system, but would still facilitate the use of public housing programs for youth aging out.

### ***Chafee Room and Board Programs***

The Chafee Act permits counties to use up to 30% of Chafee dollars for youth discharged from care who are over 18 and under 21. Currently, only a small portion of counties have elected to take this option. These funds can be used in various ways to provide housing services to this group and can expand upon the existing SIL programs in the county to provide a more comprehensive continuum of care. *See Appendix B for County Room and Board Policies.*

### ***Transitional Living Programs under the Runaway and Homeless Youth Act***

Among the programs funded under the Runaway and Homeless Youth Act, which is part of the Juvenile Justice and Delinquency Prevention Act of 1974, is the Transitional Living Program for Older Homeless Youth (TLP). Grantees provide housing and independent living services to homeless youth age 16 to 21. As with IL services in foster care, these programs seek to help youth transition to self-sufficiency.

Because of the limited funds available for TLP programs, the demand for TLP beds far exceeds the supply. Often the waiting lists for these programs is over six months. Below are the current TLP grantees in Pennsylvania:

Three Rivers Youth  
2039 Termon Avenue  
Pittsburgh, PA 15212  
(412) 766-2215

Voyage House  
1431 Lombard Street  
Philadelphia, PA 19146  
(215) 545-2910

Centre County Youth Services  
410 South Fraser Street  
State College, PA 16801  
(814) 237-5731

Valley Youth House  
829 Linden Street  
Allentown, PA 18101  
(610) 820-0166

Volunteers of America of Northeastern PA  
130 East Division Street  
Wilkes Barre, PA 18702  
(570) 825-5261

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42 U.S.C.A. § 677.

John H. Chafee Foster Care Independence Program

(a) Purpose

The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted--

- (1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);
- (2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;
- (3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter post-secondary training and education institutions;
- (4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults;
- (5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood; and
- (6) to make available vouchers for education and training, including post-secondary training and education, to youths who have aged out of foster care.

(b) Applications

(1) In general

A State may apply for funds from its allotment under subsection (c) for a period of five consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

(2) State plan

A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

- (A) Design and deliver programs to achieve the purposes of this section.
- (B) Ensure that all political subdivisions in the State are served by the program, though not necessarily in a uniform manner.
- (C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

### (3) Certifications

The certifications required by this paragraph with respect to a plan are the following:

(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

(C) A certification by the chief executive officer of the State that none of the amounts paid to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

(D) A certification by the chief executive officer of the State that the State will use training funds provided under the program of Federal payments for foster care and adoption assistance to provide training to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

(E) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

(F) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth (especially transitional living youth projects funded under part B of subchapter III of chapter 72 of this title, 42 U.S.C.A. § 5714-1 et seq., abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops), and school-to-work programs offered by high schools or local workforce agencies).

(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

(H) A certification by the chief executive officer of the State that the State will ensure that adolescents participating in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

(I) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

(J) A certification by the chief executive officer of the State that the State educational and training voucher program under this section is in compliance with the conditions specified in subsection (i), including a statement describing methods the State will use--  
(i) to ensure that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs does not exceed the limitation specified in subsection (i)(5); and  
(ii) to avoid duplication of benefits under this and any other Federal or Federally assisted benefit program.

#### (4) Approval

The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if--

- (A) the application is submitted on or before June 30 of the calendar year in which such period begins; and
- (B) the Secretary finds that the application contains the material required by paragraph (1).

#### (5) Authority to implement certain amendments; notification

A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment.

#### (6) Availability

The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

#### (c) Allotments to States

##### (1) General program allotment

From the amount specified in subsection (h)(1) that remains after applying subsection (g)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount which bears the ratio to such remaining amount equal to the State foster care ratio, as adjusted in accordance with paragraph (2).

##### (2) Hold harmless provision

###### (A) In general

The Secretary shall allot to each State whose allotment for a fiscal year under paragraph (1) is less than the greater of \$500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

###### (B) Ratable reduction of certain allotments

In the case of a State not described in subparagraph (A) of this paragraph for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year

under paragraph (1) by the amount that bears the same ratio to the sum of the differences determined under subparagraph (A) of this paragraph for the fiscal year as the excess of the amount so allotted over the greater of \$500,000 or the amount payable to the State under this section for fiscal year 1998 bears to the sum of such excess amounts determined for all such States.

### (3) Voucher program allotment

From the amount, if any, appropriated pursuant to subsection (h)(2) for a fiscal year, the Secretary may allot to each State with an application approved under subsection (b) for the fiscal year an amount equal to the State foster care ratio multiplied by the amount so specified.

### (4) State foster care ratio

In this subsection, the term "State foster care ratio" means the ratio of the number of children in foster care under a program of the State in the most recent fiscal year for which the information is available to the total number of children in foster care in all States for the most recent fiscal year.

### (d) Use of funds

#### (1) In general

A State to which an amount is paid from its allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

#### (2) No supplantation of other funds available for same general purposes

The amounts paid to a State from its allotment under subsection (c) shall be used to supplement and not supplant any other funds which are available for the same general purposes in the State.

#### (3) Two-year availability of funds

Payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.

#### (4) Reallocation of unused funds

If a State does not apply for funds under this section for a fiscal year within such time as may be provided by the Secretary, the funds to which the State would be entitled for the fiscal year shall be reallocated to 1 or more other States on the basis of their relative need for additional payments under this section, as determined by the Secretary.

### (e) Penalties

#### (1) Use of grant in violation of this part

If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, 31 U.S.C.A. § 7501 et seq. , or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

(2) Failure to comply with data reporting requirement

The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

(3) Penalties based on degree of noncompliance

The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

(f) Data collection and performance measurement

(1) In general

The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, Members of Congress, youth service providers, and researchers, shall--  
(A) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of dependency, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

(B) identify data elements needed to track--

(i) the number and characteristics of children receiving services under this section;

(ii) the type and quantity of services being provided; and

(iii) State performance on the outcome measures; and

(C) develop and implement a plan to collect the needed information beginning with the second fiscal year beginning after the date of the enactment of this section.

(2) Report to the Congress

Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

(g) Evaluations

(1) In general

The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

## (2) Funding of evaluations

The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

## (h) Limitations on authorization of appropriations

To carry out this section and for payments to States under section 674(a)(4) of this title, there are authorized to be appropriated to the Secretary for each fiscal year--

- (1) \$140,000,000, which shall be available for all purposes under this section; and
- (2) an additional \$60,000,000, which are authorized to be available for payments to States for education and training vouchers for youths who age out of foster care, to assist the youths to develop skills necessary to lead independent and productive lives.

## (i) Educational and training vouchers

The following conditions shall apply to a State educational and training voucher program under this section:

- (1) Vouchers under the program may be available to youths otherwise eligible for services under the State program under this section.
- (2) For purposes of the voucher program, youths adopted from foster care after attaining age 16 may be considered to be youths otherwise eligible for services under the State program under this section.
- (3) The State may allow youths participating in the voucher program on the date they attain 21 years of age to remain eligible until they attain 23 years of age, as long as they are enrolled in a post-secondary education or training program and are making satisfactory progress toward completion of that program.
- (4) The voucher or vouchers provided for an individual under this section--
  - (A) may be available for the cost of attendance at an institution of higher education, as defined in section 1002 of Title 20; and
  - (B) shall not exceed the lesser of \$5,000 per year or the total cost of attendance, as defined in section 1087II of Title 20.
- (5) The amount of a voucher under this section may be disregarded for purposes of determining the recipient's eligibility for, or the amount of, any other Federal or Federally supported assistance, except that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 1087 of Title 20, and except that the State agency shall take appropriate steps to prevent duplication of benefits

under this and other Federal or Federally supported programs.

(6) The program is coordinated with other appropriate education and training programs.

### Improved Independent Living Program.

Pub.L. 106-169, Title I, § 101(a), Dec. 14, 1999, 113 Stat. 1823, provided that:

"(a) Findings.--The Congress finds the following:

"(1) States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in the best interests of the child. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program designed and conducted by State and local government to help prepare them for employment, post-secondary education, and successful management of adult responsibilities.

"(2) Older children who continue to be in foster care as adolescents may become eligible for Independent Living programs. These Independent Living programs are not an alternative to adoption for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

"(3) About 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves.

"(4) Congress has received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood; this information shows that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior; they are also frequently the target of crime and physical assaults.

"(5) The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age."











**Appendix C**

Sample Letter to Request for Court to Continue Jurisdiction  
And Order an Extension of Care

Date:

To the Honorable Judge \_\_\_\_\_:

I am requesting that the court continue its jurisdiction over my case so that I may remain a dependent child. I understand that the court is authorized to maintain its jurisdiction until I am age 21 as long as I am "engaged in a course of instruction or treatment." 42 Pa. C.S.A. § 6302. I also understand that the court is authorized to enter a disposition order in my case that promotes my best interests and is best suited to my "protection and physical, mental, and moral welfare." *In re Tameka M.*, 534 A.2d 782 (Pa. Super. 1987), 42 Pa.C.S.A. § 6351 (a).

The course of treatment and instruction that I am engaged in is:

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I believe this course of instruction and treatment will assist me in developing the skills I need to be an independent and self-sufficient adult, which are the goals of the John F. Chafee Foster Care Independence Act which amended the Social Security Act in 1999. This course of treatment or instruction is also necessary for me to achieve my permanency goal of \_\_\_\_\_. I understand that the court is authorized to insure that the children and youth agency make reasonable efforts for me to meet my permanency goal, and to determine what services are needed to assist me in making the transition to independent living, 42 Pa. C.S.A. § 6351(f)(8).

The goals I seek to achieve through this course of treatment or instruction are the following: \_\_\_\_\_

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I believe that the court's continued jurisdiction is in my best interests as it will help me meet my above listed goals as well as the general goals of self-sufficiency and independence. I understand that if the court extends its jurisdiction that I must cooperate with the children and youth and related agencies.

Attached to this letter is a report submitted by my case manager concerning my progress in the course of treatment or instruction discussed above.

Thank you for considering this request.

Sincerely,

Youth's Name

**VALLEY YOUTH HOUSE INDEPENDENT LIVING PROGRAM  
INDIVIDUAL GOAL PLAN**

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

PERIOD COVERED: \_\_\_\_\_ to \_\_\_\_\_ (3 months maximum)

PERSON COMPLETING PLAN: \_\_\_\_\_

PROGRAM:            TLP            REAL            OPALS            OPALS II            (circle one)

PARTICIPANT	RELATIONSHIP TO YOUTH	SIGNATURE
_____	_____	_____

1) Documentation needs

a. Overview of current status and situation (include social security card, Access card, birth certificate, social history, school records, and other documentation status).

b. Goals of next 90 days (include plan for how to obtain any needed information).

GOAL	TIME FRAME	PERSON(S) RESPONSIBLE
_____		

2) Living Situation

a. Overview of current situation and status (include current location, other members of the household, strengths, needs, time frame for move, etc.).

b. Goals for next 90 days (include chores, issues with roommates/family, finances, etc.).

GOAL	TIME FRAME	PERSON(S) RESPONSIBLE
_____		

c. Long term goals ( include move time and location, finances, options for exploration etc.).

GOAL	TIME FRAME	PERSON(S) RESPONSIBLE
_____		

3) Educational/Vocational

a. Overview of current situation and status (include program, grades, passing/failing, completion dates, strengths, needs, etc.)

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b. Goals for next 90 days (include tutoring/evaluation needs, grade objectives, enrollment goals, specialized testing etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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c. Long term goals (include graduation/completion dates, post secondary goals, financial aid needs, college/vocational school visits, interest inventory, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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4) Employment

a. Overview of current situation and status ( include current employment, job search, motivation level, strengths/needs, etc.).

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b. Goals for next 90 days (include employment goals, resume development, skill development, needed referrals, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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c. Long term goals (include career goals, associated training needs, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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5) Therapy and counseling needs

a. Overview of current situation and status (include all current services, life skills counseling, therapy, any therapeutic themes, i.e., abandonment or drug and alcohol).

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b. Goals for next 90 days (include referrals to be made, needed services, life skills counseling, therapy, goals from therapy plan, group needs, parenting classes, specific behavior limitations for safety, etc.)

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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c. Long term goals (include goals from therapy plan, any therapeutic themes, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSONS RESPONSIBLE</b>
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6) Health and hygiene

a. Overview of current situation and status (include self care skills, medical/ dental conditions or needs, etc.).

b. Goals for next 90 days include (medical/dental needs, appointment scheduling, referrals, birth control, OBGYN, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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c. Long term goals (include long term follow up treatment, managing conditions, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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7) Family

a. Overview of current situation and status (include visitation, with who, overnight or day, with or without county approval, other family or friends, etc.).

b. Goals for next 90 days (include family therapy, visitation, setting limits, safety issues, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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c. Long term goals (include reunification possibilities, permanency plan, other close adults, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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8) Social and recreation

a. Overview of current situation and status (include any activities currently involved in, strengths, hobbies, interests, use of free time, etc.).

b. Goals for next 90 days (include referrals, IL group, activity exploration, goals for use of free time, payment of memberships, etc.).

<b>GOAL</b>	<b>TIME FRAME</b>	<b>PERSON(S) RESPONSIBLE</b>
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c. Long range goals (include long-term interests and referrals).

GOAL	TIME FRAME	PERSON(S) RESPONSIBLE
9) Life Skills - Check off life skills areas which need to be addressed and methods to be utilized in developing skill.		
SKILL	NEED IMPROVEMENT (Y/N)	METHOD Individual/Group/Practice
Job Search	___	_____
Job Retention	___	_____
Budgeting	___	_____
Banking	___	_____
Public Transportation	___	_____
Nutrition	___	_____
Food Shopping	___	_____
Food Preparation	___	_____
Legal Issues	___	_____
Taxes	___	_____
Car Purchasing/Insurance	___	_____
Housing Search	___	_____
Medical/Dental Benefits	___	_____
First Aid/Safety	___	_____
Home Maintenance	___	_____
Recreation Skills	___	_____
Parenting	___	_____
Communication	___	_____
Decision Making	___	_____
Impulse Control	___	_____
Relationship Skills	___	_____
Stress Management	___	_____
Anger Management	___	_____
Family Dynamics	___	_____

LIST OTHER IDENTIFIED SKILLS BELOW:

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## Appendix E Court Checklist for Permanency Hearings Involving Youth Ages 16-21

### **PLACEMENT** - See text at pp. 6-10, 32

- What is the youth's permanency plan goal?
- What is the youth's current placement and how long has s/he been there?
- Is this a long-term placement (planned to continue past age 18)?
- For a youth who is a parent:* is the youth placed with her child?
  - If no, why is the youth not placed with her child?
- Is there a relative involved with the youth?
  - If yes, is this relative a placement resource for the youth? What services would enable this relative to become a placement resource?
- Is there any other supportive adult involved with the youth?
  - If yes, is this adult a placement resource for the youth? What services would enable this adult to become a placement resource?
- Has adoption been re-explored with the youth?
- Has the youth been referred for a Supervised Independent Living placement?
  - If not, what is the reasoning behind not making a referral at this time?

### **INDEPENDENT LIVING SKILLS** - See text at pp. 8-10

- What skills does this particular youth still need to develop in order to make a successful transition to independence?
- To what services has this youth been referred to assist him/her in acquiring independent living skills?
  - When were these referrals made?
  - If referrals have not been made, what are the reasons?
- What services is the youth currently receiving to help him/her acquire independent living skills?

### **EDUCATION AND VOCATIONAL TRAINING** - See text at pp. 22-30

- Is the youth involved in any academic or training program?
  - If yes, what are the goals of the program?
- Does the youth require any support services to complete this academic or training program?
  - If yes, what services does s/he need? Are they currently being provided?
- Is the youth currently employed?
  - If yes, where?

### **PHYSICAL HEALTH, MENTAL HEALTH AND OTHER NEEDS** - See text at pp. 16-22

- Does the youth have any special physical or mental health needs? Any need for substance abuse treatment?
  - If yes, what services is the youth currently receiving to address these special needs?
    - What is the plan for continuing these services?
- Does the youth have access to family planning services and education?

- If the youth has special mental health needs:* will the youth need supportive housing?
  - If yes, has a referral been made to the county office of mental health?
    - When was the referral made and what is the status of the referral?
- If the youth has a physical health condition:* will the youth need supportive housing?
  - If yes, has a referral been made to the appropriate housing resources which can provide support or accommodations?
    - When was the referral made?
    - What is the status of the referral?
- If the youth is a parent:* is the youth receiving parenting skills training?

**YOUTH WITH DISABILITIES** - See text at pp. 28-32

- Is the youth eligible for special education?
  - If yes, are the youth's parents able to participate in the special education planning process or does the school district need to appoint a surrogate parent?
  - If yes and the youth is age 16 or older, what transition services are listed in the youth's Individual Education Plan?
- Has a referral to the Office of Vocational Rehabilitation (OVR) been made?
  - If yes, when was referral made?
    - What services is OVR providing?
  - If no, what is the reason for not making the referral?
- Has the youth been identified or assessed as mentally retarded?
  - If yes, has the youth been assigned a county MH/MR coordinator?
  - If yes, what specialized services has the youth received?
- Has the youth applied for SSI?
  - If yes, was the youth found eligible?
  - If no, what is the reason for not making the application?

**DISCHARGE OF YOUTH UPON 18TH BIRTHDAY** - See text at pp. 10-14, 33-36

- Has the youth been informed of entitlement to stay in care until age 21 by requesting an extension of care?
- If youth has opted for an extension of care, what is the youth's course of treatment or instruction?
- If the youth has not opted for a board extension, what is the youth's reason for making this choice?
- Has the youth been informed that he or she can receive services from the children and youth agency until age 21 after being discharged?
- Has the youth been informed of the county's stipend policy?
- Has the youth been informed of the county's room and board policy?



County	Total Number of Youth in Care, 16 and older (IV-E and non IV-E)	Stipend Policy (# of youth)	Room and Board Policy (Extended)	Room and Board Policy (Emergency)
Adams	52	\$25 minimum - \$500 maximum Stipends are awarded for participating in IL classes and for achieving life goals (25)	Up to six months of extended services are available	Up to two weeks of emergency assistance is available
Allegheny	407	\$500 stipends are awarded for completing IL programs. Youth must fulfill at least 75% of their IL case plan to receive the stipend (75)	Extended services are available, but the length of time that they are available for is unclear	Up to one month of emergency housing is available. After this time, another month of planned temporary housing can be made available until a permanent situation can be secured
Armstrong	32	\$100 minimum - \$1000 maximum for program participation (12)	None available	None available
Beaver	47	\$0 min - \$750 max. per month is available for attending meetings about life skills (50)	Temporary assistance is available, but is not described in detail in the packets provided	Up to 5 days of assistance is available
Bedford	10	\$2 min, maximum varies. \$200 for program completion (18)	Temporary services provided for 3 months max, Extended for 6 months max	Emergency room and board for five days max
Berks	137	\$25 min - \$450 max. Max stipends for participating in IL, case planning and for achieving life goals	Planned services, capped at \$400 per youth	Emergency services, capped at \$400 per youth
Blair	50	\$100 minimum - \$450 maximum. 75% of the stipend must be put into a savings account (39)	Up to four months of assistance	Emergency assistance is available for food
Bradford	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED

Bucks	89	\$50 minimum - \$2000 maximum Stipend is awarded for participating in life skills and completing goals. (118)	None available	Advocacy for youth in emergency situations. Funds short-term housing, but w/focus on transition to stable housing situation.
Butler	24	\$0 minimum - \$1000 maximum. Unrestricted stipend payments are made to youth for program participation and completion. Restricted stipend payments are available for a particular purposes when needed (37)	Extended services available; to be reviewed every six months. Pays for one month's rent and the security deposit for rent for the youth not exceeding a total of \$600, and pays college dormitory costs for full-time students	Up to 5 days of assistance is available
Cambria	27	\$4 - \$300 Youth receive \$4 per hour for attending IL class. Stipend payments are distributed monthly and can be used for anything the youth wants (45)	None available	None available
Cameron	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
<b>County</b>	<b>Total Number of Youth in Care, 16 and older (IV-E and non IV-E)</b>	<b>Stipend Policy (# of youth)</b>	<b>Room and Board Policy (Extended)</b>	<b>Room and Board Policy (Emergency)</b>
Carbon	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
Centre	32	\$100 minimum - \$450 maximum. Stipend must be put into a savings account (17)	No	No
Chester	78	\$5 minimum - \$2500 maximum Stipends are awarded for attending and completing IL classes (10)	Chester County pays for youth's security deposit, first month's rent, and for three weeks of living expenses during semester breaks from college	Up to one month of emergency rent and food assistance

Clarion	10	\$282.50 maximum (25)	Six months of gradually decreasing assistance is available	None available
Clearfield	29	\$100 maximum Stipends are based on program participation (24)	None available	None available
Clinton	19	\$242 minimum - \$350 maximum. Money is awarded for IL program participation and completion (8)	Extended services available for up to 4 months. Money can be used for security deposit	Emergency fund for food
Columbia	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
Crawford	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED
Cumberland	48	Youth earn \$10 per IL program session attended. Stipend amount depends on participation (15)	Security deposit programs and six months of gradually decreasing rental assistance	Emergency assistance is available for an unknown period of time
Dauphin	94	\$50 minimum - \$800 maximum based on program participation and completion, incl. job retention and life skills training (46)	Youth can receive services for 12 months. The program has employment and savings requirements	None available
Delaware	90	\$10 minimum - \$800 maximum based on attended IL classes (50)	Youth will pay 30% of their monthly income as rent, the county will assist with the rest of the additional funding	None available
Elk	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
Erie	76	\$5 minimum - \$1000 maximum Money for attending training sessions. They must submit receipts for their purchases (86)	Extended services: housing in rental units for up to 2 years. Temporary services: housing for college students on weekends, holidays etc.	None available

Fayette	13	\$50 minimum - \$2000 maximum Youth receives \$50 for each IL class attended (21)	Services can not exceed 6 months. Youth can get 100% assistance that decreases monthly by 20%	Emergency services available
<b>County</b>	<b>Total Number of Youth in Care, 16 and older (IV-E and non IV-E)</b>	<b>Stipend Policy (# of youth)</b>	<b>Room and Board Policy (Extended)</b>	<b>Room and Board Policy (Emergency)</b>
Forest	3	\$345 maximum Youth receives money for IL program participation and completion (11)	None available	Emergency services only; 5 nights at a local hotel at estimated \$36/night
Franklin	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
Fulton	7	\$200 minimum - \$500 maximum. Stipends are awarded for program participation and goal completion (7)	Up to six months of assistance is available. A step-down funding approach is used	Up to five days of assistance is available
Greene	15	Up to \$800 in stipends is available. Money is awarded for achieving life skills program. Incentive for H.S. graduation (12)	None available	Up to 5 days of assistance is available per youth. Weekly contact w/IL staff regarding permanent housing
Huntingdon	36	\$200 - \$500 maximum Money is awarded for participating in IL classes (30)	Up to 6 months of extended services and 1 month of temp services are available	Up to 5 days of assistance is available
Indiana	17	\$10 minimum - \$460maximum Youth receive \$10 per hour for attending life skills workshops (11)	None available	Emergency Assistance Only. This money helps pay for security deposits, utilities, rent and food
Jefferson	13	\$100 maximum for program participation (6)	None available	None available
Juniata	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
Lackawanna	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED

Lancaster	96	\$50 minimum - \$1800 maximum	Up to six months of assistance	Up to five nights of assistance
Lawrence	22	\$700 maximum. Awarded for program participation and completion (15)	Extended services available for up to 6 months	None available
Lebanon	32	\$35 minimum - \$1600 maximum. Awarded for attendance at IL Group. Caseworkers may request restricted stipends decreasing scale for IL start up costs (25)	One security deposit and up to 3 months rent assistance available	Emergency services available
Lehigh	145	\$1 minimum - \$850 maximum Stipends are awarded for participating in IL programs (30)	Assistance for up to 90 days, temp services targeted for transitioning from foster care. Extended offered up to 12 months. Step-down approach	4 nights maximum assistance
Luzerne	64	\$10 minimum - \$1000 maximum based on program participation (157)	None available	None available
<b>County</b>	<b>Total Number of Youth in Care, 16 and older (IV-E and non IV-E)</b>	<b>Stipend Policy (# of youth)</b>	<b>Room and Board Policy (Extended)</b>	<b>Room and Board Policy (Emergency)</b>
Lycoming	29	\$1325 max. Given after completing IL program (50)	None available	None available
Mc Kean	36	\$10 minimum - \$3000 maximum Stipends are awarded for participating in IL classes and for reaching IL and life goals (38)	Temporary Services are available only for youth who are enrolled in college. Services can only be accessed when classes are not in session (e.g. during spring break)	Up to five nights of emergency assistance is available
Mercer	33	\$4 min-\$250 max. Awarded for completing at least 80% of IL prog (39)	Temp & extended services available for those completing IL	Yes. Details not available

Mifflin	15	\$200 minimum - \$500 maximum. Stipends are given for program participation. Youth must provide receipts (15)	Up to six months of assistance	Up to five days of assistance
Monroe	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED
Montgomery	Needs and Service Projection Page Missing from IL program application	\$20 minimum - \$1000 maximum for attending IL classes and reaching IL goals. Stipend policy includes savings requirements	County reimburses foster families who host former foster youth \$12/day for up to 1 month. College students who sublet during breaks from school receive \$500 to find housing for 3 months	Up to five nights of assistance
Montour	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
Northampton	116	\$0 min-\$300 max. Must complete IL prog goals to be eligible (40)	Room and Board assist. for up to 90 days for those going into college or vocational school	Up to 2 weeks
Northumberland	16	Youth earn \$5 each IL class attended. Additional stipend funding for participating in "constructive" leisure activities" (25)	Up to six months of gradually decreasing services are available	Up to five evenings of assistance are available
Perry	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED	IL PLAN NOT RECEIVED
Philadelphia	1513	\$100 min - \$500 max. Awarded for prog. particip., educational achievement, community service, etc (500)	None available	None available

Pike	21	\$250 maximum stipend based on IL program participation. Delinquent youth will not have the opportunity to receive stipends (6)	Up to six months of gradually decreasing services are available	Up to five days of services are available
Potter	2	\$10 minimum - \$75 maximum Stipends are awarded for attending IL classes. (12)	Temporary, short term services are available when there is a gap between one living arrangement and the availability of another.	One to two weeks of emergency services are available.
<b>County</b>	<b>Total Number of Youth in Care, 16 and older (IV-E and non IV-E)</b>	<b>Stipend Policy (# of youth)</b>	<b>Room and Board Policy (Extended)</b>	<b>Room and Board Policy (Emergency)</b>
Schuylkill	63	\$25 minimum - \$1065 maximum. Youth receive \$15 for each IL class attended. Additional stipend money is awarded for completing program goals	Up to six months of gradually decreasing assistance is available (includes 100% of security deposit and first month's rent)	Up to four days of assistance is available
Snyder	5	\$100 minimum - \$1000 maximum for program participation, maintaining employment, and goal completion (8)	Up to six months of gradually decreasing assistance is available	One month of emergency rental assistance is available per year
Somerset	14	\$25 minimum - \$1275 maximum (29)	None available	None available
Sullivan	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN	DOES NOT SUBMIT IL PLAN
Susquehanna, Wayne & Wyoming	16, 10, & 20 (Respectively) Three counties submit joint plan	\$0 min - \$600 max. Majority of stipend must go in to savings (58)	Temp and Extended available	\$250 lifetime max

Tioga	10	\$0 minimum - \$1500 maximum. Payments awarded for program participation, continuous employment, education, and savings. (21)	Up to one year of services are available.	None available
Union	18	\$10 minimum - \$5000 maximum. Stipends are awarded for participating in IL classes and maintaining employment (4)	Only Temporary Services are Available. The assistance is available only to help youth pay for initial costs of renting housing unit	No
Venango	17	\$3500 max. Awarded for prog completion (33)	Temp: up to 4 months. Extended: no more than 12 months.	None available
Warren	21	\$10 min. - \$250 max. Awarded for program participation (31)	Temp services available using step a down approach. No extended services	Yes. Details not available
Washington	73	\$20 minimum - \$1200 maximum. Awarded for program participation and when needed for start up costs of IL (95)	Temporary services available for youth enrolled in post-secondary education for up to 30 days. No extended services	Emergency service is available for up to 5 days including immediate temporary housing, counseling, employment, direction, education,, and other support services
Westmoreland	128	\$100 minimum - \$1000 - maximum for IL program completion (34)	4-6 months of temporary assistance is available	Emergency assistance is available. The YMCA Youth Shelter keeps a file on each child in care and bills the county for emergency room and board payments
York	165	\$500 Maximum. Stipend for IL program completion. Stipend is to be used toward housing or educational expenses. Youth must submit receipts (105)	Temporary housing assistance is available on a step-down model. Total housing assistance is taken from aftercare stipends and is not to exceed \$5000	Up to five evenings of assistance