

Fostering Connections Guidance

Changes to Foster Care for Youth Ages 18-21

September 15, 2010



Public Law 110-351

- What is the Fostering Connections to Success and Increasing Adoptions Act?
- Administration on Children, Youth and Families issued policy guidance
- DHS and Minnesota law support allowing the extension of foster care for youth beyond age 18
- Changes in IV-E reimbursement, SSIS documentation, and court reviews

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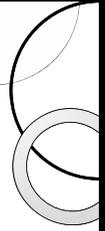


Eligibility for Continued Foster Care

For youth placed under 260C or 260D:

- Effective August 1, 2010, within six months prior to 18th birthday, counties remain required to advise the youth, the parent or legal guardian, and foster parents of the availability of continued foster care benefits up to age 21 (Minnesota Statutes, section 260C.451, subdivision 1.)

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Eligibility, continued

- Effective August 1, 2010, if youth does not wish to remain in foster care, a personalized transition plan must be executed during the 90-day period immediately prior to discharge.
- Effective August 1, 2010, youth who are not able to return home or otherwise achieve permanency prior to age 18, and who desire to remain in foster care past age 18, must meet at least one of the following conditions on an ongoing basis:

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Eligibility, continued

1. Completing secondary education or a program leading to an equivalent credential
2. Enrolled in an institution that provides postsecondary or vocational education
3. Participating in a program or activity designed to promote or remove barriers to employment

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Eligibility, continued

4. Employed for at least 80 hours per month, or
5. Incapable of doing any of the previous four activities due to a medical condition.

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Eligibility, continued

- **Retracted**

Corrections Youth:

- Effective October 1, 2010, youth in foster care immediately prior to age 18, under the responsibility of a corrections agency who possesses a Title IV-E agreement, must be advised of the availability of foster care benefits up to age 21.

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Eligibility, continued

- Notification should occur at least **90 days** prior to **18th** birthday
- If youth does not wish to remain in care, then a personalized transition plan must be developed and executed during the **90 days** immediately prior to discharge.

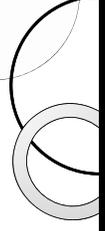
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Eligibility, continued

- A youth who is not able to return home or otherwise achieve permanency prior to age 18, and who desires to remain in care past age 18, must meet at least one of the conditions previously mentioned.

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Case Planning, Reasonable Efforts, and Verification

Case Planning:

- Case plans need to be youth driven
- Case plans include the OHPP and ILP
- Must include implementation for supports and services for independent living

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Case Planning, Reasonable Efforts, and Verification, *continued*

- If applicable, must be regularly updated to include information regarding a youth's medical condition and incapacity

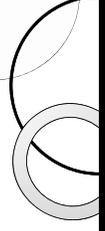
Reasonable Efforts:

- Must be reasonable efforts to finalize permanency plan

Verification:

- SW's must document youth's eligibility. Eligibility condition(s) for youth must be in the case plan and documented in SSIS.

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Legal & Court Requirements

- Youth in care before age 18, electing to remain in care:
 - Agency must have legal responsibility to maintain foster care
 - Court terminates legal custody, but maintains jurisdiction
 - Youth signs the OHPP and/or ILP
 - Annual court reviews of permanency
 - Administrative reviews annually when court review does not occur

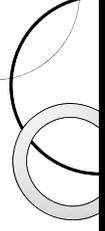
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Legal & Court Requirements

- Youth re-entering care after age 18:
 - Youth and agency sign the voluntary placement agreement for youth ages 18-21
 - Within 180 days of placement, court must make judicial determination of best interest
 - Court reviews of reasonable efforts to finalize permanency plan must be held annually
 - Administrative Reviews annually when court review does not occur

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Court Reviews on Re-entering Youth

- Agency, attorney and court personnel develop a plan to re-open court jurisdiction
- CJI Team may be ideal group to determine procedure
- File the out-of-home placement plan and a report for court review supporting determination that placement is in the youth's best interest

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Youth Under Tribal Jurisdiction

- Changes to extended care occur in:
 - Minn. Stat. Chapter 260C
 - Minnesota's state Title IV-E plan (federal law)
- When a tribe has jurisdiction over a youth, opportunity to remain in foster care past age 18 differs depending on if there is a Title IV-E agreement between the tribe and the state or a local county

Requirements for Case Work

- Case work responsibilities for youth under age 18 also apply to youth in care up to age 21:
 - Annual permanency review hearings
 - OHPP
 - ILP
 - Monthly face-to-face visits
 - Admin or court reviews every 6 months
 - Case documentation in SSIS
 - Review and verification of eligibility conditions
 - Transition planning



Requirements for Case Work, continued

- These requirements continue regardless of IV-E status
- Youth in extended care will be included in federal CFRs

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Transition Plans

- Required for youth who will be discharged from foster care age 18 or older
- Must be youth directed
- Developed and executed during 90-day period immediately prior to discharge date

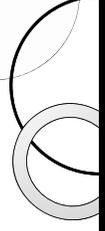
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Transition Plans, continued

- As detailed as youth elects
- Agency must provide youth with contact information if they need more information or need help with a crisis situation through age 21

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Transition Plans, continued

Health Care Directives:

- Effective October 1, 2010, the transition plan must include information on health care directive
- Suggested health care directive form is available in Minnesota Statutes, section 145C.16
- Youth must also be given information about health care POA, health care proxy or other similar documents

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Foster Care Settings



- Youth ages 18-21 may continue in a traditional foster care setting or in a supervised setting where they are living independently
- Child foster care license holders caring for youth ages 18-21 may do so without a variance
- Effective 10/1/10*, Title IV-E funds may be claimed for Title IV-E eligible youth ages 18-21 living in supervised independent living settings

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Foster care settings include:



Family Foster Home
(relative or other)



Dorm



Group Residential Facility



Apartment

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What is a supervised independent living setting?

- Agencies may develop a range of appropriate supervised independent living settings for youth
- Apartments, dorms, host homes, other innovative ideas to meet youth's need for supervision and support while moving to independence
- A supervised independent living setting is not required to be licensed, but appropriate supervision and assessment of youth's safety is required

MONTHLY FACE-TO-FACE CASEWORKER VISITS = MINIMUM CONTACT

How do I know which foster care setting to pick?

- Should be based on the youth's best interest, and include an individual determination of his/her needs and how the setting will serve the youth's needs (Minn. Stat. §260C.212, subd.2)
- Need to assess youth's needs, goals, and personal preferences.
- The youth's safety is a significant consideration



Foster Care Maintenance Payments

- **What does the payment include?**
Basic maintenance + DOC (if special needs due to disability require additional supervision/assistance)
- **What does it cover?**
Food, clothing shelter, supervision, school supplies, personal incidentals, reasonable travel for homevisits or school stability
- **Who receives the payment?**
 - Provider (foster parent, facility, other?)
 - Youth (permissible only for supervised independent living settings)

Health Care Eligibility



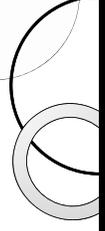
- Effective 10/1/10, Title IV-E eligible youth ages 18-21 are automatically eligible for Medical Assistance (MA)
- Youth who are not Title IV-E eligible must meet an MA basis of eligibility (child under 21, pregnant woman, disabled) and all MA eligibility requirements associated with that basis



Exit and Re-entry

- When none of the eligibility conditions apply, the youth may be discharged
 - Give youth notice of termination of benefits and right to appeal
- Youth may request a return to care after age 18
 - Previous state wards who commit to a required condition must be allowed to re-enter care
 - Non state wards may return to care by agency agreement

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Who is a non state ward?

- Youth previously in placement under 260C or 260D in the six consecutive months prior to their 18th birthday – no guardianship to DHS
- Youth who were discharged from placement as runaway after age 15 – no guardianship to DHS
- Youth who were under tribal care and control depending on the tribe's code and practice – no guardianship to DHS

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Youth Returning to Care

- Youth signs a voluntary placement agreement with the agency
- Youth and agency collaborate on a plan which supports meeting a required condition
- If youth cannot return to care, notice of denial of benefits and right to appeal must be provided

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Title IV-E Claiming



- Effective October 1, 2010, ACF permits Title IV-E claiming for eligible youth in extended foster care (including those in supervised independent living settings)
- Title IV-E youth in extended care will be included in federal and state Title IV-E eligibility reviews
- Changes to SSIS and MAXIS are necessary to enable Title IV-E claiming

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TITLE IV-E = SHARED RESPONSIBILITY





SSIS
Social worker



MAXIS
MAXIS worker

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How do I know if I can claim Title IV-E for a youth who continues in foster care beyond age 18?

- All Title IV-E eligibility requirements for children in foster care prior to age 18 apply to youth in extended care:
 - Basic eligibility
 - Placement in foster care setting (supervised independent living settings included)
 - RE to finalize permanency findings at least every 12 months
 - Continued agency responsibility for placement and care of youth
 - BI/CTW finding within 180 days, for VPA placements
- In addition, youth in extended care must meet at least one of the “conditions” on an ongoing basis

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Can Title IV-E funds be claimed for youth who re-enter foster care after age 18?

- Permitted under federal policy, but our state systems need to be updated to enable this
- Initial AFDC relatedness portion of Title IV-E determination is based on youth (not parents/guardians from whom the youth was removed as a younger child) for re-entries

Interim recommendations:
Complete VPA, HCApp, and IV-E supplement upon re-entry and hold until state policy and systems development occurs



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What needs to be done to claim Title IV-E?

Now	Later
<ul style="list-style-type: none"> • Document all eligibility factors, including conditions(s) for extended care in SSIS and MAXIS • Maintain all verifications in case file • Ensure appropriate court determinations are completed • Place youth in FC setting (supervised IL setting ok) • Maintain responsibility for placement and care at local agency 	<ul style="list-style-type: none"> • Use IV-E abstract to retroactively claim to 10/1/10 • Assess possibility of Title IV-E claiming for youth who return to care after age 18, when systems are updated and instructions are released

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SSIS Documentation

- Enter placement if youth is returning as usual
- If youth is remaining in placement, continuous placement does not end
- New screens available in SSIS V5.4:
 - Foster Care Extension tab
 - Extension Condition Reviews tab

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New Condition

The screenshot displays the SSIS application interface. On the left, a tree view shows a hierarchy of folders: 'Permanency', 'Continuous Place' (with sub-items 'Cont plcmt - (and 'Cont plcmt - '), 'Placements/Loa', and several 'Placement - (' and 'Location - ' items. A context menu is open over a selected item, showing options: 'Continuous Placements', 'New Continuous Placement', 'Extension Conditions', 'New Foster Care Extension Condition' (highlighted), 'Print Grid' (with shortcut Ctrl+Alt+P), 'Select Configuration', 'Save Configuration', and 'Data Clean-up' (with shortcut F8). An 'Action' dropdown menu is visible at the bottom of the tree view.

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Choose correct condition(s)

Extension Conditions | Extension Reviews

Extension Condition	Effective Date
Enrolled in post secondary or vocational education	04/01/2010

Extension Condition: Enrolled in post secondary or vocational education

Effective Date: Not eligible-no foster care extension condition applies

End Date: Documented medical condition prevents education/work

Employed at least 80 hrs per month

Enrolled in post secondary or vocational education

Participating in activities to remove employment barriers

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History over time; Update as needed or every six months

Extension Conditions | Extension Reviews

Extension Condition	Effective Date
Enrolled in post secondary or vocational education	04/01/2010
Participating in activities to remove employment barriers	09/01/2010

Extension Condition: Participating in activities to remove employment barriers

Effective Date: 09/01/2010

End Date:

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Enter date when conditions were checked for accuracy

Extension Conditions | **Extension Reviews**

Review Date	Reviewer
09/01/2010	Beman, Nan

Review of Foster Care Extension Conditions

I have reviewed the Extension Conditions tab and made necessary updates.

Review Date: 09/01/2010 Reviewer: Beman, Nan

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IV-E Eligibility Submission Worksheet

For initially court ordered placements:

Regarding the initial court hearing that sanctioned the placement

Petition filing date: 11/01/2004

Court hearing date:

Did the initial court order contain the Best Interests or Contrary to the Welfare language?

Yes -- Date:

No -- no IV-E eligibility exists

placements) nable efforts to prevent placement or reunify statement is due within 60 days of the IV-E removal date. Was this obtained?

Yes -- Date: Num. of days: 1923

No -- no IV-E eligibility exists

For initially voluntary placements:

Did the court make a judicial determination that placement is in the child's best interests within 180 days of the VPA signature date?

Yes -- Date of court hearing: Num. of days:

No -- If IV-E eligibility exists, it ends on day 181

Foster Care Extension for 18-20 year old youth

Does the youth currently meet an extension condition?

Yes, Effective Date: 04/01/2010 ←

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IV-E Submissions to Maxis

Client: Johnny Depp DOB: 04/05/1992

Continuous placement: 12/29/2004 to present

Submit reason: Send foster care extension information ←

Voluntary placement agreement: Supervising agency: County social services

Petition: 11/01/2004 Tribe:

Court hearing: IV-E Maint. Agr. Start:

Best interest statement: IV-E Maint. Agr. End:

Reasonable effort to prevent placement or reunify:

Reasonable effort to finalize permanency plan: 04/05/2010 Entered foster care: 02/27/2005

CHIPS determination: Yes Umbrella county:

CHIPS determination date: 08/16/2005 Foster care extension: Yes ←

SSIS worker:

Foster care extension date: 04/01/2010

Submitted date:

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Questions We Didn't Cover?

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