

REPORT OF PROCEEDINGS

October, 2008 Convening

**FOSTERING CONNECTIONS AFTER AGE 18:
REPORT OF A CONVENING TO ADDRESS HOUSING, HEALTH CARE,
EDUCATION AND OTHER TRANSITION TO
ADULTHOOD ISSUES**



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REPORT OF PROCEEDINGS

One week after the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 became law, Partners for Our Children and the Juvenile Law Center convened a meeting in Seattle to discuss how this new legal framework could be used to smooth the transition of foster youth into adulthood. Although the timing of the convening was coincidental, it allowed participants to use FCSIA's new context to address the legal and court framework for older foster youth, as well as the issues of housing, employment, education, physical and behavioral health, and permanency planning.

This is a report of the proceedings, including substantive information that participants shared with each other, as well as many of the recommendations that emerged from the two days of discussion. These recommendations do not necessarily represent consensus — we took no votes — but reflect the authors' sense of what is most important if federal and state policies and programs are to have an enduring impact on the lives of foster youth.

Goals of the Convening

Broadly, the goals of this convening were:

- To develop an agenda for reform of programs and policies for older youth in foster care that could be implemented at the state level.
- To develop concrete policy and program recommendations in the various domains identified to be most important to the development of the competencies of older youth.
- The focus was on youth ages 18 to 21. With the passage of FCSIA, the goals were refined to include making recommendations regarding the federal structure necessary to facilitate and support the implementation

of the recommended policies and practices given the passage of this new law.

Attending the convening were experts in the areas that are most central to the successful development of young adult competencies and permanency (see Appendix for a list of the participants). These areas included: employment, education, health and behavioral health, housing, permanency and planning, and the courts. We asked the experts to plan as if states allowed youth to stay in care until age 21, and consider what it would take to implement programs at the state level that would allow youth to develop competencies in the chosen areas to enable young adults to have the same opportunities as their peers who are not in substitute care.

INTRODUCTION

POC Executive Director Mark Courtney began the meeting with a discussion of the concept of “corporate parenting.” He pointed out that while it is a concept not widely discussed in the United States, it is nonetheless the most accurate and descriptive term for the responsibility of the body politic as a whole to youth in foster care. Corporate parenting implies that a wide range of public institutions, not only the public child welfare system, are responsible for the well-being of children in state care. FCSIA itself makes clear that many state institutions must play a role in fulfilling the duties of the corporate parent.

Since at least 1985, federal policy has grappled with how to fulfill this parenting role for youth in care *and* help youth grow up to be productive and healthy adults. There have been successive pieces of legislation that have attempted to address directly or indirectly the needs of older youth in the child welfare system:

- The creation of the Independent Living Program in 1985
- The enactment of the Adoption and Safe Families Act in 1997, and
- The enactment of the John Chafee Foster Care Independence Act (FCIA) in 1999.

Participants came to the convening with the hope that with committed and creative state implementation, the FCSIA will provide a more comprehensive approach to serving older youth than the previous pieces of legislation. FCSIA acknowledges that the state is an awkward parent. However, FCSIA refuses to allow society to abdicate its responsibility for foster youth. Instead, the new legislation instructs the child welfare agency and the juvenile court to make sure that children get the care they need from the various systems that serve youth, including education, employment, health/behavioral health, and housing. It more directly addresses the issue of *child well-being* than any previous federal legislation. For the group the most pressing questions were:

- Will states commit themselves to working with youth intensely until at least age 21?
- Will states take on the challenge of figuring out how to treat and program for these youth differently in a way that acknowledges their emerging adulthood and the parenting responsibilities of the state?

OPPORTUNITIES PRESENTED BY FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT

The Fostering Connections to Success and Increasing Adoptions Act amends the Social Security Act in ways that will have great impact on the child welfare system in general. Among these changes are provisions which will

facilitate more placements with relatives and promote educational stability. In this report, however, we highlight the provisions that have most impact on youth between the ages of 18 and 21.¹

¹ At the convening, we reviewed some of the current laws which aid older youth in the child welfare system, including the case planning and court review requirements and could benefit from more active enforcement and creative thinking. 42 .S.C.A. § 675 (1) & (5). We also discussed the opportunities for program improvement and increased accountability offered by the implementation of the National Youth in Transition Data Base, which requires the reporting of the delivery of services as well as the achievement of outcomes related to permanency and well-being.

States may opt to expand the definition of child to age 21

While the number of states that allow youth to stay in substitute care past 18 has grown in the last ten years, the law and policy in most states is to discharge youth from the system at age 18, regardless of their readiness for adult life. One of the significant barriers to states extending care for youth past age 18 has been the limitation posed by Title IV-E reimbursement related to age. Formerly, states could only receive Title IV-E reimbursement for placement and administrative costs for youth up until age 18 — or 19, if the youth was still in high school. The result is that states that have taken on the commitment to provide comprehensive placement and support services for older youth have done so with local and state funds. For example, states like Maryland and Illinois that have often allowed youth to stay in care until age 21 have done so without the benefit of federal funds.

Under FCSIA, states may opt to extend the definition of a “child” up to age 21, thereby opening the possibility of receiving Title IV-E reimbursement for these youth who remain in care past age 18. States that are already allowing youth to stay in care past age 18 will now be able to defray a portion of the cost to the state with federal funds. States that have discharged youth at age 18 due to the reluctance of the state to incur the cost now have a significant incentive to allow youth to stay in care because they will be able to share the cost with the federal government. With this option states may also choose to extend adoption and relative guardianship subsidies until age 21 for youth who entered this arrangement at age 16 or older.

States will be able to receive federal funds to provide youth between 18 and 21 more age-appropriate settings

Adolescents need to be given age-appropriate freedom and responsibility as they grow older. They need to develop internal controls so that

they are able to make their own decisions and be able to care for themselves. However, prior to the passage of the FCSIA, states could only receive Title IV-E placement reimbursement for placements which fell into the categories of family foster care and child care institutions. FCSIA now allows states to receive Title IV-E reimbursement for “semi-supervised settings in which the individual lives independently.” While HHS will develop regulations to detail the contours of this type of living arrangement, it is likely that these placements will be amenable to the development of independent living skills in older youth and allow them to be placed in less restrictive settings.

Rules of placement programs tend to uniformity rather than age-appropriate flexibility. If all that is offered to them is institutional or group living, young persons who have grown up in congregate living will often opt out of the system at age 18, even if they are allowed to stay in care. By allowing states to receive federal reimbursement for less supervised and independent living settings, FCSIA not only encourages states to provide support for older youth for longer periods of time, but also to do so in a more constructive and productive way that encourages them to master the skills they need to become productive adults.

Many states have developed living settings for adolescents that maximize the opportunity for mastering independent living skills. These settings, generally called supervised independent or supported living arrangements, have usually been targeted at older youth who have not yet been placed in a family-like setting and would otherwise be in a more restrictive living situation. They vary in terms of the nature of the living arrangement and level of supervision. The goal of these living arrangements is to offer youth the maximum opportunity to practice their independent living skills in the real world, experiencing the consequences of making mistakes, yet still having the safety net of the child welfare agency to help them learn from their mistakes and move forward.

This is, in fact, what most parents provide their own children who continue to live with them into adulthood, or what is provided to youth who attend college and live in dormitories. In such situations, parents construct a significant safety net and a network of buffers to ensure that their children learn how to be responsible and independent. Encouraging the state to provide these settings to older youth will provide similar opportunities to youth in care.

States will need to implement new procedures, for child welfare agencies and the courts, to ensure that age-appropriate transition/discharge planning occurs.

Many lay people are surprised to learn that foster youth often “age out” of the system with no accounting for where they are going to live, whether they are able to live on their own, or whether they have any special needs that need to be met. Despite the efforts of many states, it is not unusual for an older youth who has grown up in the child welfare system to be discharged to a homeless shelter. Many times there is no one who has a concrete idea of where youth will go after discharge or if they will be able to survive on their own. FCSIA requires as part of a state’s case review system that procedures be put in place so that during the 90-day period immediately prior to the date the child will attain age 18 (or other age if the state elects), “the agency must provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.” This provision makes clear that a transition plan must contain meaningful, concrete elements that relate to the reality that the youth will face, and to his or her capability to manage his responsibilities in the adult world. Information such as the address where youth are going to live, the jobs they will have, and how they will meet their health care

needs will be among the type of information contained in the transition plan. Importantly, this provision emphasizes the role of the court in monitoring and helps ensure that a transition plan is developed that will advance youths’ well-being as they leave the child welfare system. At the same time, this provision recognizes the importance of youth participation and leadership in the development of this and all preceding case plans.

States will be able to focus their Foster Care Independence Act funds on aftercare and system integration efforts.

If states opt to allow youth to stay in care after age 18, their FCIA funds can be targeted at some functions that could help states fill in gaps in services for older youth. For example, states could focus their FCIA funds on the most vulnerable youth who refuse to remain in care even if they are not ready to be on their own, or for those who elect to leave care and run into hard times. In addition, one of the barriers to a successful transition to adulthood for youth in care is the child welfare system’s lack of knowledge of the resources available in adult service and benefit systems and a lack of staff capacity to construct and maintain system coordination. A lack of system coordination is particularly detrimental for youth with special needs, especially those with physical disabilities, behavioral health needs, and cognitive impairments. Some of these special needs youth will need continued support, which may include a supported living setting, rehabilitative treatment, employment and income support. Such youth need the child welfare system to help coordinate services with adult health care, behavioral health systems, workforce development systems, income maintenance and benefits. It makes sense to localize this coordination between adult and child serving systems among staff funded through FCIA. Allowing youth to stay in care after age 18 frees up some of the state’s FCIA funds to focus on developing this expertise.

RELEVANT FEDERAL LAWS RELATED TO THE TRANSITION SERVICES FOR WHICH FOSTER YOUTH ARE ELIGIBLE

While youth in the child welfare system have unique needs related to abuse and neglect, they also have many of the same needs as their peers in terms of health, education, and workforce development. While the Social Security Act, state child welfare law and case law have made clear that the public child welfare agency is responsible for meeting all of the special needs of youth in their care and delivering services in their best interest, it has always been clear that the source of these services may necessarily be other systems. FCIA explicitly acknowledges the need to work with and access services from other systems. Importantly, FCSIA reiterates that while the child welfare agency is responsible for making sure the youth is parented, it is essential to bring other state actors and agencies to fulfill this role. Participants at this convening reviewed some of the federal programs that appear most important for fulfilling the “corporate parenting” role to older youth in the child welfare system.²

Research Overview

Research on the transition to adulthood for foster youth provides ample support for the need for FCSIA. Practitioners and researchers in the U.S. have long had an interest in understanding how former foster children and youth

fare in adulthood, leading to a number of studies over the years. This research literature is limited in a number of ways, which calls for caution in interpretation.³ Nevertheless, the findings of these studies suggest that the transition to adulthood for foster youth in the U.S. is difficult, to say the least. On average, they have had poor educational experiences, leading them to bring to the transition very limited human capital upon which to build a career or economic assets. They often suffer from mental health problems that can negatively affect other outcome domains and these problems are less likely to be treated once they leave care. They often become involved in crime and with the justice and corrections systems after aging out of foster care. Their employment prospects are bleak and few of them escape poverty during the transition. Many former foster youth experience homelessness and housing instability after leaving care. Former foster youth have higher rates of out-of-wedlock parenting than their peers. Interestingly, in spite of court-ordered separation from their families, most former foster youth can rely on their families, often for many years, to some extent during the transition to adulthood, though this is not always without risk.

²The group reviewed the following laws and programs: the transition planning requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1414 (d)(1)(A)(i)(VIII); 34 C.F.R. § 300.320(b); the definition of an “independent” student under the College Cost Reduction Act, 20 U.S.C. § 1098vv(B); The Gaining Awareness and Readiness for Undergraduate Programs; 20 U.S.C.A. § 1070a-21(d); the TRIO Programs, 20 U.S.C.A. § 1070a-11; and the Workforce Investment Act, 29 U.S.C.A. § 2801 (13). For a discussion of “corporate parenting,” see Courtney, M.E., “The Difficult Transition to Adulthood for Foster Youth in the US: Implications for the State as Corporate Parent,” Social Policy Report, Vol. XXIII, No. 1 (Society for Research in Child Development, 2009).

³For a summary of research on the transition to adulthood for foster youth, and of the limitations of this research, see Courtney, M.E. and Hughes-Heuring, D. (2005) ‘The transition to adulthood for youth “aging out” of the foster care system.’ In W. Osgood, C. Flanagan, E. M. Foster, and G. Ruth (eds), *On Your Own Without a Net: The Transition to Adulthood for Vulnerable Populations*. Chicago: University of Chicago Press.

The available research, while limited, points to both the pitfalls of cutting off support at age 18 and the potential benefits of extended support.⁴ For example, research on foster youth transitions from care indicates that discontinuities in health insurance caused when youth age out of foster care contribute to decreases in use of health and mental health services. Recent research comparing outcomes between young people allowed to remain under the care and supervision of child welfare authorities past

age 18 and those that left care earlier provides some evidence that extending care results in improved outcomes in educational attainment, earnings, pregnancy, and receipt of transition services. States still routinely discharge youth from care at age 18, despite the fact that young people in the U.S. generally can expect not to be abandoned by their parents at age 18, and despite the growing body of research on the potential benefits of extending foster care into early adulthood.

SUMMARIES OF POLICY DISCUSSIONS

At the convening, participants were divided into six groups:

1. Permanency and Planning
2. Education
3. Employment
4. Health/Behavioral Health
5. Housing
6. Court Practice

Principles/Vision

On the first day of the convening, participants met in their individual groups to flesh out some core concepts. On the second day, the permanency planning, housing, and court practice groups met together, as did the education, employment, and health/behavioral health groups. From these group discussions as well as from the plenary sessions, the following guiding principles emerged as a foundation to gauging the success of all policy and programming for older youth.

- **Voluntary:** As a legal adult, the decision about whether to continue to receive the assistance of the foster care system at age 18 is exclusively the decision of the youth. However, we must work to create a better

system that engages youth so that those who opt out of services do so because of a lack of need rather than a dislike of the system or belief in its inability to help.

- **Prioritization of education and competency development:** Independent living skills planning and instruction must be focused on the development of skills for daily living, but they also must be future-focused. To succeed as adults in a high tech and rapidly changing economy, youth need, at minimum, basic education skills that will enable them to continue to post-secondary education or training if they so choose. Consistent with the aspirations of most parents for their own children, we must provide youth in care with the opportunity for an education that will allow them to compete in the economy and make a living wage. That means that youth in care must have the support needed to at least graduate from high school and achieve rates of college participation and completion comparable to the general population. At the same time, youth must be prepared for the world of work, and that preparation should be coordinated with their educational opportunities.

⁴For a review of research on the potential advantages of extending foster care past age 18, see Courtney, M. E., “The Difficult Transition ...” supra note 2.

- **Age and developmentally appropriate:** The assistance provided to youth after age 18 must be age-appropriate and reflect the developmental stage of each young adult. As such, it must offer young adults in foster care maximum opportunities for self-sufficiency and autonomy at all levels of development. It also must address developmentally appropriate adolescent behavior, which can be challenging, in ways that help youth become responsible adults.
- **Normalization:** Standards and guidelines for programs and policies should be guided by what an “average” family would do for its child. This relates to the type of support, concrete and moral, a family provides a child during the transition period as well as the types of restrictions and limitations parents place on their children. This value does not presuppose the configurations of “the average family.” Rather it expands the expectation that children are to be supported and nurtured by caring adults as a baseline litmus test for good child welfare policy.
- **Distinct from foster care for minors:** Young adults in foster care have rights and responsibilities distinct from minors in foster care. Reflecting this, they should be afforded placement options, service plans and juvenile court supervision that are distinct from those provided for minors. They also must be fully informed of their options and rights within the system.
- **Emphasis on permanency:** Supporting youth until age 21 is an important opportunity to continue efforts to achieve permanency. In addition, achievement of permanency and the development of skills to be a successful adult are interdependent. In all aspects of child and adolescent development, including developing interpersonal relationships and values, decision-making skills, and resiliency, youth do better when they have stable connections with caring adults. Policy and programs must recognize the primacy of a lifelong connection for every child and youth, and must acknowledge and support the relationships that youth identify as important.
- **Inclusive:** Support for older youth is not intended to be a “reward” for those who comply with conditions of participation. Rather, every current or former foster youth who needs support must receive it. As such, conditions for participation in transition programs must be inclusive and allow youth who initially elect to exit foster care to re-enter care at least until age 21.
- **Evidence-based and data-driven:** The provision to extend support for older youth was largely informed by research conducted in the Midwest, which showed that offering youth the opportunity to remain in foster care past age 18 was associated with demonstrably better outcomes. States must be committed to the development of rigorous data collection systems and program evaluation that will help policy makers understand the types of programs that work for older youth and hold relevant institutions accountable for producing improved outcomes.
- **Institutionalized modes of coordination:** Achieving good outcomes for older youth and satisfying the expectations of FCSIA depend on coordination with other systems, including workforce development, education, behavioral health/physical health, and housing. The points of responsibility for coordination must be clear. FCSIA allows this coordination to be supported by Chafee funds. By adopting the option to keep youth in care until age 21, states can free up Chafee funds, which can then be the foundation for a structure for coordination. Systems coordination is a familiar theme and there are many efforts at the state and federal level. For coordination to be sustained and functional, there is a need for designated funds, and for staff to be responsible for bringing systems together and ensuring communication.

General Barriers to be Confronted

- **Identifying the net benefit of the cost of investing in older youth:** The wisdom of better preparing youth in foster care for adulthood seems clear as an ethical matter as well as from a cost-benefit standpoint. The difficulty is that the cost of not preparing youth is incurred by systems outside of child welfare, including the public benefits system, the criminal justice system, and the shelter system. The cost needs to matter to those who will make decisions at the state level about what options to choose from FCSIA and how implementation of the mandated provisions will be carried out.
- **Heterogeneity of need:** The transition needs of older youth in foster care are as diverse as those of youth in the population at large. However, it is clear that there is an overrepresentation of youth with special behavioral health and health needs in the substitute care population. In addition, we must be able to accommodate youth who want different kinds of help and various levels of system involvement. For example, we need to plan for services for youth who do not opt to stay in care after age 18 even if their state permits that option. Policies should also accommodate youth who opt out of the system but want to return for help prior to age 21.
- **Need for comprehensive and longitudinal data shared across systems:** Data tracking outcomes for youth aging out and data on evidence based best practices for older youth is scant. Courtney, Dworsky and Pollack's Midwest Study has provided us with the most comprehensive longitudinal data to date. A commitment to improving services to older youth will require a commitment to better data collection and analysis of programs and practices. The implementation of the National Youth in Transition

Database (NYTD) will force the widespread collection of data. As states grapple with how they are going to satisfy these federal requirements, there is an opportunity to create a data tracking system and design research projects which will enable states to use data to improve program quality and outcomes for youth. This will likely require an investment of funds, but this investment is essential if we are to understand what programs and services are worth the tax payers' dollars and succeed in producing adults who will contribute to society.

- **Institutional barriers to coordination and collaboration:** While there continue to be many efforts at the state and federal level to coordinate services and systems — to result in better service and systems for youth, to result in better service planning and delivery, and to avoid the duplication of services — our service systems are arranged in silos and the barriers to collaboration and cooperation are many. Common barriers include divergent philosophies of service delivery and visions of how youth are to be served and diverse funding sources that prioritize different outcomes. One of the greatest barriers to coordination is the absence of designated funds and staff for coordination among these systems.

POLICY DISCUSSION SUMMARIES AND RECOMMENDATIONS

Group #1: Permanency and Planning

Summary of Group Discussion

The group began with a discussion of “permanency” and how it must be conceived in more flexible ways and be defined by youth. Creating or maintaining permanency for youth as they become adults underscores this need. The group, however, was clear about the need to be concrete about the types of flexible options that must be part of the permanency menu and how they can be achieved.

The group’s vision was of creating a web of connections for youth. These connections, sources of social capital as well as unconditional support, can provide different levels and types of support for youth over time. In particular, the group framed the greatest challenge as increasing the number of people in a youth’s life who “do not have an expiration date.”

The group also challenged public institutions to consider the policy implications of prioritizing emotional and relational permanency over legal permanency and considering that, in some situations, leaving a youth’s case open may be important to the achievement of permanency because of the services and supports that can continue to be provided. Similarly, the group suggested that *maintaining* permanency should be the focus of policy, that is, thinking about what needs to be in place to ensure that an arrangement has a good chance of surviving over time rather than simply focusing on case closure. This perspective is reflected in FCSIA through the extension of adoption and guardianship subsidies through age 21 and kinship navigator programs, but must be considered more fully in terms of more comprehensive aftercare support to families.

In line with FCSIA, the group emphasized the importance of the biological family and kin for achieving permanency for youth. As the research shows, the majority of teens do not grow up in the system. They have significant bonds with their families, which are not always respected and acknowledged as resources to build upon. Permanency can be achieved for some youth by building upon these relationships through family reunification, or by helping re-establish a relationship that may never lead to placement but may offer enduring support. In any case, when the youth’s safety can be maintained, permanency does not need to mean disconnecting youth from their biological families.

The positive news is that there are many good examples of programs that are intended to help older youth achieve permanency and broaden the vision of permanency. These include programs using family finding technologies and family group decision making. These kinds of programs can be developed, replicated and expanded using Family Connections Grants provided for by FCSIA. FCSIA also increases from \$4,000 to \$8,000 the incentive for older youth adoptions. There is no financial incentive for increasing preferred permanency plans for youth or penalties for failing to achieve permanency. The group also considered the potential effectiveness of targeted performance-based contracting that would reward agencies and caseworkers for achieving desired outcomes related to permanency.

Recommendations

- Regulations need to be drafted to ensure that the outcomes and systemic factors measured through the Child and Family Services Review (CFSR) reflect the more adolescent-focused elements of well-being and permanency that are expressed in the FCSIA.

- State regulations related to the transition plan requirement should ensure that transition planning is directly related to permanency outcomes, such as ensuring that youth leave care with at the very least one supportive adult connection committed to them beyond their time in care.
- States should use performance based-contracting as a way to build financial incentives into the system to reward desired permanency outcomes.
- States should create checklists for judges that will prompt them to ask the right questions in the areas of permanency and planning, and which specifically track the new mandates of FCSIA.
- Courts should use their monitoring role to hold all parties accountable for making reasonable efforts towards the achievement of permanency for all youth, including ensuring that the permanency plan of Another Planned Permanent Living Arrangement (APPLA) is rarely used, and when used, used appropriately.
- Title IV-E funds for training should focus on development and replication of permanency services that have been effective for older youth.
- DHHS and advocates should conduct directed outreach to states to encourage application for family connection grants and to publicize best practices.

Group #2: Education

Summary of Discussion

Many youth in the system face educational instability, gaps in their education, and often lack exposure to opportunities that could benefit their education. Providing youth the opportunity to stay in care until age 21 was seen as essential to achieving good educational outcomes. Allowing youth to stay in care until 21 should increase the number of youth who leave care with a high school diploma as well as the number of

youth who attend college. Allowing youth to stay in care until age 21 will help states free up FCIA funds so that they can focus on building programs that support youth in their educational aspirations.

The group noted the importance of connecting work and education programs as well as ensuring that youth are given the opportunity to take multiple paths to higher education or job training. The group also felt it is essential for the juvenile or family court to be a forum where educational outcomes are monitored, while recognizing that it is ultimately the child welfare agency that is responsible for helping youth achieve educational outcomes.

The group discussed the importance of developing concrete systems of coordination and collaboration between the child welfare agency and the school system as well as the child welfare agency and institutions of higher education. These collaborations should seek to help youth excel in their respective academic environments. They should also result in the enhancement of programs and services at educational institutions to address some of the unique needs of foster youth (e.g., year-round housing, health insurance, health or behavioral health care). Liaisons or advocates at the secondary and post secondary level can help navigate systems, problem solve, and help youth take advantage of available opportunities.

Recommendations

- Provide state child welfare agencies with more technical assistance on how to engage school systems, including how child welfare resources like FCIA-funded Education and Training Vouchers can be used to benefit a youth's education.
- Provide materials to judges to guide educational expectations of the court.
- Provide detail to states on how the requirement to provide educational stability can be met.

- Provide examples to the states of how performance-based contracting can be used to improve educational outcomes.
- Provide examples to states of how liaison models can be implemented to improve coordination between systems.
- Provide states with more information about the development of model education support programs for transition-age foster youth.

Group #3: Employment

Summary of Discussion

Along with the education group, the employment group recognized the degree to which career exploration and development of employment skills are intertwined with education. Like the U.S. Department of Labor, the group identified “talent development” as a combination of educational skills as well as the development of skills that will allow a young person to be competitive in the changing job market. (See “About WIRED,” <http://www.doleta.gov/wired/about/>.) Workforce development systems are highly developed in most states and have much to offer youth, so there is no need to create a new workforce service system for foster youth. It is, however, necessary to make sure these systems meet the needs of and are effective for youth and young adults who face the challenges of the foster care system.

The group felt that adult-serving systems must explicitly address the needs of youth, including foster youth. While the Workforce Investment Act does this through youth programs, it needs to go a step farther. For example, the outcome measures and time line for service delivery under WIA may have the effect of excluding foster youth who are often hard to serve and may require a long period of service to achieve positive outcomes. If WIA regulations continue to ignore this reality, foster youth will continue to face barriers to the spectrum of workforce development services available to their peers.

The group agreed that there must be a range of employment/career development options available to youth to accommodate their development and special needs. These must include internships, shadowing, supported employment, job coaching, job skills training, and job placement. There also must be an equal focus on acquisition of hard job skills and credentials as well as soft skills crucial to employment retention. The group observed that there have been several programs that have been shown to have good results that states can build upon and that there should be a continued focus on evidence-based practices. In addition, the group discussed the centrality of ensuring that program development is driven by evidence-based practices, and has an effective way for measuring outcomes and determining means for sustainability. Several pilot programs have been shown to be effective, but were not sustainable past their pilot years.

The group identified six key principles central to guiding the development of effective workforce/talent development systems for transitioning youth:

- All local workforce partnerships should include employers and economic development representatives.
- Systems must be created that capture process and outcome data.
- Youth must be engaged in program design, implementation and improvement as well as participant recruitment.
- Adult-serving workforce systems must recognize the particular needs of youth in foster care and see them as potential customers.
- Program sustainability should be considered at the development stage.
- Public awareness of the workforce needs of foster youth must occur alongside program development and implementation.

The employment group recognized that there are many programs that have been shown to be effective in developing workforce and academic skills for transitioning youth, but that in many cases the various services and pieces needed to sustain a successful program are disjointed. For workforce systems to work for foster youth, not only must systems integration occur, but there must be a functional intermediary that can facilitate communication and collaboration and make it structural. There also must be shared vision for how young people are to be served.

Recommendations

- Provide states with models for leveraging funds that can help develop or enhance comprehensive workforce/educational programs. This could include coordinating the use of FCIA funds (particularly room and board funds) and use of funds for states that opt to keep kids in care past age 18 with institutions that provide education and training, particularly those that have been shown to work with high numbers of foster youth (e.g. Community Colleges, Job Corps, City Year, Conservation and Service Corps, GEAR-Up Programs).
- Create and disseminate monographs of models for system collaboration. Existing examples include implementation of the Youth Transition Action Team model developed by New Ways to Work, located at <http://www.newwaystowork.org/initiatives/ytat/ytatideaselementsindex.html>. From the discussion of the employment group, it appears that local Work Force Investment Act Youth Councils may provide good examples of existing collaborations that could be documented.
- Develop and disseminate to states models for data sharing and tracking outcomes so that program development is evidence based.

- Investigate the potential of drafting legislation that would set aside funds for program development for foster youth. Suggested sources of funds included: funds from UI H1B visas and the 10% of WIA funds allocated to Governors.
- Investigate whether any carve outs or set asides can be established in the Department of Labor's WIRED Initiative. This initiative, still in its early phases, has many of the goals established by this group, including use of data to drive program and policy, establishment of a team to help coordinate systems at the state and federal level, connections with sources of capital and foundations, and collaborations with universities and technical schools. Utilizing DOL earmarked grants may be one strategy to set a precedent for a set aside.
- Investigate potential collaborations between advocates for foster youth and special education and vocational rehabilitation constituencies.

Group #4: Health/Mental Health and Disabilities

Summary of Group Discussion

The group focused on three main issues to confront:

- The need for a system for the screening and delivery of health and behavioral health services for youth in care.
- The need for continuous health insurance coverage in and as they leave care.
- The need for clear and institutionalized service coordination.

Group members and foster youth⁵ alike recognized growing concerns with the monitoring of the prescription of medication to foster youth

⁵ This document was reviewed by current and former foster youth involved with the National Foster Care Coalition.

that should be addressed by state plans for health care oversight and coordination. The group focused on the lack of coherent systems in place to ensure that health and behavioral health care needs of youth in care are identified and met while they are in care and as they transition out. The fact that many states have yet to take up the FCIA option to extend Medicaid to age 21 for foster youth in transition was seen as a major obstacle to improving services, though recent interest in providing behavioral health services to transition-age youth, as evidenced by the National Governors Association Policy Academy on the subject, provides some room for optimism. Model systems of care were discussed, including Illinois' Medicaid-based preferred-provider model that provides assessment and primary care to all children and young adults in care, and the Partnerships for Youth Transitions projects, funded by the Substance Abuse and Mental Health Services Administration, which provides a youth-driven model of coordination and planning of behavioral health services.

Recommendations

- FCSIA regulations should detail what will be required for states to submit an adequate health care oversight and coordination plan.⁶ These regulations should emphasize the need for oversight in the prescribing of psychotropic medications and plans for coordination of services for youth with disabilities who will need continued care as adults.
- There should be outreach to states regarding various means of extending Medicaid coverage to youth who transition from foster care.
- There should be development and dissemination to states of model systems of care coordination and accountability for the provision of health and behavioral health services.
- Ensure that training curricula are available to caseworkers and judges that demonstrate what types of information should be acceptable to the court when it is considering the health insurance element of the transition planning requirement.
- Get prestigious professional organizations (e.g., the American Academy of Pediatrics) to adopt resolutions recommending the need for systemic management of health and behavioral health services for youth in care and transitioning from care, including protocols for coordination and planning across systems.

Group #5: Housing/Placement

Summary of Group Discussion

The option to allow youth to stay in care until age 21 allows states increased flexibility in developing a spectrum of housing/placement options; FCSIA permits states to receive Title IV-E reimbursement for supervised settings in which the individual is living independently. The group, however, made clear that promoting systems where housing and placement options would also be available to youth who opt to leave care at 18 was essential to developing a comprehensive, flexible, and youth-focused service system. Housing was recognized as central to efforts to achieve permanency as well as assist youth in acquiring life skills. Inappropriate placement settings can impede

⁶The group's initial thoughts were that an adequate plan would include:(1) a schedule of yearly screenings based on standards established by the American Academy of Pediatrics; (2) a health information system to record individual and aggregate data; (3) a system for assuring that each youth is assigned to a primary health care provider, a behavioral health specialist if indicated, and an ob/gyn if the youth is pregnant; (4) description of the screening, delivery, and monitoring of health and behavioral health services for youth in care and as they transition from care that monitors the aggregate provision of care and quality.

development of permanent connections for youth and limit youths' access to opportunities to take on more responsibility in daily life. The group felt that housing and placement is an area where it is crucially important that there be an identifiable difference between foster care for minors and placement/housing for youth age 18 and older.

Recommendations

- A spectrum of housing options adequate to the needs of foster youth in transition will require system support for the following placement settings:
- Foster home care with relatives or nonrelatives
- Host home, mentoring homes
- Shared homes
- Supervised apartments
- Scattered-site apartments
- Single site apartments, integrated with community residents
- Special subsidies to fill gaps and stabilize housing situations
- Subsidies to allow youth to live in dormitories.
- Federal regulations implementing FCSIA should ensure that the phrase “supervised setting in which the individual is living independently” includes all of the age- and developmentally-appropriate housing models.
- Regulations should ensure states maximum flexibility in establishment of licensing standards.
- Provide states materials on model programs and ways to develop and run different housing models.
- Provide states information that addresses licensing and liability concerns that stand in the way of expansion of housing/placement options.

- Encourage states to create and fund through Title IV-E or FCIA housing/placement specialists on staff at child welfare agencies as placement developers.
- Provide states with information on how child welfare agencies can develop more housing options by working with public housing authorities, housing finance agencies, community development councils and corporations, and private and non-profit housing developers.

Group #6: Court Practice

Summary of Group Discussion

The group began by discussing the ideal role of the juvenile or family court, which is the key location for establishing accountability. For the court to have the role of monitor where parties are held accountable, it must take an active role in reviewing the case plan and being aware of the changes required by FCSIA. While the exact bounds of the court's jurisdiction over various agencies may differ, the court clearly has the authority to compel the child welfare agency to take action. It is this unique power to mandate action which must be leveraged for better planning and outcomes. Although the main planning and decision-making should occur before disposition hearings and case review, court proceedings should model expectations for how planning should be done and the types of outcomes that should be the goal of planning.

The court is also in the position to facilitate or force coordination among various agencies and persons. Real or perceived power to order parties to court and the neutrality of the judiciary can be effective in bringing systems together on behalf of youth.

For youth of all ages, but especially youth age 18 and older, court hearings must be a place where youth are actively involved in the discussion and decision-making. If states opt to continue youth in care until age 21, FCSIA

requires that permanency reviews be held as they would for youth of any age. FCSIA does not specify that the hearing should be structured differently for older youth, but the law requires that procedures for hearings be put in place so that the court consults with youth “in an age-appropriate manner regarding the proposed permanency or transition plan for the child.” The group discussed the importance of ensuring that permanency review hearings for older youth assume a form that will assure accountability and involve youth in a way that recognizes their status as adults. The group also concluded that the concept of a guardian ad litem, an advocate who represents what he/she thinks is in the youth’s best interest, made little sense for the representation of a young adult in care. The group felt that older youth must have access to an attorney representing their wishes in court to have a full and fair hearing. The group also discussed aspects of the benchmark hearing model, pioneered in Cook County, Illinois, which has hallmarks of success.

Recommendations

- Disseminate model court practices focused on older youth and young adults in care.
- Encourage states to apply for Court Improvement Program funds and utilize them for improvement of court practices for older youth, including training court personnel on how to work with older youth and on the content of FCSIA.

Disseminate model statutes that will assist states in making statutory changes with respect to the jurisdiction of the court that reflect best practice and comply with FCSIA.

- Support state law efforts to ensure that youth in care are represented by attorneys who represent their wishes in court.
- Encourage courts and state legislatures to limit caseloads for attorneys in dependency court so that they can adequately represent

their clients, and so that sufficient time can be given to hearings devoted to planning for the future of transition-age foster youth.

- Involve state bar associations and State Supreme Courts in efforts to promulgate new court rules that will bolster the federal requirement of youth involvement in court and the requirement for review of the transition plan as part of the permanency review hearing.
- Work with the ABA Youth Empowerment Project to increase the number of youth involved in court proceedings and to create court procedures, such as youth-friendly schedules, that will encourage youth participation.
- Enlist the support of the National Council of Juvenile and Family Court Judges.

GENERAL STRATEGIES AND NEXT STEPS

While the content of the some of the recommendations listed above differs based on the group from which it was developed, there are several common strategies for moving forward with these recommendations. First and foremost, essential to developing a more comprehensive and effective system for transitioning foster youth, is the ability of the system to provide significant support to youth at least until age 21. Making the case for why it is in the state's interest to allow youth the opportunity to stay in care until age 21 is essential for the implementation of many of the area-specific recommendations.

Identification of cost-shifting

The poor outcomes that foster youth face when they leave care unprepared are costly. The over-representation of former foster youth in the prison population, among those receiving public benefits, and among those in the homeless population, costs far more than investments in these youth before they left the foster care system. However, costs associated with these poor outcomes are not incurred by the child welfare system. We will need to not only identify the systems and budgets that incur the costs of poor adult outcomes for current and former foster youth, but also engage the leaders of those systems in legislative advocacy.

Leveraging the implementation of the NYTD

The NYTD data base will be an excellent source of information on transition outcomes for foster youth as well as the transition services they receive. It will be important to tie outcome data to data on service provision in order to help establish accountability within the child welfare system and to lead program improvement efforts.

Development of process and benchmark measures — State report cards

Across all of the outcome domains discussed, the group identified the need for better data on state-level policy focused on foster youth in transition. The group suggested that the development of state report cards that address the FCSIA options that states have taken up, the types of aftercare services are provided to youth, etc. These report cards could provide the foundation for a better understanding on how between-state variation in policy and program is related to outcomes for foster youth. The Protocol for Reform developed by Emily Buss at University of Chicago contains a foundation for the beginning of such report cards. Issuing these report cards could help place pressure on legislators to make changes in state law and policy that would benefit older youth.

Articulating ways in which improved support for foster youth in transition will result in improvement in services and outcomes for vulnerable youth in general

Similar to the challenge before us to make concrete the benefits of investing in transition-age youth in foster care, advocates and researchers must show how improving programs and services for youth in foster care will benefit vulnerable youth in general.

Coordinate efforts with key agencies and organizations in the child welfare world

The group agreed that there are many agencies and organizations that are either working on issues related to transitioning youth or are in a position to command a broad audience of supporters. Advocacy efforts on behalf of foster youth should be coordinated with these groups and should leverage the reputation and membership of these bodies.

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