A Saving Grace - The Impact of the Fostering Connections to Success and Increasing Adoptions Act on America's Older Foster Youth

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A Saving Grace? The Impact of the Fostering Connections to Success and Increasing Adoptions Act on America’s Older Foster Youth

MAY SHIN*

When we’re talking about our own kids, we understand that the transition to adulthood is lengthy and they often leave and come back home. We need to provide a similar experience for kids aging out of foster care. Legally, we are their parents.

—Robin Nixon  
National Foster Care Coalition (2007)

Introduction

In America, a painful reality sits in the hearts of more than 400,000 foster youths.1 The majority of Americans are unaware of

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this painful reality; many of us have parents who have provided financial and emotional support to promote our growth and success. This painful reality is the forced separation of children from their biological families, after which they are placed into foster care.

This painful reality affects children of all backgrounds, whom the foster care system places in new homes, usually because their biological families have been unable or unwilling to provide proper support and care. State protective services remove children from their biological families for various reasons, such as abuse, neglect, abandonment, or caregiver incarceration. After states remove children from their biological families, states designate them as foster children and place these children with different types of caregivers. These caregivers can include relatives, foster families, and group homes. The majority of children who stay in the foster care system long-term have at least one fact in common: they are usually ill-prepared to live self-sufficient and independent lives after they are cut off from the foster care system at the age of eighteen.\(^2\) Traditionally, the government stopped providing support to foster children upon their eighteenth birthdays, leaving those who age out of the system without guidance or skills to help them fend for themselves.\(^3\) The majority of older youths who age out of the foster care system have an extremely difficult time adjusting to a life of independence.\(^4\) Although this note focuses on the various challenges that face older youths after aging out, the resilient character and successes of individuals within this population should not be overlooked.

In response to these obstacles, in 2008, Congress enacted and President George W. Bush signed into law the Fostering Connections to Success and Increasing Adoptions Act ("Fostering Connections") giving a grace period to those foster youths who are eighteen to twenty-one-years-old.\(^5\) A section of this law allows states to assist

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3. Id. (citing Peter J. Pecora et al., Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study, CASEY FAM. PROGRAMS 1 (2005), http://www.casey.org/Resources/Publications/pdf/ImprovingFamilyFosterCare_FR.pdf).

4. Id.

foster children after they turn eighteen-years-old. As of October 1, 2010, states have had the option to extend foster care assistance beyond the age of eighteen. States across the country and the District of Columbia have received federal approval for amendments to their foster care and adoption plans, as authorized under Title IV-E of the Social Security Act, or have enacted legislation to extend care to older youths under Fostering Connections. Title IV-E provides participating states with "federal reimbursement for a portion of the maintenance and administrative costs of foster care for children who meet specified federal eligibility requirements." Part I of this Note discusses the institution of foster care itself and the "aging out" phenomenon. Parts II focuses on the challenges facing current foster youths and older youths who age out of foster care systems. Part III details the requirements of the Fostering Connections to Success and Increasing Adoptions Act. Part IV describes some of the various plans that states are implementing. This Note then analyzes the plans' advantages and disadvantages to synthesize a model solution that would positively affect this population.

To remedy the difficulties that plague emancipated foster youths, states should implement plans to assist foster children until the age of twenty-one. State services should include a transition plan that provides information and resources for education, life skills, employment, housing, medical insurance, and access to mentors or support groups. As the numbers of homeless and incarcerated emancipated foster youths increase, each state should intervene by extending care to older youths.

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9. McCoy-Roth et al., supra note 1, at 5.
I. Foster Care

As of September 30, 2010, there were over 400,000 children across the United States in foster care. Children in foster care are typically placed in "nonrelative foster family homes, relative foster homes (whether payments are being made or not), group homes, emergency shelters, residential facilities, and preadoptive homes." The Adoption and Foster Care Analysis and Reporting System ("AFSCARS") reports that, in 2010, there were 408,425 children in foster care across the nation.

Many children are placed in foster care after having lived in unhealthy or abusive environments that lacked safety and stability. Often, these children are placed with strangers who may not give them the same level of care that society often expects biological parents to give to their own children. While the state places some children with relatives, in 2010 63% of foster children were placed in unfamiliar settings such as nonrelative foster homes, group homes, or institutions. States place many of these children in homes that do not provide adequate care or support. This situation worsens when children who struggle with emotional and mental health challenges age out of the system without having acquired the full set of skills, support, and resources that could help them achieve successful independence.

This growing problem of foster youths who are cut off from the system while still being unprepared for full independence existed long before the enactment of the federal law. In a 2007 hearing conducted by the Subcommittee on Income Security and Family Support of the Committee on Ways and Means, Congressman McDermott addressed this dilemma:

Ultimately, they will either return home or find an adoptive family, but some of these kids will stay in the system until they reach 18, at which point they are turned out into the world with little support, few skills, and sometimes nowhere to live. It is like getting an eviction notice from the Government for doing nothing other than turning 18.

11. AFCARS REPORT 18, supra note 1.
13. AFCARS REPORT 18, supra note 1.
14. Id.
Furthermore, without support, studies indicate that foster youths who age out of the system "fare poorly relative to their counterparts in the general population on outcome measures related to employment, education, homelessness, mental health, medical insurance coverage, involvement with the criminal justice system, early pregnancy, and poverty."\(^\text{16}\)

**II. Demographics of Youths Who “Age Out” of the Foster Care System**

In 2010, 27,850 young adults exited the nation’s foster care system without the stability of a permanent family structure because they were unable to reunify with a birth parent, were not adopted, and had no guardian to live with.\(^\text{17}\) This number is more significant considering the recent increase in the number of emancipated youth who leave the system without achieving permanency: "The number of children who aged out of the system rose markedly in the ten-year period between 1998 and 2007, with a more than 70 percent increase during that period."\(^\text{18}\) Although there has been a slight decrease in the last three to four years, "from a high of 29,730 youth[s] in 2007 to approximately 27,850 youth[s] in 2010," the number of youths aging out of foster care is still significant.\(^\text{19}\) Despite the slight decrease, the proportion of all exits from foster care compared to "those youth who are aging out has continued to increase. In 2001, the percentage of all foster care exits that were youth emancipating from the system was 7.1 percent," compared to 2010 where the proportion of youths aging out increased to 11%.\(^\text{20}\) Across America, "since 1998, nearly 309,000 youths have ‘aged out’ of foster care” without achieving permanency.\(^\text{21}\)

Most often, adolescents who navigate successfully into adulthood depend heavily on the “support, guidance, and resources offered by families.”\(^\text{22}\) Parental assistance, in terms of emotional and

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\(^{17}\) McCoy-Roth et al., *supra* note 1, at 1.

\(^{18}\) *Id.*

\(^{19}\) *Id.*

\(^{20}\) *Id.*

\(^{21}\) *Id.*

\(^{22}\) Gretchen Ruth Cusick, Mark E. Courtney, Judy Havlicek, & Nathan Hess, *Crime During the Transition to Adulthood: How Youth Fare as They Leave Out-of-Home Care*, NAT’L CRIM. JUST. REFERENCE SERVICE 1, 7 (2010), https://www.ncjrs.gov/pdffiles1/nij/
tangible support, such as finances to pay for housing or educational expenses, has been a major factor in a youth's successful transition into independent living.\textsuperscript{23} Without such support, foster youths who age out of the system have much more difficulty in finding steady employment, developing the life and educational skills to support themselves, maintaining financial security, securing stable housing, staying out of prison or jail, and maintaining good mental and physical health.\textsuperscript{24}

A. Employment Rates

Securing stable employment is a significant challenge that a majority of foster youths must tackle as they leave the foster care system often only with their clothes. Many older youths who age out of the system have difficulty finding employment because they leave the foster care system "without the knowledge, skills, experience, attitudes, habits, and relationships that will enable them to be productive and connected members of society."\textsuperscript{25} For this and other reasons, "50\% of emancipated foster youth experience high rates of unemployment within [five] years of emancipation."\textsuperscript{26} Among those who are employed, many receive "average earnings below the poverty level."\textsuperscript{27} We must consider these employment statistics from the perspective of societal norms. Our society does not usually expect an eighteen-year-old individual to be fully self-sufficient in finances and employment.\textsuperscript{28} For example, the United States Census Bureau has found that in 2010, 29,293,000 youths between the ages of eighteen and twenty-four were "living at home" in households headed by older adults, rather than independently; 57.3\% of those male youths and 49.2\% of those female youths were

\textsuperscript{23} Cusick et al., supra note 22.
\textsuperscript{24} NAT’L FOSTER CARE COAL., supra note 7, at 9.
\textsuperscript{25} Alison Henig, Employment Aid for Youth Aging out of Foster Care: Extending One-Stop Career Centers to Include a Division for Foster Care Youth, 47 FAM. CT. REV. 570, 572 (2009) (citing Aging Out of Foster Care, CHILD. AID SOC’Y (Feb. 28, 2005), http://www.childrensaidssociety.org/issues/aging-out-foster-care).
\textsuperscript{26} Barriers Facing Foster Care Youth: National and Local Statistics about Emancipating Foster Youth, TRANSITIONAL AGE YOUTH 1, 29 (Feb. 21, 2007), http://heysf.org/pdfs/HEYFosterYouthStatistics.pdf.
\textsuperscript{27} Aging Out of Foster Care, CHILD. AID SOC’Y (Feb. 28, 2005), http://www.childrensaidssociety.org/issues/aging-out-foster-care.
living with their parents. Professor Miriam Krinsky writes, “the average age of financial independence in America is twenty-six years of age.” Society’s failure to recognize the dire economic straits of emancipated foster youths and to provide adequate employment assistance may help explain the difficulty many foster youths have in finding jobs.

B. Life and Educational Skill Levels

The high unemployment among emancipated foster youths is compounded by the challenges they face in achieving adequate education and practical living skills. Relocation and out-of-home placement, often associated with foster care, deprive the majority of foster children of a sense of permanence and community that would help them develop adequate life skills and complete their education. Less than half of all former foster youths have graduated from high school. Less than 10% enroll in college and only 1% of those who enroll actually graduate from college. These low graduation rates place former foster youths at a disadvantage when competing with job candidates who have graduated from high school and college. This is just one example illustrating the ways in which foster youths age out of the system and are then cut off without an orientation towards independence. Without this or any other form of alternative support, they find themselves without the full set of skills required to secure employment, find affordable housing, and to live stable lives.

C. Income Levels

Young adults who age out of the system without the proper skills and support to provide for themselves financially often live in poverty. One third of these emancipated youths “have incomes at, or below, $6,000 per year, which is substantially below the federal poverty level of $7,890 for a single individual.” To put this amount

30. KRINSKY, supra note 2, at 251.
32. TRANSITIONAL AGE YOUTH, supra note 26, at 1.
33. Id.
34. Id. at 2 (citing Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study, CASEY FAM. PROGRAMS 2 (Mar. 19, 2005), http://www.
into perspective, national economic experts Diane Pierce and Jennifer Brooks report that a single adult must make an annual income of $28,012 in order to be self-sufficient in San Francisco, California,35 one of the highest populated cities in the United States.36 Therefore, a third of former foster youths make less than a quarter of what is necessary to survive in San Francisco.

The effects of poverty create other difficulties for former foster youths who must face life outside of the system. For example, emancipated foster children often struggle to find shelter and pay for medical bills. Some feel forced into committing crimes in order to survive day-to-day life.37

D. Access to Housing

Poverty forces many older youths who age out of the foster care system to become homeless. Most youths who are fortunate enough to live outside of the foster care system have financial support provided by their parents and other family members. While many young adults are either living with their parents or provided for financially, most youths who age out of foster care have no resources outside of the foster care system.38

Approximately "65% of youths leaving foster care need immediate housing upon release."39 Within eighteen months of aging out of the foster care system, 40-50% of foster youths become

37. KRINSKY, supra note 2 at 251.
38. Income, Poverty and Health Insurance Coverage in the United States: 2010, U.S. CENSUS BUREAU (Sept. 13, 2011), http://www.census.gov/newsroom/releases/archives/income_wealth/cb11-157.html. Even adults between the ages of twenty-five and thirty-four often rely on older family members for housing. Id. The United States Census Bureau reports: “In spring 2011, 5.9 million young adults age 25-34 (14.2 percent) resided in their parents’ household[].” Id. These findings show that such financial support dramatically improves young adults’ standards of living: “Young adults age 25-34, living with their parents, had an official poverty rate of 8.4 percent, but if their poverty status were determined using their own income, 45.3 percent had an income below the poverty threshold for a single person under age 65.” Id.
homeless.\textsuperscript{40} Research shows that there is a strong correlation between homelessness and residing in foster care: "[a] history of foster care correlates with becoming homeless at an earlier age and remaining homeless for a longer period of time."\textsuperscript{41} In 2007, the U.S. House of Representatives Committee on Ways and Means found that "research suggests that one in seven youth[s] suffer[s] from homelessness after they are discharged from foster care."\textsuperscript{42} To place this in perspective, 27\% of the homeless population across the nation is comprised of individuals who have spent time in the foster care system.\textsuperscript{43} One example of the high homeless rate is that in California, as of April 2011, it was reported that former foster children have overtaken war veterans as the single largest population in California's homeless shelters.\textsuperscript{44}

E. Incarceration

The advocacy organization Honoring Emancipated Youth writes, "There is a lot of crossover between youth[s] in foster care and youth[s] in juvenile dependency court" and explains that foster youths who have had multiple foster care placements are "5-10 times more likely to become involved with the juvenile justice system than youth[s] in the general population."\textsuperscript{45} Another reason former foster children are more likely to be incarcerated than children who are not in foster care is that "judges perceive their lack of caregiver representation as an indication that the youth[s] are less stable and less supervised than their non-foster peers."\textsuperscript{46}

In making the transition to independence, youths aging out of

\textsuperscript{40} TRANSITIONAL AGE YOUTH, supra note 26, at 1 (citing Chapter VI: Life after Foster Care, Juvenile Justice in California Part II: Dependency System, LEAGUE OF WOMEN VOTERS OF CAL. (July 1998), http://www.ca.lwv.org/jds/chap6.html).


\textsuperscript{42} Hearings, supra note 15, at 2.


\textsuperscript{45} TRANSITIONAL AGE YOUTH, supra note 26, at 2 (citing MADELYN FREUNDLICH & LESLEE MORRIS, YOUTH INVOLVEMENT IN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS: A CASE OF DOUBLE JEOPARDY? (2004)).

\textsuperscript{46} Id.
the system “may be particularly at risk for engagement in crime or involvement with the criminal justice system.”47 As former foster youths leave the foster care system without support or resources, this population is much more likely than non-foster youths to be incarcerated after emancipation.48 Population studies have shown that within the first two years of aging out of the foster care system, 25% of these older youths will be incarcerated.49 “[A] 2007 study from the University of Chicago concluded that former foster youth are ten times more likely to be arrested than non-foster youth of the same age, race, and sex.”50 Statistically, one in four older youths who age out of the system will be incarcerated within the first two years of becoming emancipated.51

F. Mental and Physical Health

Former foster children frequently live with mental and physical illnesses and medical conditions that have arisen during childhood, but lack access to necessary medical treatment. Foster children have disproportionately high rates of physical, mental, and developmental problems compared to young adults who have had no contact with the foster care system.52 Additionally, nearly 50% of foster children suffer from chronic health conditions such as “asthma [and] visual and auditory problems,” and medical issues caused by social deprivation, such as “dental decay and malnutrition.”53

Physical illnesses are not the only concern for foster youths; many foster youths also suffer from mental health challenges.

47. Cusick et al., supra note 22.
48. KRINSKY, supra note 2, at 251 (citing GRETCHEN R. CUSICK & MARK E. COURTNEY, U. CHI., CHAPIN HALL CTR. FOR CHILD., Offending During Late Adolescence: How Do Youth Aging Out of Care Compare With Their Peers?, CHAPIN HALL 1, 6 (2007), http://www.chapinhall.org/sites/default/files/publications/ChapinHallDocument_0.pdf.)
49. TRANSITIONAL AGE YOUTH, supra note 26, at 2 (citing Mark Courtney & Irving Piliavin, Foster Youth Transitions to Adulthood: Outcomes 12 to 18 Months after Leaving Out-of-Home Care, INST. FOR RESEARCH ON POVERTY, U. OF WIS. (July 1, 1998)).
50. KRINSKY, supra note 2, at 251 (citing Gretchen R. Cusick & Mark E. Courtney, Offending During Late Adolescence: How Do Youth Aging Out Of Care Compare With Their Peers?, CHAPIN HALL 1, 6 (2007), http://www.chapinhall.org/sites/default/files/publications/ChapinHallDocument_0.pdf).
52. TRANSITIONAL AGE YOUTH, supra note 26, at 2.
Research has shown that "50-60% of children in foster care have moderate to severe mental health problems." There are many possible reasons for these high rates, including the early age at which foster youths may undergo traumatic events, the cumulative effects of repeated traumas over the years, and the relative scarcity of community supports available to foster youths. The high rate of PTSD also suggests that some of the traumatic experiences that foster youths undergo can be as extreme as those experiences faced by soldiers who fight and kill on battlefields.

Despite these mental, physical, and developmental problems, one third of all former foster youths have no form of health insurance. Medical assistance and treatment is vital for healthy living, but the population that most commonly suffers from a wide array of medical problems often has no way to obtain needed care.

### III. Federal Law: The Fostering Connections to Success and Increasing Adoptions Act

The Federal government has recognized that the lack of resources available for emancipated youths has contributed to a growing epidemic, because the number of children who have aged out of foster care continues to increase. On October 7, 2008, President George W. Bush signed the Fostering Connections to Success and Increasing Adoptions Act. Social science experts have hailed Fostering Connections as "the most significant and far-reaching reform to federal child welfare policy in more than ten years."

Fostering Connections contains several parts that discuss various aspects of foster care and adoption. The purpose of this law is "to amend parts B and E of [T]itle IV of the Social Security Act[,]" which

54. TRANSITIONAL AGE YOUTH, supra note 26, at 2.
56. Id. (citing Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study, CASEY FAM. PROGRAMS 1, 2 (Mar. 19, 2005), http://www.casey.org/resources/publications/pdf/improvingfamilyfostercare_es.pdf).
provides state funding for child welfare services. Fostering Connections was “intended to achieve better outcomes for children and young adults who are at risk of entering or have spent time in foster care.”

Fostering Connections:

Promotes . . . extension of foster care, adoption and guardianship beyond age 18; permanent families for children; important links to family; sibling connections; educational stability and coordinated health planning; expanded protection and supports for American Indian children; and new training opportunities for a broad group as individuals working with children and young adults involved with the child welfare system.

In some recent years, as many as 29,000 youths annually have aged out of the foster care system without having achieved permanency, which is the placement into permanent living situations through reunification, guardianship, or adoption. Before Fostering Connections was signed into law, “Title IV-E reimbursable foster care and adoption assistance payments could not be made after a child turned eighteen. In addition, foster care payments could only be made on behalf of children in a foster family home or child-care institution.” Thousands of children who aged out of the system were left without support.

Although Fostering Connections affects all foster children, this note focuses on the impact of Fostering Connections on older and transition aged youths. Fostering Connections authorizes states to use federal funds from Title IV of the Social Security Act for children in foster care until they reach the age of twenty-one. Specifically, section 201 of Fostering Connections Title II, “Improving Outcomes for Children in Foster Care,” amends Title IV-E of the Social Security Act to give states the option to provide support to children in foster care, and to certain children in adoption or guardianship

59. Id.
60. Sample State Legislation to Extend Foster Care, Adoption and Guardianship Protections, Services and Payments to Young Adults Age 18 and Older, CHILD. DEF. FUND 2 (June 2010), http://www.childrensdefense.org/child-research-data-publications/sample-state-legislation-to.pdf.
61. Description of the Law, supra note 57.
62. Id.
placement, after the age of eighteen.\textsuperscript{64} Moreover, Section 202 of the same Title requires a case review system that will include a procedure to ensure that a case worker will assist and support a young person who ages out of foster care in creating a personalized transition plan.\textsuperscript{65}

In order for older youths in foster care to continue receiving support, certain criteria must first be met:

First, a Title IV-E assistance agreement involving the individual must be in effect. Second, an individual who is older than eighteen years old may continue to receive benefits if the youth: 1) is completing high school or an equivalency program; 2) is enrolled in a post-secondary or vocational education program; 3) is involved in an activity that is designed to promote employment or remove barriers to employment; or 4) is employed for a minimum of eighty hours per month.\textsuperscript{66}

If a young adult is unable to meet one of these requirements to receive assistance, the young adult or his or her guardians can provide documentation to show that a medical condition prevents the youth from fulfilling one of these requirements.\textsuperscript{67}

Fostering Connections requires that all states implementing its programs provide assistance and support in developing a personalized transition plan for all youths during the ninety-day period immediately before they age out of foster care.\textsuperscript{68} The states must make the plan with the participating youth, and the plan should include "specific options on housing, health insurance, education, local opportunities for mentors, and workforce support and employment services."\textsuperscript{69} Fostering Connections further extends eligibility for the Chafee Foster Care Independent Living Program, which provides "grants . . . to States and Tribes who submit a plan to assist youth[s] in a wide variety of areas designed to support a successful transition to adulthood,"\textsuperscript{70} for juveniles who are adopted or placed in kinship guardianship at age sixteen or older.\textsuperscript{71}

\textsuperscript{64} §201, 122 Stat. at 3957-58.
\textsuperscript{65} Id. at 3959.
\textsuperscript{66} CHILD. DEF. FUND, supra note 5.
\textsuperscript{67} Id.
\textsuperscript{68} Older Youth, FOSTERING CONNECTIONS, http://www.fosteringconnections.org/resources/sections?id=0005 (last visited October 16, 2011) [hereinafter Older Youth].
\textsuperscript{69} Id.
\textsuperscript{71} Older Youth, supra note 68.
A. Impact on States

Although the federal government does provide states with limited funding for foster care, this responsibility ultimately devolves to the states. The federal government, in enacting Fostering Connections, has provided states with great leeway in deciding the exact limitations and specifications of the support states extend to foster children who turn eighteen without achieving permanent family relationships.

Fostering Connections has allowed states to amend their Title IV-E state plans since October 1, 2010.72 States may choose:

[to] claim federal funds for young adults in foster care beyond their 18th birthday[s], or for those who exited foster care after age 16 to guardianship or adoption, to age 19, 20, or 21. With limited exceptions, states can currently only claim federal assistance for children up to their 18th birthday[s]. States will be federally reimbursed for those young adults who are eligible for IV-E maintenance payments.73

This extended support to older youths is invaluable: many foster children will be better able to prepare for independence as they mature, with enough time, preparation, and education. Although to protect the public from abuse of the welfare system, children should not be kept under the care of the state longer than necessary, federal support for these older youths “will reduce the likelihood that youth will leave the justice system for the world of homeless adults.”74

As more states exercise the option to participate in this federal program and revise their state plans in regards to Title IV-E funding, states will develop many new and creative funding programs.75 Currently, states across the country have developed their own plans to implement Fostering Connections; each state plan employs a different approach and therefore brings a unique set of advantages and disadvantages, as discussed below.

The leeway that Fostering Connections allows state governments in deciding how to revise their state plans can

72. CHILD. DEF. FUND, supra note 5.
73. Id.
75. Id. at 479.
potentially create far-reaching reform that will allow many former foster youths to obtain the necessary support and skills to begin successful independent living. Analyst Adrienne L. Fernandes writes that the strongest evidence that foster children have more difficulty transitioning into adulthood “is their poor outcomes across a number of domains. During their early adult years, these youth are much more likely than their peers to forego higher education, describe their general health as fair or poor, become homeless, and rely on public supports.”

Fostering Connections will allow participating states to provide older foster youths with services to improve their chances at receiving higher education, medical services, housing, and employment.

B. Advantages

Child welfare experts hail Fostering Connections as the most significant federal reform in the past decade for abused and neglected children. The main advantage of Fostering Connections is that it provides funding to states. Many states blame a lack of monetary resources for the problems in their foster care systems. Increased funding to states, even though limited, is the main resource that will assist former foster youths in securing the necessary support and resources to live independent lives. Social worker and youth law expert Casey Schutte writes, “[t]his expansion is in response to mounting evidence that extending care to age 21 leads to better outcomes for foster youth[s] in areas such as educational achievement, earning potential, and housing stability.”

A second advantage of the federal law is that it provides states with options. The leeway provided to states in formulating new plans will permit states to develop creative funding schemes that allow older youths to smoothly transition into society. While Fostering Connections only recently allowed states to implement their own state plans, over time, researchers and experts will be able to see which state plans are the most successful and helpful for older youths who age out of the system. Although state legislation implementing Fostering Connections is still experimental, rigorous

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observation over time will allow states to determine the most beneficial and disadvantageous approaches for those youths who age out of the system.

A third advantage of Fostering Connections is that it provides guidelines on who is eligible to receive funding. This not only helps states in creating new law, it also encourages older youths to prepare themselves for independent living by requiring employment or educational activities as a prerequisite to receiving funds. Participating states, through transitional planning sessions, will inform older youths who wish to receive extended foster care support to engage in one of the four aforementioned educational or employment requirements. The education and employment skills gained prepare young people to support themselves in the working world.

C. Disadvantages

One pitfall within Fostering Connections is that it does not provide greater incentives for states to implement it. Currently, states with legislation providing assistance to older youths after the age of eighteen are still in the minority. If Fostering Connections implemented more incentives for states, a larger proportion of states would develop creative plans to assist older youths after they turn eighteen. Alternatively, the federal law could require states to implement policy to ensure support to older foster youths, a step it has yet to take.

Another disadvantage is the limited federal funding available to states. Schutte reports that “[t]he Congressional Budget Office has estimated that extending IV-E eligibility to age 21 will cost $735 million from 2011 to 2018.”78 To implement a plan extending services past the age of eighteen, states need to supplement federal funding with state and county funds. Schutte explains that “[s]tates that already provide services for children up to age 21 could see a substantial increase in federal child welfare funding from the Act, with no additional state expenditures. For states that currently end care at 18, federal money will soften the economic blow,”79 but those federal funds will not solve the problems of states that do not have the initial ability to fund the foster care extension provision.

Citing California as an example, Schutte states that “county child welfare agencies will incur costs directly, given that the funding breakdown for IV-E eligible youth[s] in California is 50

78. Schutte, supra note 77.
79. Id.
percent federal, 20 percent state, and 30 percent county, and this is a cause for concern in some counties."80 Schutte elaborates, "It is estimated that it will cost close to $38,000 per youth to extend foster care to 21, and there will be a monetary return of more than $2 for every $1 spent on extending foster care, with most of those benefits going directly to the recipients."81 Although various studies have found some long-term economic benefits to states that extend care and services, "the short-term costs to government are readily quantifiable while the long-term benefits are less certain and harder to measure."82 Nonetheless, Fostering Connections has widespread institutional support in California, even though the short-term costs to the state government are high.

Although the California legislature believes in the long-term benefits of extending such care, the limited federal funding may hinder other states in implementing similar policy, due to state fiscal deficits. The fact that states must contribute a significant portion of state and county funds is problematic when many state governments believe they are unable to do so.

IV. A Representative Sampling of State Foster Care Legislation

In order for states to receive federal funding under Fostering Connections, "state child welfare agencies must submit an amended Title IV-E plan to the federal Administration for Children and Families."83 Fostering Connections requires that the amended plan under Title IV-E of the Social Security Act "outline applicable statutes, regulations, policies and procedures" to ensure that the states are in compliance with the federal requirements for funding.84 Although there is no deadline to submit an amended Title IV-E plan to qualify for federal funding under Fostering Connections, a state cannot receive funding unless it submits an amended plan.85 As of this article's writing, Alaska, Arkansas, California, Delaware, Illinois, Iowa, Minnesota, New Mexico, Oregon, Tennessee, Texas, Washington, and the District of Columbia had all implemented their own legislation under Fostering Connections.

80. Schutte, supra note 77.
81. Id.
82. Id.
83. Id.
84. Id.
85. Id.
A. Alaska (H.B. 126)

Alaska’s legislation focuses on continuing state custody of foster children up until the age of twenty-one.\(^{86}\) Alaska’s Law to Extend/Resume State Custody of Children states that, when a state court determines that a child is in need of aid, the court can order the child committed to state custody.\(^{87}\) Custody shall not extend past the child’s nineteenth birthday, unless the child, the child’s guardian \textit{ad litem}, or the Office of Children’s Services petitions the court to grant a one-year extension.\(^{88}\) However, such extensions may not extend past the youth’s twenty-first birthday.\(^{89}\) Section two of the Alaska law states:

\begin{quote}
[A] court may grant in a hearing a resumption of state custody that does not extend past a person’s 21st birthday if the person: (1) consents to it; (2) the person was placed in [foster] care immediately before being released from state custody . . . ; (3) is in need of out-of-home care to avoid personal harm or homelessness, or to enhance the person’s ability to continue the person’s education or training or otherwise improve the person’s successful transition to independent living; and (4) if requested by the department, agrees to reasonable terms . . . that may include matters relating to the person’s education, attainment of a job or life skills, or other terms found by the court to be reasonable and in the person’s best interest.\(^{90}\)
\end{quote}

B. Arkansas (S.B. 359, Act 391)

In 2009, Arkansas passed a law entitled “An Act to Create the Arkansas Foster Youth Transition Plan.”\(^{91}\) The text of the law begins by stating, “Each juvenile in foster care should have a family for a lifetime. But too many juveniles in foster care reach the age of majority without being successfully reunited with their biological families and without the security of permanent homes.”\(^{92}\)

Under Arkansas’s law, each foster child nearing the age of eighteen will have the opportunity to participate actively in the planning of his or her future.\(^{93}\) Depending on the child’s needs, the

\(^{86}\) Alaska stat. § 47.10.080 (2011).
\(^{87}\) \textit{Id}.
\(^{88}\) \textit{Id}.
\(^{89}\) \textit{Id}.
\(^{90}\) \textit{Id}.
\(^{91}\) ARK. CODE ANN. § 9-28-114 (2011).
\(^{92}\) \textit{Id}.
\(^{93}\) § 9-28-114.
Arkansas Department of Human Services must provide the child with the opportunity to participate in services that will enhance the child’s ability to learn the necessary skills to enter into adulthood. The department will also help the child develop and maintain relationships with nurturing adults and mentors, and provide the youth with basic information regarding the child’s own biological family and personal history.

This transitional plan must be complete for every juvenile in foster care by the juvenile’s seventeenth birthday or within ninety days of entering a foster care program if the child is already seventeen-years-old upon entrance. S.B. 359 further describes in detail how the department will assist older youths to complete applications for health insurance, transitional housing or other housing, employment or other financial support, and admission to college, university, or vocational training programs. This legislation also restricts when a court can close a case involving a juvenile in foster care. A court “shall continue to have jurisdiction over a juvenile who has reached 18 years of age [until the youth turns twenty-one] to ensure compliance with this section.”

C. California (AB 12)

California’s Fostering Connections to Success Act “would extend the California foster care program to age 21 in accordance with the provisions of the Fostering Connections Act.” Furthermore, “[o]n and after January 1, 2012, a nonminor who has not yet attained 21 years of age and who exited foster care at or after the age of majority may petition the court . . . to resume dependency or delinquency jurisdiction over the nonminor dependent.” Under California’s law, each child’s transitional case plan will be reviewed periodically by the court and the plan will require the youth to meet one or more criteria that would allow the child to remain a

94. Id.
95. Id.
96. Id.
97. Id.
98. Id.
"nonminor dependent." The court will further ensure that the youth is informed of his or her right to terminate the court’s jurisdiction. The court must also inform the child of his or her right to seek reinstatement of dependency jurisdiction.

California’s plan also requires that each county welfare department provide foster youth with the following services and documents: “written information concerning [the] youth’s dependency case, social security card, copy of birth certificate, driver’s license or ID card, health and education summary, a letter including the dates that the youth was within jurisdiction of the court, and a statement that the youth was in foster care in compliance with financial aid documentation requirements.” The Department of Social Services must also show that the youth has received assistance in applying for health insurance, college or vocational admission, and in maintaining relationships with people important to the youth.

D. Delaware (S.B. 113)

The purpose of Delaware’s legislation is to implement the expectations of the Federal John H. Chafee Foster Care Independence Program and Fostering Connections. Upon motion by the Department of Services for Children, Youth, and Their Families (“DSCYF”) or the foster child, the court may enter an order to extend jurisdiction over the foster youth who was in DSCYF custody at the time of the child’s eighteenth birthday. The court may extend state jurisdiction over the child until he or she reaches the age of twenty-one; the purpose of this extended jurisdiction is to give the youth a legal mechanism to have the Family Court review whether the youth’s services are proper.

The law provides reasonable services to foster youths, “including financial, housing, medical, employment, training,
education, and other appropriate services.” The law “[c]reates a procedure by which youth exiting foster care in Delaware and who are provided services under the John H. Chafee Independence Act and/or the Fostering Connections and Increasing Adoptions Act of 2008 have a legal mechanism for Family Court to review the appropriateness of such services.”

E. Illinois (H.B. 4054, Public Act 581)

Illinois has enacted the Foster Youth Successful Transition to Adulthood Act. The Department of Child and Family Services will provide child welfare services to older youths until the age of twenty as long as the individual youth consents. The services are tailored to the needs of each individual youth, and all services provided aim to prepare the youth to be self-sufficient to better ease his or her transition into adulthood. Child welfare services are public social services aimed at “protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children; remedying ... problems which may result in the neglect, abuse, or exploitation ... of children[,]” and providing children with housing.

The law also allows children under twenty-one who encounter extreme difficulties when emancipated from the foster care system to reengage with the Department of Children and Family Services and the Juvenile Court. The Department allows youths to reengage so that they will be able “to secure essential supports and services available to foster youth[s] seeking to learn to live independently as adults.”

F. Iowa (S.B. 152)

Iowa’s law implementing Fostering Connections is similar to Arkansas’s legislation, in that it focuses on transition planning.

110. § 929.
111. Id.
112. 2009 Ill. Laws 581.
113. Id.
114. Id.
115. Id.
116. Id.
Iowa requires that the youth, the youth’s social worker, any other person that the child desires, and any person expected to be a future service provider for the child to come together to form a “transition team” that jointly develops an individual transition plan. The transition plan’s purpose is to better prepare the child for adulthood and for transitioning out of the foster care system. The transition plan will focus on the individual child’s needs, which may include services for education, employment, health, housing, and relationships with mentors. The department or agency involved will develop the transition plan with the help of a transition team.

Iowa’s law also states: “If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon turning eighteen, the transition plan shall provide for the child’s application for adult services.” Furthermore, the child is entitled to “receive prior to discharge the most recent information available regarding the child’s health and educational records.” The department will also provide the youth with “a certified copy of the child’s birth certificate and to facilitate securing a federal social security card.”

G. Minnesota (S.B. 666, Chapter 106)

Minnesota’s law also provides for transition planning for foster youths. Within the ninety day period before a youth who is seventeen years or older is expected to be discharged from foster care, the youth must have a transition plan formulated. The social service agency responsible for the child will help the child make a transition plan that includes “specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services[,]” as well as the “appropriate contact information if the individual needs more information or needs help dealing with a

119. Id.
120. Id.
121. Id.
122. Id.
123. Id.
124. Id.
125. Id.
127. Id.
A youth between the age of eighteen to twenty-one can request a specific plan if the youth has "been receiving foster care benefits in the six consecutive months prior to the person's 18th birthday, or ... was discharged while on runaway status after age 15, or ... had been under the state guardianship as dependent or neglected." The plan will focus on the youth's "vocational, educational, social, or maturational needs[.]" Furthermore, if "funds are available... foster care, housing, or counseling benefits [will be] tied to that plan."131

H. New Mexico (S.B. 248, Chapter 239)

In New Mexico, the new legislation implementing services to older youths extends until the age of nineteen. The bill requires that state foster services make a transition plan with the child, the child's guardian ad litem, and any other person the child chooses. The transition plan will discuss various topics that will affect the youth upon transitioning out of the system, "including housing, education, employment or income, health and mental health, local opportunities for mentors and continuing support services." The New Mexico law extends to foster children until each child's nineteenth birthday and will be extended only "[i]f the court finds that the department has not made reasonable efforts to meet all the requirements ... and that termination of jurisdiction would be harmful to the young adult." Additionally, for the court to extend its jurisdiction over a foster child until the age of nineteen, the child must consent.

I. Oregon (H.B. 3664)

Oregon's legislation differs from that of other states in that Oregon's law focuses mainly on medical assistance for foster youths.
up until their twenty-first birthdays. Older youths under twenty-one years of age who "would be a dependent child... except for age" and regularly attend school or professional or technical training courses may receive medical services from the state. Furthermore, any child under twenty-one who "[i]s in a foster family home or licensed child-caring agency or institution... and is one for whom a public agency of this state is assuming financial responsibility" is eligible for comprehensive medical assistance. The law provides medical services such as inpatient hospital services, outpatient hospital services, clinic services, dental services, physical therapy, and prescription drugs.

J. Tennessee (H.B. 3114)

Tennessee’s law, the Transitioning Youth Empowerment Act of 2010, permits the Department of Children Services to develop a plan to provide foster care services to foster youths between the ages eighteen and twenty-one who were in foster care upon their eighteenth birthdays. The Tennessee law is similar to the California law in that it requires foster youths to participate in employment and education, in keeping with Fostering Connections mandates. Tennessee’s Transitioning Youth Empowerment Act of

138. Id.
139. Id.
140. Id. “The full list of services Oregon provides is:
(a) Inpatient hospital services, other than services in an institution for mental diseases; (b) Outpatient hospital services; (c) Other laboratory and X-ray services; (d) Skilled nursing facility services, other than services in an institution for mental diseases; (e) Physicians’ services...; (f) Medical care, or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law; (g) Home health care services; (h) Private duty nursing services; (i) Clinic services; (j) Dental services; (k) Physical therapy and related services; (l) Prescribed drugs, including those dispensed and administered as provided under ORS chapter 689; (m) Dentures and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist...; (n) Other diagnostic, screening, preventive and rehabilitative services...; (p) Any other medical care, and any other type of remedial care recognized under state law; (q) Periodic screening and diagnosis of individuals under the age of 21 years to ascertain their physical or mental impairments, and such health care, treatment and other measures to correct or ameliorate impairments and chronic conditions discovered thereby; (r) Inpatient hospital services for individuals under 22 years of age in an institution for mental diseases; and (s) Hospice services.” Id.
142. Id.
2010 also allows older youths to reenter the foster care system: former foster youth over the age of eighteen who "refused services at the time of the person's eighteenth birthday" may reenter the foster care system "if at any time the person seeks to regain services prior to the person's twenty-first birthday."\textsuperscript{143}

K. Texas (H.B. 1151, H.B. 704)

Texas's law regulating services to older youth is entitled "An Act relating to suits affecting the parent-child relationship, including temporary orders, orders for modification, adoption assistance, and foster care."\textsuperscript{144} Under the law, a foster youth will receive foster care services until the child turns twenty-one-years-old.\textsuperscript{145} Texas also gives foster youths the option to have counsel appointed for them and the option of consenting to the court's jurisdiction.\textsuperscript{146} H.B. 1151 is modeled after Fostering Connections. Under the Texas law, for a foster child to qualify for services past the child's eighteenth birthday, the child must regularly attend high school or enroll in a program leading towards a high school diploma, regularly attend an institution to receive higher education or vocational training, or participate in a program that promotes employment. Otherwise, the child must have employment for at least eighty hours per month.\textsuperscript{147} The only exception allowed is for children incapable of doing any of these activities due to a medical condition.\textsuperscript{148}

The Texas Family Code establishes extended jurisdiction over a foster youth who requests an extension of support after the child turns eighteen-years-old.\textsuperscript{149} The law now "[a]llows a court to conduct placement review hearings for a child in the managing conservatorship of the state after the child's 18th birthday until the child's 21st birthday."\textsuperscript{150}

\begin{footnotesize}
\begin{enumerate}
\item[143.] Id.
\item[145.] Id.
\item[146.] Egbert, supra note 105, at 7.
\item[147.] Tex. Fam. Code § 264.101 (West 2010).
\item[148.] Id.
\item[149.] Tex. Fam. Code § 263.602 (West 2010) (providing extended jurisdiction over foster children until age twenty-one).
\item[150.] § 263.602
\end{enumerate}
\end{footnotesize}
L. Washington (H.B. 1961, Chapter 235)

The Washington Legislature found that services provided to older foster youth “during the period of transition from foster care to independence can have significant positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment; employment and earnings; and reduced rates of teen pregnancies.”\textsuperscript{151}

As with the majority of other state laws, Washington’s program gives the Department of Social and Health Services the authority to continue foster or group care and provide transition services to foster youths up until the age of twenty-one.\textsuperscript{152} Under the law, the department will provide youths with a comprehensive plan that discusses services and provide independent living services.\textsuperscript{153}

The bill reflects the federal law’s requirements: foster youths will be eligible for extended foster care if they are “[e]nrolled and participating in a high school, high school equivalency, or vocational school program; [e]nrolled and participating in a postsecondary or vocational educational program; [p]articipating in a program or activity designed to promote or remove barriers to employment; [e]ngaged in employment for eighty hours or more per month”; or incapable of doing any of these activities because of a medical condition.\textsuperscript{154}

M. District of Columbia (B. 759)

In 2006, the District of Columbia enacted a plan through the John H. Chafee Foster Care Independence Program to help youths transitioning out of the foster care system by providing secondary education and training.\textsuperscript{155} The District of Columbia’s Child and Family Services Agency describes an example of the program’s provisions: “[t]he purpose of the Education and Training Vouchers (ETV) Program is to help youth[s] exiting out of foster care make the transition to self-sufficiency and receive the education, training, and

\textsuperscript{152} Id.
\textsuperscript{153} Id.
\textsuperscript{154} Id.
services necessary to obtain employment.” 156

The district also has created the Youth Advisory Board, which consists of older youths (ages seventeen to twenty-one) who meet regularly to discuss with the Child and Family Services Agency (“CFSA”) Director the needs and problems that many older foster youths face after emancipation. 157 These older youths on the Youth Advisory Board receive “leadership training and other growth opportunities in return for their involvement and input that help to improve the foster care experience.” 158

More recently, in 2010 the CFSA has worked to enact a plan that will better prepare older youths for the transition out of the foster care system on their twenty-first birthdays. The CFSA’s Office of Youth Empowerment (“OYE”) provides each youth with “opportunities to master an array of skill sets useful for a successful transition from the foster care system.... [T]he youth[s] are supported by a team of individuals that will help plan for the transition and collectively determine the services that are best suited for each individual path to self-sufficiency.” 159 Older youths, upon turning seventeen, will begin attending Youth Transition Planning with the team members the foster youth has selected. 160 The purpose of these Youth Transition Planning meetings is to ensure that older youths are “currently receiving or will be made aware of resources that are most likely to equip them with the skills and maturity to make sound decisions for adult living.” 161

For older youths, from the ages of seventeen to twenty-one, the CFSA also conducts periodic Youth Transition Planning meetings. 162 Four months before a youth turns twenty-one and is emancipated from the system, the CFSA will hold a Youth Transition Planning meeting to review the transition plan and discuss resources, such as mentors and community support, education, employment options, housing, and health insurance. 163

Unlike the other state laws, the District of Columbia also

156. POST-SECONDARY EDUCATION & TRAINING, supra note 155.
158. Id.
160. Id.
161. Id.
162. Id.
163. POST-SECONDARY EDUCATION & TRAINING, supra note 159.
incorporates a pre-transition plan for foster children who are ages fifteen to seventeen. The plan includes the Ansell-Casey Life Skills Assessment, an assessment that allows a social worker “to develop a personalized learning plan that identifies areas of strength along with areas where additional learning may be beneficial to the youth’s preparation for young adulthood.” The pre-transition process also includes the development of an Individual Transitional Independent Living Plan that allows youths to determine goals for after emancipation.

V. Significant Differences Among State Foster Care Laws

A. The Most Effective Aspects of State Laws

In order to qualify for federal funding, states must amend their Social Security Act Title IV-E plans to fulfill the requirements of Fostering Connections. Under the federal law, states may extend foster care support to foster children until the age of twenty-one who participate in activities that further education or employment. This is a beneficial restriction on state plans because it steers foster youths who wish to receive continued support toward participation in positive activities that will help them develop the necessary life skills for successful independent living.

Unlike the majority of other states, New Mexico does not provide services until the age of twenty-one, as the court will only extend services until each child’s nineteenth birthday. States that extend support to foster youths until the age of twenty-one give foster youths a better chance to improve their skills and learn to live self-sufficiently.

Reentry into the foster care system before the youth turns twenty-one is an extremely useful aspect of certain state plans. State plans that allow children to reenter or resume foster care after initially declining extended support or aging out of the system will permit children who are cut off from the system at eighteen-years-old to reenter it if they so desire. Unfortunately, not all states have opted to allow older foster youth to reenter into foster care. The first states to have implemented reentry into the foster care system after the age of eighteen were Illinois, Massachusetts, Minnesota, and California.
The option for foster youths to consent to extended support also benefits foster youths, by giving them the choice to either completely cut themselves off from the system or to extend their foster care. Once a former foster youth is completely cut off from the system, he or she will be forced to make all life decisions independently. This option is a powerful tool that allows these youths to be more proactive in making future decisions. Illinois, New Mexico, and Texas explicitly offer foster youths the option to consent to the extension of services.\textsuperscript{168}

Furthermore, courts’ continuing jurisdiction over foster children ensures accountability. State plans that require court involvement to oversee the types of services provided to older youths ensure that the various state departments remain accountable to each youth they serve. At the time of writing, Arkansas, California, Delaware, Illinois, Massachusetts, New Mexico, and Texas all called for this type of court involvement.\textsuperscript{169}

Interactive transition plans are also very important in involving foster youth in planning for their independence. The District of Columbia’s assistance to older youths until the age of twenty-one is interactive, as it allows the older youths to play a direct and continuous role in the Youth Transition Planning meetings. The CFSA’s pre-transition planning is also useful in that it allows foster children to begin preparing for self-sufficiency at an earlier age.

A final helpful aspect that is common to various state plans is the wide array of services and support provided to foster children. Arkansas, California, and Massachusetts specifically describe a variety of services to assist foster youths with each aspect of life, including employment, housing, education, health, and maintaining relationships with mentors.\textsuperscript{170} State plans that provide a wide array of services will better prepare and assist these young adults after emancipation. Certain state plans, like California’s, require that foster care services provide each emancipated foster youth with personal documentation, such as a birth certificate, a social security card, written information regarding the youth’s dependency case, and a driver’s license.\textsuperscript{171} Additionally, Arkansas assists older youths with “completing applications for Medicaid or other health insurance, referrals to transitional or other housing... [and] applying for admission or aid for college or vocational training programs.”\textsuperscript{172}

\textsuperscript{168.  Id.  \\
169.  Id.  \\
170.  Id.  \\
171.  Egbert, supra note 105, at 4.  \\
172.  Id. at 3.}
B. The Least Effective Aspects of State Laws

The least effective provisions of the various state laws overly restrict the types of support provided to children and for how long to extend support. For example, Oregon’s law focuses solely on medical care. Although medical care is a necessity, older youths also need assistance in finding employment, housing, and education.

New Mexico’s law extends support for former foster youths only up until the age of ninety. Although a one-year extension is beneficial for foster youths, this will not adequately prepare a young person to attain complete and stable independence from the foster care system. Under general societal norms, most ninety-year-olds are not mature enough to comprehend and prepare themselves for the “real world.” Fortunately, the majority of states extend support to foster children until the child turns twenty-one.

Overall, state plans that do not address the various needs of foster youth as they build their own independent lives put emancipated foster youths at a disadvantage. Plans should be well balanced, and should provide resources to prepare older youths on how to find housing and employment, further their education, secure mentorship, receive medical care, and learn to fill out documents and forms. State plans that do not address the wide array of challenges foster youths face after emancipation will not fully prepare them as young adults.

Conclusion

A. A Proposed Model Solution

As the federal law has only recently allowed states to implement their own plans to extend support beyond the age of eighteen, more and more states may soon take advantage of this new federal funding. As states create their own plans, they should be aware of what aspects to promote and what to avoid.

The best model plan will not expect young adults who are eighteen-years-old to be completely independent immediately.

173. Although most states do set legal the age of majority at eighteen, federal laws such as the National Minimum Drinking Age Act of 1984, 23 U.S.C. § 158 (1998), which requires states to legislate a minimum drinking age of twenty, and the Internal Revenue Code, which allows parents to claim as a dependent “qualifying child[,] . . . a student who has not attained the age of 24[,]” 26 USC § 152(c)(3)(A)(ii) (2010), reflect a general consensus that eighteen-year-olds often do not possess the full capacity for independence and responsibility that mature adults do.
Society cannot expect former foster youths to be more advanced and self-supporting than young adults who have lived stable lives and who have never dealt with the difficult challenges that foster children face. As stated above, foster children must often overcome abuse, neglect, and other extreme individual challenges. Although many foster youths do show great resilience and resourcefulness, many foster families are loving and caring, and many efforts at family reunification are in fact successful these shining examples should not blind us to those foster youths who are not fortunate enough to grow up with stability and comfort.

Moreover, states should extend foster care support up until the age of twenty-one. In addition, each state should require that its foster services formulate a transition plan in collaboration with the individual foster youth and any individuals who will play a role in the young adult’s independence. This transition plan should not only address the various types of services necessary to assist with diverse aspects of the older youth’s life, such as employment, education, housing, health care, and mentorship, it should also provide the youth with information and resources regarding each of these services. Such information would serve to empower these young adults and encourage them to see that they are capable of achieving self-sufficiency.

Another element of an ideal solution would be the use of a pre-transition plan, similar to District of Columbia’s program. The District of Columbia’s pre-transition plan is beneficial because it engages foster youths who are fifteen to seventeen-years-old in preparing and planning for self-sufficiency. Foster youths do not have to wait until they are nearing the point of adulthood to begin considering the direction of education and employment that they seek to take.

Foster youths should have the option to choose between opting out of or giving consent to the jurisdiction of juvenile courts and applicable state child welfare departments. Although giving older youths the option to choose does not guarantee that they will make thoughtful decisions, it obliges them to begin thinking for themselves and to make significant choices regarding their lives. Foster youths afforded this decision will begin to understand the depth and importance of the choices they make in relation to their futures.

The foster care system is flooded with thousands of children and not enough resources. That is why comprehensive transition plans, court involvement and jurisdiction over foster youths up until the foster care system releases them will ensure that children do not
fall through the cracks of this system

Additionally, reentry should be available to all former foster youths under the age of twenty-one. State legislation should provide previously emancipated foster youths with the opportunity to resume foster care support. Many older youths are unaware of life beyond the foster care system. Without real support and guidance, many former foster children will find being cut off from government assistance more difficult than they had imagined. The option to reenter will allow older youths who have been emancipated to reenter the system if homelessness or other harm appears inevitable.

Therefore, an ideal state plan should provide foster youths with assistance until the age of twenty-one. The state plan should include a transition plan that provides information and resources regarding education and life skills, employment, housing, medical insurance, and access to mentors or support groups. Furthermore, these older youths should have the option to opt out of the system or to provide consent to have the court and state child welfare department continue to have jurisdiction. Lastly, the option of reentry should be made available to all former foster youths under the age of twenty-one.

B. A Cautionary Note for Policymakers

Although the various state laws have implemented Fostering Connections with positive results, states drafting new laws should also avoid certain pitfalls. Even though securing adequate funding is always problematic for states, states should attempt to extend foster support for more than one year. One year is not enough time to prepare a child for independence. In the United States, many families do not expect their eighteen-year-old child to be completely self-sufficient; we should not set higher standards for foster children than for the community as a whole.

States implementing this federal law should consistently provide suitable resources and attention to each child. A lack of resources or information can lead to programs that do not fully prepare older youths for self-sufficiency, in addition to spending valuable funds that could be utilized for other crucial state programs.

Finally, although the short-term costs to implement this policy may be initially higher than the previous policy that cuts off foster youths at age eighteen, costs for states that implement successful transition plans will be substantially lower in the long term. Despite scarce state funding and drains on state budgets because of
increased human needs, states must stay determined in the few years after they implement their plans. States will eventually see a monetary return because less state funds will be spent on incarceration, emergency shelter, and welfare to former foster youths. States lose money for every person in prison: California, for example, spends $60,000 a year for each person (including former foster youths) it incarcerates. The opportunity to continue under the system's care until the age of twenty-one combined with a comprehensive array of transitional services will allow foster youths to grow into productive and successful adults.

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