

# 14B


## FOSTERING FUTURES PROGRAM FOR YOUNG ADULTS 18 to 21 (Who turn 18 on or after July 1, 2016)

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# 14B

## FOSTERING FUTURES PROGRAM For YOUNG ADULTS 18-21 (Who turn 18 on or after July 1, 2016)


### **14B.1 Introduction**

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In Virginia, there is one primary authority under which local departments of social services (LDSS) can continue to serve youth over age 18 who reach 18 on or after July 1, 2016:

- The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections, P.L. 110-351; P.L. 111-148) allows states to use title IV-E funding to extend foster care services up to 21 years of age for youth who turn 18 in foster care. In Virginia, the 2016 Appropriations Act (item 346 #3c) authorized the extension of foster care to age 21, in a program known as Fostering Futures, for youth who reach age 18 on or after July 1, 2016.

Traditionally, foster care has ended when the youth reaches the age of 18, the legal age of adulthood, with limited independent living services available to age 21. The federal legislation enabling the extension of foster care maintenance and services (and adoption assistance) to age 21, known in Virginia as the Fostering Futures program, is intended to provide support and guidance into young adulthood recognizing this distinct developmental stage during which the brain continues to develop gradually in ways that affect decision-making ability. Patterns of the socio-economic transition of youth to adulthood are not predictable, are often extended, and for youth who age out of foster care, significantly more challenging. There is great variability in the timing, sequencing and content of the tasks that youth must master in the transition to adulthood. Parents



generally expect to continue to offer active parenting to their offspring well beyond age 18, typically providing both financial and social support.

Fostering Futures enables LDSS to extend foster care financial support and services up to age 21 for two groups of young adults who reach age 18 on or after July 1, 2016:

- Youth who are in foster care when they reach age 18; and,
- Youth who were in foster care at the time of commitment to the Virginia Department of Juvenile Justice (DJJ) and are released from DJJ after age 18 and prior to turning 21.

In addition, adoption assistance may be extended for adopted youth who reach 18 on or after July 1, 2016 who were subject to an adoption assistance agreement that became effective after the youth reached age 16.

Virginia Department of Social Services (VDSS) and all LDSS shall implement Fostering Futures effective July 1, 2016.

While many of the requirements and resources in Fostering Futures mirror existing requirements for foster care or independent living, many other requirements are unique to Fostering Futures. Provisions articulated in this section of guidance, Section 14B Fostering Futures, supersede any statements or requirements to the contrary which may be found in other sections of VDSS guidance.

## **14B.2 Framework**

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LDSS and community partners are bound by federal and state legal mandates as well as by existing and evolving knowledge of effective practice with youth in this developmental stage. A unique factor in serving these young adults is the individual's autonomy and rights as an adult. The Fostering Futures program is voluntary on the part of the young adult, driven by the desire to cooperate in exchange for services and support. The contents of this section should be applied in concert with the more extensive practice guidance elsewhere in Chapter E to the extent that nothing in Section 14B is contradicted.

### **14B.2.1 Practice principles**

Fundamental principles inherent in Virginia's Children's Services System Practice Model guide service delivery:




**First, we believe in youth and family-driven practice.**

- Older youth are treated with dignity and respect.
- Older youth and families have the right to say what will happen to them. Their voices are heard, valued, and considered in all decision making, including safety, permanency, and well-being as well as in service and educational planning and in placement decisions. Each youth's right to self-determination is respected within the limits of established community standards and laws.
- Older youth and family members are the experts about their own families. It is our responsibility to understand youth and families within the context of their own family rules, traditions, history, language, and culture.
- Older youth have a right to connections with their biological family and other caring adults with whom they have developed emotional ties.
- We engage older youth and families in a deliberate manner. Through collaboration with youth and families, we develop and implement creative, individualized solutions that build on their strengths to meet their needs. Engagement is the primary door through which we help older youth and families make positive changes.

**Second, we believe all older youth need and deserve a permanent family and lifelong adult and family connections.**

- Lifelong family connections are crucial for older youth and adults. It is our responsibility to promote and preserve kinship, sibling, and community connections for each youth. We value past, present, and future relationships that consider the youth's hopes and wishes.
- Permanency for older youth is best achieved through a legal relationship such as parental custody, adoption, or kinship care. Placement stability is not permanency.
- Planning for older youth is focused on the goal of preserving their family, reunifying their family, or achieving permanency with another family.



Permanency planning for children and youth begins at the first contact with the children's services system. We proceed with a sense of urgency until permanency is achieved. We support families after permanency to ensure that family connections are stable

### **14B.2.2 Legal citations**


The legal framework and specific requirements for Fostering Futures are contained in federal and state legislation. Key citations are provided below.

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections, P.L. 110-351; P.L. 111-148) allows states to use title IV-E funding to extend foster care services up to 21 years of age for youth who turn 18 in foster care or to extend adoption assistance up to 21 for adopted youth who turn 18 and are subject to an adoption assistance agreement effective after age 16. Fostering Connections provides for extending maintenance payments as well as a program of supports, oversight and opportunities for former foster youth as they transition to independent adulthood. Conditions specified in the federal statute are reflected in the Virginia Fostering Futures program.

In 2016, the Virginia General Assembly authorized implementation of the Fostering Futures program (2016 Appropriations Act, Item 346 #3c), specifically:

- Directing VDSS to develop guidance for local implementation including eligibility and requirements for participation, a voluntary agreement, six (6) month case reviews, and reasons for termination;
- Defining supervised independent living to exclude group homes or residential facilities;
- Re-defining "child" for the purposes of Fostering Futures as a person who has reached the age of 18 years but not yet 21 years; and,
- Limiting eligibility to youth reaching age 18 on or after July 1, 2016 who were either in foster care at 18, exiting DJJ commitment after age 18 if in foster care when committed, or adopted and subject to an adoption assistance agreement that became effective after the youth reached age 16.

The legal framework and specific requirements for providing services for youth in foster care are set out in federal and state law. See the law for complete language by clicking on the citation.



- The Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183)

- Requires states to develop and implement policies and procedures related to children and youth at risk of sex trafficking as well as policies and procedures encouraging normalcy for children in foster care, supporting successful transitions to adulthood for older children in foster care, and working towards achieving permanency for children entering or at risk of entering foster care. The Sex Trafficking Act requires that:
  - Children age 14 and older are included in the development of their foster care plan;
  - Children age 14 and older are given the opportunity to choose up to two (2) members to be part of their case planning team;
  - The foster care plan for a child age 14 and older include a document identifying the youth's rights pertaining to education, health, visitation, court participation, and the right to stay safe and avoid exploitation. The plan shall also include a signed acknowledgement by the youth that the document was provided to them and that those rights have been explained in an age-appropriate way;
  - Children age 14 and older receive an annual copy of their credit report and assistance to fix any inaccuracies; and
  - All youth aging out of foster care, unless they have been in care less than six (6) months, be given or have certain documents including their social security card, a driver's license or state identification, certified birth certificates and a copy of their medical records.

- **Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)**

- Provides important supports for children and youth in foster care by promoting permanent families, improving education and health care, and extending federal support for youth to age 21. The Act requires that states:
  - Work to ensure permanent placements with relatives.



- Increase adoptive families for children. This includes additional supports for children who are adopted or exited foster care to live with a relative guardian at age 16 and older.
- Maintain sibling ties and other family connections. This includes reasonable efforts to place siblings in the same foster care, kinship guardianship, or adoptive placements when appropriate.
- Improve outcomes for older youth in foster care by continuing federal support in foster care after age 18. These outcomes include:
  - The provision of care and support to youth until the age of 19, 20, or 21 at the state's option. States may also extend adoption assistance and/or guardianship payments.
  - Helping older youth successfully transition from foster care to independence by requiring LDSS to assist youth in making a transition plan in the 90 days immediately before a youth exits from foster care at 18, 19, 20, or when turning 21.

- **John H. Chafee Foster Care Independence Act of 1999**

- Establishes the Chafee Foster Care Independence Program (CFCIP) which provides federal funds to help eligible youth:
  - Transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention).
  - Receive the education, training, and services necessary to obtain employment.

- Prepare for and enter post-secondary training and educational institutions.
- Provide personal and emotional support to youth through mentors and the promotion of interactions with dedicated adults.
- Provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

- Establishes the Education and Training Voucher (ETV) Program

The Promoting Safe and Stable Families amendments to the Chafee Act of 2001 established ETV Program. It provides federal and state funds to help foster youth with expenses associated with college and post-secondary vocational training programs.

- Clarifies that independent living activities should not be seen as an alternative to permanence for children/youth and can be provided concurrently regardless of permanency goal.
- Imposed penalties for misuse of funds or non-compliance with data reporting requirements.
- Increased accountability and performance standards for states in providing independent living services and improving outcomes.

CFCIP and ETV focus on collaborating and coordinating independent living services with other federal, state and community based agencies and providers that serve youth. There are six (6) outcomes used for the purpose of evaluating efforts in preparing youth for adulthood, self-sufficiency, and interdependence as they transition from foster care.

The six (6) outcomes are:

- Youth financial self-sufficiency;

- Youth educational attainment;
- Youth positive connections with adults;
- Experience with homelessness among youth;
- High-risk behavior among youth; and,
- Youth access to health insurance.

- **National Youth in Transition Database (NYTD)**

Federal regulation requires states to report specific information in the NYTD ([45 CFR 1356.80 through 1356.86](#)). States are required to report two types of information beginning October 1, 2010. This data includes:

- Outcomes on cohorts of youth who are aging out and have aged out of foster care.
- Independent living services that youth receive that have been provided and/or paid for by Chafee agencies (i.e. LDSS and United Methodist Family Services (UMFS) [Project LIFE](#))

- **Foster care services**

- [§ 63.2-905](#)

- **Independent living services**

- [§ 63.2-905.1](#)

- **Foster care and transition plans for youth over age 14**

- [§ 16.1-281](#)
- [§ 63.2-905.1](#)
- [Social Security Act, Title IV, § 475 \(5\) \(H\) \[42 USC 675\]](#)

### **14B.2.3 Outcomes**

The LDSS shall strive to achieve the same outcomes for older youth in foster care as any other youth, as required in the federal Child and Family Services Review. Some specific outcomes and specific measures are listed below:

#### **Outcome 1: Children have permanency in their living situations.**

- More children leave foster care and achieve permanency.
- Children achieve permanency with shorter lengths of stay.
- Increased timeliness to permanency.
- Fewer placement moves and disruptions.
- Fewer children in out-of-home care.
- More children placed in family-based care.
- More children placed in relative foster homes.
- Fewer children placed in residential care.
- Fewer children re-enter out-of-home care.

#### **Outcome 2: The continuity of family relationships and connections is preserved for children.**

- More children in foster care placed in close proximity to families and communities.
- More children in foster care placed with their siblings.

In addition, federal regulations require the tracking of outcomes for cohorts of youth in foster care who are aging out and have aged out of foster care. The six (6) NYTD outcome areas include:

- Youth financial self-sufficiency;
- Youth education (academic or vocational) attainment;


- Youth positive connection with adults;
- Experience with homelessness among youth;
- High risk behavior among youth; and,
- Youth access to health insurance.

### **14B.3 Clarification of terms**

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Several terms used in the Fostering Futures program are distinct and should not be used interchangeably with similar terms.

- “Child” for the purpose of Fostering Futures, is a person who has reached the age of 18 years but has not reached the age of 21.
- “Extended adoption assistance” refers to the continuation of adoption assistance to adopted youth ages 18-21 under the conditions of Fostering Futures.
- “Extended foster care” refers to the continuation of foster care services and maintenance payments to former foster youth ages 18 to 21 under the conditions of Fostering Futures.
- “Fostering Futures” is Virginia’s program implementing provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 that permit states to utilize federal title IV-E funding to provide foster care maintenance payments and services and adoption assistance for youth ages 18 to 21. The program offers services and support to youth transitioning to adulthood and self-sufficiency regardless of funding source.
- “Independent living arrangement” (same as in Section 14A.3) means that the youth is living independently under a supervised arrangement. The youth is not supervised 24 hours a day by an adult. The youth is provided with opportunities of increased responsibility such as paying bills, assuming leases, and working with a landlord. Examples include living in one’s own apartment or living in a college dorm.
- “Participant” or “program participant” refers to a youth who has signed a Voluntary Continuing Services and Support Agreement (VCSSA) and been



determined to meet the requirements for continued eligibility for Fostering Futures.

- “Supervised independent living (SIL) setting” refers to the allowable living situations of a participant in Fostering Futures. Supervision includes, at a minimum, monthly visits by the service worker or contracted supervision. In Fostering Futures a SIL setting shall not include group homes or residential facilities. SIL settings include but are not limited to an agency-approved foster home or treatment foster home, an independent living apartment program, and independent living arrangements such as an adult foster home, assisted living facility, dormitory, or apartment or room rented independently from a landlord or shared with a family member, former caregiver, spouse, friend or other roommate/housemate.
- “Voluntary Continuing Services and Support Agreement” (VCSSA) is the written agreement the youth and a LDSS representative sign to establish the youth’s participation in Fostering Futures by entrustment to extended foster care. The document, when voluntarily signed by a youth age 18 or older acting as his or her own guardian and approved by the court, meets the IV-E eligibility removal criteria and authorizes LDSS placement and care responsibility. The agreement does not place the participant in the custody of the LDSS.

## **14B.4 Entry into Fostering Futures extended foster care**

### **14B.4.1 Identification of eligible youth**

Planning for extension of foster care beyond age 18 begins with the initiation of independent living services at age 14. Youth who may qualify for Fostering Futures at age 18 should be concurrently prepared for permanency and extended foster care through planning and services between the ages of 14 and 18 (see Section 13).

- Refer to Section 14B.9 for guidance on extending adoption assistance under Fostering Futures.

### **14B.4.2 Responsible agency**

All LDSS shall implement the Fostering Futures program for youth who reach age 18 on or after July 1, 2016. The LDSS responsible for determining eligibility for and

providing extended foster care is the agency holding custody of the youth at age 18 or which held custody at the time of the youth's commitment to DJJ.

#### **14B.4.3 Eligible youth**

Youth who qualify for Fostering Futures are those who reach age 18 on or after July 1, 2016; and,

- Were in foster care in custody of a Virginia LDSS at the time they turned 18 years old but have not yet turned 21, including those who were in care under an entrustment and those who were in non-custodial foster care; or,
- Were in Permanent Foster Care (PFC) when they turned 18. They will remain in PFC and concurrently qualify for Fostering Futures; or,
- Were released from DJJ between ages 18 and 21 and who were in foster care in custody of a Virginia LDSS immediately prior to the commitment to DJJ.

All foster youth who reach age 18 on or after July 1, 2106, while in custody of a LDSS, and all youth upon release from DJJ who turned 18 after July 1, 2016, shall be in the Fostering Futures programs on their 18<sup>th</sup> birthday (or on release from DJJ) with the following **exception**:

- Youth who are full-time students expected to complete secondary schooling or equivalent training before reaching age 19 (per Section 14A.4.1) and who are appropriately placed in a group home or residential placement at age 18 and expected to continue in such a placement, will continue in their current foster care status and placement until they complete school or it becomes clear that they will not complete school prior to their 19th birthday in accordance with Section 406(a) of the Social Security Act. At the time of completion of or withdrawal from secondary schooling, these young adults shall be immediately transitioned into the Fostering Futures program.
- Young adults who are full time students expected to complete secondary schooling or equivalent training before reaching age 19 and who are not placed in a group home or residential placement, or who are not expected to continue in a group home or residential placement after age 18, shall be enrolled in Fostering Futures at age 18.

- The eligible 18 year old child is considered to be enrolled full-time, regardless of the number of courses or length of time in school.

#### **14B.4.4 Determination of continued eligibility**


Upon the youth's entering the Fostering Futures program, the LDSS shall assist the youth to meet the requirements for continued eligibility in the program by meeting one (1) of five (5) participation conditions and signing the VCSSA. The service worker is responsible for documenting in OASIS all efforts to transition enrolled youth to continued eligibility for Fostering Futures whether successful or not.


##### **14B.4.4.1 Participation conditions**

To meet the requirements for continued eligibility in Fostering Futures a participant shall meet at least one (1) of the following five (5) criteria either by current participation or by evidence of intent and planning to engage in the activity in the immediate future:

- Completing secondary education or a program leading to a General Education Diploma (GED).
  - Examples include enrollment in a secondary school, e.g. public high school, alternative high school, private school, adult education classes, program leading to GED, or special education activities described in the Individual Education Plan (IEP.)
    - The service worker should document by unofficial transcript, electronic course schedule, or letter from the institution.
- Enrolled full-time or part-time (at least half-time) in an institution that provides post-secondary or vocational education.
  - Examples include remedial courses, coursework without formal admission to the institution, attendance at multiple institutions, or on-line courses affiliated with a licensed institution.
  - Courses dropped mid-term voluntarily or involuntarily do not automatically disqualify youth from extended foster care and a reasonable time should be allowed for the youth to engage in another participation condition.



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- The service worker should document by unofficial transcript, electronic course schedule, or letter from the institution.
  - Participating in a program or activity designed to promote employment or remove barriers to employment.
    - Examples include individualized activities based on an assessment of the youth's needs. These may be self-directed, completed on a one-on-one basis with the service worker or a caregiver, or part of an organized program. They may also include but are not limited to internships, volunteering, vocational rehabilitation, counseling, driver's education, less than half-time secondary education, or participation in a substance abuse program. Qualifying activities should clearly move the youth toward developing skills to help transition to education or employment leading to independence, and/or meet goals in the service plan.
      - Documentation will vary depending on the activity, ranging from a certificate of completion in a class to notes by the service worker about seeing a revised resume or discussion of job search and interviews.
  - Employed at least 80 hours per month.
    - Youth shall be engaged in paid employment full or part-time, scheduled to work at least 80 hours per month (even if holidays, illness or other circumstances beyond the youth's control reduce actual hours worked), including paid internships, apprenticeships, or work study programs.
      - The service worker should document by copy of work schedule, pay stubs, employer's hiring statement or documentation of acceptance into an apprenticeship or internship.
  - Incapable of engaging in any of the above activities due to a medical condition.
    - A medical condition is a short-term or long-term physical health impairment or a mental/emotional or behavioral health, developmental, or cognitive disability or impairment that serves as a barrier that prevents the youth from consistently participating in employment and education.



The youth does not have to be currently receiving or seeking treatment or remediation for the condition.

- The service worker should document by a statement from at least one medical doctor that documents the medical condition that prevents the youth from performing education or work activity and the doctor's conclusion that specifies the activities of daily living that the youth is incapable of performing as a result of the medical condition, OR an award letter or notice of action or benefit identification card of disability from the Social Security Administration.
- For youth whose eligibility is contingent on this participation condition based on a long-term disability or impairment, Fostering Futures should only be considered a short-term safety net while other resources are put into place. Service workers should collaborate with their Adult Services program and other adult serving agencies to develop a long-term plan for the youth beginning well in advance of age 18, in anticipation of implementing a plan as soon as the youth reaches adulthood. Key resources in planning include the Virginia Department of Aging and Rehabilitative Services and the local Community Services Board. Financial support is limited and may involve long waiting lists. Service workers should consult the VDSS document "[Transition Planning For Foster Care Youth With Disabilities](#)" for more information about this.
  - *The service worker should document ongoing efforts to coordinate with adult serving programs in an effort to transition the youth to long-term support.*

#### **14B.4.4.2 Voluntary Continuing Services and Support Agreement (VCSSA)**

A youth who reaches age 18 after July 1, 2016, in foster care (or in DJJ and was in foster care upon DJJ commitment) and expects to meet one (1) of the five (5) participation conditions shall be determined to meet the requirements for continued eligibility for Fostering Futures by entering into a VCSSA with the responsible LDSS. By signing a VCSSA the youth is exercising his adult status as his own guardian to voluntarily authorize the LDSS to have placement and care responsibility for him.



The LDSS shall use the [VCSSA](#) to document all of the following:

- The youth's agreement to voluntarily re-enter foster care through self entrustment.
- The requirement that the youth must continue to meet one (1) of the five (5) participation conditions (secondary or postsecondary education, vocational training, employment preparation, employment, or medical exception).
- The youth's agreement to participate in specific services and support to be provided (to be documented in a foster care plan and transition plan.)
- The youth's legal status as an adult.
- The youth's agreement to report changes to the worker, be supervised by the LDSS, reside in a qualified setting, and comply with program requirements and eligibility conditions.
- The youth's agreement to provide the LDSS with information and documents which verify compliance with participation conditions or other information which describes the youth's condition, progress or status (e.g. medical, academic, financial or legal records, leases, insurance coverage, etc.), or otherwise provide consent for the LDSS to receive such information directly since the LDSS cannot access personal information because the youth is an adult.
- An explanation of the voluntary nature of program participation and termination.
- The specific conditions that may result in termination by the LDSS.
- The right to appeal program termination or denial or delay of a service required in the service plan.

The youth shall have already reached 18 to sign a VCSSA. The service worker should plan in advance with the youth so that the VCSSA document can be executed as quickly as practicable on or after the youth's 18<sup>th</sup> birthday. The LDSS director or director's designee should sign the document as the LDSS representative.

- Youth with a long-term medical condition may lack capacity. A person over age 18 who is unable to manage his or her personal affairs without assistance, including making decisions and acting on support, care, health, safety, habilitation, education, and therapeutic treatment, may be considered to lack capacity and in need of a court appointed guardian (see Department for Aging and Rehabilitative Services, Adult Protective Services Division Manual, Section 7).
- The service worker should identify well in advance any youth who may lack capacity and make efforts to have a guardian appointed by the court effective at age 18. The service worker should consult with the LDSS Adult Services program to assess capacity and take appropriate steps towards arranging guardianship.
- A youth who lacks capacity cannot sign a VCSSA. If the youth has a guardian, that individual shall sign the VCSSA for the youth. The LDSS cannot sign on behalf of the youth. Without a fully executed VCSSA, the youth does not meet the requirements for continued eligibility for Fostering Futures.

At the time a VCSSA is signed by the youth, the LDSS service worker should complete an Application and Evaluation for title IV-E for Fostering Futures and secure necessary information about resources and income from the youth. Resource information required includes the value of: cash, checking account, and savings account; IRA (Individual Retirement Account), CD (certificate of deposit), stocks, bonds, trust fund, and/or burial fund; life insurance; and vehicles or other resources. Income information required includes amount of earned income, Social Security benefits (SSA or SSI) military allotment, unemployment, worker's compensation or other income.

At this time, the services worker should also ensure that the youth is enrolled in Medicaid to age 26.

Maintenance payments would begin once both the last required signature is obtained on the VCSSA *and the IL arrangement agreement/placement agreement were signed. Youth cannot be in the program without receiving the maintenance payment. If youth are enrolled in Fostering Futures they should be in a supervised independent living setting (see section 14B.4.4.3 below).*

*Maintenance will be paid using IV-E funds (if the youth is IV-E eligible) or Children's Services Act (CSA) funds. Maintenance payments can not be suspended.*

If the agreements are not signed within 30 days of the youth's birthday (unless the youth is placed in a group home or residential and on track to graduate before turning 19), neither IV-E nor CSA funding can be utilized to pay maintenance expenses.

#### **14B.4.4.3 Supervised independent living (SIL) settings**

Participants in Fostering Futures may reside in a variety of SIL settings. Supervision includes, at a minimum, monthly visits by the service worker or contracted supervision. SIL settings include but are not limited to independent living arrangements. The purpose of a SIL setting is to meet the needs of the youth for supervision and support as he or she moves toward independence.

- Selection of a SIL setting should be based on availability, the participant's preference, and his or her skills and readiness to manage the chosen level of living independently (e.g. ability to budget and manage funds, etc.).
- The service worker should assist the participant in assessing appropriateness and safety of the setting. However, the service worker does not have to approve an independent living arrangement.

SIL settings include, but are not limited to:

- Foster family home placement in agency-approved or licensed child-placing agency home.
  - If the youth will remain in a current foster home placement, a new placement agreement with the foster parents, and a new financial agreement should be completed at the time that the youth signs the VCSSA. This documentation reflects that the participant is entering a new foster care episode. The changing role of the youth as an adult in the home should be addressed. The service worker should facilitate a discussion between the participant and the foster parents to address expectations regarding curfew, communicating schedules, household responsibilities, etc.

- The foster home shall meet all requirements for agency-approved or licensed child-placing agency foster homes. The youth's service worker should coordinate in advance with the foster home worker to ensure that all requirements are addressed, including obtaining a criminal records check on the youth. *The results of the background checks on the youth shall only be used to determine whether other children should be placed in the home or remain in the home and shall not impact the approval of the home* ([§ 63.2-901.1](#)).
- A licensed independent living apartment program.
  - An independent living agreement between the program and the youth, and a new financial agreement, should be completed at the time that the youth signs the VCSSA. This documentation reflects that the participant is entering a new foster care episode. The changing role of the youth as an adult should be addressed. The service worker should facilitate a discussion between the participant and the program to address expectations regarding curfew, communicating schedules, household responsibilities, etc.
  - The independent living program shall meet all requirements for licensed independent living programs.
- Independent living arrangements.
  - The participant should sign a [Fostering Futures Independent Living Arrangement Agreement](#) when choosing one of these settings. The Agreement should be completed at the time that the youth signs the VCSSA even if the youth is not changing living situations. This documentation reflects that the participant is entering a new foster care episode.
  - A participant may reside in a foster home as a boarder paying rent if the LDSS agrees and the foster parents choose to accept this arrangement. If children in foster care are also placed in the foster home, the foster home shall continue to meet all requirements for agency-approved or licensed child-placing agency foster homes. The youth's service worker should coordinate in advance with the foster home worker to ensure that all requirements are addressed, including obtaining a criminal records check on the youth.

- This setting constitutes an independent living arrangement for the youth, and the usual expectations, benefits and protections for foster parents do not apply.
- A participant may reside in an adult foster home in which all requirements of the adult foster home program shall be followed.
- A participant may reside in a dormitory such as a college dormitory or lodging provided as part of a place of training or employment.
- A participant may reside in a room or apartment rented independently from a landlord or shared with a family member, spouse, friend or other roommate.
- A participant may reside in the home of a family member or former caregiver, including the home from which the youth was removed.

Certain settings are **not** allowable in Fostering Futures.


- Participants in Fostering Futures may not reside in group homes or residential treatment facilities.
- Youth may not participate in Fostering Futures while on active duty military status. An eligible youth may participate before and after active duty. (Youth serving in the National Guard or military reserves who are not deployed may participate if all other eligibility conditions are met.)

#### **14B.4.4.4 Court approval**

**Within 30 days** of signing the VCSSA the LDSS should file a petition for juvenile and domestic relations court review of the agreement. The court can be expected to schedule a hearing no later than 45 days from receipt of the petition.

The court may appoint legal counsel for the youth, possibly the previous guardian ad litem. The youth may choose to waive counsel. The court may also, with the youth's consent, appoint a Court Appointed Special Advocate (CASA), possibly the previously assigned CASA.

The signed VCSSA, the foster care plan (Part A), and the Transition Plan shall be submitted to the court. Upon hearing the case, the court will determine



whether remaining in foster care is in the best interests of the youth and will approve, revise or deny the VCSSA. If revisions are ordered, the LDSS should file a petition **within 30 days** for a judicial review of the revised VCSSA and foster care plan.

*Should the court be reluctant to approve the VCSSA, it is recommended that the agency request a continuance instead of the court disapproving the VCSSA. In no case shall the disposition hearing be continued beyond the 180 day timeframe. If the court disapproves the VCSSA, the foster care episode ends and funding stops immediately. The agency has the option of signing a new VCSSA and filing a new petition with the court for approval. If executed the same day, the new VCSSA continues the foster care episode which allows funding to continue. If the new VCSSA is not executed the same day that the first VCSSA is denied by the court, the youth may re-enter foster care at any time (see section 14.B.8).*


*If the court does not approve the VCSSA or continues the hearing, the LDSS should consider facilitating a Child and Family Team Meeting to discuss the concerns. Along with the youth, the team should explore the concerns that were raised in court and revise the foster care plan and the transition plan to ensure the concerns are addressed appropriately.*

Once a VCSSA is approved, the court may retain jurisdiction and conduct a review every six (6) months or close the court case ending judicial jurisdiction over the current foster care episode.

#### **14B.4.4.5 Title IV-E eligibility**

- The service worker shall refer all youth for whom a VCSSA is executed to the appropriate eligibility program specialist within **ten (10) days** of signing the VCSSA for determination of title IV-E eligibility.
- The service worker shall complete the [Title IV-E Application and Evaluation for Fostering Futures](#) with the youth, including information on all of the youth's resources and income.
- *When a youth enters and each time a youth re-enters Fostering Futures, the LDSS shall conduct a new determination of eligibility for title IV-E based only*





on the income and resources of the youth. Income of a spouse, parents or others is not counted.

- The VCSSA document, voluntarily signed by a youth age 18 or older acting as his or her own guardian and approved by the court, meets title IV-E eligibility removal criteria and authorizes LDSS placement and care responsibility.
- The service worker is responsible for providing the benefits program specialist with all information and documents needed for eligibility determination and any information that would affect the youth's continuing eligibility and receipt of payments ([per Chapter E, Section 4.5](#)). At the time of each bi-annual review, the service worker should send to the benefits program specialist documentation for the youth's compliance with all participation conditions that were met over the six (6) month period.
- Participants who are determined eligible for title IV-E funding shall have a maintenance payment funded with title IV-E funding. Participants who are determined ineligible for title IV-E funding shall have a maintenance payment funded with state funds.

There will be no differences in program services or support based on funding source.

- The LDSS *is required to* obtain a judicial determination regarding whether remaining in foster care is in the youth's best interests. If the court does not make this determination within 180 days of execution of the VCSSA, *title IV-E funding is not allowable for the entire foster care episode and an alternative funding source shall be used.*
- Once title IV-E eligibility is determined for a participant it will not be re-determined unless *the youth is discharged from foster care and then re-enters foster care through Fostering Futures. Each time the youth re-enters foster care, a new judicial determination regarding whether foster care is in the youth's best interest is required.*

### **14B.4.5 Service planning**

An initial foster care plan for extended foster care needs to be developed and implemented to supplement the VCSSA and transition plan. The foster care plan shall be developed jointly between the service worker and the program participant, recognizing the participant's status as an adult.

The foster care plan should describe the complement of services and supports required to ensure the participant's successful transition to adulthood and independence, focusing on the upcoming six (6) month period. The latest transition plan should be attached to the service plan. Both documents should be submitted to the court with the fully executed VCSSA for the court hearing.

#### **14B.4.5.1 Foster care plan**

The foster care plan is developed in OASIS using Part A of the Foster Care Service Plan, addressing at a minimum the following with expected target dates:

- Details of the planned activity which makes the participant eligible (i.e. secondary or postsecondary education, vocational training, employment preparation, employment, or medical exception) and requirements for documenting same.
- Both short-term and long-term goals with measures for progress towards achieving self-sufficiency.
- The youth's planned living arrangement.
- Health care resources and preventive and therapeutic health care.
- Mental health resources and needed care.
- Participant's responsibilities, including support which the youth will seek from others in the youth's social support network.
- Expectations for the participant's conduct (e.g. avoiding illegal behavior, maintaining good driving record, etc.)

- Identification of the team of individuals who will engage in supporting the participant (e.g. foster parents, relatives, attorney, CASA, friends, mentor, etc.)
- Permanency and life-long connections with caring adults efforts (e.g. plans for visits or communication with birth parents, siblings, other relatives, other supportive adults).
- Expectations for communication with and required visits with a service worker.
- Budget and finances (e.g. planned expenditures, income, expected maintenance payment).
- LDSS responsibilities including financial payments, case reviews, eligibility monitoring, visits and other means of support.

#### **14B.4.5.2 Goal selection**

Unless the youth is in PFC, the foster care goal for the new foster care episode under Fostering Futures should be Independent Living. For youth in PFC, the goal should remain Permanent Foster Care.

#### **14B.4.6 Medical coverage**

Upon entry to Fostering Futures the youth should be moved to the Medicaid coverage group for former foster youth. Young adults who were in Virginia foster care and receiving Medicaid when they turned 18 may receive Medicaid to age 26. Youth who have been determined to meet the requirements for continued eligibility in Fostering Futures may access Children's Services Act (CSA) funding for medical costs not covered by Medicaid. If it is assessed that these funds are needed, the service worker shall refer the youth to the Family Assessment and Planning team (FAPT), in accordance with local Community Policy and Management team (CPMT) procedures, in order to request funding for services. The service worker should assist the youth in promptly notifying Medicaid of any address changes.

### **14B.5 Case management in Fostering Futures**

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Ongoing case management in Fostering Futures requires tasks similar to those in ongoing foster cases but with some additional program-specific requirements.

### 14B.5.1 Services

Youth who have been determined to meet the requirements for continued eligibility for Fostering Futures are entitled to the full array of foster care services. Services identified in the service plan should begin **no later than 30 days** after the VCSSA has been executed. Services specifically relevant to participants in Fostering Futures include the following:

- An LDSS service worker who has completed required training in transition services and support for young adults and is knowledgeable of resources available in the community should provide case management services, including assessment and case planning.
- The service worker should ensure the participant maintains access to medical care under Medicaid to 26.
- The service worker should assist the participant in accessing educational, vocational or employment readiness programs; resources to support employment; or, in arranging medical documentation of inability to engage in those activities, to fulfill the participation requirements.
- The service worker should assist the participant in arranging appropriate, affordable housing in a supervised independent living setting, particularly in foster homes or with relatives.
- The service worker should engage the participant in budgeting and financial planning.
- The service worker should continue to promote permanency for the participant through lasting relationships with caring adults.
- Participants in Fostering Futures may access state funding for services through the CSA. The service worker should facilitate securing approval for needed services through the local FAPT process.
  - The responsible FAPT is in the locality where the youth was last in foster care before reaching 18.

- The service worker should assist the youth in accessing all available resources to supplement the financial benefit and assist the youth in working towards independence.
- Most of the resources of traditional Independent Living Services are also applicable to participants in Fostering Futures, including the CFCIP, Casey Life Skills Assessment (CLSA), and the ETV program, outlined later in this section.

#### **14B.5.2 Funding maintenance costs**

Maintenance payments are intended to cover the participant's costs for food, shelter, clothing, supplies and personal incidentals. The participant is eligible to receive the total maintenance payment rate and annual supplemental clothing allowance in effect for the age group 13 and over.

The LDSS shall not initiate maintenance payments until the VCSSA is fully executed *and the youth has a signed IL arrangement agreement or placement agreement.*

If the participant has been determined title IV-E eligible following execution of a VCSSA, maintenance payments shall be funded from title IV-E. If the participant is not title IV-E eligible, maintenance payments shall be funded from State Pool Funds. In communities where the Community Policy and Management Team (CPMT) has an established policy to this effect, FAPT action is not required to initiate maintenance payments for either category. (Services costs for youth in both categories are funded from State Pool Funds and are contingent on approval by FAPT and the CPMT).


Fostering Futures maintenance payments may be made directly to the youth with responsibility to pay for rent, groceries and other basic expenses.

- The LDSS and the participant should decide jointly whether to make all or part of a maintenance payment directly to the youth or directly to a vendor such as the landlord.
- If the participant resides in the removal home, maintenance payments are not paid directly to the parents or guardians from whom the child was removed.
- If the participant resides in a foster home after reaching age 18, maintenance payments are made directly to the foster parent.

- Enhanced maintenance payments determined by VEMAT are allowed when the participant resides in a foster home placement.
- If the participant resides in a LDSS approved foster home, the foster parent may file appropriate claims to access the Contingency Fund if needed.
- If the participant resides in a foster home, but the foster parents choose to treat the youth as a boarder paying rent to them, the payment may be made directly to the youth; however, an enhanced maintenance payment is not allowed and the foster parents do not have access to the Contingency Fund.
- *A participant that is attending a training program that does not charge for room and board (e.g. Job Corps, Woodrow Wilson Rehabilitation Center, Commonwealth ChalleNGe) should continue to receive the maintenance payment minus the room and board portion of the payment (\$448). The youth should continue to receive the clothing, personal care, recreation, and monthly allowance portions of the maintenance payment (\$252). The service worker should discuss with the participant the most appropriate use of the money and assist the participant in setting up a saving's account to plan for the future, such as future housing needs.*
- If a participant is the parent of a minor child who resides with the youth, the child is eligible for a maintenance payment at the appropriate age group rate and is categorically eligible for Medicaid. However, the child is not eligible for an enhanced maintenance payment.
- *If the participant has an open case with the LDSS, the youth shall be receiving at least a portion of the maintenance payment. At no time can the entire payment be suspended if the case remains open. See section 14B.5.5 for addressing participant's non-compliance.*
- The service worker is responsible for entering payment related information in OASIS per [Ch. E, Section 17.1.8.](#)

### **14B.5.3 Participants who receive social security benefits**

- *If the participant received disability payments as a minor, the youth will need to reapply for benefits as an adult. This can be done 180 days prior to the youth's 18<sup>th</sup> birthday. If the youth meets the criteria for an adult disability payment,*




*receives Supplemental Security Income (SSI) benefits and is title IV-E eligible, the service worker should assist the youth in notifying the Social Security Administration that the youth receives title IV-E payments. The SSI benefit will be reduced by the amount of the title IV-E payment unless the youth opts to receive only SSI. The participant may choose to receive only the SSI payment and remain a Fostering Futures program participant.*

- *If the participant receives (SSA) benefits due to a deceased parent or a parent's disability, those benefits may continue until the child graduates high school or turns 19. Since the youth continues to be in foster care, the benefits will continue to go to the LDSS and be put in a special child welfare account. Information on special welfare accounts can be found in [section 3.50](#) of the finance guidance manual.*
- *The same guidelines apply to both CSA eligible youth as well as title IV-E eligible youth.*

#### **14B.5.4 Monthly worker visits**

The LDSS shall conduct a face-to-face visit with the participant at least once every month during which a VCSSA is in effect to ensure the safety and well-being of the participant, and promote permanent connections. Visits by the ongoing service worker are preferred. Visits can be coordinated with meetings or other interactions with the youth. Other persons familiar with the youth who may conduct required visits include other service workers, interns, case aides, volunteers or the CSA Coordinator, if they participate in planning meetings for the youth and are known to the youth. Each visit shall be documented in OASIS.

In addition, only in the Fostering Futures program, the LDSS may use contract staff to conduct required visits when there are barriers to LDSS visits such as travel distance. Assigned contract staff should have expertise in transition services and support for young adults and knowledge of available resources. The contracted staff should become familiar with the youth, the foster care plan and the requirements of Fostering Futures. The LDSS should require contract staff to provide a written visit report for the LDSS service worker to document in OASIS. *The LDSS maintains the responsibility for worker visits.* Costs for contracting worker visits may be charged to the LDSS administrative budget (BL 855). Costs for visits may not be charged to CSA.



Content of visits should focus on supporting the youth, reinforcing positive behaviors and progress, identifying unmet needs and resources, and confirming continued compliance with the service plan and the conditions of eligibility.

- The approach to these visits should be developmentally appropriate and the participant should be empowered to manage these contacts.
- When possible, visits should be made by the same person over time to help develop and maintain a relationship and provide continuity.
- At each visit the worker should determine which of the five (5) participation conditions is being met and plan to secure documentation of participation.
  - At least 50% of visits should take place in the youth's place of residence.
  - Youth in supervised independent living settings may choose not to reveal their foster care status to other parties such as roommates or a landlord. The worker should respect this decision and work with the participant to plan in-home visits in such a way as to support this privacy.

#### **14B.5.5 Administrative panel reviews**

The LDSS shall ensure a case review takes place every six (6) months while a VCSSA is in effect. In addition, a case review should be conducted whenever the LDSS, the participant, or other party requests it.

- If the court retains jurisdiction after the initial hearing on the VCSSA, the court's review every six (6) months will fulfill this requirement.
- If the court has not retained jurisdiction, or has not ordered a review every six (6) months, the LDSS shall conduct an administrative panel review *beginning six (6) months from the date the VCSSA was approved by the court* to fulfill the six (6) month case review requirement.

The service worker should encourage the youth to help choose and invite panelists. The youth shall be given the opportunity to include at least two (2) members of his or her choice. The panel shall include at least one member who is not responsible for case management and is not the foster parent of or service worker for the participant. Other members of the youth's support team should be invited to participate in the panel review.



- Reviews should empower the participant, recognizing the adult status of the youth, and be conducted in an age-appropriate manner. The focus should be on supporting the participant, reinforcing positive behaviors, marking progress, identifying unmet needs and resources, and confirming continued compliance with the service plan and the conditions of eligibility.
- Adequacy of services provided by the LDSS should be reviewed to ensure provision of necessary services to support successful transition to permanency and self-sufficiency.
- An emphasis on maximizing permanent connections with caring adults should be integral to the review.
- The foster care plan and transition to independent living plan should be updated and amended as needed as agreed to by the participant and the LDSS.
- At each bi-annual review the service worker should ensure that the case record includes all appropriate documentation for the youth's participation status throughout the six (6) months just ended, and provide documentation of all such verifications to the benefits worker.


#### **14B.5.6 Additional case reviews**

*The LDSS should consider requesting a review prior to six (6) months for youth that are minimally compliant with the program. For example, this could be a youth that has difficulty maintaining employment or has had difficulty committing to his educational program. The review provides the team the opportunity to address concerns with the youth, determine if additional supports are necessary, and for the youth to get a clear understanding of the concerns. The meeting may or may not result in the issuance of the Notification of Intent to Terminate Fostering Futures (see section 14B.6.2). If the notification is issued, the LDSS should schedule another meeting within the next two (2) weeks. Otherwise, the LDSS should consider scheduling a follow-up meeting in the next 30 days to review the progress that has been made toward maintaining compliance.*

### **14B.6 Termination from Fostering Futures**

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Either the participant or the LDSS may terminate a youth's participation in Fostering Futures under the conditions that follow. In all instances of termination, the youth's



Transition Plan shall be updated during the 90-day period prior to termination in addition to other requirements specific to Fostering Futures.

#### **14B.6.1 Termination by the participant**

The VCSSA and participation in Fostering Futures are voluntary on the youth's part and may be terminated at any time by the youth by verbal or written notification to the service worker.

- Whenever a youth indicates interest in terminating participation in the program, the LDSS should actively engage the youth in understanding the ramifications of leaving the program, including loss of resources, and encourage the youth to reconsider. The service worker should communicate concerns about the youth's intent to members of the youth's support team. The service worker should assist the youth in developing a plan for paying bills and ensuring access to food and shelter in the event of termination.
- When the participant has a disagreement with the program that does not rise to the level of an appeal under Fair Hearings (e.g. disagrees with the outcome of an assessment or *treatment recommendation*, or has a conflict with the service worker that cannot be resolved between them), the LDSS should offer an informal conference with the director or director's designee to attempt to find a solution that will avoid termination.
- Upon definitive notification that the youth is terminating participation, the LDSS shall respond in writing informing the youth of the consequences of terminating the agreement, the final date of services and payments, the right to appeal the termination, the right to re-enter the program at any time prior to reaching age 21 if eligibility criteria are met, and the procedures for re-entering the program. The LDSS shall provide 30 days written notice before *closing the youth's case*.
- *Services and maintenance payments made directly to the youth will continue during the 30 days prior to closing the case.*
- *When payments are being made to the foster parent, payment will continue for up to 30 days if the youth remains in the home. If the youth leaves the foster home placement, payment to the foster parent can continue for up to 14 days if the youth is expected to return. Otherwise, payments should end as soon as it's determined that the youth will not return to the placement (See section 18.1.4 for*

*additional information and examples regarding temporary absences.) The participant's case will close after 30 days unless the youth decides not to terminate participation in the program.*

#### **14B.6.2 Termination by the LDSS**

The VCSSA shall be terminated by the LDSS if it is determined that the youth no longer meets the eligibility criteria and conditions.

- When a youth upon reaching age 18 (or upon discharge from DJJ) has not followed through on meeting the requirements for continued eligibility (i.e. engaging in one (1) of the five (5) participation conditions and signing a VCSSA), and the LDSS has made efforts to actively engage the youth in understanding the benefits of participation and to encourage participation, the LDSS should take steps to terminate the youth from Fostering Futures. The LDSS shall notify the youth in writing using [The Notice of Intent to Terminate Fostering Futures](#) that all services and support will be discontinued in 30 days from the date of the agency's notice. The basis for the termination and procedures for appealing the termination shall be included. Information about criteria and procedures for re-entering the program shall be included. The notice should also include information about and contact information for community resources that may benefit the participant, particularly other supportive services.
- Whenever the LDSS believes that a Fostering Futures participant is, or is at risk of, not fulfilling the participation requirements or otherwise not complying with terms of the VCSSA or the program, efforts shall be made to actively engage the youth in understanding the ramifications of non-compliance and to encourage the youth to comply. The service worker should communicate concerns about the youth's intent to members of the youth's team. The service worker should assist the youth in developing a plan for paying bills and ensuring food and shelter in the event of termination.
  - Academic breaks in postsecondary education attendance such as semester and summer breaks, and education and employment transitions of no longer than 30 days, do not disqualify the participant and shall not be a basis for termination. Courses dropped mid-term voluntarily or involuntarily do not automatically disqualify participants from Fostering Futures and a reasonable time should be allowed for the youth to begin another participation condition.

- In the event that the participant continues to fail to comply with program requirements, the LDSS shall notify the participant in writing that all services and support will be discontinued in 30 days from the date of the agency's notice. The basis for the termination and procedures for appealing the termination shall be included. Information about criteria and procedures for re-entering the program shall be included.
  - The notice should also include information about and contact information for community resources that may benefit the participant, particularly other supportive services and about appeal rights and procedures.
  - *Services and maintenance payments made directly to the youth will continue during the 30 days prior to closing the case.*
  - *When payments are being made to the foster parent, payment will continue for up to 30 days if the youth remains in the home. If the youth leaves the foster home placement, payment to the foster parent can continue for up to 14 days if the youth is expected to return. Otherwise, payments should end as soon as it's determined that the youth will not return to the placement. (See [section 18.1.4](#) for additional information and examples regarding temporary absences.)*
- At least 30 days before the youth will turn 21 the LDSS shall notify the youth in writing that all services and support will be terminated at age 21.

## **14B.7 Appeal procedures**

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When the participant believes he or she has been denied services or assistance to which he is entitled, including being terminated from Fostering Futures by the LDSS, or services or assistance have been delayed or terminated, the participant, or someone acting on his behalf, may submit an appeal to VDSS Appeals and Fair Hearings per procedures in Section 14.12 of the July 2014 Chapter E, Foster Care. Appeal requests shall be submitted in writing, preferably utilizing the Family Services Appeal Request (032-02-0671 08/15).

## **14B.8 Re-entry into foster care through Fostering Futures**

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Following termination (whether voluntarily by the youth or by the LDSS), a youth may re-enter Fostering Futures extended foster care if all eligibility conditions are met.

- There is no limit on the number of times a youth may re-enter the program between the ages of 18-21.
- There is no limit on time elapsed between exit and re-entry.

#### **14B.8.1 Procedures for re-entry**

*The procedures for re-entry apply both to youth who turn 18 in foster care (or turn 18 in DJJ and were in foster care upon DJJ commitment) and are discharged without entering Fostering Futures as well as youth whose previous participation in Fostering Futures was terminated by either the LDSS or the youth.*

*The former Fostering Futures participant/former foster youth who is interested in participation in Fostering Futures will apply directly to the LDSS that held custody of the youth prior to his 18<sup>th</sup> birthday. The Application to Re-enter Fostering Futures will be completed and signed by the youth and a representative of the LDSS.*


*Acceptance of the application requesting re-entry is based on the willingness of the youth to enter into a new IL arrangement agreement or placement agreement as well as his willingness to abide by the terms of the VCSSA. The representative of the LDSS shall ensure the youth has been provided all necessary information when completing the initial application. The representative should not sign the application requesting services until it has been reviewed with the youth.*

*The application will be denied if the youth refuses to meet with the team to review and sign the VCSSA and develop the foster care plan and transition living plan.*

*It is the responsibility of the assigned worker to review the application, confirm the date, time, and location of the team meeting with the youth, and provide any assistance necessary to facilitate completion of the application and attendance at the team meeting. The youth's application should be reviewed and a team meeting scheduled **within ten (10) business days** upon receipt of the application.*

#### **14B.8.2 Re-entry team meeting**

*The request to re-enter foster care through Fostering Futures requires the youth to meet with a team of individuals to discuss his re-entry into the program. During the meeting, the youth will review and sign the VCSSA and the IL arrangement agreement or placement agreement. The team will develop the foster care plan and transition living plan to be filed with the court for approval. The youth will indicate his*



*commitment to the plan developed in the meeting and to meeting the eligibility requirements. The plan will be developed by a team of individuals.*

*The team should include:*

- *The youth;*
- *Up to two (2) people chosen by the youth;*
- *Previous service worker. If the previous service worker is not available or no longer employed by the agency and cannot be consulted, the agency should attempt to include the previous worker's supervisor or other service worker that has some knowledge of the youth. If no one remains in the agency who has knowledge of the youth, a new service worker shall be assigned and that worker is responsible for reviewing the information in the case file including OASIS;*
- *Independent Living Coordinator;*
- *Foster Care Supervisor;*
- *Representatives from the LCPA where the youth had been placed (when applicable); and,*
- *With the youth's consent the meeting may also include:*
  - *Previous service providers*
  - *Parents*
  - *Relatives*
  - *Previous foster parents*
  - *Any appropriate community partner, (e.g., Community Services Board (CSB), Division of Rehabilitation Services (DRS), CSA Coordinator and Adult Services worker). The community partner should be a person(s) capable of providing ongoing services to the youth after age 21 (e.g., for youth requiring psychiatric*

*services, a representative of the CSB would be an appropriate community representative for the youth's team).*

*During the meeting the following topics should be discussed:*

- Factors that contributed to the previous exit (if one occurred) to reduce the likelihood of future termination;*
- The youth's social support system (including peers, adults, family members, etc.) and how those individuals identified by the youth provide assistance, a sense of connection/family, and accessibility of those individuals to the youth;*
- The short and long-term goals identified by the youth and team;*
- The youth's willingness to meet at least one (1) of the five (5) criteria outlined in section 14B.4.4.;*
- The youth's willingness to cooperate with a life skills assessment if one was not completed within the last six (6) months;*
- The youth's willingness to participate in a substance abuse evaluation or mental health evaluation if recommended by the team; and*
- Any other factors that affect the youth's ability to establish self-sufficiency (i.e., lack of family support, social skill needs, criminal charges pending, substance abuse, or mental health issues).*

*Re-entry into Fostering Futures is based on the willingness of the youth to abide by the expectations as documented in the VCSSA. The youth will be denied the opportunity to re-enter Fostering Futures if he refuses to comply with the expectations as outlined in the VCSSA, foster care plan, and transition plan. The new foster care episode begins the day that the VCSSA is fully executed and the youth signs the IL arrangement/placement agreement.*

*The LDSS shall file a court petition for review of the VCSSA and foster care plan. In addition, the service worker shall complete the title IV-E Application and Evaluation for Fostering Futures with the youth, including information on all of the youth's resources and income to conduct a new determination of eligibility for title IV-E.*



*The LDSS may consider issuing a 30 day termination notice immediately upon re-entry for some youth. This will enable the LDSS to hold the youth accountable for his responsibilities in the program. This may be appropriate for youth that have been repeatedly terminated from the program and request re-entry.*

## **14B.9 Independent living needs assessments**

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An independent living needs assessment shall be conducted to assess the strengths and needs of youth in preparation for adulthood. The assessment shall be driven by the youth, strength-based, and collaboratively involve the birth parents and caretakers of the youth. An independent living needs assessment is “a systematic procedure to identify a youth’s basic skills, emotional and social capabilities, strengths and needs to match the youth with appropriate independent living services. It should address the knowledge of basic living skills, job readiness, money management abilities, decision-making skills, goal setting, task completion, and transitional living needs” ([45 CFR 1356.83\(g\)\(20\)](#)). Independent living needs assessments should be re-administered annually for all youth receiving foster care services through Fostering Futures. See [Section 13.5](#) for more information about independent living needs assessments.

### **14B.9.1 Independent living services for youth**

LDSS shall offer independent living services to all youth who turn 18 and are in the process of transitioning from foster care to adulthood. These services should be based on the independent living needs assessment and include a broad range of activities, education, training, and direct services. The following types of services and skills development shall be considered to help the youth prepare for self-sufficiency: counseling, education, housing, employment, and money management. Access to essential documents, such as assistance in obtaining a birth certificate or Social Security card, and other appropriate services shall be provided consistent with the needs assessment (§§ [16.1-228](#) and [63.2-100](#)). Additional services and skill development include daily living, social relationships, and communication skills.

As required by CFCIP, the U.S. Department of Health and Human Services in consultation with other stakeholders developed outcome measures to assess the performance of each state and the effectiveness of its independent living services. The NYTD was established via regulation in 2008 and implemented October 2010. The CFCIP and federal regulation requires states to report specific information to NYTD ([45 CFR 1356.80 through 1356.86](#)). In Virginia, all NYTD defined independent





living services (including ETV) that are paid for and/or provided by LDSS on behalf of youth shall be documented on the OASIS “IL” screen by the LDSS.

An independent living service is provided by LDSS if it is delivered by LDSS staff or an agent of the LDSS, including a foster parent, group home staff, or child care institution staff; or provided pursuant to a contract between a LDSS and a provider, agency, or any other entity regardless of whether the contract includes funding for the particular service.

The service worker and youth’s team shall consider the types of services listed below for all youth over age 14 and older who are in foster care. Any of these services, as well as any other services and supports the youth requires, shall be provided, if indicated by the comprehensive assessment process and consistent with funding requirements. When a youth receives any of the services listed below, as well as the required independent living needs assessment, the services shall be identified in OASIS ([45 CFR 1356.83\(g\)\(20\) through 1356.83\(g\)\(30\)](#)).

#### **14B.9.2 The Virginia NYTD categories are:**


- **Academic support.** Academic supports are services designed to help a youth complete high school or obtain a General Equivalency Degree (GED). Such services include the following: academic counseling; preparation for a GED, including assistance in applying for or studying for a GED exam; tutoring; help with homework; study skills training; literacy training; and help accessing educational resources. Academic support does not include a youth's general attendance in high school.
- **Post-secondary education support.** Post-secondary educational supports are services designed to help a youth enter or complete college, and include the following: classes for test preparation, such as the Scholastic Aptitude Test (SAT); counseling about college; information about financial aid and scholarships; help completing college or loan applications; or tutoring while in college. The list is not all-inclusive; other supports such as college tours paid for or provided by the agency could fall within this definition.
- **Career preparation.** Career preparation services focus on developing a youth's ability to find, apply for, and retain appropriate employment. Career preparation includes the following types of instruction and support services: vocational and career assessment, including career exploration and planning,



guidance in setting and assessing vocational and career interests and skills, and help in matching interests and abilities with vocational goals; job seeking and job placement support, including identifying potential employers, writing resumes, completing job applications, developing interview skills, job shadowing, receiving job referrals, using career resource libraries, understanding employee benefits coverage, and securing work permits; retention support, including job coaching; learning how to work with employers and other employees; understanding workplace values such as timeliness and appearance; and understanding authority and customer relationships.

- **Employment programs or vocational training.** Employment programs and vocational training designed to build a youth's skills for a specific trade, vocation, or career through classes or on-site training. Employment programs include a youth's participation in an apprenticeship, internship, or summer employment program and do not include summer or after-school jobs secured by the youth alone. Vocational training includes a youth's participation in vocational or trade programs in school or through nonprofit, commercial or private sectors and the receipt of training in occupational classes for such skills as cosmetology, auto mechanics, building trades, nursing, computer science, and other current or emerging employment sectors.
- **Budget and financial management.** Budget and financial management assistance includes the following types of training and practice: living within a budget; opening and using a checking and savings account; balancing a checkbook; developing consumer awareness and smart shopping skills; accessing information about credit, loans and taxes; and filling out tax forms.
- **Housing education and home management training.** Includes assistance or training in locating and maintaining housing, including filling out a rental application and acquiring a lease, handling security deposits and utilities, understanding practices for keeping a healthy and safe home, understanding tenant's rights and responsibilities and handling landlord complaints. Home management includes instruction in food preparation, laundry, housekeeping, living cooperatively, meal planning, grocery shopping and basic maintenance and repairs.

- **Health education and risk prevention.** Health education and risk prevention includes providing information about: hygiene, nutrition, fitness and exercise, and first aid; medical and dental care benefits, health care resources and insurance, prenatal care and maintaining personal medical records; sex education, abstinence education, and HIV prevention, including education and information about sexual development and sexuality, pregnancy prevention and family planning, and sexually transmitted diseases and AIDS; substance abuse prevention and intervention, including education and information about the effects and consequences of substance use (alcohol, drugs, tobacco) and substance avoidance and intervention. Health education and risk prevention does not include the youth's actual receipt of direct medical care or substance abuse treatment.
- **Family support and healthy marriage education.** Such services include education and information about safe and stable families, healthy marriages, spousal communication, parenting, responsible fatherhood, childcare skills, teen parenting, and domestic and family violence prevention.
- **Mentoring.** Mentoring means that the youth has been matched with a screened and trained adult for a one-on-one relationship that involves the two meeting on a regular basis. Mentoring can be short-term, but it may also support the development of a long-term relationship.
- **Independent living arrangement.** An independent living arrangement means that the youth is living independently under a supervised arrangement approved by the LDSS or Licensed Child Placing Agency. A youth in independent living is not supervised 24-hours a day by an adult and often is provided with increased responsibilities, such as paying bills, assuming leases, and working with a landlord, while under the supervision of an adult.
- **Room and board financial assistance.** Room and board financial assistance that is paid for or provided by the VDSS, LDS and/or the local FAPT to assist with a youth's room and board, including rent deposits, utilities, and other household start-up expenses.
- **Education financial assistance.** Education financial assistance is a payment that is paid for or provided by the VDSS and/or LDSS for education or training, including allowances to purchase textbooks, uniforms, computers,




and other educational supplies; tuition assistance; scholarships; payment for educational preparation and support services (i.e., tutoring), and payment for GED and other educational tests. This financial assistance also includes vouchers for tuition or vocational education or tuition waiver programs paid for or provided by the VDSS and/or LDSS (ETV program).

- **Other financial assistance.** Other financial assistance includes any other payments made or provided by the VDSS, LDSS, and/or the local FAPT to help the youth live independently.
- **Other financial assistance** (incentives and stipends for youth). Monetary incentives or stipends to acknowledge or reward eligible youth who successfully completed:
  - A life skills training;
  - Other independent living services that are designed to help the youth live independently; or,
  - Foy youth who are part of the follow-up population, the NYTD Follow-up Survey.

Incentives and stipends shall not exceed what is reasonable and necessary to accomplish the purpose of needing to provide such incentives and/or stipends. The local director or his/her designee must approve in writing all monetary incentives and stipend methods (i.e. gift cards, money cards, certificates, and/or stipends), purpose of incentives/stipends, and the amount paid from basic independent living and/or ETV funds for each youth. Also, youth receiving an incentive/stipend have a clear understanding of purpose, cash value of incentive/stipend, and sign a document stating that he/she acknowledges receiving the monetary incentive. The document acknowledging youth receipt must be kept in the youth's case record and documented in OASIS as "Other financial assistance" within 30 days from the purchase date. Each transaction for an incentive/stipend must be recorded individually on VDSS' Independent Living Program (ILP) Quarterly Report for the applicable report period.

- Other financial assistance (outreach services). Efforts to attract eligible youth to participate in independent living services and formalized programs (i.e. covering transportation expenses so that eligible youth may attend



independent living conferences and other youth conferences, meetings, retreats, and workshops designed to help the youth live independently)

## **14B.10 Preparing youth for adulthood**

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All youth shall have the opportunity to be engaged in directing their own life and to be engaged in the community around them. In order to provide youth in and transitioning from foster care opportunities to be listened to, to be informed, to be respected and to exert control over their lives, the service worker should:

- Prepare/train youth to lead in the development of their case planning, including permanency planning and transition planning that addresses education and employment goals.
- Provide youth opportunities for leadership and community involvement, including opportunities for advising LDSS and community partners on policy and practice.
- Maintain contact with the youth to find out how they are doing when they leave care so that policy and practice can be improved.<sup>1</sup>


Preparing youth in foster care for adulthood is similar to preparing all children and youth for the transition to adulthood. Successful adults are self-sufficient in accomplishing daily life skills, while also being resourceful and connected with others in meeting their own needs while contributing to society. Regardless of the permanency goal, service workers should deliberately plan and prepare youth over time to be increasingly self-sufficient, resourceful, and contributors to society.

Preparation for adulthood is a life-long process that begins at birth. It initially involves informal learning by observing and participating in day-to-day activities with birth parents and substitute caregivers. Then, as children mature, it includes formal instruction and activities. For older youth, it requires increasing opportunities for them to practice life skills and build competencies with support from caregivers, service workers, and significant others.

During adolescence, the movement to self-sufficiency and resourcefulness is not linear, but rather a dynamic process based on the youth's evolving maturity, strengths, and

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<sup>1</sup> Adapted from Jim Casey Youth Opportunities Initiative



needs. An adolescent's search for identity and transition to adulthood can be a turbulent process, particularly for youth who have experienced abuse, neglect, separations, and/or trauma in their lives.

Developmentally, adolescents are striving to gain control over their lives. Adults need to provide opportunities for adolescents to practice resolving problems, seeking out and using resources, making decisions, and contributing to society. These are essential skills for self-sufficiency and success in adulthood.<sup>2</sup>

Serving older youth and preparing them for adulthood requires a planned, dynamic, strengths-based process. Service planning and decision making shall be driven by the youth, in collaboration with the youth's family and team. Services shall be based on the strengths and needs of the youth, as identified in the comprehensive assessment. The service worker and youth's team should focus on achieving permanency and ensuring the youth develops the skills necessary for self-sufficiency and interdependency. They should assist the youth in managing the transition to adulthood and then follow up to ensure success.

#### **14B.10.1 Youth-driven planning**

Youth shall have a central role in all service planning and decision making. Involving the older youth increases his or her motivation to participate in and complete services. It also helps the youth increase self-awareness and learn how to develop goals, use networks, and resolve problems – essential skills for adulthood.

The service worker should encourage and support the youth in taking responsibility for becoming increasingly self-sufficient and interdependent over time. The service worker should help the youth:

- Understand his or her responsibility for developing and achieving a plan;
- Develop personal goals;
- Identify strengths, interests, and needs; and,

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<sup>2</sup> Adapted from Illinois Department of Children and Family Services Best Practice Manual, Characteristics of Adolescent Development.

- Use these goals, strengths, and interests to design services, use networks, and access services and resources to meet his or her needs.

#### **14B.10.2 Engaging families and working with the youth's team**

The service worker should diligently search, pursue, and engage the youth with extended family members and other appropriate individuals the youth defines as significant, while keeping the safety and best interests of the child at the forefront in decision making (see [Section 2.5](#) and [Section 2.6](#)). These individuals can provide diverse roles and resources for the youth during and after his or her stay in foster care (see [Section 2.4](#)).

The service worker shall engage appropriate family members and other significant individuals to work collaboratively as a team to help prepare the youth for adulthood. Since critical decision points, including goal and placement decisions, are made through Family Partnership Meetings, the LDSS may decide that this team should continue working together as the youth's team to prepare for and transition the youth into adulthood (see [Section 2.9](#)).

The youth shall be an active and central participant on the team. The youth shall be provided with the opportunity to identify up to two (2) members of the team who are neither a foster parent of nor a case/service worker of the youth ([P.L. 113-183](#)) who he or she wants to involve with the team to help represent the youth's needs and provide support during the process. One of the individuals selected by the youth may serve, as necessary, as an advocate with respect to normalcy for the youth. The LDSS may only reject the member(s) selected by the youth if there is good cause to believe that the individual(s) would not act in the best interest of the youth.

Team members may include birth parents, siblings, family members, prior custodians, primary caregiver(s), service worker, adult services worker for appropriate older youth, independent living coordinator, professionals involved with the youth (e.g., teacher, counselor, coach), service providers, community members (e.g., friend, neighbor, mentor, minister), and any other individuals identified by the youth and family as important.

The service worker and team should actively assist the youth in:

- Assessing strengths, interests, and needs, including life skills;

- Identifying significant adults who may be willing to assist the youth in carrying out identified tasks;
- Identifying services, resources, supports, and networks;
- Developing or enhancing their skills;
- Making decisions;
- Planning and supporting the youth through the transition to adult living; and,
- Maintaining contact and following up after the youth leaves foster care.

#### **14B.10.3 Transition to independent living plan for youth age 18 and older**

All youth age 14 or older, regardless of their permanency goal, shall have a written transitional living plan personalized to their individual needs based on their independent living skills assessment; specifying the independent living services, activities, and supports to be provided to help the youth transition to adulthood. The child shall be involved in the development of his/her initial transition plan and any revisions or additions made to it. The transition plan shall be:

- Youth-driven;
- Based on a formal independent living needs assessment;
- Developed through a team process; and,
- Coordinated with the IEP developed by the school district for all youth in special education.

The transition plan for youth over age 14 and older shall be personalized to the individual youth and describe in writing:

- The activities to be undertaken to establish a permanent family and lifelong connections with family members and significant adults.
- The strengths, goals, and needs of the youth, based on the assessment of independent living skills, and including the areas of counseling, education, housing, employment, and money management skills.



- The specific independent living services to be provided and activities undertaken to assist the youth in meeting these goals and needs, building on the youth's strengths.
- The programs and services to be provided and activities undertaken to help the youth prepare for his or her future life as an adult, including but not limited to, specific options to be pursued in education, career preparation, and work.
- The responsibilities of the child placing agency, the youth, the service provider, and any other involved individuals in achieving the planned services and activities.
- Information on the youth's right to appeal LDSS decisions on services in the transition plan for independent living services (See Section 14.12 of the July 2015 Foster Care guidance).

The service worker may use the transition plan template developed by VDSS or the Foster Club's Transition Toolkit to document the youth's transition plan (see below.) Any other transition plan template needs to be approved by VDSS before use.

- The VDSS [Independent Living Transition Plan Template](#) addresses independent living services, incorporates the domains from the Casey Life Skills Assessment, and complies with state and federal requirements for serving and transitioning older youth.
- The [FosterClub's Transition Toolkit](#) is designed for youth and their team of adult supporters to identify their assets and resources and map out a plan for the challenges after foster care.

#### **14B.10.3.1 Development and maintenance of the transition plan**


The transition plan shall be printed and attached to the foster care plan which is filed with the court for distribution and placed in the paper case record, if further court review is required by the court. When court review is not required, the transition plan should be printed and attached to the Administrative Panel Review document and placed in the paper case record. The service worker, youth, and youth's team shall implement and modify the transition plan over time, while continually assessing the youth's progress.

- The transition plan shall be completed **within 30 days** of the initial or repeated independent living assessment.
- The transition plan shall be updated at least every 12 months.
- Completion of the transition plan shall be documented in OASIS on the IL Checklist.

#### **14B.10.4 Youth rights**

As a requirement of the Preventing Sex Trafficking and Strengthening Families Act of 2014 ([P.L. 113-183](#)), youth age 14 and older shall be provided a document that describes certain rights with respect to their care. The LDSS shall be responsible for explaining to the youth his/her rights in an age-appropriate way and obtaining a signature from the youth acknowledging that the youth has received them. A description of youth's rights follows:

- Appeals: the youth has the right to appeal LDSS decisions regarding the delay, denial or termination of services identified in the transition to independent living plan and foster care plan (See Section 14.12 in the July 2014 guidance).
- Education: the youth has the right to go to school and get an education that is consistent with his or her age and any special needs. The youth also has the right to stay in the school he or she was enrolled in before coming into foster care if this is in the youth's best interest.
- Health: the youth has the right to be regularly taken to doctors and dentists, including eye doctors, for medical evaluation, medical care, and/or treatment as needed.
- Visitation with siblings: the youth has the right to have regular contact and visitation with siblings, if separated. Contact may include but not be limited to face-to-face visits, telephone calls, emails, and video conferencing.
- Court participation: the youth has the right to attend court hearings involving his or her care; be consulted in the development of and any revisions to his or her case and permanency plan. The youth also has the right to tell the judge



what is happening to him or her and what the youth wants regarding the plan for permanency.

- Documentation: when exiting foster care, the youth shall be provided with an official or certified copy of the youth's (1) birth certificate; (2) social security card; (3) health insurance information; (4) medical records; and, (5) driver's license or state-issued identification card.
- Safety: the youth has the right to be safe and free from exploitation.

The list of youth rights is included in the Rights and Responsibility section of the VDSS Transition Plan template. The completed transition plan shall be attached to the printed foster care plan when it is submitted to court for distribution and also placed in the paper case record. The Rights and Responsibilities section and the youth's signature shall be submitted to court, even if an alternative transition plan template is used. This document shall be reviewed and signed at least annually or for each Permanency Planning and/or Review Hearing as a best practice.


### **14B.11 Paying for Independent Living Services**

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Independent living services are paid from the LDSS' allocation of CFCIP funds otherwise referred to as basic independent living program funds. VDSS must approve the LDSS funding application for independent living services before funds are expended.

Independent living services may also be paid for with CSA funds. CSA establishes a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the needs of troubled and at risk youth and their families. One of the targeted populations is children and youth for whom foster care services, as defined by [§ 63.2-905](#), are being provided.

Foster care services are the provision of a full range of casework, treatment and community services including but not limited to independent living services, for a planned period of time to a child or youth who has been abused or neglected, or in need of services, or a youth or child who has been placed through an agreement between the LDSS and parent(s) where legal custody remains with the parents or guardians, or has been committed or entrusted to an LDSS or licensed child placing agency. Foster care services also include the provision and restoration of independent living services to a person who is over the age of 18 years but who has not reached the age of 21 years



who is in the process of transitioning from foster care to self-sufficiency. However, independent living services are not maintenance, and cannot be paid for with title IV-E funds.

Access to CSA funds is governed by state and local policies which require multi-agency planning, uniform assessment, utilization review, and authorization of funds. If it is determined that these funds are needed to access independent living services, the service worker shall refer the youth to the FAPT, in accordance with local CPMT procedures, in order to request funding for services. The LDSS service worker should become familiar and comply with policies established by their local CPMT for access to CSA funding.

### **14B.12 Education and Training Voucher (ETV) Program for youth**

The purpose of the ETV Program is to fund goods and services designed to assist eligible youth in successfully completing a “post-secondary” educational or vocational training program by covering up to a maximum of \$5,000 or the total cost of attendance (whichever is less) per state fiscal year of the following expenses:

- Tuition and fees;
- Room and board;
- Rental or purchase of required educational equipment, materials, or supplies (including computer, software, and computer related accessories);
- Allowance for books and transportation;
- Required residential training related to an educational or vocational program;
- Special study projects related to education;
- Child care; and/or
- Other related expenses.

Expenses not covered by ETV include:

- Doctors’ visits;

- Dentist services;
- Apartment or dorm room set-up (i.e., comforters, sheets, microwave, cleaning supplies); and,
- Food (separate from the school meal plan.)

#### **14B.12.1 ETV funding**

ETV Program provides federal and state funding to help eligible youth with expenses associated with college and post-secondary vocational training programs. Funding of up to \$5,000 per year OR the total cost of attendance per year (whichever is less), per eligible youth. LDSS do not receive \$5,000 per youth in their initial allocation because the Virginia ETV program does not receive enough federal and state funds to allocate the full amount per student. Although the ETV program is integrated into the overall purpose and framework of the ILP, the program has a separate budget authorization and appropriation from the general program.

For additional information about use of ETV funding see [Section 13.11](#)

#### **14B.12.2 Eligible youth**

##### **14B.12.2.1 Eligible youth ages 16-21 years**

Youth ages 16-21 who are eligible to receive vouchers under this program must meet the following eligibility criteria:

- Have had their most recent foster care episode provided by the Commonwealth of Virginia;
- Eligible for services under Virginia's ILP;
- Have received their high school diploma or equivalent, or GED certificate;
- Have applied for financial aid through the post-secondary school or training program, if applicable, they wish to attend or participate in; and
- Make satisfactory academic progress by maintaining at least a cumulative grade point average of 2.0 on a 4.0 scale or have an academic standing consistent with the institution's graduation requirements for the federal student financial aid program. LDSS should monitor all ETV recipients'

progress and review grades to ensure compliance prior to disbursing additional ETV funds for each semester.

#### **14B.12.2.2 Eligible youth ages 21-23 years**

Youth ages 21 to 23 years old that are eligible to receive vouchers under this program must meet all of the following eligibility criteria:

- Meet all eligibility requirements listed in Section [13.13.2.1](#) “Eligible Population for Youth Ages 16 to 21” with the exception of bullet number two (Eligible for services under Virginia’s ILP).
- Are participating in the voucher program on the date they attain age 21 in order to be eligible to receive assistance until reaching the age of 23.
- Participants must be enrolled full-time or part-time in a post-secondary education or training program and making satisfactory progress toward completion of that program.

#### **14B.13 Credit checks for youth age 18 to 21**

Identity theft is a national problem and is becoming more common among the foster care population. Children in foster care are at greater risk to become victims of identity theft due to the number of people who have access to their social security numbers and other identifying information. Many times, it is not until the young adult is applying for credit that it is discovered that credit information has been compromised.

The LDSS is responsible for providing instruction to assist youth 18 years and older with obtaining his/her credit report by accessing [www.annualcreditreport.com](http://www.annualcreditreport.com) during the month of their birthday, and every year thereafter, until he/she turns age 21. The youth will need access to a computer. The Fair Credit Reporting Act (FCRA) requires each nationwide CRA to provide adults with a free copy of their credit report once every 12 months. The LDSS shall:

- Discuss the results of the consumer credit report check with the youth, emphasizing the importance of credit in their lives. Document the conversation on the youth’s transition plan including if the youth refuses to obtain his/her consumer credit report and/or refuses to have credit issues corrected;

- Assist the youth in contacting the CRA to have the information corrected if fraudulent credit history exists or a credit error is discovered;
- Provide documentation if necessary to the CRA;
- Document the steps taken to assist the youth in clearing his credit report as a contact in OASIS selecting “Annual Credit Check” as the purpose; and,
- Maintain a hard copy of the credit reports and letters of dispute in the youth’s case file.

Refer to the [Independent Living Program Credit Checks for Foster Youth Guidebook](#) for complete information on DSS and LDSS responsibilities; procedures to resolve discrepancies for youth under 18; assist youth 18 to 21 with obtaining their credit report, discussing the results of the credit report, and contacting the CRA to have the information corrected.

#### **14B.14 Conducting NYTD outcomes survey with youth at ages 19 & 21**

Public Law 106-169 established the CFCIP, providing states with flexible funding to carry out programs that assist youth in making the transition from foster care to self-sufficiency. The law also mandated that ACF develop a data collection system to track the independent living services states provide to youth and develop outcome measures that may be used to assess each state’s performance in operating their ILPs. This data collection system is known as the NYTD. The law requires ACF to impose a penalty of between one (1) and five (5) percent of the state’s annual allotment on any state that fails to comply with the reporting requirements. Pursuant to the regulation ([45 CFR 1356.80 through 1356.86](#)), States report data to ACF semiannually.

NYTD requires all states to engage in two data collection activities. First, states are to collect information on each youth who receives independent living services paid for or provided by the state agency that administers the CFCIP. Second, states are to collect demographic and outcome information on certain youth in foster care whom the state will follow over time to collect additional outcome information. This information allows ACF to track which independent services states provide and assess the collective outcomes of youth.

The LDSS shall conduct NYTD surveys on specific cohorts of youth in foster care beginning at age 17. A cohort is a group of people who are followed over time. A new cohort of youth begins every three (3) years. The same youth population, survey questions, and longitudinal outcomes data are used nationally.

	Baseline: all youth after 17 <sup>th</sup> birthday (Survey is due within 45 days after attaining 17 years of age)	Follow-up: Same youth On or around the 19 <sup>th</sup> birthday	Follow-up: Same youth On or around the 21 <sup>st</sup> birthday
Cohort 1	FFY 2011	FFY 2013	FFY 2015
Cohort 2	FFY 2014	FFY 2016	FFY 2018
Cohort 3	FFY 2017	FFY 2018	FFY 2020

The federal fiscal year (FFY) is October 1 through September 30.

For baseline data, LDSS shall conduct the outcomes survey on all youth in foster care during the 45 days after their 17<sup>th</sup> birthday in specified years. Thus, youth in foster care who turn 17 years old are surveyed in FFY 2011 for cohort 1, in FFY 2014 for cohort 2, and in FFY 2017 for cohort 3.

The youth who participated and are a part of the baseline survey will be identified by VDSS and confirmed by the Administration for Children and Families. Once confirmed, this information will be communicated to the LDSS IL and NYTD contacts to ensure that the youth are served in a timely manner. The LDSS shall survey the same youth around their 19<sup>th</sup> birthday in the applicable reporting period as identified by VDSS (in FFY 2013 for cohort 1; in FFY 2016 for cohort 2; and in FFY 2019 for cohort 3) and when they turn age 21 (in FFY 2015 for cohort 1; in FFY 2018 for cohort 2; and in FFY 2021 for cohort 3). The youth shall be surveyed regardless of whether they continue receiving independent living services or age out of foster care. In the month (usually September) prior to the beginning of a survey year, VDSS will communicate with each LDSS ILP and/or NYTD contact providing a list of youth who need to be surveyed and what survey (i.e. baseline, follow-up at 19, or follow-up at 21) to administer, the time frame for administration of the survey, as well as other pertinent information.

The six (6) outcome areas include:

- Youth financial self-sufficiency;
- Youth education (academic or vocational) attainment;



- Youth positive connection with adults;
- Experience with homelessness among youth;
- High risk behavior among youth; and,
- Youth access to health insurance.

See the [NYTD Outcomes Chart](#) that delineates for each outcome, the federal measures, definitions, and legal citations for tracking progress on the cohorts of youth who are aging out and have aged out of foster care.

#### **14B.14.1 Administering follow-up NYTD Survey with 19 and 21 year olds**

During specific reporting periods, LDSS will need to administer the NYTD Survey to 19 or 21 year olds. For 19 and 21 year olds, ACF allows 6 months to administer the survey. VDSS will compile the list of youth who need to be surveyed. LDSS will find this list in SafeMeasures. The young people need to complete the survey within the federal reporting period in which their 19th or 21<sup>st</sup> birth date falls. For example, the youth whose 19th birthday falls in the reporting period of October 1 to March 31, needs to complete the survey at some point between October 1 and March 31. The youth whose 19<sup>th</sup> birthday falls in the reporting period of April 1 and September 30, needs to complete the survey between April 1 and September 30. The same pattern applies to 21 year olds who need to take the survey.

The survey contains questions about financial self-sufficiency, educational attainment, connections with adults, experience with homelessness, high-risk behavior, and access to health insurance. There are approximately 22 questions in the survey, and it should take about 20 minutes to complete the survey.

For youth that the LDSS successfully located, the LDSS shall contact each youth:

- Explain the purpose, importance, and process for the survey;
- Answer any questions or concerns the youth may have;
- Obtain his or her verbal consent to participate in the survey; and,

- Determine an appropriate time and location to administer the survey (the survey may be administered in-person or over the phone).

If the survey will be administered in-person, provide the youth with the paper form of the survey to complete. (See [NYTD Follow-up Outcomes Survey-Age 19 for LDSS use](#)). The youth shall complete the survey form independently. If the youth is physically unable to complete the form, but can provide answers to the survey, the service worker may assist the youth by completing the forms. The service worker shall not consult with any source other than the youth when administering the survey.

If the survey will be administered by phone, follow the instructions on the survey.

After completion of the survey, the data shall be entered into the OASIS case record on the NYTD survey screen exactly as the youth has responded to the survey questions. The service worker or data entry staff shall not correct or change the survey responses; even if the staff has knowledge about the youth's benefits, financial circumstances or health insurance.

The data should be entered within 14 calendar days from the date of the survey administration on the correct OASIS screen for the 19-year-old survey. Place the original survey in the youth's case record.

Notify youth that he may receive a copy of the survey and provide a copy if requested.

If help is needed in OASIS, additional assistance may be found on SPARK, under [Foster Care Guidance, Procedures and FAQ's](#).

- [OASIS Independent Living-NYTD Tips Sheet](#)

#### **14B.14.2 Technical assistance**

Frequently Asked Questions (FAQs) – Children's Bureau in the Administration for Children and Families of the U.S. Department of Health and Human Services.

- [NYTD FAQs](#)

Surveying youth with special needs and limited English proficiency:

- [“NYTD Technical Assistance Brief #3: Surveying Youth with Special Needs or Limited English Proficiency.”](#) June 2010. Discusses accommodations that enable these youth to fully participate in the survey.

## **14B.15 Referring and transitioning youth to Adult Services**

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Adult Services are provided to impaired adults age 18 or older, and to their families when appropriate. “Impaired” means any person whose physical or mental capacity is diminished to the extent that he needs counseling or supervisory assistance or assistance with activities of daily living such as feeding, bathing, and walking, or instrumental activities of daily living such as shopping and money management ([Adult Services Chapter 1, Definition Section 1](#)). Adult Services are designed to help the adult remain in the least restrictive setting and function as independently as possible. Services may include case management, home-based care, transportation, adult day services, or assessment for the need for long-term care service such as nursing facilities, Medicaid-funded home and community based waivers, or assisted living facilities.

If the service worker believes an older youth in foster care may be eligible and need supportive services into adulthood, the service worker should discuss the youth’s situation with an Adult Services worker. While Adult Services workers work only with adults age 18 and over, early discussions and collaboration between the foster care and Adult Services workers are essential for a successful, smooth, and timely transition for the youth. These conversations should begin well before the youth turns 18, but in the event that they have not, it is essential that the service worker help the 18 to 21 year old access appropriate services as quickly as possible.

In addition to collaborating with the Adult Services worker, the foster care worker should:

- Explore the extent to which the youth needs assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs) or requires support for mental health, intellectual disability, or cognitive issues.
- Assess the older youth’s interest in receiving Adult Services.
- Consult with the youth’s family members on their opinions regarding the suitability of these services for the youth.

- Collaborate with the youth's school to ensure that the IEP services are being appropriately accessed and will be available to the youth as long as necessary or to age 23.

For more complete information, see the [DARS Adult Services Manual webpage](#) on the DSS internal website. Additional Information may be found under [Transition Planning for Foster Care Youth with Disabilities](#).

#### **14B.15.1 Assessing for benefits programs and other supports**

The foster care services worker should work with an eligibility worker to evaluate the youth's potential eligibility for Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI), Medicaid, and Auxiliary Grant (if the individual will be residing in an assisted living facility or adult foster care home).

Applying for these benefit programs can take several months, so it is critical to begin the process as early as possible. While the Adult Services worker can provide information on these programs, the foster care services worker or independent living coordinator should begin the application process. Starting early provides sufficient time for determining the youth's eligibility for services and for either smoothly transitioning the youth to Adult Services or finding alternative resources for assisting the youth who is not eligible for these services.

The Social Security Administration (SSA) allows youth with disabilities who are eligible for Supplemental Security Income (SSI) to file an SSI application up to 90 days before federal foster care payments are expected to end. This change in SSA policy helps older youth in foster care who have disabilities to transition to adult life by helping to ensure that they have income and health benefits in place. For additional information about SSI applications for foster care youth with disabilities see [Section DI 25201.011](#) in the Social Security Administration's Program Operations Manual System (POMS).

Some youth may not have the capacity to meet their health or safety needs or to manage their financial affairs. The foster care service worker should discuss this need with the Adult Services worker early in the transition planning to explore the options available for the youth. The youth may need a guardian and/or conservator appointed or an alternative option instituted to provide substitute decision making for the youth. (See Adult Services [Guardianship Chapter](#) for additional information).

## **14B.15.2 Adult Foster Care Services**

LDSS often struggle in transitioning youth who have complex service needs, require placements, and will continue to need significant support after they age out of foster care. Placement for a young adult with special needs may be difficult, as most adult long-term care facilities focus on the elderly with significant medical and nursing needs.

An Adult Foster Care (AFC) program may be an appropriate option to meet the needs of these youth in transition. The foster care service worker should discuss with the Adult Services worker whether this program is offered locally. Many LDSS do not offer this program since it is an optional program. Additionally, while some LDSS provide an AFC program, the program may only serve individuals age 60 and older.

If an AFC setting is being explored, the foster care service worker, the eligibility worker, and Adult Services worker should collaborate in developing an appropriate post foster care plan to provide a seamless transition for the older youth from foster care services to an AFC setting. While permanency is the goal for all youth in foster care, early planning needs to occur for these youth, particularly when they do not have permanent families.


A resource parent may be approved as an Adult Foster Care Home or receive dual approval as a resource parent and an Adult Foster Care Home, depending on the needs of the young adult and other children residing in the home. This situation may allow siblings living with a resource parent to remain together if an older sibling with a disability ages out of foster care. Dual approval or conversion to an Adult Foster Care Home may be considered if it is determined to be in the best interest of the young adult, the other children residing in the home, and the resource family.

For more information on AFC, see the [Adult Foster Care Manual](#) on the DSS internal website.

## **14B.16 90-day transition plan for youth exiting services**

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The service worker, youth, and youth's team shall create a transition plan during the 90 day period immediately prior to the youth choosing to leave foster care or terminate independent living services before his or her 21<sup>st</sup> birthday (§ [63.2-905.1](#)).



For all youth who may exit Fostering Futures at any time between their 18<sup>th</sup> and 21<sup>st</sup> birthdays, or will exit services upon turning 21, a Family Partnership Meeting (FPM) should be held to facilitate the development of a 90-day transition plan. The transition planning process should include discussion about the benefits to the youth of continuing to receive services.

The transition plan shall be directed by the youth, and shall be as detailed as the youth chooses. This plan should document the specific goals and needs for the youth to successfully transition from foster care to independence. The planning process should engage the youth's family and the youth's team. See Section 14B.11.3 regarding service planning for older youth

Information about the Fostering Futures program and the opportunity for the youth to re-enter foster care at any point prior to turning 21 should be provided to the youth in writing.

The service worker and the youth's team shall help the youth understand the importance of including specific areas in the transition plan. These areas include, but not limited to:

- Transition activities identified in Section 14B.11.
- Housing.
- Options for health insurance.
  - Former foster care youth under age 26 years may be eligible to receive Medicaid if they were under the care and responsibility of any state's foster care agency and receiving Medicaid until discharged from foster care upon turning 18 years or older, meet all Medicaid requirements, and are not eligible for Medicaid in another mandatory Medicaid covered group (see Section 12.11.7.1.1).
  - Youth under age 19 who are not eligible for Medicaid may be eligible for the Family Access to Medical Insurance Security (FAMIS) program and receive health insurance until their 19<sup>th</sup> birthday. The youth must not have other health insurance, and must not have not had health insurance in the past 4 months (some exceptions apply.) There are no enrollment fees or monthly premiums. For some services, there may be a small co-payment. Covered services include: doctor visits, well-baby checkups, hospital visits, vaccinations, prescription medicine,

tests, x-rays, dental care, emergency care, vision care, and mental health care. See the [FAMIS Teens section of the FAMIS website](#) for more information.

- Designating someone to make health care treatment decisions on the youth's behalf, if the youth becomes unable to participate in the decisions and does not have or want a relative who would otherwise be authorized by State law to make these decisions. The youth, after reaching age 18, may designate a health care power of attorney by completing the form, entitled [Virginia Advance Medical Directive](#), on the Virginia Department of Health (VDH) website, which complies with Virginia law ([Patient Protection and Affordable Care Act P.L. 111-148; § 54.1-2995](#)). The LDSS should encourage and assist the youth in seeking guidance from an attorney to address any questions. The youth should provide a copy of this document to his or her physician, close relatives, and/or friends.
- Local opportunities for mentors.
- Workforce supports and employment services ([Social Security Act, Title IV, § 475 \(5\) \(H\) \[42 USC 675\]](#)).
- Prior to the youth's leaving care, the LDSS shall also provide the youth with an official or certified copy of the youth's (1) birth certificate; (2) social security card; (3) health insurance information; (4) medical records; and, (5) driver's license or state-issued identification card.

The 90-day transition planning process should be documented by creating a 90-day transition plan ([see Section 13.7.3](#)) and the FPM with the purpose of preventing placement disruption should be entered in OASIS.

### **14B.17 OASIS documentation for independent living services**

Independent living service(s) that are offered or provided to any youth shall be documented in OASIS on the "IL" services screen consistent with guidance requirements (as soon as possible but no later than **30 days** after each activity or event). This information is part of the data submitted to the NYTD twice a year. Both services participated in and declined shall be entered on the correct screen. Services a youth needs, but there is no funding for, shall also be entered on the screen. The independent living services that should be documented are listed below:

- Independent living needs assessment;


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- Academic support;
  - Post-secondary educational support;
  - Career preparation;
  - Employment programs or vocational training;
  - Budget and financial management;
  - Housing education and home management training;
  - Health education and risk prevention;
  - Family support and healthy marriage education;
  - Mentoring;
  - Independent living arrangement;
  - Room and board financial assistance;
  - Education financial assistance; and,
  - Other financial assistance.

The service worker is responsible for updating the “IL” services screens including the start date and end date of the service offered. If a service is declined, the start date and end date may be the same date. In the comments section, the service worker should define the type of service provided, consistent with definitions in guidance and OASIS, and whether or not the service met the youth’s needs.

As part of the data submitted twice a year to NYTD, the service worker shall review and update screens under IL. These updates should be done consistent with guidance requirements for documentation. These screens should be reviewed at a minimum, every other month, so that data submitted to the federal government will be both accurate and timely.

- Education Screen. If a youth received special education services this shall be identified on the OASIS screen. Special education as defined by NYTD





means specifically designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. The service worker should select the box that states special education at the bottom of the education screen.

- Adjudicated Delinquents. If a youth has ever been adjudicated delinquent, this status shall be documented in the IL section of OASIS. The federal NYTD definition of an adjudicated delinquent is one where a state or Federal court of competent jurisdiction has adjudicated the youth as a delinquent.
- Post independent living. If the youth's case is closed in OASIS and the youth receives at least one independent living service after the case is closed, the type of service provided shall be documented in OASIS.

### **14B.18 Program monitoring and case reviews**

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Independent living (including ETV) services that are paid for and/or provided by the LDSS are subject to monitoring and evaluation via submission of ILP reports, OASIS data, LASER reports, and case reviews. VDSS will conduct quality assurance onsite visits and request additional information as necessary for program monitoring. VDSS staff may conduct case reviews of youth receiving independent living services. These reviews may be done by comparing data in OASIS and NYTD screens with documentation in the paper case record for the youth. These activities are consistent with VDSS' role of ensuring the proper administration of all foster care activities and services, including any action taken or not taken.

OASIS is the approved child welfare system for Virginia and all required documentation shall be input into this system. However, there are components of the case record that are required consistent with guidance in [Section 4.4](#), Setting up a paper case record. The service worker should review this section to determine that hard copies of required items are in the youth's case file. In addition to those items required in [Section 4.4](#), the service worker shall be responsible for providing for the record of the youth receiving IL services the following:

- A copy of any documentation from a state or federal court of competent jurisdiction that the youth was adjudicated delinquent. Note: for NYTD purposes, the youth is considered an adjudicated delinquent no matter when the youth was adjudicated in his lifetime.
- Copy of IEP(s) (if any);

- Copy of independent living needs assessment;
- Copy of written transitional plan(s);
- Copy of approved student ETV Application(s) and supporting documentation;
- Documentation that verifies the youth received any or all of the independent living services that were paid for and/or provided by the LDSS on behalf of the youth;
- Documentation to define who, how and when the youth was invited to participate in the NYTD survey (if part of the NYTD follow-up population); and,
- Copies of completed NYTD surveys (i.e. baseline and follow-up), if applicable.

## **14B.19 Resources to help serve older youth**

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### **14B.19.1 Engaging youth**

- [Child Welfare Information Gateway](#) –Promotes the safety, permanency, and well-being of children, youth, and families by connecting child welfare, adoption, and related professionals as well as the public to information, resources, and tools covering topics on child welfare, child abuse and neglect, out-of-home care, adoption, and more. The section on [youth](#) provides guidelines, protocols, and resources for service providers and other stakeholders to build partnerships with families and youth to achieve permanency and promote positive outcomes for youth.
  - [Positive youth development](#)
  - [Engaging and involving youth](#)

## 14B.19.2 Resources for youth

- **Foster Care Alumni of America**

The mission of [Foster Care Alumni of America](#) (FCAA) is to connect the alumni community of youth who were in foster care and to transform policy and practice, ensuring opportunity for people in and from foster care.

The vision of [Virginia Chapter's of FCAA](#) is to be the leader in Virginia in connecting the alumni community so that youth can be heard. We envision alumni and allies working together to help truly transform Virginia's Child Welfare System to ensure a high quality of life for those in and from foster care.

- **FosterClub**

The FosterClub is a national network for young people in foster care. The [website](#) serves as a primary communication tool for young people to connect in a safe, monitored environment. It also provides information related to foster care, including books, posters, and forms specifically designed for youth transitioning out of care. Publications are developed specifically for kids in care and are written in collaboration with foster youth. The FosterClub also is involved in teen conferences and workshops.

## 14B.19.3 Education and training resources for youth

- **ETV Program**

The ETV Program (See [Section 13.13](#) for additional information) assists eligible foster care and adopted youth with post-secondary education and training expenses. It is designed to help youth aging out of foster care with the education, training, and services needed for employment and self-sufficiency. Funding for the program is supplied in the form of vouchers. These can be applied toward, but not limited to, colleges, universities, community colleges, and one-year training institutions. Youth are encouraged to visit the [Free Application for Federal Student Aid \(FAFSA\)](#) website and utilize the FAFSA Tips for completing the application.

- **Virginia Community College System (VCCS)**



- **Great Expectations Program**

The VCCS Great Expectations Project provides transitional support to teens in foster care to help them complete high school and gain access to a community college education. The goal is to provide education and employment opportunities to improve the likelihood of life success for foster youth.

[Great Expectation programs](#) are offered in several community colleges across the state. Coaches and mentors can provide assistance, offer encouragement, and help youth reach their goals.

- **Tuition Grant Program**

The [Tuition Grant Program](#) provides tuition and fees at any Virginia Community College for youth who graduated from high school or completed their GED and who:

- Were in foster care when turning age 18;
- Are in the custody of LDSS; or,
- Are considered a special needs adoption.

Assistance is based on financial need.

- **Other Funding and Scholarship Opportunities**

The Great Expectation website provides additional information on and links to [funding and scholarship opportunities](#).

- **Vocational Rehabilitation (VR) Transition Services with Virginia Department of Aging and Rehabilitative Services**

The Department of Aging and Rehabilitative Services (DARS) provides services to help Virginians with significant disabilities, including youth in transition, become more independent and self-sufficient. Transition Services help youth with disabilities develop skills and formulate plans to move from high school to an adult life that includes opportunities for employment, higher education, independent living, and community involvement.

Referrals of students for DARS services often come from school personnel to the VR Counselor assigned to their school district. Referrals should be made three (3) years prior to the youth leaving school and written into the student's IEP.

- [DARS Transition Services Guide](#)
- [DARS office locations](#)

- **Foster Care to Success Program (FC2S)**

FC2S is the largest national nonprofit organization dedicated entirely to helping former foster youth obtain the academic and technical skills and competencies needed to thrive in today's economy. To that end, FC2S provides [scholarship and grant money](#) to former foster students in colleges and specialized training programs across the country. Every FC2S student receives care packages and coaching and is eligible to participate in mentoring and internship programs.

#### 14B.19.4 Other resources

- **Jim Casey Youth Opportunities Initiative**

Private foundation with the vision that every youth aging out of foster care should have access to the opportunities and supports needed for a successful transition to adulthood. Brings people and resources together to help youth and young adults make the connections they need for permanence, education, employment, housing, health care, and supportive personal and community relationships. Supports community-based efforts that create opportunities and build assets for youth leaving foster care through grant making, technical assistance, and advocacy.

- [Website](#)

- **You Gotta Believe!**

Pat O'Brien's organization, [Older Child Adoption and Permanency Movement, Inc.](#), in New York State seeks to prevent homelessness by finding permanent moral and legal adoptive homes for teens and preteen children in foster care. Stresses unconditional commitment to all children who come into care as the



essential ingredient in preventing both placement disruption and foster care drift. Website provides links to articles, blogs, and live stream on the Internet for radio and television broadcasts.