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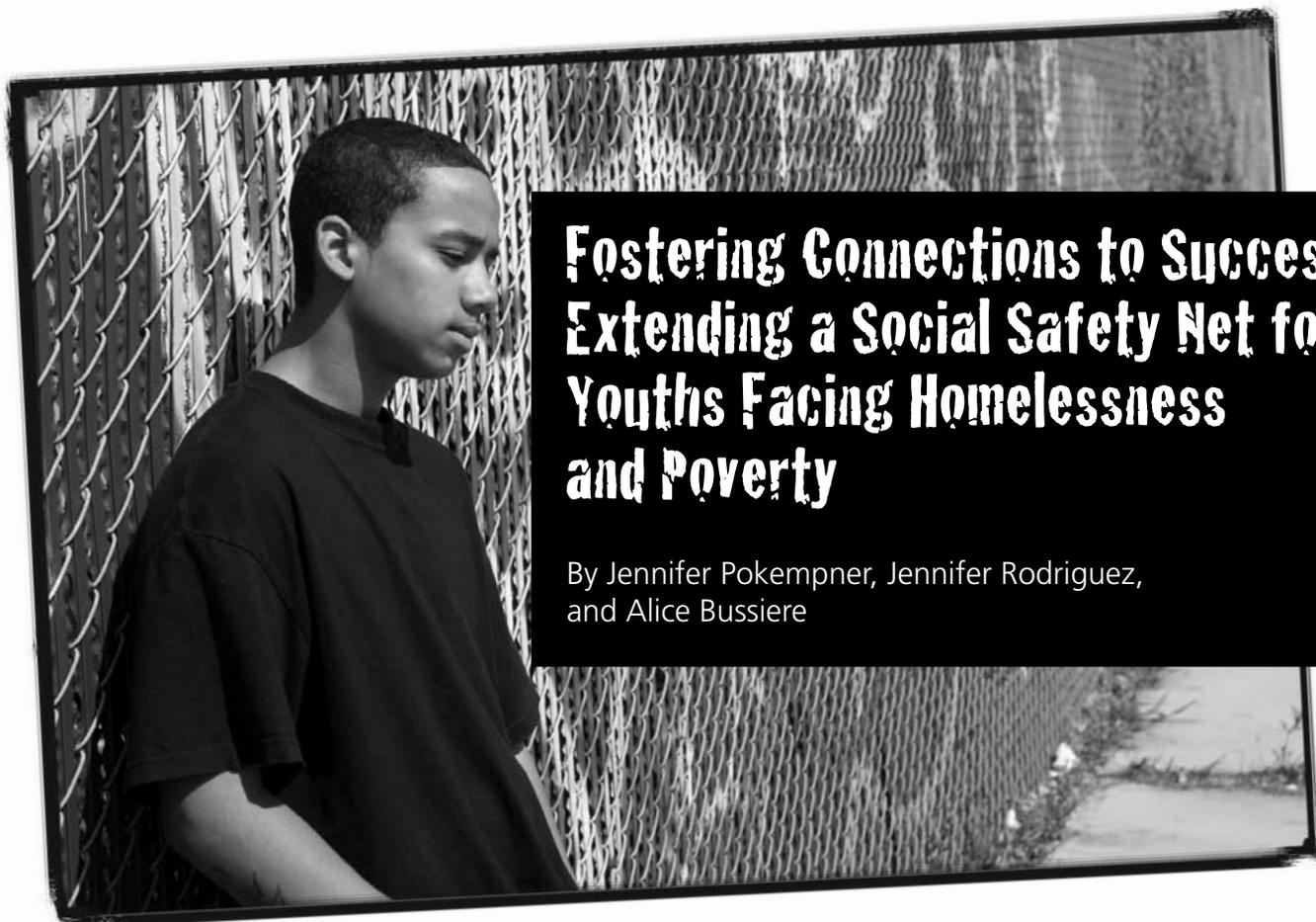
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Fostering Connections to Success: Extending a Social Safety Net for Youths Facing Homelessness and Poverty

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Youths who age out of the foster care system face enormous challenges.¹ The number of children in foster care has declined over the last decade, but the proportion who ages out of care, rather than being reunited with families or finding a permanent home through adoption or guardianship, has grown.² Last year Congress passed a new federal law that creates opportunities for states to help youths who turn 18 while in foster care. The Fostering Connections to Success and Increasing Adoptions Act of 2008 is an omnibus child welfare law to improve the well-being of children in foster care and provide them with greater permanence.³ The Act allows states to continue federal Title IV-E foster care benefits until a youth turns 21 and provides other tools to increase permanency for older youths in foster care.⁴ The goal is to strengthen support for youths in foster care and reduce the negative outcomes that many youths experience upon being emancipated from the child welfare system.⁵ Recent research suggests that, for young adults after they leave state care, these provisions will help reduce poverty and homelessness and increase earning capacity over

¹See, e.g., Alice Bussiere et al., *Adolescents, the Foster Care System, and the Transition to Adulthood: What Legal Aid Lawyers Need to Know*, 39 CLEARINGHOUSE REVIEW 159 (July–Aug. 2005).

²ADRIENNE L. FERNANDES, CONGRESSIONAL RESEARCH SERVICE, *YOUTH TRANSITIONING FROM FOSTER CARE: ISSUES FOR CONGRESS 2* (2009).

³Fostering Connections to Success and Increasing Adoptions Act, Pub. L. No. 110-351, 122 Stat. 3949 (2008). For a summary of the entire Act, see the Center for Law and Social Policy website, <http://www.clasp.org/publications/fctsaiaact2008resources.htm>.

⁴Title IV-E of the Social Security Act provides federal funds for foster care and imposes mandates on state child welfare systems as a condition of receiving those funds (42 U.S.C. §§ 670–679).

⁵Adrienne L. Fernandes, Congressional Research Service, *Youth Transitioning from Foster Care: Background, Federal Programs, and Issues for Congress 41–42* (2008), <http://www.oacca.org/documents/crsTransitioningYouth2008.pdf>.

their lifetime.⁶ Here we focus on the Act's provisions that most directly affect older youths; however, the Act contains many provisions with a positive impact on foster youths of all ages.⁷

Most youths do not automatically become self-sufficient on their 18th birthday; many continue to rely on family support into their 20s or later.⁸ Youths in foster care face even greater challenges than youths who become legal adults while living with their families.⁹ Recent research confirms that a few additional years of foster care support give many youths a better chance at educational and economic success. A longitudinal study of foster youths as they age out of care is following youths in foster care at ages 17, 19, and 21 in Illinois, Iowa, and Wisconsin.¹⁰ In Iowa and Wisconsin youths are routinely discharged from foster care at 18, whereas in Illinois youths may remain in care until 21. The study has already identified statistically significant differences in educational achievement and income between youths in Illinois and their peers in Iowa and Wisconsin. For example, Illinois foster youths were four times

more likely to have ever attended college and three and a half times more likely to have completed at least one year of college. Study data also suggest that each additional year in care is associated with an increase of \$924 in annual earnings, and remaining in care is associated with a 38 percent reduction in the likelihood that a woman would become pregnant by age 19.¹¹ A recent study of a proposal to allow California youths to stay in foster care past 18 concludes that every dollar spent for youths in care between 18 and 21 would increase work-life earnings by \$2.40 for youths who complete college.¹²

Financial Support Past the Age of 18

The Fostering Connections to Success and Increasing Adoptions Act allows states to receive Title IV-E funds to help pay foster care costs for eligible youths up to age 21 beginning on October 1, 2010.¹³ States may set the upper limit at 19, 20, or 21 for youths in foster care who are (a) completing secondary education or a program leading to an equivalent credential; (b) enrolled in a postsecondary or vocational educational institution;

⁶*Id.* at 42; MARK E. COURTNEY ET AL., CHAPIN HALL CENTER FOR CHILDREN, MIDWEST EVALUATION OF THE ADULT FUNCTIONING OF FORMER FOSTER YOUTH: OUTCOMES AT AGE 21 (2007).

⁷E.g., the Fostering Connections to Success and Increasing Adoptions Act's provisions related to education and health will have a positive impact on promoting transitions from the system for older youths. Among the Act's requirements is that the state assure educational stability for all youths in foster care (42 U.S.C. § 675(G)). Along with placement instability, school instability is one of the barriers to being adequately prepared for adulthood; to be so prepared is to have a strong academic foundation and the relationships in a stable school environment. The Act requires that the child welfare agency take into account the proximity of the youth's school to wherever the youth is placed. The Act also provides the youth with the right to stay in the school in which the youth was enrolled at the time of placement unless this demonstrably is not in the youth's best interest. The law does not distinguish between a youth's initial placement into care and the potential moves that can occur while a youth is in the system. The Act can be a tool not only for individual advocacy on behalf of a youth but also for motivating child welfare agencies and school districts to coordinate this provision's implementation.

⁸See, e.g., Frank F. Furstenberg et al., *Growing Up Is Harder to Do*, [3] CONTEXTS 33 (Summer 2004), <http://contexts.org/magazine/docs/furstenberg.pdf>; Robert Schoeni & Karen Ross, *Family Support During the Transition to Adulthood*, NATIONAL POVERTY CENTER POLICY BRIEF No. 3 (Aug. 2004), www.npc.umich.edu/publications/policy_briefs/brief3/brief3.pdf.

⁹Bussiere et al., *supra* note 1.

¹⁰COURTNEY ET AL., *supra* note 6.

¹¹*Id.*; Mark E. Courtney et al., *When Should the State Cease Parenting? Evidence from the Midwest Study*, CHAPIN HALL CENTER FOR CHILDREN AT THE UNIVERSITY OF CHICAGO ISSUE BRIEF, Dec. 2007, www.cafosteringconnections.org/pdfs/When%20Should%20the%20State%20Cease%20Parenting.pdf.

¹²Mark E. Courtney et al., Partners for Our Children, California's Fostering Connections to Success Act and the Costs and Benefits of Extending Foster Care to 21 at 1 (2009), [www.cafosteringconnections.org/pdfs/Courtney,%20Dworsky,%20&%20Peters%20\(2009\)%20FC%20to%2021.pdf](http://www.cafosteringconnections.org/pdfs/Courtney,%20Dworsky,%20&%20Peters%20(2009)%20FC%20to%2021.pdf).

¹³42 U.S.C. § 675(8). Prior to the Fostering Connections to Success and Increasing Adoptions Act, Title IV-E funds were available only for youths under 18 (or 19 if they were still in secondary school or training expected to be completed by that age) (U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CHILD WELFARE POLICY MANUAL § 8.3A.2, www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/index.jsp). The Act also allows states to extend adoption assistance and kinship guardianship assistance payments to age 21 for youths who meet these criteria and attain 16 before the adoption assistance agreement or kinship guardianship assistance agreement goes into effect (42 U.S.C.A. §§ 675(8)(B)(i)(II)-(III)).

(c) participating in a program or activity promoting, or removing barriers to, employment; (d) employed for at least eighty hours per month; or (e) incapable of doing any of these activities due to a medical condition.¹⁴ Some states already support youths in foster care past the age of 18 with state funds.¹⁵ These states may now claim Title IV-E funds for part of the cost of care for eligible youths. States that discharge them before age 21 now have an incentive to allow them to stay in care because states may defray part of the cost with Title IV-E funds.

Permanency Planning and Court Oversight

The Fostering Connections to Success and Increasing Adoptions Act adds to the federal mandates a transition plan requirement for children aging out of foster care such as permanency planning, specific case plan requirements, a case review system, and procedural protections to ensure that youths are consulted by the court in an age-appropriate manner about decisions that affect their lives.¹⁶ When implementing these provisions for youths 18 and older, states must maintain the support and oversight required by Title IV-E but should adapt agency and court procedures to take into account the developmental level and legal rights of these youths, who are legally adults.

Permanency Plans for Older Youths. Courts and child welfare professionals recognize the importance of permanency for older youths and have rejected the idea that independent-living skills and permanency are mutually exclu-

sive.¹⁷ Work with older youths in foster care has broadened the idea of permanency. While legal permanence through adoption or guardianship is important for some youths, others caution against placing too much emphasis on the legal relationship.¹⁸ The key is involving youths in decision making and creating permanency plans that fit their individual circumstances, needs, and goals.

Projects in several states demonstrate that there are components of permanency that extend beyond securing a legal relationship. For example, to get older youths into permanent situations, Project Uplift, a Colorado initiative, has a scale for evaluating permanency, using four outcomes: (1) relational permanency—a parenting relationship between a youth and an adult; (2) relational/physical placement—a parenting relationship that is between a youth and an adult and that is also a physical placement; (3) relational/legal status—a youth-adult parenting relationship that has a legal status; and (4) relational/physical/legal—a parenting relationship that is between a youth and an adult and that involves a physical placement with a legal status.¹⁹

The Emancipated Youth Connections Project, a California pilot, assisted twenty young adults who spent an average of 11.5 years in foster care and left without a permanent connection to a caring adult. Project participants made 181 new permanent connections—139 new permanent connections with biological family members and 42 new permanent connections with nonrelated adults. The project was successful due to an emphasis on having youths determine how,

¹⁴42 U.S.C. § 675(8)(B).

¹⁵Fernandes, *supra* note 5, app. B; Amy Dworsky & Judy Havelicek, Chapin Hall, Review of State Policies and Programs to Support Young People Transitioning Out of Foster Care 5 (2009).

¹⁶42 U.S.C. §§ 675(5)(H), 671(a)(15), 675(5)(C), 671(a)(16), 675(1), 671(a)(16), 675(5), 675(5)(c)(iii).

¹⁷See, e.g., Kristi Charles & Jennifer Nelson, University of Oklahoma National Resource Center for Youth Development, Permanency Planning: Creating Life Long Connections: What Does It Mean for Adolescents? (2000), http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/1b/3e/3c.pdf.; Alice Bussiere, *Permanence for Older Foster Youth*, 44 FAMILY COURT REVIEW 231 (2006).

¹⁸Mark E. Courtney et al., *Foster Youth Transitions to Adulthood*, 80 CHILD WELFARE 685, 696 (1998); Reina M. Sanchez, California Permanency for Youth Project, Youth Perspectives on Permanency (2004), www.cyp.org/Files/YouthPerspectives.pdf.

¹⁹Cheryl J. Jacobson, California Permanency for Youth Project, Emancipated Youth Connections Project: Final Report/Tool Kit 58 (2008), www.cyp.org/Files/EYCP-ReportToolkit.pdf.

when, and by whom contact with the potential connection was made. The principal challenges were due not to the age of the youths or their level of interest in permanency but to their no longer being in foster care. For example, youths who left state care faced problems in getting mental health support to help them work through grief, loss, and relationships, and project administrators had difficulty accessing files that had been lost or destroyed since the youths' exit from foster care. These problems could have been avoided by getting youths to move into permanent situations before the youths left care and by extending foster care while making their connections to permanent situations. With continued foster care support, some youths would have left foster care for reunification, adoption, or guardianship; some would have developed caring relationships with people who were not paid to care for them; and some would have had a greater opportunity to work through grief and loss and develop skills under the supervision of caring adults so that their transition from care would have been more successful.²⁰

The New Transition Planning Requirement and Permanency Planning. Despite improvements in independent-living programs, many youths “age out” of foster care. These youths often have no idea where to live or if they can survive on their own. There is often no evaluation of special needs, such as whether the youth has a disability or is a parent. To be discharged from foster care to a homeless shelter is not unusual for some youths.

One way that the Fostering Connections to Success and Increasing Adoptions Act

solves these problems with permanency is by requiring states to help youths create a transition plan ninety days before leaving care.²¹ The caseworker must assist and support the youth “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.”²² This requirement ensures that the transition plan contains substantive and concrete elements to help the youth face an adult world. The plan should also consider the provision of services to meet any of the young adult's special needs.²³ Part of the case review system, the transition plan should be integral to ongoing independent-living and permanency planning. Because a youth's exit from the care and custody of the child welfare agency has legal consequences, we recommend that the court approve the transition plan.

Whether the transition plan can prepare youths for discharge depends on how states implement it. To comply with the Fostering Connections to Success and Increasing Adoptions Act's transition provision, most states have to amend state statutes or court rules or both and update child welfare regulations and policies. A strong transition policy should require transition planning to begin earlier than ninety days before discharge, court approval and oversight of the plan, and discharge criteria to eliminate inappropriate termination of court jurisdiction. Advocates can help implement and enforce their states' implementation and

²⁰*Id.* at 21.

²¹42 U.S.C. § 675(5)(H).

²²*Id.*

²³Planning for youths with special needs must begin earlier than ninety days before discharge. A new Fostering Connections to Success and Increasing Adoptions Act provision may help ensure more proactive planning for youths with special needs: the Act requires that the state submit a plan for the ongoing oversight and coordination of health care services for youths in foster care (42 U.S.C.A. § 622 (b)(15)(A)). This provision has particular importance for youths who are at an age when they can or want to transition out of state care to be more independent. Among the elements of a state plan are a schedule for health screenings (how needs are to be identified and met, how health information is to be monitored and shared, how use of prescription medications is to be overseen, and how continuity of care is to be maintained) (*id.*). Advocates should take part in the development of this plan and ensure that the plan's provisions for continuity of care describes how such care is to be coordinated and arranged for youths being discharged from the child welfare system but still needing services. Advocates should insist that coordination with organizations that provide services to adults who used to be in the foster care system be a part of the state plan.

enforcement of the Act's federal transition requirement. Two models, for example, are New York's requirement that specific plans for housing, employment, income, and adult connections be documented before a youth can be discharged from care and California's requirement that the child welfare agency take specific actions before the court terminates jurisdiction.²⁴

Court Oversight. The court monitors case plans and permanency planning throughout dependency cases, and federal law requires court oversight to ensure accountability. For example, the court must determine whether the state is making reasonable efforts to finalize the permanency plan.²⁵ When appropriate services are not provided to move a youth to permanency, the court should make a "no reasonable efforts" finding and indicate the services that must be provided by the child welfare agency. This finding ensures that the child welfare agency understands and follows through with its obligation to the youth. Aligning permanency review or status review hearings with the review of the transition plan can reinforce planning and enlist the court's assistance in ensuring that the plan has significant options for the youth.

Youth Participation in Court Proceedings. Courts and child welfare systems around the country recognize that youths must participate in decisions that affect their lives.²⁶ In fact, federal law requires age-appropriate consultation with youths in all permanency hearings and any hearing regarding transition from foster care to adulthood.²⁷ Actively involving youths in court can improve permanency planning and the likelihood that plans are carried out. Participation is critical for youths who have reached the age of majority and have the legal right

to make certain decisions, such as those regarding medical treatment, education, and remaining in foster care.²⁸ Another consideration is that when a youth turns 18, the youth's legal relationship to the youth's parents changes, and the youth may have greater input on whether parents are invited to participate in agency and court proceedings affecting him.

The court can help youths understand their rights and support good decision making, offer a forum for discussing the transition plan, determine whether a youth has fully participated in the planning, and ensure that the plan meets the youth's needs and interests. Participation in court is an excellent way to help young adults understand the transition to adult legal status and gives them a chance to build decision-making skills that are essential once they exit foster care.

Models of Court Oversight. Some states' specialized courts and age-appropriate procedures for older youths recognize that courts can engage youths, bring parties together, and ensure that appropriate actions are taken.

A paradigm is the benchmark hearing developed in Cook County, Illinois.²⁹ The youth and the judge are the central participants, and most of the hearing consists of a discussion between the judge and the youth about the youth's goals and the services and supports needed to achieve these goals. Representatives from various agencies are in court to answer questions about eligibility for the delivery of services and to arrange for such delivery. The hearing results in an agreement between the judge and the youth. Cook County Family Court, which has dedicated a judge to holding these hearings, finds that such hearings can involve youths in their own planning and

²⁴N.Y. COMP. CODES R. & REGS. tit. 18, § 430.12(f)(3) (2009); CAL. WELF. & INST. CODE § 391 (West 2009).

²⁵45 C.F.R. § 1356.21(b)(2) (2009).

²⁶See, e.g., Andrea Khoury, *Seen and Heard: Involving Children in Dependency Court*, 25 CHILD LAW PRACTICE 145, 150 (2006).

²⁷42 U.S.C.A. § 675(5)(c)(iii).

²⁸E.g., CAL. WELF. & INST. CODE § 11403 (requiring agreement by the youth to continue foster care benefits) (West 2009).

²⁹For more information on benchmark hearings, see EMILY BUSS ET AL., FROM FOSTER CARE TO ADULTHOOD: THE UNIVERSITY OF CHICAGO LAW SCHOOL FOSTER CARE PROJECT'S PROTOCOL FOR REFORM 65-82 (2008).

in meeting their goals. This model acknowledges the age and maturity of the youth by making the youth a central actor in the proceeding.

Whether a jurisdiction adopts the benchmark model or not, courts can enhance permanency hearings for an older youth by integrating certain practices: preparing the youth for the hearing; allowing the youth and the judge direct contact; giving the youth the opportunity and sufficient time to present the youth's own plans and goals; scheduling court hearings at times that do not conflict with school or other obligations and arranging court calendars to avoid undue waiting time; allowing ample time for each case; and allowing immediate access to information and resources to break down barriers on the spot.

Reentry into Care. Many youths who leave home at 18 come back for holidays or even to stay for an indefinite time. They can strike out on their own but have a safe place to return to if necessary. Most youths in foster care do not have that luxury, but some states have created procedures that are consistent with adolescent development and allow youths to reenter foster care when they need to.³⁰ For example, when a foster youth in New York elects to leave care before the youth's 21st birthday, court supervision and case management continue for at least six months as a "trial discharge."³¹ During the trial discharge, the child welfare agency retains custody, and the youth may reenter care and receive the full ar-

ray of placement and services. Arkansas has developed an alternative model in which youths who have been discharged from care at 18 may petition the court through a guardian ad litem to reenter care.³² The court continues to have jurisdiction over the case once reopened. The Fostering Connections to Success and Increasing Adoptions Act allows states to claim Title IV-E funds for these reentry youths, provided that all other Title IV-E eligibility criteria are met.

Other states, such as Connecticut and Arizona, allow youths to reenter care without court oversight.³³ The lack of court oversight may make these youths ineligible for Title IV-E funding, and these states may want to consider extending court jurisdiction to such reentry in order to draw down Title IV-E funds for these youths.³⁴ States may find that court oversight and age-appropriate court practices enhance the services for youths who reenter care.

The Lawyer for Older Youths. Lawyers for children in some states may have to adjust their model of representation when youths become legal adults. Although national standards support the traditional attorney-client model for representation of minors, some states require attorneys to act as guardians ad litem, or take positions deemed in the child's best interest, even when contrary to their clients' wishes.³⁵ Once a youth becomes an adult, questions about legal competence based on age disappear, and legal ethics require client-directed

³⁰A recent survey of forty-five states and the District of Columbia indicates that in practice one-third of the states allow some form of reentry (Dworsky & Havelicek, *supra* note 15, at 14). For a detailed discussion of reentry, see BUSS ET AL., *supra* note 29, at 97–103.

³¹N.Y. COMP. CODES R. & REGS. tit. 18, § 430.12(f)(4) (2009).

³²ARK. CODE ANN. § 9-27-306 (West 2009).

³³Connecticut Department of Children and Families, Policy Manual: Support Programs and Services: Re-Entry to Adolescent Services Program § 42-20-50, www.ct.gov/dcf/cwp/view.asp?a=2639&Q=327788 (last modified Feb. 22, 2007); Division of Children, Youth, and Families, Arizona Department of Economic Security, Children's Services Manual ch. 16, § 9 www.azdes.gov/dcyf/cmdps/cps/Policy/Chapter_16/Chapter_16_Section_9.htm ("Re-entry into the Arizona Young Adult Program; DCYF Case Management").

³⁴E.g., the care and placement of the child must be the legal responsibility of the state agency (42 U.S.C. § 672(a)(2)(B); CHILD WELFARE POLICY MANUAL, *supra* note 13, § 8.3A.9).

³⁵American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (1996), www.abanet.org/child/repstandwhole.pdf; National Association of Counsel for children, NACC Recommendations for Representation of Children in Abuse and Neglect Cases (2001), www.naccchildlaw.org/?page=PracticeStandards; Barbara Ann Atwood, *Representing Children: The Ongoing Search for Clear and Workable Standards*, 19 JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWS 183 (2005).

representation in the attorney-client relationship. States that impose a best-interest model on attorneys have to review their laws and practices to ensure that they are consistent with applicable ethical standards. Attorneys who are serving as guardians ad litem may need to alter their approach, making sure they explain their role, articulating any differences they have with the youth, and ensuring that the youth has access to legal representation when conflicts cannot be resolved or independent representation is warranted for other reasons.

Client-directed advocacy gives young adults the opportunity to make decisions in consultation with their attorneys—a skill which many youths do not have the opportunity to learn and practice while in foster care. Advocates recognize the value of client-directed or client-centered representation because it promotes client dignity, fosters empowerment and independence, and is a direct opportunity for youths to participate in decisions about their own lives. For youths over 18, who have not only the legal status of an adult but also a greater ability to use insight and think abstractly, client-directed advocacy is especially appropriate. Regardless of their ages, the attorney retains a critical role in counseling youths, enforcing their rights in court, monitoring permanency and transition efforts, helping them access services, and preparing them to participate in court proceedings.

A New Placement Option for Youths Over 18

For youths who have reached 18, the Fostering Connections to Success and Increasing Adoptions Act adds a placement option by expanding the range of child care institutions eligible for Title IV-E funding to include “a supervised setting in which the individual is living

independently.”³⁶ This option recognizes that family foster care and traditional child care institutions recognized by Title IV-E under previous law are not suitable for many young adults who need age-appropriate freedom to make decisions and take responsibility for themselves. Services in these expanded range of placements should allow for increasing levels of autonomy and continue to help youths develop relationships with mentors, relatives, and other supportive adults. Developmentally appropriate placements may also encourage youths anxious to escape difficult living conditions, such as restrictive group home rules, to accept continued support when they need it.

The Fostering Connections to Success and Increasing Adoptions Act does not define “supervised setting in which the individual is living independently” but requires placement to be “in accordance with such conditions as the Secretary shall establish in regulations.”³⁷ Although regulations have not yet been issued, federal law requires states to establish and maintain standards for foster family homes and child care institutions that are reasonably in accord with applicable national standards.³⁸ The Child Welfare League of America developed standards for transitional, independent-living, and self-sufficiency services that are instructive for the development of standards in accord with national ones.³⁹ These standards emphasize a continuum of options to meet the needs of youths at different developmental phases and recommend that federal or state regulations be sufficiently flexible to allow less restrictive settings, such as individual apartments or host homes that support youths’ transition.⁴⁰

Programs reflecting these standards already are in many parts of the country, and many states have some form

³⁶42 U.S.C. § 672(c)(2).

³⁷*Id.* § 672(c).

³⁸*Id.* § 671(a)(10).

³⁹CHILD WELFARE LEAGUE OF AMERICA, STANDARDS OF EXCELLENCE FOR TRANSITION, INDEPENDENT LIVING AND SELF-SUFFICIENCY (2005).

⁴⁰*Id.* at 149.

of supervised independent-living settings for older youths in foster care.⁴¹ These settings may be scattered-site and semisupervised apartments, clustered or supervised apartments, host homes, and shared homes or college dormitories with case management.⁴² These options have various levels of support and supervision so that youths can practice independent-living skills in the real world and experience the consequences of making mistakes while they have the safety net of the child welfare agency to help them learn and move forward.

The amount of supervision and level of responsibility necessary in these programs is based on a youth's level of development, with the goal of moving the youth toward self-sufficiency that can be maintained when the youth exits the system. While maintaining the safety net of financial and other support that families provide as their children enter adulthood, independent-living settings attempt to mimic as much as possible the opportunities for freedom and responsibility that parents would want for their own children.

For programs to flourish, federal regulations and state standards for supervised settings in which a youth is living independently should allow states the flexibility to create supervision levels and living arrangements for older youths and guidance on program models.

Chafee Services

The Chafee Foster Care Independence Act provides a limited amount of federal

funding for services to meet the challenges to youths aging out of foster care.⁴³ Chafee programs serve and benefit many youths, but the funds are not sufficient to meet the needs of all eligible youths. Even with the Fostering Connections to Success and Increasing Adoptions Act's additional supports, Chafee services, such as education and training vouchers and housing for youths who have left foster care, are still in great demand. For example, some youths will be ready for independent living by 18, needing minimal help with college expenses or Medicaid coverage. Other youths may need substantial assistance but decide not to continue in foster care because of a negative experience with the child welfare system. For these youths who leave care but are unprepared, Chafee provides intensive but flexible case management, room-and-board assistance, mentoring, and flexible funds to meet basic needs. Chafee funds may also help states develop expertise in meeting the transition needs of youths with developmental, behavioral, or physical health needs that require continued services in systems that serve adults. The Fostering Connections to Success and Increasing Adoptions Act's continuation of support for youths over 18 who remain in care should not be viewed as a replacement for Chafee programs. Instead states should coordinate the delivery of services funded through the Fostering Connections to Success and Increasing Adoptions Act and Chafee to create a spectrum of services and support for the various needs of older youths in care and those who have aged out.⁴⁴



⁴¹Dworsky & Havelicek, *supra* note 15, at 9.

⁴²MARK J. KRONER, CHILD WELFARE LEAGUE OF AMERICA, HOUSING OPTIONS FOR INDEPENDENT LIVING PROGRAMS (1999).

⁴³42 U.S.C. § 677.

⁴⁴Each state is allocated Chafee funds to help prepare for adulthood those youths who are expected to age out of foster care. The statute does not mandate the exact services that must be provided, but examples are life-skills training, budgeting and financial planning, mentoring, tutoring, college preparation, and housing assistance. A state may use up to 30 percent of its Chafee funds to provide room and board for youth who age out at 18 and are still under 21. While the Chafee Act doubled the federal funding allocated for independent-living services, not all eligible youths receive such services because the funds allocated are not sufficient to serve all eligible youths. E.g., estimates using 2001 data indicate that, even with a very conservative calculation of Chafee-eligible youths, only \$1,400 would be available per eligible youth (see Mark E. Courtney & Darcy H. Heuring, *The Transition to Adulthood for Youth "Aging Out" of Foster Care*, in *ON YOUR OWN WITHOUT A NET: THE TRANSITION TO ADULTHOOD FOR VULNERABLE POPULATIONS* 54 (D. Wayne Osgood et al. eds., 2005)). Moreover, it is the state that applies for and receives the Chafee funds. Individual youths do not receive funds directly but must request them from their child welfare agency. Once a state uses all of its Chafee funds, an eligible youth does not receive any services.

The Fostering Connections to Success and Increasing Adoptions Act offers new opportunities to reduce poverty and homelessness for youths leaving foster care and improves their chances of achieving permanency. Advocacy at the state, local, and individual level can help determine whether these potential benefits are realized. Child advocates can and should take part in the Act's implementation. Legislative and administrative advocacy can help ensure that state law and policies are consistent with the new Act's mandates. Advocates should also encourage states to adopt the option to continue foster care maintenance payments past age 18 and to develop programs and policies that benefit all older youths regardless of

their developmental level or need. Advocacy for youths in juvenile court is necessary to ensure that youths have the benefits and protections of federal law. Legal aid advocates who work with vulnerable people, such as homeless youths who are or have been in foster care, may also be able to use the Act's provisions to obtain the services that their clients need.

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COMMENTS?

We invite you to fill out the comment form at <http://tinyurl.com/JulyAugustSurvey>. Thank you.

—The Editors

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