

# **Teens Aging Out of Foster Care in Oregon: A Guide to Transition Planning for Caseworkers, Judges and Advocates**

By: Molly Allen, Legal Intern

Juvenile Rights Project, Inc.

August 2004  
Updated August 2005

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>INTRODUCTION.....</b>	<b>10</b>
<b>THE MYTH OF LEVEL 7.....</b>	<b>12</b>
<b>EMANCIPATION FOR FOSTER YOUTH MORE DIFFICULT.....</b>	<b>14</b>
<b>TROUBLING PROSPECTS FOR FOSTER YOUTH .....</b>	<b>15</b>
<b>Homelessness .....</b>	<b>17</b>
<b>Education and Employment.....</b>	<b>18</b>
<b>Physical and Mental Health .....</b>	<b>20</b>
<b>Burden on Society: Incarceration, Pregnancy, Drug use.....</b>	<b>21</b>
<b>Repeating History .....</b>	<b>22</b>
<b>IMPROVING OUTCOMES FOR TEENS IN FOSTER CARE: RECOMMENDATIONS FOR CHANGE.....</b>	<b>23</b>
<b>Federal Law and Funding.....</b>	<b>26</b>
<i>The Independent Living Initiative .....</i>	<i>26</i>
<i>The Foster Care Independence Act of 1999 .....</i>	<i>27</i>
<i>Title IV-E and ASFA .....</i>	<i>28</i>
<i>Promoting Safe and Stable Families Amendments of 2002 .....</i>	<i>29</i>
<b>The System of Care Agreement.....</b>	<b>29</b>
<b>Oregon State Law and Policy.....</b>	<b>32</b>
<i>Oregon’s Former Foster Child Scholarship.....</i>	<i>32</i>
<i>Senate Bill 808 – Transition Planning.....</i>	<i>32</i>
<i>Senate Bill 1034 - Follow up to transition planning.....</i>	<i>33</i>
<i>House Bill 3075 - Staying in school.....</i>	<i>34</i>
<b>THE COMPREHENSIVE TRANSITION PLAN: NOT JUST A CHECKLIST OF SKILLS .....</b>	<b>35</b>
<b>Understanding Adolescence .....</b>	<b>35</b>
<b>Interviewing Techniques .....</b>	<b>36</b>
<b>Guiding Principles .....</b>	<b>38</b>
<b>Assessment Tools.....</b>	<b>40</b>
<b>The Plan .....</b>	<b>41</b>
<b>Housing .....</b>	<b>42</b>
<b>Education.....</b>	<b>44</b>
<b>Employment.....</b>	<b>48</b>
<b>Physical and Mental Health .....</b>	<b>51</b>
<b>Community Support .....</b>	<b>54</b>
<b>Special Issues .....</b>	<b>56</b>
<b>Youth with Disabilities .....</b>	<b>57</b>
<b>Youth with Immigration Issues .....</b>	<b>60</b>
<b>Teen Parents.....</b>	<b>62</b>
<b>IT’S NOT TOO LATE AND IT’S NEVER TOO SOON.....</b>	<b>66</b>
<b>APPENDICES.....</b>	<b>67</b>
<b>Appendix A: Federally Funded Housing Assistance .....</b>	<b>68</b>

<b>Appendix B: Federal Education Laws and Services</b> .....	74
<b>Appendix C: Federal Employment Laws and Programs</b> .....	78
<b>Appendix D: Federal and State Health Programs</b> .....	85
<b>Appendix E: Oregon Legislation – SB 808, 1034, HB 3075</b> .....	89
<b>Appendix F: Transition Readiness Index</b> .....	99
<b>Appendix G: Youth Decision Meetings</b> .....	110
<b>REFERENCES</b> .....	114

## **EXECUTIVE SUMMARY**

The purpose of this paper is to provide caseworkers, judges and advocates with a guide that will: (1) increase awareness of the challenges faced by foster youth transitioning out of care; (2) increase awareness of the federal and state law pertaining to transition planning; and (3) provide the tools necessary to make a youth's transition out of care more successful.

### **Troubling Prospects for Foster Youth**

Foster youth face many obstacles that make the transition to adulthood difficult for them. They experience considerable family instability, educational disruption and suffer mental health problems at a much higher rate than teens in the general population. The difficulty of their situation is further complicated by previous policies of the Department of Human Services, which allocated the least amount of resources and attention to teens, despite their high needs. As a result, the outcome for teens transitioning out of care is dismal. Foster youth exiting care demonstrate a substantially increased likelihood of homelessness, mental and physical health problems, incarceration, pregnancy and drug use. They also experience poor educational achievement and completion and an increased likelihood of unemployment and public assistance utilization.

### **Improving Outcomes for Teens in Foster Care**

- **Federal and State Legislation**

Over the past decade, federal and state legislation have provided a strong impetus for reform of the foster care system. This legislation creates guidelines for transition planning for youth and provides youth with monetary resources for housing, education and medical costs. The Foster Care Independence Act of 1999 created the Chafee Foster Care Independence Program. The Act doubled the amount of federal money for independent living programs, extended coverage to former foster youth and to youth ages 18 to 21, allocated monies for housing, and provided the option for states to extend Medicaid coverage to former foster youth. The Promoting Safe and Stable Families Amendment provided funding for post-secondary education in the form of \$5,000 educational training vouchers. Additionally, the Adoption and Safe Families Act

amended foster care law under Title IV-E of the Social Security Act, making the safety and permanency of children in foster care the primary focus of the child welfare system.

On the state level, Oregon enacted Senate Bill 808 which created requirements for transition planning and court supervision of the transition plan. The statute requires a transition plan for youth at least by the time they reach the age of 16. The plan must include goals related to housing, physical and mental health, education, employment, community connection and supportive relationships. Additionally, Oregon enacted House Bill 2431, which provides tuition assistance to Oregon foster children to attend Oregon public colleges. However, the scholarship program lost its funding in the last budget session.

In addition to state legislation, the Department of Human Services entered into a settlement agreement with The Juvenile Rights Project and the National Center for Youth Law. The agreement requires continued implementation of a series of child welfare reforms called Systems of Care, increased support for foster teens, decreased disruption in foster placements, making permanency a goal from the outset, and designation of child welfare staff experts among other things.

- **Core Principles**

Three core principles have emerged from this reform, which are essential to improving the outcomes of youth. First, the child welfare system must provide substantial support for children in foster care by connecting them with community resources and mentors, encouraging supportive family and non-family relationships with successful adults and providing opportunities for teens to have practical experiences such as learning to drive or holding a job. Second, permanency must be a goal from the outset for youth. Disruptions in placement must be decreased and adoption for teens should be encouraged. Third, youth must have a comprehensive transition plan designed to aid them in their transition out of care.

**The Comprehensive Transition Plan: Not Just a Checklist of Skills**

Comprehensive transition planning is an essential tool that has emerged from the legislative reform of the foster care system. A well-thought out transition plan can make the difference between whether a youth becomes homeless and jobless or whether she becomes a successful and productive member of society. A transition plan must include

goals related to housing, education, employment, physical and mental health and community connections.

- **Guiding Principles**

A transition plan is not just a checklist of skills required for the youth to be successful, but rather a collaborative process through which the youth should feel empowered to achieve her aspirations. Youth should be intimately involved in the planning process and should be empowered to make appropriate decision regarding their own transition plan. The planning process should draw on the strengths of the youth as well as his needs. Caseworkers should collaborate with foster parents, relatives, treatment providers, attorneys and other supportive adults in the youth's life to develop a plan.

During the planning process, practitioners should be aware of certain issues and use this awareness to develop a rapport with the youth. First, it is important that practitioners have an understanding of adolescent development so that they can place teens' behavior in context. The frontal lobe of the adolescent brain undergoes far more changes during adolescence than at any other stage of life and is the last part of the brain to develop. Incidentally, this is the portion of the brain responsible for planning, impulse control, anticipation of consequences and abstract thinking. Second, practitioners should maintain a level of cultural awareness and sensitivity. Minorities are overrepresented in the foster care population whereas they are underrepresented in the social work and professional setting. Third, it is vital that practitioners are honest with teens about the challenges they will face. The earlier on they understand these challenges, the more receptive they will be to the planning process.

- **Assessment Tools**

The first step in the planning process is assessing the strengths and needs of the youth. There are several tools available to achieve this goal. First, the Ansell-Casey Life Skills Assessment is a web-based tool that assesses daily living tasks, housing and community resources, money management, self-care, social development and work and study habits. Both the youth and his caregiver are able to provide their assessments. Scores are given immediately and can be sorted depending on the needs of the taker. Additionally, the assessment can be adjusted for youth at different developmental levels. Second, Youth Decision Meetings are also a very effective way of assessing and planning

for a youth's needs. YDM's are designed to bring together foster parents, relatives, attorneys and others who assist the youth with goal setting and planning. The meetings are facilitated by an Intensive Family Services worker to ensure that each voice is heard, however, the youth is given considerable control over the direction and content of the meeting.

Following assessment of the youth's strengths and needs, the youth and his support team should identify and define problems, sort out life options and goals, and ultimately plan for and establish goals for the future with regard to housing, education, employment, health, and supportive relationships.

- **Housing**

Under no circumstances should a youth be discharged from foster care into homelessness. A comprehensive transition plan must include a detailed set of goals with regard to housing. Youth should decide what type of housing will best suit their needs and goals, where they want to live, who they want to live with and how they will pay for housing. They should be made aware of the various housing resources available including ILP Subsidy, Section 8 and Chafee funding. Additionally, they should be educated with regard to their rights and obligations as tenants. The youth' support team should assess and work to develop life skills, such as cooking, laundry and money management. Finally, youth should always have a fallback resource such as family, friends, renter's organizations or homeless shelters that can be resorted to if housing falls through.

- **Education**

Youth need to have concrete plans for either completing or continuing their education. Their ability to find a job, pay for housing and medical care and general quality of life depends upon it. Youth should be encouraged to obtain a high school diploma rather than a GED and should be retained in the foster care system at least until they obtain their diploma. Youth should be assisted in attending their original school, so as to minimize disruption in learning. A youth's support team should advocate for her educational needs, especially when she has special education needs. This includes advocating for an appropriate IEP/504 plan and ensuring that it is being implemented. If a youth has disciplinary problems, her caseworker, attorney or CASA should advocate for her to remain in school. Additionally, youth should be assisted with developing a career

plan, visiting colleges and applying to colleges. Youth should be made aware of the various financial resources available to them, such as educational training vouchers and the Oregon foster care scholarship. Youth should also be provided with their educational records prior to aging out of care.

- **Employment**

A youth's ability to acquire stable employment is determinative of her quality of life, including access to housing and health care. Additionally, a youth's employment status impacts her self-confidence and hope for the future. Youth and their support teams should work to identify their natural skills and abilities. In doing so they should develop long and short terms employment goals. Caseworkers should assist youth with job shadowing and mentoring opportunities, internships and employment training programs. Youth should be assisted in developing job search skills, drafting resumes and interview etiquette and attire. Youth should also be made aware of alternatives to traditional employment such as JobCorp, Americorps, the Conservation Corp and the Military. Youth should also be made aware of federal and state work assistance programs such as the Workforce Investment Act.

- **Physical and Mental Health**

Maintaining good health is essential for youth to make the transition out of foster care successfully. Unfortunately, it presents one of the most difficult challenges for youth transitioning out of care because of their increased proclivity to mental and physical health problems. Youth should receive a comprehensive mental and physical health screening prior to aging out of care. They should have complete access to these records. The youth and support team must identify his health needs and work to develop a plan to address these needs. Youth should be able to manage their medication and should know what resources exist in the community where they can go for help, such as free clinics and financial assistance organizations. Youth absolutely must have medical insurance. Former foster youth are eligible for Oregon Health Plan Standard, but must enroll in the program prior to transitioning out of care. Caseworkers must ensure that this occurs. Additionally, youth should receive health education with regard to pregnancy, STD's and drug use. They should also be taught life skill such as self-esteem, self-determination and grieving to help them self-manage mental health challenges.

- **Community Support**

In addition to providing youth with practical independent living skills, youth must also be assisted with the emotional and social transition to adulthood. Unlike most teenagers in the general population, foster youth frequently lack an emotional support network of family and friends. It is imperative that foster youth establish meaningful connections with supportive members of the community. These connections are crucial to their development into healthy and engaged adults. Caseworkers should help youth identify supportive family member that they would like to maintain contact with and whom they can lean on for support. Youth should also be connected with mentors, either through organizations such as Boys and Girls Club or through existing supportive adults in the youth's life. The youth's support team should also provide opportunities for the youth to participate in community volunteerism and cultural, religious or other activities related to the youth's interests. Youth should be made aware of community resources so that they will be more likely to seek help when they need it.

This paper reinforces that we must not give up on our children because they are teenagers. Teens in foster care have for too long existed on the margins of public consciousness. "As a society, we have expected too little of these young people to help them aim high and strive for big goals, and we have expected too little of ourselves to marshal the necessary resources to make it happen." Teens in foster care face significant challenges on the path to adulthood; however, they are resilient kids who have the power to succeed in life. It is the charge of judges, advocates and the child welfare system to ensure that this strength and resilience is given the opportunity to flourish.

## **TEENS AGING OUT OF FOSTER CARE IN OREGON: THE IMPORTANCE OF TRANSITION PLANNING**

*“The solution of adult problems tomorrow depends in large measure upon the way our children grow up today. There is no greater insight into the future than recognizing when we save our children we save ourselves.”*

*-Margaret Mead*

### **INTRODUCTION**

Each year approximately 20,000 teenagers age out of the foster care system and face the daunting challenge of independent living.<sup>1</sup> Unfortunately, many of these youth lack the resources essential for a successful transition. They are less equipped for this transition than either low-income youth, or a general cross-section of the adolescent population.<sup>2</sup> In one study of youth transitioning out of foster care, 70% of the youths reported that they had received no training in money management, legal skills, parenting, or how to utilize community resources. They reported feeling unprepared to find housing, live on their own and deal with health issues.<sup>3</sup> As a result, these youth are more vulnerable to physical and sexual victimization, unemployment, homelessness, incarceration and public assistance utilization than youth in the same age cohort who have not been placed in the child welfare system.<sup>4</sup>

---

<sup>1</sup> Fagnoni, Cynthia, *Challenges in Helping Youth Live Independently*, United States General Accounting Office, 1 (1999).

<sup>2</sup> Nollan, Kimberley & Downs, Chris, *Preparing Youth for Long-term Success – Proceedings From the Casey Family Program National Independent Living Forum*, CWLA Press, 28 (2001).

<sup>3</sup> Courtney, M.E., Piliavin, I., Grogan-Kaylor, A., and Nesmith, A., *Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care*, 80 Child Welfare 6, 685-717 (2001).

<sup>4</sup> Independent Living Advisory Committee, *Independent Living for Children in Out-of-Home Care*, Wisconsin Dept. of Health and Family Services, 1 (2001).

Support for teens aging out of the child welfare system is generally very limited and fails to address their basic needs.<sup>5</sup> The preparation that they receive is uneven and often inadequate. Part of this is due to the child welfare system's hesitance in the past to allocate resources to teens, instead focusing on younger children.<sup>6</sup> The problem is further exacerbated by a lack of transition planning, goal setting and skill training in essential areas such as education, finances, health care, and social networking.<sup>7</sup>

In order to improve the likelihood that teenagers making the transition out of foster care will become successful and productive members of society, the child welfare system must provide substantially more guidance and resources to teens. This means enhancing supportive services to foster parents, training specialized teen workers, setting permanency as a goal, assessing the needs of teens on a case-by-case basis, creating specific comprehensive transition plans for individual teens, accessing and informing teens of community resources, and most importantly, providing skill training and support with regard to the educational, financial, housing, employment, health and social needs of youth.

Since these youth have been removed from their parents and placed in the legal guardianship of the State, DHS has a responsibility to assure their healthy development, spanning from the moment they enter the system to the time they are equipped to function in a self-sufficient manner in the community. To fail in such a task does not just destroy the potential of a child; it destroys the promise of a future generation.

---

<sup>5</sup> Shirk, M. and Stangler, G., *On Their Own: Foster Children and the Transition to Independence*, Westview Press, Boulder, Co. (2000).

<sup>6</sup> McFarlane, Julie, *Troubled Lives, Troubling Prospects: System Teens Transitioning to Adulthood*, STAT! Project, 3 (September 2003).

<sup>7</sup> Cooke, Toni, et. al., *Connected by 25: A Plan for Investing in Successful Futures for Foster Youth*, The Youth Transition Funders Group Foster Care Work Group (2002).

## THE MYTH OF LEVEL 7

In the early 1990's, Children's Services Division (CSD), subsequently renamed State Office for Services to Children and Families (SOSCF), and now Department of Human Services (DHS), implemented a policy that excluded teens from its protective services and foster care. The policy was initiated in 1989 as a budget document through which DHS sought to demonstrate the inadequacy of funding levels for serving all of the children within its mandate. The policy, which was implemented despite never being passed by the legislature<sup>8</sup>, allowed prioritization of services based on a level of vulnerability scale. Teens were placed on level seven, the lowest level of the scale. This was done because teens were considered less at risk than younger children, and it was assumed that they would be more able to remove themselves from a dangerous situation than younger children at risk.<sup>9</sup> People trying to report abuse and neglect of teens, or seeking services for them, were told by SCF staff that they did not serve teens.<sup>10</sup>

Although the agency changed this policy in 2000, the myth that DHS does not serve teens has persisted. Then SCF Administrator and current Assistant Director of DHS/CAF, Ramona Foley, has stated: "Several years later, we are seeing the results of this practice shift. Oregon statistics reflect fewer substantiated victims of maltreatment among teenagers and fewer teens in foster care when our data is compared to national

---

<sup>8</sup> HB 2141 was offered in the 1989 session to allow prioritization of cases to be served by CSD. Testifying about the likely effects of such prioritization, then Administrator of CSD, William L. Carey stated: "Some of these children will undoubtedly penetrate the mental health or juvenile justice system because they do not receive services. Others will live on the streets, become pregnant or both." Legislative History HB 2141 (1989). Not surprisingly, HB 2141 did not pass.

<sup>9</sup> Interview with Rosemary Iavendetti (Independent Living Coordinator for the State of Oregon), July 29, 2003.

<sup>10</sup> Nor is Oregon alone in this problem of inadequate response to abuse and neglect reports involving teens. The report of the 2000 Conference of the Support Center for Child Advocates cited the need for child welfare systems to be more responsive to reports of abuse or neglect of teens because in many states hotline calls regarding teens are a low priority for investigation.

data.”<sup>11</sup> Although Ms. Foley has made it clear that the agency must serve children who are neglected and abused without regard to age, the myth persists both within and outside the Agency.<sup>12</sup>

Some progress has been made. In its Annual Status of Abused and Neglected Children Report, DHS reported that of more than 13,000 children served in foster care in 2002, teens represented 29.1% of this population. This is an increase of 5% over the previous year.<sup>13</sup> Ramona Foley commented: “This speaks to the fact that abuse and neglect of teens does occur, is being reported and requires that we address the needs of this population with appropriate intervention and services...granted our most vulnerable population and our highest victim count are represented by children under the age of 6. But a child can be unsafe regardless of the child’s age.”<sup>14</sup>

Although some progress is being made, there is a considerable amount to be achieved before the prospects for foster youth improve. Oregon ranks 47<sup>th</sup> in a rank ordering of states by the percentage of children entering foster care at age 16-18.<sup>15</sup> Only 4.5% of youth entering foster care were 16-18 years old compared to a national average

---

<sup>11</sup> Focus Newsletter (October 2000). Oregon substantiates 19% of abuse reports for children ages 11 to 15, as compared with 23% nationally, and only substantiates 3% of cases for children 16 and older, compared with 6% nationally. National Center for Child Abuse and Neglect, 1999. Although Oregon has the same percentage of children in care in the 11 to 15 age group (27%) as the national average, Oregon has only 9% of children 16 to 18 in foster care, compared with a national average of 14%. Further, in the 19-plus age group, Oregon has 0% compared to 2% nationally. Adoption and Foster Care Analysis Reporting System, 1999.

<sup>12</sup> During the 90’s a small amount of funds were transferred from DHS (then CSD) to the Oregon Commission on Children and Families to serve “Level 7” youth. Although the funds transferred to the Commission were never sufficient to serve the population and the legal responsibility and authority to serve abused and neglected teens remained in DHS, a variation on the Myth developed that held that DHS did not serve teens because they were served by OCCF.

<sup>13</sup> DHS, *State Releases Annual Status of Abused and Neglected Children Report*, DHS News Release (July 22, 2003).

<sup>14</sup> *Id.* Statement of Ramona Foley, Assistant Director of DHS/CAF

<sup>15</sup> Department of Human Services (Fax), *Rank Order of States by Percent of Children Entering Foster Care at age 16-18*, Child Welfare Outcome Data (2001).

of 11.7%.<sup>16</sup> We must continue to improve and expand the services offered to teens preparing to transition out of foster care. “We must ensure that the protection and safety of all children are seen as a priority. Today’s teens will be the parents of tomorrow. Protective services to children today are an investment to give young people opportunities to become the self-sufficient and productive young adults of tomorrow.”<sup>17</sup>

### **EMANCIPATION FOR FOSTER YOUTH MORE DIFFICULT**

Adolescence is a period of physical, emotional and social growth in which we mature from the dependence of childhood to the interdependence of adulthood.<sup>18</sup> This transitional period is a difficult time for teenagers. However, the transition faced by teenagers in foster care is further complicated by the many problems which often plague this population. Children who enter foster care frequently have emotional, behavioral, developmental, and health problems that reflect the difficult family and environmental circumstances that caused them to be removed from their home in the first place.<sup>19</sup> They have oftentimes been exposed to abuse and neglect and have complex family relationship issues.

Too often children age out of or leave the foster care system before they are prepared for independence. A recent report from the Casey Foundation indicates that 1 in 6 young adults lacks the skills to take on adult responsibilities.<sup>20</sup> The majority of youth in the general population do not become self-sufficient at age 18.<sup>21</sup> In fact, in the general

---

<sup>16</sup> *Id.*

<sup>17</sup> Focus newsletter supra note 11.

<sup>18</sup> Nixon, Robin, *Key Issues in Adolescent Development*, Training Session for CASA Volunteers (December 1997).

<sup>19</sup> Wertheimer, Richard, Ph.D., *Youth Who “Age Out” of Foster Care: Troubled Lives, Troubling Prospects*, Child Trends (December 2002).

<sup>20</sup> Inskip, Steve, *Profile: Efforts to Help Young Adults Who Feel Disconnected from Society*, National Public Radio (June 10, 2004).

<sup>21</sup> Nollan & Downs supra note 2.

population most teenagers receive financial support until the age of 25 and don't achieve economic maturity until age 30.<sup>22</sup> Robin Nixon, Director of Transition Advocacy with the National Foster Care Coalition, queried: "We do not expect 18 year-olds to be self supporting, so why should we expect children in an area of social disadvantage to be able to do this?"<sup>23</sup> Despite this, foster youth are almost always expected to suddenly make the transition at 18 with virtually no financial resources, few personal and family connections and little if any continuing support from the foster care system.<sup>24</sup> They are often not developmentally prepared for the tasks of self-sufficient adulthood at the age of 18, and have not received adequate preparation for independent living. This lack of preparation leads to former foster children becoming homeless, jobless and clients of the adult "systems" – criminal, welfare, and mental health.<sup>25</sup>

### **TROUBLING PROSPECTS FOR FOSTER YOUTH**

Too often the focus of foster care services has been on temporary placement rather than permanency and the strengthening of family connections. Additionally, services have been centered on behavior management and control while the future educational, employment, health and social needs and goals of youth have been disregarded. As a result, the current prospects for adolescents aging out of the foster care system are very poor. Multiple studies indicate that the foster care system does not adequately prepare youth for this overwhelming transition.<sup>26</sup> The inadequacy of foster

---

<sup>22</sup> *Id.*

<sup>23</sup> *Foster Youth at 18: More Help is Needed for Them to Become Successful Adults*, Child Welfare Report, February 2003, Vol.11 No.2.

<sup>24</sup> *Foster Youth at 18: More Help is Needed for Them to Become Successful Adults*, 11 Child Welfare Report 2 (February 2003).

<sup>25</sup> McFarlane supra note 6.

<sup>26</sup> *E.g.* Courtney supra note 3.

care services manifests itself in statistics concerning homelessness, joblessness, and lack of education.

Nationally, only 50% of youth aging out of the foster care system will have completed high school.<sup>27</sup> 25 % will be homeless for at least one night.<sup>28</sup> Additionally, almost 40% of these youth will be dependent on some form of public assistance or Medicaid.<sup>29</sup> 27% of males and 10% of females will be incarcerated at least once.<sup>30</sup> 60% of females will have given birth and 24% of males will have fathered a child within 4 years of the transition out of foster care.<sup>31</sup> 62% will be unemployed within 4 years of leaving the foster care system.<sup>32</sup>

In Oregon, the prospects for adolescents aging out of foster care are even grimmer. A number of factors have contributed to a decrease in services and concern for Oregon teens. These factors include: (1) the deinstitutionalization of status offenders without creating and funding the community-based services designed to replace incarceration and juvenile court processing; (2) the Juvenile Department's increased focus on more serious offenders, and decrease in services to status offenders and minor offenders who often have no other resources; (3) the passage of Measure 11<sup>33</sup> which promotes a "get tough" attitude toward juveniles involved in criminal activities by automatically waiving youth 15 and older for specified crimes and imposing severe

---

<sup>27</sup> McFarlane supra note 6.

<sup>28</sup> Westat Inc., *A National Evaluation of Title IV\_E Foster Care Independent Living Programs for Youth*, Washington, D.C.: HHS, 3 (1991). The Westat study involved youth interviewed 2.5 to 4 years after they left foster care.

<sup>29</sup> *Id.*

<sup>30</sup> Loman, Anthony & Siegel, Gary, *A Review of Literature on Independent Living of Youths in Foster and Residential Care*, Institute of Applied Research, St. Louis, Mo., 8 (November 2000).

<sup>31</sup> *Id.*

<sup>32</sup> Moore, Amber, *What Does an 18<sup>th</sup> Birthday Mean to a Child in Foster Care?*, Child Trends (January 2003) <http://www.childtrends.org>

<sup>33</sup> ORS 137.700 *et seq.*

mandatory sentences without consideration of the circumstances of the offense or the maturity of the child; (4) the shifting of services by policy makers and public and private agencies from teens to younger children based on beliefs about the importance of early brain development.

The number of Oregon teens graduating from high school continues to be lower than the national average with only a 67% graduation rate as compared to 74% nationally.<sup>34</sup> Additionally, only 39% of foster teens exiting ILP obtained a GED or high school diploma and only 36% achieved some level of life skills competency.<sup>35</sup>

### **Homelessness**

The biggest challenge that youth face in making the transition from foster care to independent living is assuming responsibility for their own housing.<sup>36</sup> There are many obstacles which make it difficult for teens to find housing, let alone teens in foster care, including: cost, availability of suitable housing, willingness of landlords to rent to young tenants, and lack of job experience/ high school diploma. As a result, many of these youth become homeless.

56% of youth accessing federally funded youth shelters in 1997 had previously been in foster care.<sup>37</sup> 3 in 10 of the nation's homeless adults are former foster children.<sup>38</sup> 34% of foster youth had been homeless or lived in 4 or more places within 12 to 18 months after exiting foster care.<sup>39</sup> A study sampling 21 homeless service organizations

---

<sup>34</sup> Graves, Bill, *One-third of Teens in State Don't Graduate*, The Oregonian, 1 (November 13, 2001).

<sup>35</sup> McFarlane supra note 6.

<sup>36</sup> Sheehy, Alfred et. al., *Promising Practices: Supporting Transition of Youth Served by the Foster Care System*, 7 (1999).

<sup>37</sup> Courtney supra note 3.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

nationwide revealed that 36% of the population served had a history of foster care.<sup>40</sup> Additionally, a Minnesota study found that 21% of people in transitional housing, 22% of women in battered women's shelters, and 26% of those in emergency shelters were in foster care as children.<sup>41</sup> A recent study of former foster youth in the Midwest found that 14% of youth aging out of care at 18 were homeless and 11.5 % reported often not having enough to eat.<sup>42</sup>

The status of foster children in Oregon is even more shocking. There are between 2000 and 3000 homeless youth in the Portland area alone and of these it is estimated that between 20-50% were previously in foster care.<sup>43</sup> A study of homeless teens accessing various youth services in Portland found that 25% were currently involved in the child welfare system and 90% had previous experience with the child welfare system.<sup>44</sup>

### **Education and Employment**

Education is a foundational tool that is necessary for the future stability of teens transitioning out of foster care. It is often determinative of job acquisition, financial well-being and access to housing. However, children in foster care face many obstacles which prevent them from succeeding in school: (1) children in foster care are more likely to have special education needs than children in the general population – special education referral rates are three times greater for students in foster care than non-court involved students, and 30-50% of children in foster care will be found eligible for special school

---

<sup>40</sup> Grasso, Kathy, *Litigating the Independent Living Case*, ABA Center for Children and the Law, Washington, D.C., 166.

<sup>41</sup> Roman, Nan and Wolfe, Phyllis, *Web of Failure: The Relationship Between Foster Care and Homelessness*, National Alliance to End Homelessness (April 1995).

<sup>42</sup> Davey, Monica, *Those Who Outgrow Foster Care Still Struggle, Study Finds*, The New York Times (May 19, 2005).

<sup>43</sup> Foley, Ramona, *From the Administrator*, Focus Newsletter (October 2000).

<sup>44</sup> National Alliance to End Homelessness, *Data Informs Providers to Homeless Youth in Portland, Oregon*, Alliance Online News (October 18, 2002).  
<http://www.endhomelessness.org/pub/onlinenews/101802.htm>

services.<sup>45</sup> (2) Foster youth have a higher incidence of behavioral problems and as a result are often siphoned out of the mainstream school environment and placed into alternative programs where the goal is obtaining a GED, not graduating from high school. Recent studies show that the life prospects of GED earners are more similar to those of high school drop outs than high school graduates, calling into question the utility of GEDs.<sup>46</sup> They are more than twice as likely as high school graduates to be jobless and when employed earn 30% less.<sup>47</sup> (3) Foster youth often face emotional and physical instability as a result of family upheaval and movement from one temporary placement and school district to another, making consistency in schooling very difficult. This situation is further exacerbated by the inadequate educational planning services provided by the foster care system.

Teens in foster care have high educational aspirations. 70% plan to go to college.<sup>48</sup> However, these ambitions are out of sync with their achievements. More than half of youth aging out of foster care have not graduated from high school compared to an 86% completion rate for all youth age 18-24.<sup>49</sup> 50 58% fail at least one class and are suspended at least once after 7<sup>th</sup> grade.<sup>51</sup> Additionally, only 1 in 8 foster children graduate from a four-year college.<sup>52</sup>

Based on these poor education outcomes, it is not surprising that employment and financing create even greater difficulties for foster teens. Only 38% of teens are

---

<sup>45</sup> Godsoe, Cynthia, *Caught Between Two Systems: How Exceptional Children in Out of Home Care Are Denied Equality in Education*, Yale Law and Policy Review, 15 (2000).

<sup>46</sup> Graves, Bill supra note 34.

<sup>47</sup> *Id.*

<sup>48</sup> The Youth Transition Funders Group Foster Care Work Group with the Finance Project, *Connected by 25: A Plan for Investing in Successful Futures for Foster Youth*, 10 (2004).

<sup>49</sup> *Id.*

<sup>50</sup> Nollan & Downs, supra at note 2.

<sup>51</sup> The Youth Transition Funders supra note 47.

<sup>52</sup> *Id.*

employed 12 to 18 months after exiting the foster care system.<sup>53</sup> Less than half had held a full-time job and of those who had been employed, their median salaries were less than a full-time worker making minimum wage.<sup>54</sup> A recent study shows that those youth who aged out of care at 18 were 50% more likely to be unemployed and out of school than those youth who stayed in care until 21.<sup>55</sup>

### **Physical and Mental Health**

Health care presents one of the most difficult problems for youth making the transition to adulthood. There are several obstacles which make access to health care virtually insurmountable for teens transitioning out of care: (1) The health care and insurance systems are often foreign concepts to youth. Understanding how to navigate the system presents a considerable challenge. (2) To make matters worse, even if youth can navigate the health care system, eligibility requirements make it exceedingly difficult to obtain coverage. Although the Chafee Act allows states to provide *per se* eligibility for former foster youth up to the age of 21, Oregon has declined to do so due to costs. Additionally, the Oregon Health Plan stopped enrollment for the Oregon Standard Plan on July 1, 2004. Foster youth may still enroll, however they must do so prior to discharge and must keep up to date on their payments or they will be dropped and lose the ability to re-enroll. (3) Additionally, youth in foster care often have emotional and psychological problems arising from their histories of abuse and neglect and their instability in foster care.<sup>56</sup> Mental health problems burden youth in foster care at a higher rate than children

---

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Davey supra note 42.

<sup>56</sup> McFarlane supra note 6.

from similarly deprived backgrounds who have remained in parental or informal family care.<sup>57</sup>

It has been estimated that young adults ages 15-24 are more than twice as likely to suffer a psychiatric disorder as 45-54 year-olds.<sup>58</sup> Foster youth are plagued by mental disorders at an even higher rate. Children in foster care have 3 to 7 times as many health, developmental, and emotional problems as non-foster youth from similar socioeconomic backgrounds.<sup>59</sup> One California study reported that while children in foster care make up only 4% of the Medicaid eligible population, they consumed 41% of the Medicaid mental health services.<sup>60</sup> 44% of youth who have transitioned out of foster care reported difficulty accessing health care.<sup>61</sup> 50% have no insurance as opposed to 30% among the general population of young adults 18-25.<sup>62</sup> 47% of children in foster care receive mental health services while in foster care, however, only 21% received those services after exiting care.<sup>63</sup>

### **Burden on Society: Incarceration, Pregnancy, Drug use**

As a result of the education, employment, housing and health related problems faced by foster youth, many become involved with the criminal justice system. 27% of males and 10% of females are incarcerated within 12-18 months after exiting foster care.<sup>64</sup> 41% will spend time in jail at some point in their lifetime.<sup>65</sup> 24% of former foster

---

<sup>57</sup> Godsoe supra note 44.

<sup>58</sup> Polgar, Michael and Cabassa, Leopoldo, *Continuity of Mental Health Care for Young Adults*, Focal Point (2001).

<sup>59</sup> Godsoe supra note 44.

<sup>60</sup> Halfon, N., Berkowitz, G., Klee, L., *Mental Health Service Utilization by Children in Out of Home Care in California*, 89 Pediatrics 1238, 1238-1244 (1995).

<sup>61</sup> Courtney, Mark supra note 3.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

youth report having sold drugs in order to support themselves.<sup>66</sup> 11% reported having sex in exchange for money.<sup>67</sup>

In addition to incarceration, many foster youth will become dependent on welfare. 32% of foster youth will have received welfare within 12-18 months after exiting care.<sup>68</sup> Pregnancy rates are also high among foster youth with 60% of female foster children becoming pregnant within 4 years after exiting care.<sup>69</sup> Approximately 25% of male foster children will have fathered a child within 12-18 months of exiting foster care.<sup>70</sup>

### **Repeating History**

Youth aging out of the foster care system face a difficult journey into adulthood, beset by homelessness, joblessness, health and financial problems. However, the troubles faced by foster youth are not limited to the youth themselves; the repercussions are felt throughout society. Dependence on welfare and high incarceration rates drain societal resources, needlessly creating problems which could have been prevented by early intervention and planning with foster youth.

However, the most troubling aspect of foster care outcomes is its cyclical nature. A New York study found that homeless parents who have grown up in foster care are more than twice as likely to have their children placed in foster care and have an active case of child abuse with the Child Welfare Administration.<sup>71</sup> 27% of homeless parents with a history of foster care have children in foster care.<sup>72</sup> A study of parents enrolled in

---

<sup>66</sup> Graf, Ben, *Information Packet: Foster Care Independence Act of 1999*, National Resource Center for Foster Care and Permanency Planning (May, 2002).

<sup>67</sup> *Id.*

<sup>68</sup> Courtney supra note 3.

<sup>69</sup> Werthmeimer, R. supra note 19.

<sup>70</sup> *Id.*

<sup>71</sup> National Alliance to End Homelessness, *Web of Failure: The Connection Between Foster Care and Homelessness*. (July 1995) <http://www.endhomelessness.org/pub/fostercare/webfapdx.htm>

<sup>72</sup> *Id.*

housing programs found that 77% of parents with a history of foster care had at least one child with a foster care history or that was currently in foster care.<sup>73</sup>

Foster care has become a virulent cycle. The inadequacies of the system have penetrated the generational barrier, transferring from parent to child. Just as the foster care system transitions youth out of care, their children follow them into care. This cycle must be stopped; the stability of future generations depends on it.

### **IMPROVING OUTCOMES FOR TEENS IN FOSTER CARE:**

#### **RECOMMENDATIONS FOR CHANGE**

Improving outcomes for youth exiting care requires reformulating the goals and practices of the child welfare system. Over the past decade, federal and state legislation and litigation have provided a strong impetus for reform. Three core principles have emerged from this reform, which are essential to improving outcomes for youth:

- **First, the child welfare system must provide substantial support for children in foster care.**
- **Second, continuous permanency planning for teens must be a priority.**
- **Third, youth must have a comprehensive transition plan designed to aid them in their transition out of care.**

DHS workers are the first line of defense for children in foster care and as such must ensure that teens receive the support necessary for them to develop into competent successful adults. Teens should not face the transition to adulthood alone. Foster youth often lack the community and family connections enjoyed by non-foster youth. Youth should be connected with services in the community to address mental and physical

---

<sup>73</sup> Roman, Nan supra note 41.

health problems. They should also be connected with mentors in the community or nationally. Additionally, foster parents, biological parents, relatives, attorneys, CASA's and other possible supports should be involved with assisting the youth in planning for and making the transition to adulthood. Foster youth, through these supportive connections, should be given the opportunity to have normal teen experiences such as learning to drive or holding down a summer job.

Permanency must also be a goal for foster youth. Children in foster care often lack the family stability necessary for them to develop into healthy and successful adults. They have experienced the upheaval and disintegration of their family unit and desperately need a safe and stable foster care environment in which to grow. In 1990, 17% of those legally free and awaiting adoption were 13 and older.<sup>74</sup> Teens want and deserve families. More teens should be given the permanency goals of adoption, guardianship, or placement with relatives. "Out of an estimated 600,000 children [nationally] in care, it is estimated that 40,000-80,000 have been freed for adoption but remain unadopted."<sup>75</sup> Courts should maintain jurisdiction over all children not adopted or placed with a permanent guardian until they reach their 21<sup>st</sup> birthday.

One of the important reasons that adoption should be encouraged for teens is that we know from numerous studies that children who are adopted have significantly better outcomes than those cited above for children who grow up in long term foster care.<sup>76</sup> Adopting adolescents has been shown to be a good experience for the families that take

---

<sup>74</sup> Sparr, Orphan Foundation of America (2001).

<sup>75</sup> McFarlane supra note 6.

<sup>76</sup> Berry, Marianne & Barth, Richard, *A Study of Disrupted Adoptive Placements of Adopted Adolescents*, 69 Child Welfare 3, 210-211 (May-June 1990).

on these children<sup>77</sup> and a benefit to teens who are adopted. Adoption provides a family on whom the youth may call for support throughout his life. Information about Adoption Subsidy, which is provided for all adoptions of older children, and tax credits and deductions that are available for families who adopt children from the foster care system should be made available to prospective adoptive families.

Biological families generally do not cut their children free when they reach the age of majority. One's family can remain an important source of love, guidance, and financial and emotional assistance through many of life's passages.<sup>78</sup> Permanency, especially for older children nearing adulthood, needs to be reconceptualized to include a broader range of options that promote connections with family and important adults in their lives.<sup>79</sup>

Other permanency options such as reunification with parent(s), placement with relatives or guardianship can also provide the permanency all teens need to successfully transition to adulthood.

Finally, youth must have a comprehensive transition plan before emerging from care. Youth transitioning out of care face enough challenges as it is. Transitioning out of care without any plan or awareness of the challenges that they will face nearly guarantees that youth will fail. Youth must emerge from care armed with a plan and the knowledge necessary to put it into action. The planning process ensures that youth emerge from care aware of the challenges they will face and the various resources available to them. The plan should include goals regarding the youth's housing, education, employment, health

---

<sup>77</sup> McFarlane supra note 6.

<sup>78</sup> *Id.*

<sup>79</sup> Landsman, Malone, Tyler, Black, and Groza, *Achieving Permanency for Teens: Lessons Learned from a Demonstration Project*, 2 The Prevention Report 2, 2 (1999).

and community support needs. Caseworkers and the youth's support team should work with the youth to develop the plan and in doing so should empower the youth to make decisions about her future.

### **Federal Law and Funding**

Federal and state legislation play an important role in transition planning by establishing guidelines and providing funding and resources for youth exiting foster care. Teen workers should keep these in mind when assisting youth in developing a transition plan.

#### *The Independent Living Initiative*

The Independent Living Initiative was passed in 1986 in response to concerns raised by several studies showing poor outcomes for youth exiting foster care. At the time, about half of the children in foster care were age 12 or older, and many of these teens were expected to exit foster care as adults who must live on their own.<sup>80</sup> Under the ILI, funds were allocated to the States under Title IV-E of the Social Security Act to provide independent living services to older teens in foster care. ILI funds were only available for IV-E eligible youth and thus ILI services were frequently not available to youth in kinship care or youth who had left foster care. In 1990, the ILI was amended to allow states to extend eligibility for services to non-IV-E eligible youth and to former foster care youth. Funds could be used to provide counseling, educational assistance, life-skills training, vocational support to youth in care, staff training, foster parent training, and youth participation activities such as annual youth independent living conferences.

---

<sup>80</sup> Westat, Inc., *A National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth*, Phase I, Final Report Rockville, MD, (1988).

### *The Foster Care Independence Act of 1999*

Despite enactment of the ILI, Congress found that the approximately 20,000 adolescents leaving foster care each year upon turning 18 were having difficulty successfully making the transition to adulthood. As a result, The Foster Care Independence Act of 1999<sup>81</sup> was enacted by Congress. The Act created the John C. Chafee Foster Care Independence Program which replaces the ILI and continues services that states began providing under the ILI. The primary purpose of the Act was to expand the provisions for Independent Living Programs by doubling federal allotment of funds, extending coverage to former foster youth and to youth ages 18 to 21. Additionally, the law clarified that independent living activities should not be seen as an alternative to permanence for children, but rather as a program that can be provided *concurrently* with adoption and other permanency activities.

Several important changes were made by the Chafee legislation. It allowed states to use federal funds for older youth between the ages of 18 and 21 who have already aged out of foster care. The Act also doubled the amount of federal money for independent living programs from \$70 million to \$140 million and allowed states more flexibility in developing supportive programs for foster youth. The Chafee legislation also removed the minimum age requirement of 16 for ILP eligibility and allowed states to determine the age at which they would begin to provide Chafee services. Oregon set the age limit at 14 and now requires a youth to either currently be in foster care or to have been in foster care for 180 days after the age of 14 to be eligible for services. Additionally, the legislation required youth to participate directly in designing their own program activities that prepare them for independent living.

---

<sup>81</sup> 42 U.S.C. § 677 (2000).

The Chafee legislation also permitted states to use up to 30% of their federal independent living funds for room and board for youth who have left foster care, either in the form of individual assistance or in independent living residences such as Portland's Powerhouse Program. Youths ages 18 to 21 who were in foster care at 16 or older qualify for the housing benefit.<sup>82</sup> Parents of foster youth reuniting with them at age 18 are also eligible for section 8 housing, if housing is the only issue preventing reunification. The Subsidy Program and Chafee Housing Program have additional eligibility requirements. The law also allowed states to opt to provide Medicaid coverage for former foster children ages 18 to 21 who were in foster care on their 18<sup>th</sup> birthday.

*Title IV-E and ASFA*

The Adoption and Safe Families Act (ASFA)<sup>83</sup> amended current foster care law under Title IV-E of the Social Security Act, making safety, permanency and the well-being of children in foster care the primary focus of the child welfare system. ASFA requires meaningful permanency planning for all children, including teenagers. It is further clear in ASFA that independent living is not a preferred permanency option.<sup>84</sup> The approved permanency options under ASFA are: return to parent; adoption; legal guardianship; or another planned permanent living arrangement. To approve another planned permanent living arrangement, DHS must document a compelling reason why it would not be in the child's best interests to pursue one of the other permanency options.<sup>85</sup>

Under ASFA, DHS must make reasonable efforts to find adoptive families for all children, including teens, for whom reunification is not in their best interest. ASFA

---

<sup>82</sup> Kellan, Susan, *Growing Independence*, Connect for Kids (October 26, 2001).

<sup>83</sup> Pub. L. No. 105-89, § 302, 111 Stat. 2115, 2115 (1997).

<sup>84</sup> American Bar Association, *America's Children Still At Risk – A Report of the Steering Committee on the Unmet Legal Needs of Children*, 238 (2001).

<sup>85</sup> Pub. L. No. 105-89, § 302, 111 Stat. 2129, 2129 (1997).

requires states to hold review hearings every six months and permanency hearings at least every 12 months after entering care. At the permanency hearing, the court is required to make a determination of whether DHS has made reasonable efforts to finalize the permanency plan in place for the youth through a court order. If the court finds that no reasonable efforts have been made, then the Agency loses their ability to use Title IV-E money to pay for the child's foster placement until a positive finding has been made.

*Promoting Safe and Stable Families Amendments of 2002*<sup>86</sup>

In January of 2002, President Bush signed the Promoting Safe and Stable Families Amendments of 2001 into law. The Amendment adds funding for post-secondary education to the Chafee Program, however the funding is kept separate from other Chafee Independent Living Program funds. The Amendment provides qualified foster youth exiting foster care with post-secondary education and educational training vouchers (ETV's) of up to \$5,000 annually. The eligibility requirements are similar to those of other Chafee programs. The vouchers can be used for 2 and 4 year universities, vocational training programs and job training programs. The vouchers are not considered when determining a youth's eligibility for other federal educational assistance benefits, except that the total educational assistance amount cannot exceed the total cost of attendance. State's have wide discretion as to who receives ETV's.

**The System of Care Agreement**

The inadequacy of foster care services for teens prompted the Juvenile Rights Project, Inc. (JRP) and National Center for Youth Law to threaten litigation against the State of Oregon's Department of Human Services. To avoid litigation, DHS entered into

---

<sup>86</sup> 42 U.S.C. §677(i) (2004).

an agreement with JRP and NCYL that was designed to improve the quality of services offered to children, including teens in the foster care system.

The agreement calls for the continued implementation of a series of child welfare reforms called Systems of Care (SOC), based on a strength/needs-based practice approach that addresses children's safety, permanency, attachment and well-being needs. DHS workers must be trained in strength/needs based (SNB) practices. The training must emphasize that these practices apply to *all* children ages birth to 18 and to those youth who may require continued placement and custody from the State after age 18. Under the agreement, children ages birth to 18 may not be excluded from DHS protective services intervention and out-of-home placement based on age.

In addition to training DHS workers, the agreement specifies certain practices and goals designed to improve foster care services. First, DHS workers must assess and plan for the safety, attachment and well-being needs of children on a case-by-case basis throughout the life of the case. Second, DHS must provide adequate support for teens in foster care. Third, permanency must be a goal from the outset. Fourth, DHS workers must devise a comprehensive transition plan for children exiting the foster care system.

The agreement requires DHS workers to provide support for teens in foster care in several different ways: (1) First, DHS must recruit and retain foster parents for teens and enhance supportive services for them. The goal is to significantly increase the number of qualified providers of shelter care, respite care, supplemental supervision and therapeutic foster homes. (2) Second, the agreement calls for the improvement of educational outcomes for foster children by increasing the percentage of high school age foster children with sufficient credits to graduate on time. (3) Third, DHS will continue to train

workers with regard to mental and physical health services available to low-income individuals to ensure that teens receive all of the services that they are eligible for.

The settlement agreement between JRP and DHS requires that permanency for teens in foster care be a goal from the outset. DHS must make reasonable efforts to decrease disruptions in foster placements by: (1) matching teens to appropriate placements and supporting these placements; (2) implementing the concurrent plan from the beginning; (3) decreasing the number of children in institutional and group care; and (4) reducing the number of placement moves children in care experience. DHS must also improve the percentage of older children and teens that are adopted or have other stable placements.

In addition to planning for services to better teens' experience while they are in foster care, the agreement requires DHS to create a transition plan for children exiting the foster care system. The agreement calls for an increase in the percentage of children in DHS custody who have a written transition plan at or before age 16. In order to do this effectively DHS must assess each teen's strengths and needs on a case-by-case basis and correlate the plan with these specific needs.

The agreement also requires each county to designate a child welfare staff expert in teen services. DHS teen experts are essential to the implementation of this agreement. It is the charge of the DHS teen expert to promote the execution of the agreement as it relates to teens. Teen experts should be the "go-to" person when it comes to information about teens in foster care. They should expand their expertise, keep up on current issues relating to teens in their Service Delivery Area and make this information available to

others. This includes serving as a liaison to the SOC Manager and Juvenile Rights Project on local teen issues.

### **Oregon State Law and Policy**

#### *Oregon's Former Foster Child Scholarship*

House Bill 2431 was introduced to the Oregon legislature on February 1, 2001 to provide tuition assistance to Oregon foster children to attend Oregon public colleges. The Bill eventually passed, with the legislature providing \$100,000 per biennium to pay former foster children's tuition. The scholarship is also funded by private donations through the Oregon Student Assistance Commission (OSAC). Unfortunately, the scholarship was not funded for the 2003-2005 budget period, but still receives private donations. Advocates proposed Senate Bill 5527 in 2005 in an attempt to re-secure state funding.

#### *Senate Bill 808 – Transition Planning*

Senate Bill 808<sup>87</sup> was enacted in 2004 in order to help address the problem of youth aging out of foster care unprepared for adulthood. The Bill created requirements for transition planning and court supervision of the plan. It put into statute DHS policy requiring a transition plan for independent living for each child at least by the time she reaches age 16. DHS is required to ensure that their case planning addresses the child's needs and goals for a successful transition to independent living, including goals related to housing, physical and mental health, education, employment, community connection and supportive relationships.<sup>88</sup>

---

<sup>87</sup> ORS § 419B.476 (2003).

<sup>88</sup> ORS § 419B.343(3) (2003).

The statute also requires the Court to review the plan, including existing transition plans for children ages 14 to 16 years old. The Court must review the plan at each permanency hearing. This involves determining and making findings as to: (1) whether the plan is adequate to ensure the child’s successful transition to independent living; (2) whether the [D]epartment has offered appropriate services pursuant to the plan; and (3) whether the [D]epartment has involved the child in the development of the plan. (See Appendix “E” for text)

The Independent Living Program State Advisory Committee has created a sub-committee to work on crafting a document to help DHS caseworkers to meet the requirements of Senate Bill 808. The Committee has drafted a “Transition Readiness Index” which is currently being tested in several DHS offices around Oregon. The form was distributed statewide on July 8<sup>th</sup> during the annual ILP Teen Conference in Astoria. (See Appendix “F”)

*Senate Bill 1034 – Follow up to transition planning*

In July 2005, the Oregon legislature enacted Senate Bill 1034<sup>89</sup>, which provides follow up to the transition planning requirements of SB 808. The new legislation first emphasizes that wardship of a youth may be continued until the age of 21.<sup>90</sup> Additionally, it provides for the circumstances in which the court may dismiss commitment of a ward to DHS. The legislation provides that a court may dismiss wardship where the ward has been safely reunited with a parent or a safe alternative has been implemented, *and* the ward has been provided with certain transition planning services.<sup>91</sup> Specifically, the statute requires DHS, where the youth is between the ages of 14 and 21, to have provided

---

<sup>89</sup> ORS §419B.337 (2005).

<sup>90</sup> ORS §419B.337(5) (2005).

<sup>91</sup> ORS §419B.337(6) (2005).

transition planning pursuant to SB 808, to have provided appropriate services pursuant to the plan, to have involved the ward in the transition planning process, and to have provided or assisted the ward with safe and stable housing such that he is unlikely to become homeless as a result of dismissal.<sup>92</sup> Thus, transition planning is not just a case planning requirement, but has also become an integral part of the decision to dismiss or continue wardship.

*House Bill 3075 – Staying in school*

Teens in foster care are often transitioned from school to school as they are moved across district lines to different foster homes. This lack of continuity is one of the biggest educational hurdles foster children face. The Oregon legislature reacted to this problem in July 2005 by enacting House Bill 3075.<sup>93</sup> The legislation allows for a youth to continue to attend the school that they attended prior to being placed in a foster home by DHS so long as the court determines that it is in his best interest.<sup>94</sup> The youth is considered a resident of the school district where she resided prior to placement and is allowed to continue attending school in her resident district through the highest grade level of the school.<sup>95</sup> DHS is responsible for providing the youth transportation to and from school when the need arises due to the location of the youth's placement.<sup>96</sup> Additionally, the new legislation requires DHS to consider the youth's need to continue in the same school when determining placement of the youth.<sup>97</sup> HB 3075 also requires schools to facilitate continuity by requesting student records in a timely manner. A foster

---

<sup>92</sup> ORS §419B.337(6)(b)(i)-(iv) (2005).

<sup>93</sup> ORS 339.133(5) (2005).

<sup>94</sup> ORS 339.133(5)(a) (2005).

<sup>95</sup> ORS 339.133(5)(a)(A) – (B) (2005).

<sup>96</sup> ORS 339.133(5)(b) (2005).

<sup>97</sup> ORS 419B.192(2)(c) (2005).

youth's school is required to request the youth's educational records from their former school within 5 days of the youth seeking enrollment. Likewise, the former school is required to provide the records within 5 days of the information being requested.<sup>98</sup>

## **THE COMPREHENSIVE TRANSITION PLAN: NOT JUST A CHECKLIST OF SKILLS**

State and Federal requirements regarding comprehensive transition planning for teens in foster care signify an important policy shift in the treatment of these teens.<sup>99</sup> It represents a move away from the temporary planning and behavioral management which have failed foster youth in the past, toward a method of long-term future planning designed to empower youth to obtain educational and employment-related success. Essential to this shift is the advent of comprehensive transition planning for youth exiting foster care. A well-thought out transition plan can make the difference between whether a youth becomes homeless and jobless or becomes a successful and productive member of society.

### **Understanding Adolescence**

An understanding of adolescent development and the context of their behavior is essential to the planning process. Adolescence is a time where youth fluctuate between a need for security and a desire to be independent from the very people and institutions that have provided them with this security.<sup>100</sup> Indecision, impulsiveness and rebelliousness are all normal teenage traits, which, unfortunately, can have devastating consequences for

---

<sup>98</sup> ORS 326.575(3) (2005).

<sup>99</sup> Youth Advocacy Center, *The Future for Teens in Foster Care: the Impact of Foster Care on Teens and a New Philosophy for Preparing Teens for Participating Citizenship*, 41 (2001).

<sup>100</sup> Onkeles, Laura, *Practitioner's Guide for Judges and Attorneys: Providing for the Well-being of Youth Aging Out of Foster Care*, ABA Center for Children and the Law (2004) DRAFT.

youth aging out of care. It is important for caseworkers, attorneys and judges to recognize these traits as growing pains and boundary testing rather than as personal attacks. Adults supporting the youth must provide reinforcement that a teen's selfish behavior will not alienate those adults who care deeply for her well-being.<sup>101</sup>

Research on adolescent brain development provides additional context for understanding adolescent behavior. The frontal lobe of the brain is responsible for the brain's most advanced functions, including planning, impulse control, anticipation of consequences and abstract thinking.<sup>102</sup> A UCLA study found that the frontal lobe of the brain undergoes far more changes during adolescence than at any other stage in life.<sup>103</sup> It is also the last part of the brain to fully develop, meaning that even though adolescents are fully capable in other areas, they cannot reason as well as adults.<sup>104</sup> In order to compensate for this, adolescents often rely on emotional parts of the brain.

### **Interviewing Techniques<sup>105</sup>**

In addition to understanding the biological and social context of adolescent behavior, it is important to develop rapport with the youth. In order to effectively plan, caseworkers and practitioners must be able to communicate effectively with the youth. Essential to communication is establishing and maintaining trust. Developing this trust requires patience and awareness on the part of the caseworker. Questions regarding the youth's future or skills may elicit defensive, hostile or flippant comments. These

---

<sup>101</sup> Onkeles supra note 88.

<sup>102</sup> Oritz, Adam, *Adolescence, Brain Development and Legal Culpability*, American Bar Association (January 2004).

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> Adapted from Onkeles supra note 88.

responses must be interpreted in light of the youth's circumstances. Their defensiveness may be a product of a traumatic visit with a biological parent or dysfunction in their foster home. The following tips can help practitioners open the lines of communication and help foster youth develop the trust necessary to assist in developing a meaningful transition plan:

- *Don't take a teen's behavior personally.* Teens rebel in order to test boundaries and test an adult's commitment to them. Although this can be frustrating, it is important not to let this interfere with your advocacy for the youth. The key is to evaluate the behavior without condemning the youth.
- *Ask non-accusatory questions.* Youth are likely to be defensive when asked accusatory question, whether veiled or not. Rather than assuming wrongdoing by asking, "what did you do this time," use less judgmental questions such as, "what happened?" Also, be careful of "why" questions (i.e. – "why did you skip school?"). Instead, ask questions that let the youth know that they can trust you (i.e. – "I heard you weren't in school. What happened?").
- *Ask open-ended questions.* Ask questions that require more than a yes or no answer. Listen carefully and ask follow up questions to make sure you understand what the youth is trying to communicate to you.
- *Avoid making judgments or assumptions.* Don't assume that you know more facts about the youth's life than you already do, this may limit the information the youth shares. For example, if a youth is pregnant don't assume that the sexual activity was consensual.

- *Meet youth half way.* Explain each step of the emancipation process to youth using language that they understand. Ask questions to make sure that the youth understands. Also remember that youths use words and phrases unfamiliar to many adults. Ask for clarification if the meaning of a youth's statement is unclear. This will reassure the youth that what she says is important and that you are actually listening.

### **Guiding Principles**

A transition plan is not just a checklist of skills required for the youth to be successful, but rather a collaborative process through which the youth should feel empowered to achieve her aspirations. Teens should be involved in making important decisions that affect their lives. Their transition to adulthood is in large part dependent upon their ability to make appropriate decisions regarding their own transition plan.<sup>106</sup> Youth who have a sense of self-esteem and feel empowered are often better equipped to handle the challenges of independent living.<sup>107</sup>

In addition to involving youth in the planning process, other members of the family and community should collaborate in the plan. Preparing youth to transition into adulthood is a community responsibility. Whenever possible, foster parents, birth parents and other supportive adults and peers should be involved in planning and developing services. Other agencies should also participate in order to secure the myriad of services necessary to prepare the youth for the transition to adulthood.<sup>108</sup>

Cultural awareness and competency is also essential in developing a transition plan that will work effectively for youth. There is a disproportionately large number of

---

<sup>106</sup> Sheehy supra note 36.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

minorities in foster care populations. Oregon data indicate that of children under 18 years of age, 1.4% are Native American, 3.9 % are Asian, 2% are African American and 9.7% are Hispanic.<sup>109</sup> In contrast, 4.1% of children in foster care are Native American and 10.7% are African American, while Caucasian youth are underrepresented by 23%.<sup>110</sup> Nationally, 43% of children in care are African American, 15% Hispanic, 1% Native American and 1% Asian.<sup>111</sup> However, racial minorities are underrepresented in the social work and psychology professions.<sup>112</sup> In order to be effective, the staff involved in transitional planning must be able to view a youth's needs and strengths in the context of his cultural background and integrate this knowledge into the transition plan. Not only will this ensure that the youth is receptive to the plan, but it will also foster a sense of appreciation of cultural differences in the youth.

Finally, it is vital to the planning process that we are honest with teens about the challenges that they face. It is important that they understand that they will be out on their own earlier than their peers and that their history of abuse and neglect will make the transition to adulthood more difficult for them. However, in doing so, it is important also to recognize and value the strength and resilience that the youth embodies and seek ways to enhance these strengths.

Ultimately, a successful plan must promote a youth's development through well thought out, long-term planning rather than seeking to fix things through crisis services.

Whether the plan is developed by an ILP case manager or by the DHS caseworker, such

---

<sup>109</sup> U.S. Department of Health & Human Services, Administration for Children & Families, *Child Welfare Outcomes 1999: Annual Report (Oregon)*  
<http://www.acf.dhhs.gov/programs/cb/publications/cwo99/statedata/or.htm>

<sup>110</sup> *Id.*

<sup>111</sup> Charles, Kristi & Nelson, Jennifer, *Permanency Planning: Creating Life Long Connections*, The University of Oklahoma National Resource Center for Youth Development (April 2000).

<sup>112</sup> Gilbelman, M., Schervish, P.H., *Who we are: The social work labor force as reflected in NASW membership*. Washington, D.C., NASW (1993).

plans must be tailored to the individual teen and must include plans for the youths housing, education, mental and physical health, employment, community connections and supportive relationships.<sup>113</sup> Youth benefit from a single coherent planning process that brings everything together for them in a clear and meaningful way. It's imperative that youth are partners in the planning process and that they are enabled to identify their own strengths and needs based on a comprehensive self-assessment. Following assessment of a youth's strengths and needs, a support team should be constructed and the youth should assist in leading the team in setting transition goals and mapping out steps to accomplish the goals. Finally, an individualized service plan should be developed. Throughout this process, the emphasis should be on strength based planning.

### **Assessment Tools**

The first step in the planning process is assessing the strengths and needs of the youth in order to establish a foundation from which to build the transition plan. The assessment process should involve both the youth's assessment and the team's assessment of her needs.

The Ansell-Casey Life Skills Assessment is an excellent web-based tool developed by the Casey Family Program that is very helpful in assessing a youth's life skills readiness.<sup>114</sup> The assessment forms are available online and scores from the assessment are confidential and sent instantly to the users e-mail address. Assessment scores can be provided and sorted in various ways depending on the needs of the user. The form can be downloaded and printed and only takes 20 to 30 minutes to fill out. The assessment is broken up into "daily living tasks", "housing and community resources",

---

<sup>113</sup> ORS § 419B.476(3) (2003).

<sup>114</sup> <http://www.caseylifeskills.org>

“money management”, “self-care”, “social development” and “work and study habits”. Supplementary questions can also be added. Both the youth and her caregiver are able to provide their assessments of his/her life skills. There are separate versions of the assessment for the youth and his caregiver, which are linked into a single report. The assessment is adjusted for youth at different developmental levels; there are four levels ranging from ages 8 to 25. The assessment is also available in multiple languages.

In addition to the assessment, Casey Family Programs also offers a Lifeskills Guidebook and “Ready, Set, Fly”, which provides suggestions for creative life skills activities to help youth reach their life skills goals.

Youth decision meetings (YDM)<sup>115</sup> are also a very effective way of assessing and planning for a youth’s needs. A YDM can be used in conjunction with a life skills assessment. They are designed to bring together a support group for the youth, including attorneys, relatives, foster parents, caseworkers, mentors and others who assist the youth with goal setting and planning. The process gives youth a voice in planning their future. The meetings are facilitated by an Intensive Family Services worker to ensure that each voice is heard. After the initial support development meeting, additional follow-up meetings are held to monitor the youth’s progress and to alter or add goals to the original plan. (See Appendix “G”)

### **The Plan**

Following assessment of the youth’s strengths and needs, the youth and his support team should identify and define problems, sort out life options and goals, and

---

<sup>115</sup> YDM’s are not yet available in all areas of the State. Information from the YDM model can be viewed in Appendix “G”.

ultimately plan for and establish goals for the future with regard to housing, education, employment, health, and supportive relationships.

### **Housing**

Under no circumstances should a youth be discharged from foster care into homelessness. A comprehensive transition plan must include a detailed set of goals with regard to housing. The following goals are essential to this process:

- The youth should be capable of locating a place to live. This means aiding the youth in navigating newspaper and web advertisements for housing and decoding abbreviations associated with housing such as “Util Incl” and “WW”. Youth should also be directed to specific housing agencies in the area that can assist with housing placement. Child welfare workers can align themselves with local housing providers to better ensure that youth have a place to live upon their release from care.
- Youth should decide what type of housing will best suit their needs and goals. They should discuss the assets and drawbacks of apartment, house and transitional living. Transitional living offers more of a support base for youth and may be an important consideration depending on the needs of the youth.<sup>116</sup> Additionally, the youth should consider whether or not she will be living on her own or whether she would like a roommate. The social skills and support needs of the youth should be evaluated to assist with this determination.
- Youth should also choose where they want to live. They should consider whether they want to live in a rural or urban setting. Youth are more likely to be successful

---

<sup>116</sup> Unfortunately, Oregon does not have many transitional living programs for youth aging out of foster care. Many programs have lost their funding. Outside In, in Portland is one of the few remaining transitional living programs. <http://www.outsidein.org>

in a setting and pace of life that they are familiar with. The location they choose may also impact the availability of housing. Youth in rural areas may be limited in their choices of housing. When choosing a location youth should also consider proximity to family, friends and other sources of support. Youth who are placed in neighborhoods where they have supports, such as former foster parents or relatives, are often more successful.<sup>117</sup> Youth should also consider proximity to public transportation, their job and school.

- Youth must be made aware of their legal rights as tenants. Efforts should be made to educate them with regard to the lease process, landlord/tenant law and housing rights. This should involve going over the lease paperwork, coming up with references and discussing effective ways of dealing with landlords.
- Youth should map out the price of housing and the costs that accompany it such as utilities and furniture. The youth should be encouraged to begin saving money for housing. Additionally, caseworkers should make the youth aware of the financial resources available to them for housing, including ILP Subsidies and Chafee funding (See Appendix “A” for a full list and descriptions of federal housing programs).
- The youth and their support team should assess and work to develop life skills with regard to housing. This includes activities such as cooking, cleaning and money management. Life skills training should be experiential. Foster parents should be a resource for teaching youth these skills. Supervised and transitional living situations allow youth an opportunity to gain hands on living skills prior to

---

<sup>117</sup> Nollan supra note 2.

moving out entirely on their own, but there are currently few of these living situations available in Oregon.

- Once housing is located the youth should also develop a moving plan. This includes securing furniture and moving equipment or soliciting the help of friends or family for moving.
- Finally, the youth should always have a fallback resource. The caseworker should work with the youth to identify family, friends, renter’s organizations and shelters that can be utilized if their housing falls through.

*Tips for Judges and Attorneys*<sup>118</sup>

- Know what housing options exist for youth over 18 in your community.
- Ensure that the youth understands the basic rights and responsibilities of a landlord and tenant, basic sections of a lease, legitimate reasons for being evicted and how to terminate a lease agreement.
- Help the youth establish a permanent mailing address where important state aid documentation can be sent and is guaranteed to reach the youth.
- Advocate for non-traditional housing alternatives for youth that provide the possibility for long-term stability.
- Ensure that foster youth sign up for Section 8 housing as early as possible.

### **Education**

“Successful school experiences and educational outcomes for foster youth are central to the transition process and critical to ensuring a high quality of life for children. The majority of researchers assert that among the multiple and complex challenges facing youth and children in foster care, low educational achievement has the most troubling consequences for adult quality of life.”<sup>119</sup> It is essential that teens are aware of their educational options and the funds available to assist them with whatever option they

<sup>118</sup> Onkeles supra note 88.

<sup>119</sup> Goodman, Naomi et. al., *It’s My Life*, Casey Family Programs (2002).

choose. Youth need to have concrete plans for either completing or continuing their education and it is the duty of the DHS worker to assist them in the development and enactment of these plans. Their ability to find a job, pay for housing and medical care and general quality of life depend on it.

- Youth should be encouraged to continue and complete their education. They should be encouraged to obtain a high school diploma rather than a GED (see page 19). Youth should be retained in the foster care system at least until they obtain a high school diploma.
- Youth should also be assisted in attending their original school. Foster youth are often transitioned through many different schools as they are transferred across district lines to different foster homes. Movement from school to school creates disruption in the educational process and makes it more difficult for the youth to be successful. The goal should be to maximize school stability to ensure a greater likelihood of success. Caseworkers, attorneys and judges should make use of recently enacted HB 3075 to allow for this continuity.
- If a youth has disciplinary problems, her caseworker, CASA and attorney should advocate for her to remain in school.
- The youth and his support team should advocate for his educational needs, especially when the youth has special education needs. The DHS worker should assure that a qualified educational advocate is appointed for the youth. This can be the foster parent, but if the foster parent does not have sufficient training and experience in education advocacy or is uncomfortable with the advocate role, a more qualified advocate should be appointed by the court. A caseworker may not

- serve as an education advocate. The team should advocate for an appropriate Individual Education Plan/504 plan and work to ensure that the plan is being properly implemented. The youth's support team should also monitor his credits and develop a plan to get the youth caught up if he is missing credits.
- Caseworkers, educators, policy makers, caregivers, public officials and the youth themselves should coordinate policy and practice efforts to improve the quality of educational services. This collaboration will enhance the understanding of issues facing foster children and will improve educational outcomes for foster children. The DHS caseworker should serve as a liaison to educators concerning the specific transition needs of the youth and should educate them with regard to the educational issues faced by many foster youth.
  - The youth should work with their caseworker to develop a career plan. The DHS worker should share different options with the youth so that she can identify which path better suits her wants and needs. Youth should be encouraged to and receive assistance with visiting colleges and vocational schools while they are still in high school so that they can thoroughly explore career choices. Additionally, youth should be connected with career role models and career counselors to aid them with their decision. Informational interviews, job shadowing, internships, technical training and school-to-work programs are all very helpful in supplementing educational instruction.
  - Once the youth has identified a career plan, the support team should identify the education and training needed for that career. Caseworkers should be aware of the educational training resources available to youth, including community colleges,

4 year universities, vocational training programs, occupational skills training, JobCorps, etc. Ultimately, the youth should develop a checklist of the classes and skills necessary for the career path that they have chosen.

- Practitioners should be aware of recently enacted Senate Bill 300<sup>120</sup>, which established the Expanded Options Program. This program allows youth to obtain 2 years worth of college credit free of charge while still in high school and simultaneously earning high school credit.
- Once the youth has identified a specific plan of action the caseworker should assist the youth with gaining admission to the school or training program they have chosen. If needed, the caseworker should help the youth obtain remedial courses or tutoring to help them gain admission. The caseworker should also supply the youth with information on college preparation, the application process, helping to arrange and prepare for admissions tests, providing funding for test fees and providing college prep materials.
- Youth should be made aware of the financial resources available to assist them with college or training program expenses. DHS workers should be fluent in the language of Chafee, Educational Vouchers and Foster Care Scholarships. Caseworkers should also inform youth of the options available beyond the foster care system such as financial aid, scholarships, grants, and independent loans.<sup>121</sup>

---

<sup>120</sup> ORS 327.008 (2005).

<sup>121</sup> There are several educational scholarship resources available to current and former foster care youth. Information regarding Former Foster Children Scholarship, DHS Children, Adults, and Families Scholarship and Chafee Education and Training Scholarship can be obtained through the Oregon Student Assistance Commission (OSAC) at 1-800-452-8807, ext. 7395. Information regarding Casey Family Programs Scholarships and the Hildegard Lash Merit Scholarship is available at <http://www.Casey.org> or via the Orphan Foundation of America at <http://www.orphan.org>.

- Caseworkers and youth should also be aware of laws pertaining to education such as McKinney-Vento<sup>122</sup> and FERPA<sup>123</sup>. (See Appendix “B”)

*Tips for Judges and Attorneys*<sup>124</sup>

- Overcome confidentiality barriers to obtain complete and accurate education records for youth prior to aging out of care.
- Ensure that the youth is aware of their educational records.
- Advocate for youth at disciplinary proceedings that may affect their access to continued education. Ensure their rights are protected and that their version of the incident and their unique circumstances are explained when appropriate.
- Discuss education options with youth and help them identify further education plans.
- Educate the youth about the availability of grants, scholarships, and tuition waiver programs that may influence the youth’s decision about continuing his education.
- Determine if the youth is eligible for McKinney-Vento protections to either remain in their home school or gain immediate access to a new school, if appropriate.

### **Employment**

A youth’s ability to acquire stable employment is determinative of her quality of life, including access to housing and health care. Additionally, employment can impact a youth’s self-confidence and hope for the future. Research involving youth who had been consecutively employed in youth work programs for at least one year showed that the most critical outcome of these programs was a positive change in the youth’s mentality and outlook on life.<sup>125</sup> Employed youth not only have a greater likelihood of successfully surviving the transition out of foster care, they also emerge with a sense of personal achievement and greater confidence in society.

<sup>122</sup> 42 U.S.C. § 11431 (2004).

<sup>123</sup> 20 U.S.C. § 1232 (g) (2004).

<sup>124</sup> Adapted from Onkeles supra note 88.

<sup>125</sup> *Id.*

- Youth and their support teams should work to identify their natural skills and abilities. DHS workers and caregivers should provide youth with activities to help them discover their talents and interests.<sup>126</sup> Youth should be encouraged to explore career/job paths through experience. This may involve engaging in extracurricular activities at school, volunteering in the community or babysitting.
- Youths should be assisted with developing long and short-term career goals. Caseworkers should help the youth identify which jobs or programs are attainable presently and which jobs would be attainable after certain preparatory steps had been taken. In developing short term goals, youth should be encouraged to consider whether the type of employment they are seeking will meet their financial needs (i.e. - insurance, stability, training). The youth should develop a plan of action to achieve long-term job goals, such as postsecondary education or seeking out specific types of job and skill-building experience such as JobCorps or internships. When considering long term career goals, youth should be steered toward well paying jobs with good career flexibility and longevity.
- Once the youth has developed a general feel for the type of employment he would like, his caseworker should assist him with searching for jobs. The caseworker should work to develop the youth's job search skills by discussing where to look for employment (newspaper, internet, job agencies) and how to approach employers. Youth should also be assisted with resume and application completion as well as interviewing and attire.

---

<sup>126</sup> The following resources may be helpful: (1) *What Color is Your Parachute?*, Richard Bolles (2) *Career Tests: 25 Revealing Self-tests to Help You Find the Perfect Career*, Louis H. Janda (3) <http://www.careerstorm.com>

- Caseworkers should collaborate with job placement agencies and employment training programs to better prepare the youth to be an effective employee. Caseworkers should emphasize work programs that offer hands on experience and occupational training.
- Caseworkers should also develop an employment-based collaboration with business, social service, and education agencies. This will help better facilitate the road to employment for youth. Additionally, it will increase communication between employers and training programs, resulting in better tailored programs to prepare youth for the workforce.
- Caseworkers should make the youth aware of federal programs available to assist them with finding employment. The Workforce Investment Act<sup>127</sup> is a federal program that mandates states to provide employment services to adults, dislocated workers and youth. Youth aging out of care are eligible for both the youth and adult programs. JobCorps, Americorps and the Conservation Corp also offer youth employment experiences, but in a structured an innovative setting (See Appendix “C” for details).
- Youth should learn the basics of maintaining finances before they exit care. This includes creating and maintaining a workable budget, basic banking skills such as how to open a checking account and how to balance a checking account, and basic tax information.
- Finally, youth should work to develop skills for maintaining and advancing in a job. Youth should receive instruction regarding social and professional

---

<sup>127</sup> 20 C.F.R. §664.410

interactions between employer and employees, assertiveness training, and options for continued education and resume building.

*Tips for Judges and Attorneys*<sup>128</sup>

- Know what programs exist in the community to address employment through the Chafee program and WIA.
- Advocate for youth to be enrolled in appropriate job training programs.
- Ensure that independent living services provided to youth include budgeting and fiscal responsibility assistance.
- Advocate for youth to access mentorship or internship programs to help them establish a foot in the door toward gainful employment and expand their idea of employment possibilities.
- Review all employment options with your client. Don't forget options like Americorps, JobCorps, Conservation Corps and the U.S. Military.

### **Physical and Mental Health**

Maintaining good health is essential for youth to make the transition out of foster care successfully. Unfortunately, this presents one of the most difficult challenge for foster youth transitioning out of care. Foster youth bring heavy baggage borne of neglect, abuse and abandonment. They face more mental and physical health problems than their teenage counterparts because of the trauma stemming from this history of abuse and neglect.<sup>129</sup> That baggage doesn't go away when foster children leave the system. We need to help youth understand that the healing process is often long and arduous and that it is not only imperative that they take advantage of services now, but make plans for how they will continue to obtain services after they have exited the system, and in the future when issues resurface.

- Before a transition plan concerning the youth's health can be developed, they must have a comprehensive screening to assess physical health, mental health

---

<sup>128</sup> Onkeles supra note 88.

<sup>129</sup> McFarlane supra note 6.

and substance abuse issues. This screening must be done well before the youth leaves care.

- The youth and their support team must identify his health needs and work to develop a plan to address these needs. The youth's health history and previous services/treatments should be examined when developing this plan. Youth must be provided with full access to their health records.
- Caseworkers should prepare the youth to manage his medical needs. This includes making the youth aware of what services are available and how to obtain these services. Caseworkers should be familiar with free clinics, especially those such as Outside In, which cater specifically to low-income and homeless youth.
- Youth should be made aware of the financial resources available to them for medical treatment. This includes educating youth on the insurance application process, including private insurance, Oregon Health Plan enrollment and Chafee Medicaid eligibility. Oregon has chosen not to extend Medicaid coverage under Chafee to former foster youth. ***Additionally, the Oregon Health Plan stopped enrolling individuals in the Oregon Standard Plan as of July 1, 2004. Adolescents leaving care have been designated as a special population that can continue to access OHP if they apply just prior to discharge. Therefore, it is very important to ensure that youth submit an application prior to exiting care. It is also important to stress the importance to youth that they make sure to keep their coverage current, pay any fees, etc. because once they lose their coverage, they will not be able to***

*re-enroll unless intake is re-opened statewide.* (See Appendix “D” for more information)

- Youth should also receive health education with regard to pregnancy, STD prevention, cancer self-examination and general health and safety awareness. Youth need to learn ways to prevent physical violence, harm from theft or fire, and health threats. They should emerge from care with at least a basic understanding of what types of symptoms require a visit to the doctor and what they can do to maintain their health.
- With regard to mental health, youth should be taught life skills that address self-esteem, self-determination, loss and how to safely relate to their relatives. Youth should be encouraged to reconcile their feeling about their past family turmoil and build healthy permanent relationships with the supportive adults around them. Throughout the planning process youth should identify people who can support them in maintaining their health.
- Youth should also be prepared for ongoing and potential health needs. The caseworker should assist the youth with arranging continuation of treatment and ensuring that the youth has the skills necessary to take medication and get to doctor’s appointments on his own.

*Tips for Judges and Attorneys*<sup>130</sup>

- Ensure that in addition to general check-ups throughout their time in foster care, youth have a general physical health exam as well as dentist and optometrist appointments shortly before leaving care.
- Check to make sure that a current mental health evaluation has been conducted, if appropriate. If a youth has already been diagnosed, ask about the youth’s medical and personal support in addressing these issues. Try to ensure

<sup>130</sup> Onkeles supra note 88.

that these supportive relationships survive emancipation.

- Assess whether a youth with a current diagnosis requiring ongoing treatment understands his condition and understands his medication schedule and that medication is necessary to manage it.
- Know whether the youth has health insurance and advocate to ensure that she has access to all available federal and state insurance programs and is aware of them.
- Assist DHS with gathering the youth's medical records before their 18<sup>th</sup> birthday.
- Ensure that all youth who will soon be parents have access to prenatal care and child health care services.

### **Community Support**

In addition to providing youth with practical independent living skills, we must also assist youth with the emotional and social transition to adulthood. Unlike most teenagers in the general population, foster youth frequently lack an emotional support network of family and friends. Oftentimes foster children have unresolved issues with their family of origin and have been shuffled between multiple foster placements where they have been unable to sustain a long-lasting, meaningful relationship with supportive adults. It is imperative that foster youth establish meaningful connections with supportive members of their community. These connections are crucial to their development into healthy and engaged adults.

- Substantial proportions of youth who age out of foster care or are emancipated return to live with their family members and other relatives.<sup>131</sup> 54% of youth live with their family or extended family upon discharge, and 38% continue to live there 2.5 to 4 years later.<sup>132</sup> However, a California study found that youth who are reunited with their family show more self-destructive behaviors, substance abuse

---

<sup>131</sup> McFarlane supra note 6.

<sup>132</sup> Loman, Anthony, Siegel, Gary, *A Review of Literature on Independent Living of Youths in Foster and Residential Care*, Institute of Applied Research (November 2000).

and other high risk activity than those who do not return to their home after foster care placement.<sup>133</sup> DHS workers should provide opportunities for youth to create, maintain or strengthen supportive and sustaining relationships with their birth families, kin, and foster families. The caseworker should help the youth in identifying which family members and other adults he would like to maintain contact with and with whom he can have a safe and supportive relationship. Youth should be made aware of healthy boundaries and safe relationship dynamics. The youth should receive substantial support from their caseworker throughout this emotionally trying process.

- Caseworkers should connect youth with mentors who can establish long-term relationships with them and serve as role models. Caseworkers should work to find mentors either through community organizations such as Boys and Girls Club<sup>134</sup> and national organizations such as FosterClub<sup>135</sup> or through existing supportive adults in the youth's life. Older youth in foster care can also serve as mentors to younger youth in care. This gives foster youth an opportunity to better the foster care system while building peer networks and self-confidence.
- DHS workers should create opportunities for youth to participate in their community through volunteerism. Youth should be encouraged to take on leadership positions in community activities to build self-esteem. Volunteering in the community strengthens youths' relationship to their community and makes them feel like they are part of something worthwhile. Youth should also be

---

<sup>133</sup> Taussig, Heather, Clyman, Robert, and Landsverk, John, *Children Who Return Home From Foster Care: A 6-Year Prospective Study of Behavioral Health Outcomes in Adolescence*, 108 *Pediatrics* 1 (July 2001).

<sup>134</sup> <http://www.orientors.org>

<sup>135</sup> <http://www.fyi3.com>

encouraged to participate in extracurricular activities at school, giving them an opportunity to enhance their social skills.

- Youth should be encouraged to participate in community activities specific to their interests, such as sports, religious and cultural activities. This will help them build support networks with people of common interests while also validating an activity important to who they are.
- DHS caseworkers should facilitate foster youths' knowledge of and access to community resources. Youth must know where they can go for help. This knowledge will make them more likely to seek help when they need it.

### **Special Issues**

As it is, youth in foster care face a tough journey to adulthood. However, for some youth this journey may be further complicated by conditions that they are born into or circumstances which they create for themselves. Youth with disabilities face potential discrimination, lifelong mental and physical challenges and the additional financial burden resulting from ongoing medications and services, all of which make it more difficult for them to make the transition to self-sufficiency. Similarly, youth with immigration issues face legal and cultural conflicts which make their transition to self-sufficiency more uncertain and make it difficult for them to find jobs or continue their education, especially when there are language barriers. Additionally, foster youth who become pregnant as teens face the overwhelming responsibility of caring for another child, thus hastening their transition to adulthood when they may not even be equipped with the skills to care for themselves. Teens that face these additional challenges need

extra support and more comprehensive planning to ensure that they make the transition to adulthood and self-sufficiency successfully.

### **Youth with Disabilities**

Foster youth experience a higher incidence of mental and physical disabilities than youth in the general population.<sup>136</sup> Disabilities present an additional hurdle to youth transitioning out of care. Their disability may result in discrimination, difficulty in school, emotional stress and financial burdens resulting from the need for ongoing medical care. Disabled youth face not only the challenge of self-sufficiency, but also how to manage their disability and navigate the obstacles and limitations posed by it. It is especially important for disabled youth to emerge from care with the skills not only to manage and cope with their disability, but also to advocate for their medical needs and legal entitlements.

- Diagnosing disabilities is essential to the successful transition of disabled youth. Youth with learning disabilities and slight physical disabilities often go undiagnosed and as a result struggle in school and with peers. Caseworkers should work with teachers and caretakers to identify potential disabilities and to ensure that youth are assessed by professionals. Proper diagnoses allow youth access to special programs and services and remove the “blame” for behavior or poor performance from the child.
- Caseworkers should ensure that a youth’s mental and physical health histories are obtained. This may be difficult, especially when foster youth have been placed in many different homes. Caseworkers should collect doctor’s reports,

---

<sup>136</sup> Polgar, Michael supra note 56.

school records and any available family history. The youth must be given access to all of her records, especially when exiting care.

- Caseworkers should be familiar with the benefits afforded disabled youth under various federal legislation and programs. The caseworker should educate the youth with regard to these entitlements so that he can utilize them in making the transition to self-sufficiency.
  - *IDEA*: The Individuals with Disabilities Education Act<sup>137</sup> provides that all children with disabilities that impact their educational progress have a right to a free appropriate public education in the least restrictive environment possible. The rights under IDEA are given to the child's parent or in the case of foster children to a surrogate parent (educational surrogate). IDEA benefits children up to age 21 and requires transition services to be provided to assist youth with the move from a school setting to a work/community setting. A statement of transition services must be made by the time the youth is 14 years old.
  - *Section 504 of the Rehabilitation Act*<sup>138</sup> and *ADA*<sup>139</sup>: The Rehabilitation Act prohibits discrimination against individuals with disabilities in all programs receiving federal funding. The Act is more expansive in its definition of disability than IDEA, including disabilities that substantially limit or impair one or more major life activities. The Americans with Disabilities Act builds on 504 by extending to public

---

<sup>137</sup> 20 U.S.C. § 1415 (2004).

<sup>138</sup> 29 U.S.C § 794 (2004).

<sup>139</sup> 42 U.S.C § 12131 (2004).

entities as well. These Acts afford protection to youth beyond their 21<sup>st</sup> birthday.

- Section 811 Housing: The Section 811 housing program provides grant money to non-profit organizations to develop rental housing for disabled, low-income people over the age of 18.
- In addition to federal programs and funding, youth with disabilities should also be educated about their disability. They need to be taught self-care, medication schedules and how to identify symptoms that require medical attention. A youth should not be discharged from care until they are equipped with the knowledge to independently handle their disability.
- Finally, youth with disabilities face considerable emotional and physical strain due to their condition. Caseworkers should provide additional emotional support to these youth and work to develop a support network, including disabled mentors or others with understanding of the youth's disability.

*Tips for Judges and Attorneys*<sup>140</sup>

- When you suspect that a foster youth may have a disability, bring it to the attention of DHS and advocate for a professional assessment. A diagnosis, even when the youth is close to aging out of care, will make available a host of federal programs and protections.
- Understand and communicate to the youth benefits afforded by federal legislation and advocate for the youth to receive all of the services to which he is legally entitled.
- If the youth has a disability impairing educational performance, make sure the school has an IEP for the youth and advocate for the appointment of a knowledgeable educational surrogate.
- Educate the youth with respect to her rights as a disabled person and work to instill a sense of self-advocacy in the youth.
- Ensure that the State-provided independent living services make reasonable accommodations for disabled youth.

---

<sup>140</sup> Onkeles supra note 88.

## **Youth with Immigration Issues**

Undocumented youth in foster care face considerable challenges in transitioning out of care because of the uncertainty and vulnerability of their immigration status. The challenge is compounded by the added isolation resulting from language, cultural and educational barriers and the fear of being deported. To further complicate matters, undocumented youth are left to obtain housing, education, healthcare and employment without the aid of state agencies for the poor because they are afraid to seek help for fear of deportation. Undocumented youth must be provided with emotional and cultural support and sensitivity. Additionally, these youth must also be given a voice in their immigration status and access to immigration practitioners.

- Caseworkers and practitioners should be sensitive to cultural issues surrounding immigrant youth. Cultural awareness can reduce the likelihood of misunderstandings between the youth and worker. Youth can be empowered by educating their worker about their culture.
- Undocumented children often lack social and community ties because of language and cultural barriers. Caseworkers should encourage these youth to participate in cultural activities and seek out mentors if possible.
- Caseworkers must be aware of federal programs and services available to undocumented foster youth. The youth must be informed of the services and if need be referred to an immigration attorney.

- *SIJS*<sup>141</sup>: Congress has responded to the problem of undocumented foster youth by establishing a program that allows youth to petition for lawful permanent resident status in the U.S. If the petition is granted, the child is given Special Immigration Juvenile Status and can live and work in the U.S. without fear of deportation. After 5 years they can apply for citizenship. In order to be eligible for SIJS the youth must be (1) a dependent of the court; (2) eligible for long-term foster care, and; (3) return to his home country must not be in his best interest. There are additional criteria which may make the youth ineligible, including a juvenile record, HIV positive status, married status or previous deportation. The practitioner and youth must discuss the risks involved in filing a petition and the possibility of deportation if the petition is denied. Essential to this process is that the juvenile court maintain jurisdiction throughout the petition process. Thus, practitioners should encourage youth to start the process well before they transition out of care.
- *VTVPA*<sup>142</sup>: A number of children are brought into this country illegally for purposes of cheap labor, prostitution and drug running. Practitioners, judges and caseworkers must be aware of this issue when dealing with undocumented youth. The Victims of Trafficking and Violence Prevention Act is designed to address the needs of victims of domestic violence, terrorism, and human trafficking among

---

<sup>141</sup> Onkeles supra note 88.

<sup>142</sup> 8 C.F.R. § 204.11(c)(5).

other things. The Act allows trafficking victims to be granted special visas. The approval procedure for juveniles is less stringent than it is for adults. Caseworkers and practitioners should interview youth to ascertain whether the youth is a victim and if so whether she wishes to remain in the U.S. or return to her family in their home of origin.

*Tips for Judges and Attorneys*<sup>143</sup>

- SIJS and trafficking cases require consultation with an attorney or judge experienced in immigration law. Handling them without the proper input and knowledge could produce devastating consequences for an undocumented youth.
- Consult with the youth before taking any action and explain the risks and benefits of taking immigration action.
- Don't assume that a youth wants to gain documentation instead of returning to his family and country of origin.
- If applying for SIJS, begin the process as soon as possible to ensure that it is completed while the youth is still under the jurisdiction of the court.

### **Teen Parents**

Adults who were once clients of the child welfare system often end up having one or more of their children placed in the State's care.<sup>144</sup> The likelihood of this cycle occurring increases when the parent is a teenager. Unfortunately, a Washington study indicates that teen pregnancy among foster children is a growing problem. The study found that 29% of females in foster care had been pregnant at some point and 11% of males had contributed to a pregnancy.<sup>145</sup> Foster youth often struggle to care for themselves when emerging from care; caring for a baby presents a frightening and enormous additional responsibility. Teen parents must not only be educated in regard to their own self-care, but also with regard to that of their baby. By providing

<sup>143</sup> Onkeles supra note 88.

<sup>144</sup> Roman, Nan supra not 37.

<sup>145</sup> Onkeles supra note 88.

comprehensive services, emotional support and teaching parenting skills to teen parents, we can help ensure that this cycle does not continue.

- First, it is important for a teen’s pregnancy to be looked at as an opportunity for growth and enrichment rather than as a shameful or negative event.
- Teens need the emotional support of their DHS caseworker and support team. Teenagers already face considerable emotional strain caused by developmental changes and this is further exacerbated by the emotional strain of pregnancy. Caseworkers should connect pregnant teens with counseling and/or support groups for pregnant teens where they can create networks of support that will extend once the baby is born.<sup>146</sup> Caseworkers should also be aware of collateral emotional strain. For example, the pregnancy may be a result of sexual abuse, the father may not want contact with the child (or vice versa), etc. Additional mediation or counseling may be necessary to help the youth resolve these issues.
- The demands of caring for a child will delay a teen’s ability to secure employment or pursue educational goals. As a result, teen parents face greater financial burdens. The caseworker should aid the teen in planning for such delays and setting timelines and time management strategies to implement employment or education plans while parenting.
- Teen parents should engage in parenting classes and child development classes to prepare them for the transition to parenthood. Programs that emphasize hands on skill building and observation of parent and child interactions are preferable. Teen

---

<sup>146</sup> *Insights Teen Parenting* <http://www.insightspp.org/>

parents should receive instruction on the basic developmental needs of a baby and the symptoms that require medical attention.

- The caseworker should encourage the youth to develop a pre and post delivery plan. This includes making sure that the youth has access to prenatal care. The youth should have a delivery plan that includes the facility where they will deliver, transportation and emergency contacts. The youth should be assisted in planning for the needs of the baby once he is delivered, including clothes, crib, food, diapers and childcare.
- The youth should also be encouraged to explore her option to keep the baby, adopt (open or closed), kinship care, voluntary placement, etc. The strengths and needs of the youth should be discussed when the youth makes this decision. Additionally, youth should be informed of birth control methods, if not already aware so that they can prevent unwanted pregnancies in the future.
- Pregnant teens should be informed of the paternity testing process and the legal and financial ramifications of paternity. They should be assisted with filing paternity and child support paperwork if necessary.
- Youth must be made aware of the financial resources available to assist them with raising their child. If the teen is still in foster care then Title IV-E of the Social Security Act<sup>147</sup> requires the State to cover the food, shelter, clothing and supervision costs of the teen and her baby. For teens who are no longer in care, Chafee funding is available for childcare in limited circumstances. If the youth receives education and training vouchers, then a portion can be used to fund

---

<sup>147</sup> 42 U.S.C. § 675 (2004).

childcare. Additionally, Early Head Start and Head Start are federally funded programs that offer nutritional assistance and parenting classes to pregnant women, infant and toddler developmental assessment and educational guidance for children up to the age of 5.

- Finally, teen parents should be informed of their legal rights as parents. This can be a complicated issue when the teen is still in the temporary custody of DHS. Often times the teen's right (lack thereof) to choose her own housing is in direct conflict with her right as a parent to choose where her child will reside. This presents complicated issues for the judicial system and for DHS. Youth must be informed of their rights as parents and advocates should empower teen parents by protecting these parental rights.

*Tips for Judges and Attorneys<sup>148</sup>*

- Advocate for DHS to create or revise a pregnant youth's ILP and for appropriate services to be provided, such as prenatal services and parenting classes
- Help ensure that teen parents have the same rights as any parent, including the right to decide schooling, health, and day to day issues for the child in addition to maintaining their legal standing
- Counsel youth who feel overwhelmed and unprepared for parenthood regarding placement options for their child (adoption, kinship care, voluntary placement, etc.) and the consequences of these decisions
- Ensure that teens are not forced to sign a voluntary placement agreement. The agreement can have dire consequences for a youth in care who wishes to keep his baby after emancipation
- Pursue and assist with filing for paternity determination and child support for the youth
- Counsel teen fathers regarding visitation and assist with negotiating travel, curfews and residence rules between teen mother and father
- Advocate for federal childcare aid if the youth's family income qualifies
- Work to ensure that the pregnant youth is able to stay in school or in another placement/program

<sup>148</sup> Onkeles supra note 88.

### **IT'S NOT TOO LATE AND IT'S NEVER TOO SOON**

We must not give up on our children because they are teenagers. Teens in foster care have for too long existed on the margins of public consciousness. “As a society, we have expected too little of these young people to help them aim high and strive for big goals, and we have expected too little of ourselves to marshal the necessary resources to make it happen.”<sup>149</sup> Teens in foster care face significant challenges on the path to adulthood, however, they are resilient kids who have the power to succeed in life. It is the charge of judges, advocates and the child welfare system to ensure that this strength and resilience is given the opportunity to flourish.

---

<sup>149</sup> Cooke supra note 7.

## **APPENDICES**

## **Appendix A: Federally Funded Housing Assistance<sup>150</sup>**

---

<sup>150</sup> Taken from Onkeles supra note 88.

The following resources are *not* housing programs specifically set up to address the needs of foster youth. In fact, some programs are closed to youth while they are still in care. However, youth who are in care today may be homeless once emancipated and judges and attorneys should be aware of programs that may be available **post-emancipation**.

## **Transitional Living Program (TLP) under the Runaway and Homeless Youth Act<sup>151</sup>**

*What is the TLP and how is it funded?*

The Transitional Living Program is part of the Family and Youth Services Bureau (FYSB) Runaway and Homeless Youth Program. It provides for grants to public and nonprofit agencies to fund longer-term supportive housing and other independent living services for youth ages 16-21 who are homeless. These organizations provide a range of services to the youth in their residence that may include job and life-skills training, basic education and GED classes, and some on-site health care.

Through the FYSB, each state is allotted at least \$100,000 in five-year grants to fund these programs.<sup>152</sup>

*Are youth in foster care eligible for this program?*

Maybe. TLPs provide residential services to homeless youth ages 16–21 for up to 18 months. The definition of “homeless” within the act specifies that the program covers children from ages 16-21 who cannot live with a relative and have no other safe place to go.<sup>153</sup> Children who have just aged out of or been emancipated from foster care can access these resources if they have no other place to go.

However, if a youth is still in the state’s care and custody, then, technically, the state should be providing a safe alternative living arrangement. Many TLPs will not accept youth currently in care while others require a large amount of specific documentation as to why the state can no longer provide a particular youth with adequate housing before allowing a foster youth to access services. Before assuming that a youth will or will not be eligible for services, contact the individual TLP in your area to request specifics.<sup>154</sup>

*How are the programs designed?*

---

<sup>151</sup> Information taken from the National Resource Center on Youth Services website at [www.nrcys.ou.edu/nrcyd/tlpprog.htm](http://www.nrcys.ou.edu/nrcyd/tlpprog.htm) and from , the Runaway and Homeless Youth Act, Public Law 106-71. For a complete listing of TLP programs across the country, go to [www.nrcys.ou.edu/nrcyd/TLP.htm](http://www.nrcys.ou.edu/nrcyd/TLP.htm) and look up programs under your region.

<sup>152</sup> A list of all the grantees by region for 2003-2004 is available at [www.nrcys.ou.edu/NRCYD/TLP.htm](http://www.nrcys.ou.edu/NRCYD/TLP.htm).

<sup>153</sup> From “Definitions” Section 387(3) of PL 106-71: HOMELESS YOUTH.—The term "homeless youth" means an individual— (A) who is— (i) not more than 21 years of age; and (ii) for the purposes of part B, not less than 16 years of age; (B) *for whom it is not possible to live in a safe environment with a relative;* and (C) *who has no other safe alternative living arrangement.*

<sup>154</sup> For a list of all the grantees by region for 2003-2004, see [www.nrcys.ou.edu/NRCYD/TLP.htm](http://www.nrcys.ou.edu/NRCYD/TLP.htm).

These services are designed to help youth who are homeless make a successful transition to self-sufficient living and to prevent their reliance on public aid in the future. To that end, services must not only involve housing assistance, but also include services to better equip youth to live on their own. TLPs receiving federal funding must provide youth with the following services:

- Safe, stable living accommodations
- Basic life-skill building, including consumer education and instruction in budgeting, using credit, housekeeping, menu planning, and food preparation
- Interpersonal skill building, including enhancing young people’s abilities to establish positive relationships with peers and adults, make decisions, and manage stress
- Educational opportunities, such as GED preparation, postsecondary training, or vocational education
- Assistance in job preparation and attainment, such as career counseling and job placement
- Education, information, and counseling to prevent, treat, and reduce substance abuse
- Mental health care, including individual and group counseling
- Physical health care, including routine physicals, health assessments, and emergency treatment

*How can I find out if there is a TLP in my area and what are some examples of TLP’s around the country?*

The National Resource Center for Youth Development maintains a listing of TLP programs organized by region. There are over one hundred and fifty programs listed.<sup>155</sup>

*How can a youth access these services?*

TLPs are run by both public and private agencies, and usually receive their participants from referrals. Therefore, a social worker, homeless shelter, doctor, or legal advocate can refer youth to these agencies. However, most of these programs also allow for self-referrals, so youth who have emancipated may access the services if something goes wrong with their housing after leaving the state’s care. However, space in the residential programs is limited, so youth should be in contact with the service provider as early as possible.

### **Housing Choice Vouchers (Section 8)**

*Who can apply?*

There are three major requirements for applying for a Section 8 voucher. First, the applicant be 18 years old or older. Second, the applicant must either be employed or

---

<sup>155</sup> Available at [www.nrcys.ou.edu/NRCYD/tlp.htm](http://www.nrcys.ou.edu/NRCYD/tlp.htm).

have a steady stream of income. Finally, the applicant must be “very low income,” which the federal government has left to states to define as long as the income limit does not exceed 80% of the median income for the area.<sup>156</sup>

*How does a voucher work?*

Although the waitlist is often years long in urban areas, Section 8 vouchers are still one of the most successful housing programs the federal government has sponsored to assist low-income families and individuals find and maintain housing. The vouchers are based on the premise that a person whose income meets the qualifications should only be paying 1/3 of their salary to rent, rather than the 1/2 or greater most low-income families find themselves paying. Recipients receive a voucher and present it to a landlord. The recipient pays 1/3 of his or her salary and the government pays the remainder.

*How can youth in foster care aging out of care benefit from Section 8 vouchers?*

Section 8 vouchers can be used as a backup for foster youth about to leave care. Because of their long wait-time and the fact that youth cannot apply until they have turned 18, the vouchers are not an adequate primary housing option for those youth who are emancipating at 18. However, some states allow youth of a certain age in care to apply for these vouchers, so contact a local housing authority to find out at what point your state allows youth to apply. Since the wait-list is often long, and many youth are unable to apply before aging out, older youth in foster care should be considered for these vouchers in conjunction with other housing programs.

*Important points to remember about Section 8 vouchers and youth leaving foster care:*

Section 8 vouchers provide housing assistance only to the person or persons named on the voucher. If other people are benefiting from the voucher, then it may be revoked. Local housing authorities can be very strict about this rule, which impacts youth aging out of foster care who may be inclined to allow friends or family in need to stay with them in their new apartment for weeks or months. Everyone who will be living in the apartment needs to be listed on the voucher application, and all those who are living in a subsidized apartment must meet the state’s definition of a “family.” Although this may include cousins, grandparents and nieces, this does not include friends and acquaintances.

**Family Unification Program (FUP)<sup>157</sup>**

---

<sup>156</sup> See the Department of Housing and Urban Development’s website at [www.hud.gov/progdesc/voucher.cfm](http://www.hud.gov/progdesc/voucher.cfm).

<sup>157</sup> See Nat’l Low Income Housing Coalition, 2003 Advocate’s Guide to Housing and Community Development Policy, “Family Unification Program”, available at [www.nhihc.org/advocates/fup.htm](http://www.nhihc.org/advocates/fup.htm); and Child Welfare league of America, “HUD Resources for Youth Leaving Foster Care,” available at [www.cwla.org/programs/housing/hudresources.htm](http://www.cwla.org/programs/housing/hudresources.htm).

*What is the current program availability and funding status?*

The FUP is funded through the U.S. Department of Housing and Urban Development (HUD). Since the program does not have its own budget, uncertainty in HUD's finances affects FUP's funding. Unfortunately, in fiscal years 2002 and 2003, HUD did not dedicate funding to FUP.

The original FUP program was authorized under the Cranston-Gonzalez National Affordable Housing Act of 1990 and was set up as a protection for families who were in danger of losing their children to state welfare agencies because of inadequate housing. In 2000, the coverage of the act was extended to include youth aging out of foster care. Although FUP vouchers are funded through HUD's budget rather than a separate government program entitlement, FUP vouchers are distributed through the Housing Choice Voucher program.

Though not currently funded, this program is an option that may arise for youth aging out of foster care in the future. For two years after its inception, it benefited youth, and hopefully, it will again be funded to assist those in need.

*Who is eligible for FUP?*

Both families and individuals are eligible. Families must be in danger of having a child placed in child protective custody because of a family's impending or current homelessness. Children aging out of foster care are eligible from ages 18 to 21 as long as they aged out of foster care, or had left foster care sometime after their 16<sup>th</sup> birthday.

*What can FUP provide older foster youth?*

When funded, the program provides youth with access to a special type of Section 8 vouchers. FUP vouchers differ from other vouchers in the Housing Choice Voucher Program because all other types of Section 8 vouchers do not have time limits imposed. A family or individual may use the voucher as long as necessary. The FUP vouchers for foster youth, however, *are* time limited and can be used no longer than 18 months. An additional difference is that FUP requires the agency that referred the youth to the program to be responsible for the youth's aftercare, including continuing independent living skills classes, follow-up services, etc.

### **Supportive Housing Program (SHP) / McKinney-Vento Act<sup>158</sup>**

*How can a child in foster care be eligible for programs funded under SHP?*

---

<sup>158</sup> 42 U.S.C. §401 et. seq, (2001). Available at [www.hud.gov/offices/cpd/homeless/rulesandregs/laws/title4/index.cfm](http://www.hud.gov/offices/cpd/homeless/rulesandregs/laws/title4/index.cfm). For a basic discussion on the provisions of the supportive housing programs and specific examples, see the U.S. Department of Housing and Urban Development's website, available at [www.hud.gov/offices/cpd/homeless/programs/shp/index.cfm](http://www.hud.gov/offices/cpd/homeless/programs/shp/index.cfm).

A person must be homeless before receiving housing assistance under SHP. Therefore, youth currently in foster care are less likely to receive assistance through this program, but those who have run away, or who have left their foster parents or group home and are now homeless may qualify. For youth in foster care, SHP is meant to supplement, but not substitute for the state's assistance.

The eligibility criteria<sup>159</sup> establish that someone applying for SHP funds must be:

- Residing in a place not fit for human habitation
- In an emergency shelter
- In transitional housing having come from off the streets or from a shelter
- In any of the above places, but is spending 30 days or less in a hospital or institution
- Being evicted within 30 days without a subsequent place to live
- Being discharged from a hospital or institution, where that person has been for more than 30 days, without a place to live
- Someone fleeing a domestic violence situation

*What kinds of programs are supported by McKinney-Vento funds?*<sup>160</sup>

McKinney-Vento money can be used on a variety of services in the state: emergency shelter and supportive housing programs, and financial assistance to those who have received eviction notices.<sup>161</sup> Supportive housing projects include: transitional housing (24 month programs that are to be used as a stepping stone to permanent housing); permanent housing for homeless with disabilities;<sup>162</sup> supportive services for homeless not in housing; and other innovative supportive housing programs.

Each program must achieve three goals with each of its client/residents:

- Residential stability
- An increase in residential skill level (through GED classes, independent living classes, job training, or a combination) and/or income
- More residential control and influence over decisions that affect their lives

*How are these programs funded?*

HUD awards SHP funds as annual competitive grants to States, local governments, other government agencies (e.g., public housing agencies), private nonprofit organizations, and nonprofit community mental health associations. Grantees must match the federal funds for acquisition, rehabilitation, and new construction of buildings. SHP funds up to 75% of the operating costs for a supportive housing project.

---

<sup>159</sup> From the HUD website at [www.hud.gov/offices/cpd/homeless/library/shp/shpdeskguide/dgb.cfm](http://www.hud.gov/offices/cpd/homeless/library/shp/shpdeskguide/dgb.cfm).

<sup>160</sup> A listing of your state's McKinney-Vento housing programs is listed on the U.S. Department of Housing and Urban Development's website, available at, [www.hud.gov/local/index.cfm](http://www.hud.gov/local/index.cfm).

<sup>161</sup> From 42 USC §414. Also, refer to the Department of Housing and Urban Development's Desk Reference for SHPs, available at [www.hud.gov/offices/cpd/homeless/library/shp/shpdeskguide/dgintro.cfm](http://www.hud.gov/offices/cpd/homeless/library/shp/shpdeskguide/dgintro.cfm).

<sup>162</sup> See housing discussion, *infra*, "special issues for children with disabilities."

## **Appendix B: Federal Education Laws and Services<sup>163</sup>**

---

<sup>163</sup> Taken from Onkeles supra note 88.

## **McKinney-Vento Act**<sup>164</sup>

*What does McKinney-Vento provide?*

McKinney-Vento provides that children and youth in homeless situations receive a free, appropriate public education, and removes obstacles that delay enrollment or prevent access. Students are permitted to remain in their home school or gain immediate access to a new school. The act eliminates traditional obstacles to timely enrollment, such as residency and record requirements (e.g. residency, immunization and school record requirements), guardianship requirements, and lack of transportation.

*Who is eligible under this McKinney-Vento?*

McKinney-Vento defines homeless children and youth as children who lack a fixed, regular, and adequate nighttime residence, which includes children waiting foster care placement.

*How can youth aging out of care benefit from this Act?*

The McKinney-Vento Act will apply to some youth currently in foster care who are “awaiting foster care placement” as well as youth who have aged out and find themselves lacking a fixed and permanent living arrangement, but still have not completed high school. The youth or their advocate must contact the McKinney-Vento liaison for the school district they attend to gain enrollment.<sup>165</sup>

## **No Child Left Behind (NCLB)**<sup>166</sup>

*What is NCLB?*

NCLB was signed into law in 2002 and is the reauthorization of the Elementary and Secondary Education Act. The act focuses on such issues as annual testing, better teacher qualifications, and changes for low performing schools.

*Who has a right to transfer schools under NCLB?*

Youth attending schools that have been designated “in need of improvement” for two consecutive years must be given the opportunity to attend better performing public schools. The schools must provide transportation to the new school.

---

<sup>164</sup> 42 U.S.C.A. §11431 et. seq (2004).

<sup>165</sup> For additional information on McKinney-Vento visit the National Law Center on Homelessness website available at [http://www.nlchp.org/FA\\_Education/](http://www.nlchp.org/FA_Education/) (last visited June 22, 2004).

<sup>166</sup> 20 U.S.C.A. §6301 et seq. (2004)

Additionally, youth attending schools designated as “persistently dangerous” or who have been the victim of a crime at school, have a right to transfer to a safer school.

*Who has the right to supplemental education services under NCLB?*

Youth attending schools that have been designated “in need of improvement” for three of the four previous years must be offered supplemental education services, outside of school time and at the school systems expense. Consult your district or State Department of Education to obtain a list of approved supplemental education services providers.

### **Family Education Rights Privacy Act (FERPA):**<sup>167</sup>

*What is FERPA?*

FERPA is a federal law that provides for the privacy of a student’s education record, unless parental consent is obtained for the release of the information. The law also provides exceptions for when education records can be released without parental consent.

*How does FERPA define “parent”?*

Parent includes natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

*How can judges and lawyers access education records under FERPA?*

1. Obtain parental consent to access records
2. Obtain consent of “an individual acting as the parent” if the parent or guardian is absent.
3. Request (attorneys) or issue (judges) a court order releasing the information to the court.

*What happens when a child turns 18?*

The right to have and control access to education record transfers to youth over 18. Youth older than 18 can request a copy of their complete education record, as well as determine who else has access to that information.

### ***Discipline:***

*What rights do youth have when they are subject to suspensions less than 10 days?*

---

<sup>167</sup> 20 U.S.C.A. §1232g (2004); 34 C.F.R. §99.1 et. seq (2004).

There are minimum due process protections that schools must afford students accused of school violations resulting in short-term (under 10 day) suspensions:<sup>168</sup>

- Notification of violation
- Opportunity to refute charges
- Explanation of evidence relied upon

Schools may have additional procedures for these short-term suspensions, including some limited appeal process to a higher-level administrator within the system.

*What procedural protections exist for long-term (over 10 days) suspensions and expulsions?*

Case law suggests that for suspensions over 10 days and expulsions, some additional due process protections should exist for students.<sup>169</sup> Beyond that, schools are free to determine what those due process protections look like. In most schools, students at risk of long-term suspension or expulsion have a right to an administrative hearing, where they can call witnesses and present their case before a neutral hearing officer. Often there are procedures for appealing the case before the school board and ultimately a court. Specific procedures can vary from state to state and even school district to school district.

*Does bringing a gun to school require an automatic expulsion, or do some exceptions exist?*

The Federal Gun-Free Schools Act mandates a one-year expulsion for students who bring a firearm to school, and requires schools to refer the offending student to the criminal or juvenile justice system.<sup>170</sup> However, the law allows the “child administrative officer,” usually the school superintendent, to modify the mandatory expulsion on a case-by-case basis.<sup>171</sup>

*Are there additional discipline protections for students with disabilities?*

Yes. See the “Special Considerations for Youth with Disabilities” section in Chapter IV.

---

<sup>168</sup> See, *Goss v. Lopez*, 419 U.S. 565 (1975).

<sup>169</sup> *Id.* at 584. (“Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures.”). For further discussion, see, Kevin Brady, *Weapon of Choice: Zero Tolerance School Discipline Policies and the Limitations of Student Procedural Due Process*, 1 CHILD. LEGAL RTS. J. 22 (Spring 2002).

<sup>170</sup> 20 U.S.C.A. § 8921.

<sup>171</sup> Kevin Brady, *Weapon of Choice: Zero Tolerance School Discipline Policies and the Limitations of Student Procedural Due Process*, 1 CHILD. LEGAL RTS. J. 9, FN 19 (Spring 2002).

## **Appendix C: Federal Employment Laws and Programs<sup>172</sup>**

---

<sup>172</sup> Onkeles supra note 88.

## **Workforce Investment Act**

*What is the Workforce Investment Act (WIA)?*

The WIA is a federal program that mandates states to provide employment services to adults, dislocated workers, and youth. These services include job search assistance, assessment and case management, and training.

In addition, WIA requires states to create one-stop centers for adults that provide career counseling, job training, and job searching. The intent of these centers is to combine all the elements of searching for a job into one location, rather than sending job seekers to various offices throughout a city to apply for counseling or sign up for job training. These one-stop centers operate with varying levels of success, as the quality of the service provision is not consistent from jurisdiction to jurisdiction.

*How can children in foster care and those who are aging out benefit from the program?*

Youth in care and those about to age out have access to both the WIA's youth program and the adult program. The youth program allows individuals ages 14 to 21 to participate in skill-building activities by focusing on apprenticeship and teaching basic job and job-seeking skills. Youth ages 14 to 21 qualify for services as long as they are low-income and have met at least one of six specific barriers to employment:

1. Deficiency in basic literacy skills
2. School dropout
3. Homelessness, run away, *foster child*
4. Pregnant or parenting
5. Juvenile or adult offender
6. Individual requiring additional assistance to complete an educational program, or to secure and hold employment

While the youth program is geared toward apprenticeship, mentorship and training, the adult WIA program focuses on results-based job searching and job training assistance. Participants from ages 18 to 21 who are part of the youth program can also enroll with the dislocated/adult worker programs. In this way, older youth are able to take advantage of both programs.

*What does each program provide?*

Both the youth and adult programs under the WIA evaluate the needs of each participant and tailors services to meet those needs. However, due to the differences in the populations served, there are differences between the programs.

**Youth Programs:** All local youth programs must offer the following services, many of which are geared toward the special needs of adolescents entering the workforce for the first time.<sup>173</sup>

- Tutoring, study skills training and instruction leading to secondary school completion
- Alternative secondary school offerings
- Summer employment opportunities directly linked to academic and occupational learning
- Paid and unpaid work experiences
- Occupation skill training
- Leadership development opportunities
- Supportive services
- Adult mentoring
- Follow-up services for at least 12 months
- Comprehensive guidance and counseling, including drug and alcohol abuse counseling and counseling referrals

**Adult Programs:** Adult programs also have a list of services they must provide. Most significantly, the WIA mandated the formation of “One-Stop” centers where job seekers can receive basic services like job counseling and placement assistance, skill aptitude evaluation, job training, resume assistance, and follow-up services.

The services provided to adults age 18 and above through the One-Stop centers are divided into three categories:

- 1) **Core Services:** All those who come into the One-Stop be able to access services related to determining WIA eligibility, intake, skill/aptitude/ability assessment, job search and placement assistance, referral information, labor market information, performance information for One-Stop providers and follow-up services.
- 2) **Intensive Services:** Those unable to find work with Core Services and meet other eligibility criteria may access more specialized assistance like the development of an individual employment plan, counseling, case management, and “short-term, prevocational services.”
- 3) **Training Services:** Available to those eligible for Intensive Services, training may include programs related to specific occupational skills, on the job and workplace training, upgrading skill level, job readiness, adult education and literacy training, or more customized trainings.<sup>174</sup>

*How do states and local governments receive funding to provide WIA youth services?*

---

<sup>173</sup> 20 C.F.R. §664.410.

<sup>174</sup> Information taken from the National Center on Secondary Education and Transition, Policy Update, “Youth with Disabilities and the Workforce Investment Act of 1998,” Vol.1, Issue 2, December 2002. Available at [www.ncset.org/publicationas/policy/2002\\_12.asp](http://www.ncset.org/publicationas/policy/2002_12.asp).

In response to grant proposals from individual organizations, the federal government distributes federal funds called “youth formula” WIA funds to states, localities, and Reservations (see the “Special Considerations for Native American Youth” in Chapter IV for more information) to provide WIA activities for eligible youth.<sup>175</sup>

Of the funds distributed to each program, at least 30% of local employment assistance funds must go to help youth who are not in school. Youth not in school include those who have dropped out as well as those who have graduated; however, a youth in an alternative school is not considered as part of this population.<sup>176</sup>

### ***National “Away from Home” Employment Programs For Youth***

There are a number of employment opportunities for older youth that provide a stipend, housing, medical care and the chance to gain hands-on experience. However, the availability of many of these opportunities varies from community to community as do admissions criteria. There are some popular national programs available that have been used by youth in foster care or those who have just aged out as the first steps toward employment. It is important to discuss goals, strengths, and weaknesses with each youth and help them approach their individual job search.

### **Job Corps<sup>177</sup>**

*What is Job Corps and who runs it?*

Job corps is an education, job training, and residential program administered by the US Department of Labor and the Employment and Training Administration specifically set-up to assist at-risk youth ages 16 to 24.

The program runs in stages, from the basics of outreach and general social skills training to career preparation and professional development. There are 118 Job Corps centers across the U.S. and each one covers different areas of job training, from clerical to web design to culinary skills. All centers also offer classes to help those without high school degrees get their GED. Many centers are either fully residential or are partially residential and partially commuter. Each program must provide its participants with opportunities for mentorship and internships, in addition to their in-class work.<sup>178</sup>

*Besides training, what does Job Corps provide to youth participants?*

---

<sup>175</sup>In 2000, a total of 36 sites were selected to receive funds, the majority of the funding going to urban areas and those remaining going to rural areas and Native American Reservations. See, Youth Opportunity Grants 2000, from the US Department of Labor, Employment and Training Administration’s web site at [www.doleta.gov/youth\\_services/grantees2000.cfm](http://www.doleta.gov/youth_services/grantees2000.cfm).

<sup>176</sup>Federal Register: August 11, 2000 (Vol. 65, No. 156), rules and Regulations, pp. 49293-49342.

<sup>177</sup>All information taken from the Job Corps website at the US Department of Labor, Employment and Training Administration at <http://jobcorps.doleta.gov>, and from the Job Corps Career Development Center’s website at [www.jccdc.org](http://www.jccdc.org).

<sup>178</sup>For more information on Job Corps and the application process, look to the Job Corps website available at [www.jobcorps.org/centers/ia.cfm](http://www.jobcorps.org/centers/ia.cfm).

Job Corps provides a small stipend for living expenses, health insurance including vision and dental, three meals a day and a fund for starting a new career upon graduating from the program.

*What happens to a youth once he or she finishes the Job Corps program?*

Youth are able to take the money offered through the program to help them in their quest to find a job. Before the end of the program, Job Corps works with the youth on finding employment and maintains contact with each graduate for 12 months to assist with housing or employment issues that may arise.

### **Americorps**<sup>179</sup>

*What is Americorps?*

Americorps is the overarching organization that funds two programs for young adults in the United States - Vista and the National Civilian Community Corps (NCCC). These programs provide support to low-income communities, assist in disaster relief efforts, and work on environmental protection projects in national and local wildlife areas.

*Can youth aging out of foster care participate in any Americorps program?*

That depends on the youth's experience. Vista requires a bachelor's degree or at least 3 years of work experience. If a youth has not had such experience upon graduation, then the NCCC is a better option. The NCCC does not have education or experience requirements and only requires that applicants be available to relocate to one of their five work sites across the country.<sup>180</sup> Both programs require that a youth be a U.S. citizen, U.S. national or a lawful permanent resident.

*What do these programs provide youth?*

Americorps programs provide housing (or a stipend for housing expenses), a small stipend for other living expenses like food, transportation, entertainment, health care, and an education award at the end of service that can be used toward paying for college, vocational training, or graduate school.

Contact your local Americorps recruitment office for particular program details and the application process, [www.americorps.org](http://www.americorps.org) or call 1-800-942-2677.

---

<sup>179</sup> All information taken from [www.americorps.org](http://www.americorps.org).

<sup>180</sup> Worksites located in Charleston, SC; Washington, DC; Perry Point, MD; Denver, CO; and Sacramento, CA.

## **Conservation Corps**<sup>181</sup>

*How does the Conservation Corps differ from the other programs available for youth?*

The Conservation Corps (CC) offers much of the same services as other residential programs for youth including a stipend, classroom instruction, general and technical skills training, supportive services, and in many cases, an Americorps post-service educational stipend.

What differs about the programs is their structure and focus. The CC puts a strong emphasis on experiential and environmental service based education and has its focus on efforts of environmental conservation urban infrastructure, and human service projects.

*How many CC programs exist in the US?*

There are approximately 118 programs in 31 states and the District of Columbia.<sup>182</sup>

*Is this a federally funded program?*

The CC only receives about 26% of its annual operating budget from the federal government. The rest is raised by the states themselves and by sponsoring individuals and organizations.

## ***United States Military***

Youth who leave the child welfare system and join the US military are drawn to the experience for a variety of reasons. For some, it is a way to secure housing, salary, job training and job experience and perhaps to begin a military career. Others may be brought to it through a sense of duty, or to prove themselves and earn respect.

There are many benefits that can be derived from enlisting but there are many sacrifices as well . The decision to join should be conscientious and well thought out. For those youth with an interest in military service, lawyers and judges may need to explain the commitment required so that a particular youth's decision is made with knowledge of all available information.

*What does the military have to offer a youth aging out of foster care?*

---

<sup>181</sup> All information in this section take from the National Association of Conservation Corps website at [www.nascc.org](http://www.nascc.org).

<sup>182</sup> Programs exist in AK, AZ, CA, CO, DC, FL, IL, ME, MD, MA, MI, MN, MT, NV, NH, NJ, NM, NY, NC, OH, OR, PA, RI, SC, TX, UT, VT, WA, WV, WI. For a listing of the organizations and the work they do, visit [www.nascc.org/corpslist.htm](http://www.nascc.org/corpslist.htm).

Enlistment provides recruits with food and shelter, in addition to clothing, health care, and a stipend to cover other expenses. There is job training and, for some, a chance to advance within the service or to continue in higher education after they have served. The military can also provide structure and a sense of community.

While some youth thrive in a military environment, others may not. Although the military provides much to its enlistees, there is nothing particular to the military that equips the institution with the skills needed to relate to or address the needs of a youth coming out of foster care with a possible history of abuse or neglect.

*What are the eligibility criteria for joining?*

Before deciding to join the military, there are eligibility restrictions to consider. Each youth should check out the specific limitations with a local U.S. military recruiter, but as a general rule, a person enlisting must be between 18-35.<sup>183</sup> All enlistees must be U.S. citizens or a permanent legal residents. While U.S. citizens are free to move up within military ranks, those who are not citizens are restricted in their service. Legal residents who are not citizens cannot be promoted to positions requiring security clearance and cannot reenlist beyond their first term of service.<sup>184</sup>

Single parents are not allowed to enlist and individuals with certain disabilities or mental health histories are prohibited as well. There are vision, height, and weight requirements that are enforced without being restricted by anti-discrimination legislation like the Americans with Disabilities Act. Those who do not pass the military's psychological evaluation or their moral assessment – either due to former drug use or criminal convictions – may also be denied enrollment.

The military prefers that applicants have at least a high school diploma. They will accept those with a GED or similar certificate of completion for basic level of study as long as the individual scores well enough on the military entrance exam. The military accepts a *very* small number of people without diplomas, and only from the pool of those who score very highly on the exam.

---

<sup>183</sup> A youth can be 17 and enlist with parental consent. The various branches have set their own outer age limits for first time enlistees, for example those up to age 34 may enlist in the Army, but only those up to 27 may do so for the Air Force. See <http://usmilitary.about.com>.

<sup>184</sup> If a non-citizen youth has been a resident of a country considered hostile to US interests, then they will need a waiver to enlist. Check with your recruiter to see what countries qualify.

## **Appendix D: Federal and State Health Programs<sup>185</sup>**

---

<sup>185</sup> Taken from Onkeles supra note 88.

## **State Children’s Health Insurance Program – SCHIP**<sup>186</sup>

*What does SCHIP provide generally?*

SCHIP amended the Social Security Act to provide a block grant to states and territories creating and/or expanding health care coverage to children in low-income families who do not already have insurance.<sup>187</sup> Originally, it was envisioned as a program to address the health insurance needs of the working poor, those who earned too little to afford health insurance, but too much to qualify for other state aid.

The grants to states under SCHIP may be used to expand coverage under Medicaid to children under age 19, or to create or expand an existing state insurance program. States can set their own income guidelines as long as those eligible are not making more than 300% of the federal poverty line.

*How can older foster youth benefit from SCHIP?*

Foster youth can benefit from SCHIP once they have aged out of foster care because the federal government extended health care coverage under the state program to age 19 for youth whose family income is 200% of the poverty level or less.<sup>188</sup> As long as youth under age 19 meet their state’s specific income guidelines, they should be able to qualify for health care coverage under SCHIP.<sup>189</sup>

*Does the coverage SCHIP programs offer differ from Medicaid’s coverage?*

That depends. If the state has chosen to use SCHIP funds to expand Medicaid to cover a wider range of people the state cannot use those funds to extend a different version of Medicaid to some recipients. However, if the state chooses to create or expand an existing state insurance program, then the standards of coverage under SCHIP can be different. States may choose to cover a greater or lesser number of treatment options, and the state SCHIP administration office is separate from the Medicaid administration office.<sup>190</sup>

---

<sup>186</sup> For an exploration of the pros and cons of various methods of using SCHIP funds, see the American Academy of Pediatrics, “State Insurance Program (SCHIP): Comparison of Major State Options.” Available at [www.aap.org/advocacy/schipcom.htm](http://www.aap.org/advocacy/schipcom.htm).

<sup>187</sup> “State Children’s Health Insurance Program” produced by the Georgetown University Child Development Center – Center for Child Health and Mental Health Policy. Available at <http://gucchild.georgetown.edu/links13.html>.

<sup>188</sup> The federal guidelines set the outer limit, but individual states may make the eligibility standards more stringent. Contact your local SCHIP office for more details.

<sup>189</sup> Eugene M Lewit, et. al., Health Insurance for Children: Analysis and Recommendations, The Future of Children: Health Insurance for Children, Vol. 13 – No.1 (Spring 2003). Available at [www.futureofchildren.org/usr\\_doc/tfoc13-1\\_nophoto.pdf](http://www.futureofchildren.org/usr_doc/tfoc13-1_nophoto.pdf).

<sup>190</sup> Information concerning Oregon’s SCHIP program can be found at [http://www.dhs.state.or.us/healthplan/app\\_benefits/schip.html](http://www.dhs.state.or.us/healthplan/app_benefits/schip.html).

Information regarding Oregon's SCHIP program can be found on the Medicare and Medicaid websites.<sup>191</sup>

### **Medical Record Requests and the Health Insurance Portability and Accountability Act of 1996 (HIPAA)**<sup>192</sup>

*What is HIPAA?*

HIPAA is federal legislation meant to protect the privacy of personal health information and to ensure that people are not denied health insurance due to pre-existing health conditions. Since states can modify some of the provisions of this legislation, the full extent of consumer protection varies from state to state.

HIPAA has four objectives:

- Assure health insurance portability by eliminating job-lock due to pre-existing medical conditions
- Reduce healthcare fraud and abuse
- Enforce standards for health information
- Guarantee security and privacy of health information

*What are HIPAA's privacy rules?*

There are a number of policy regulations regarding standards of privacy establishing when and to whom health information can be released without consent. These regulations allow for more individual control over the release of medical information, in addition to providing administrative procedures for both divulging information and for filing complaints against organizations that do not comply.<sup>193</sup>

Only organizations that are considered "covered entities" must comply with the privacy provisions of HIPAA. A "covered entity" includes health plans, health care clearinghouses, and health care providers. There is no federal guidance as to whether child welfare agencies are covered entities for the purposes of this law. Consequently, states have made their own determination, with a majority finding that these agencies *are* covered.

*How does HIPAA relate to youth in foster care?*

Since under the federal privacy provisions, covered entities must protect individually identifiable health information, and under state laws child welfare agencies are often considered "covered," children in foster care can benefit from HIPAA. Unless there is a federal or state exception, child welfare agencies must keep private medical information regarding the children in their care. This can be a difficult position for

---

<sup>191</sup> <http://www.cms.hhs.gov/schip/stateplans/state.asp?state=OR>

<sup>192</sup> Public Law 104-191 (August 21, 1996).

<sup>193</sup> 45 C.F.R. §164.50 (2004).

agencies since they are often the legal guardians of children in their care, making medical decisions and offering consent for un-emancipated minors in place of a parent.

Once a child ages out of care, then he or she can control access to personal health information. Each youth who is emancipating has a right to get a copy of all health records including immunizations, dental records, check-ups or treatment reports. If the foster care agency has not kept track of this information on behalf of the youth, a foster child who has been moved multiple times and has not maintained the same primary care physician may find it difficult to collect all relevant medical information.

*When can a “covered entity” release medical information?*

Disclosure is allowed where state law requires “the reporting of disease or injury, child abuse, birth, or death...” Reporting is also allowed for billing purposes, for example, when multiple people are covered under one health plan and the health insurance company sends a report to the named insurance holder. In addition, a compelling state need for disclosure that relates to public health, safety or welfare may warrant an exception as well.<sup>194</sup>

---

<sup>194</sup> 45 CFR 160.203(c).

**Appendix E: Oregon Legislation – SB 808, 1034, HB 3075**

**Senate Bill 808**

ORS § 419B.343 (2003)

419B.343. Recommendations of committing court; case planning; plan contents.

(1) To ensure effective planning for wards, the Department of Human Services shall take into consideration recommendations and information provided by the committing court before placement in any facility. The department shall ensure that the case planning in any case:

(a) For the reunification of the family bears a rational relationship to the jurisdictional findings that brought the ward within the court's jurisdiction under ORS 419B.100;

(b) Incorporates the perspective of the ward and the family and, whenever possible, allows the family to assist in designing its own service programs, based on an assessment of the family's needs and the family's solutions and resources for change; and

(c) Is integrated with other agencies in cooperation with the caseworkers.

(2) Except in cases when the plan is something other than to reunify the family, the department shall include in the case plan:

(a) Appropriate services to allow the parent the opportunity to adjust the parent's circumstances, conduct or conditions to make it possible for the ward to safely return home within a reasonable time; and

(b) A concurrent permanent plan to be implemented if the parent is unable or unwilling to adjust the parent's circumstances, conduct or conditions in such a way as to make it possible for the ward to safely return home within a reasonable time.

**(3) Any time after a ward attains 14 years of age, if the department determines that**

**it is appropriate, but in no case later than the date the ward attains 16 years of age, the department shall ensure that the case planning in the case addresses the ward's needs and goals for a successful transition to independent living, including needs and goals related to housing, physical and mental health, education, employment, community connections and supportive relationships.**

ORS § 419B.476 (2003)

419B.476. Conduct of hearing; court determinations; orders.

(1) A permanency hearing shall be conducted in the manner provided in ORS 418.312, 419B.310, 419B.812 to 419B.839 and 419B.908, except that the court may receive testimony and reports as provided in ORS 419B.325.

(2) At a permanency hearing the court shall:

(a) If the case plan at the time of the hearing is to reunify the family, determine whether the Department of Human Services has made reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to make it possible for the ward to safely return home and whether the parent has made sufficient progress to make it possible for the ward to safely return home. In making its determination, the court shall consider the ward's health and safety the paramount concerns. (b) If the case plan at the time of the hearing is something other than to reunify the family, determine whether the department has made reasonable efforts to place the ward in a timely manner in accordance with the plan and to complete the steps necessary to finalize the permanent placement.

**(3)(a) In the circumstances described in paragraph (b) of this subsection, in addition to making the determination required by subsection (2)(a) or (b) of this section, at a permanency hearing the court shall review the comprehensive plan for the ward's transition to independent living and determine and make findings as to:**

**(A) Whether the plan is adequate to ensure the ward's successful transition to independent living;**

**(B) Whether the department has offered appropriate services pursuant to the plan; and**

**(C) Whether the department has involved the ward in the development of the plan.**

**(b) The requirements of paragraph (a) of this subsection apply when:**

**(A) The ward is 16 years of age or older; or**

**(B) The ward is 14 years of age or older and there is a comprehensive plan for the ward's transition to independent living.**

**Senate Bill 1034**

**ORS § 419B.337**

(1) When the court determines it would be in the best interest and for the welfare of a ward, the court may place the ward in the legal custody of the Department of Human Services for care, placement and supervision. When the court enters an order removing a ward from the ward's home or an order continuing care, the court shall make a written finding as to whether:

(a) Removal of the ward from the ward's home or continuation of care is in the best interest and for the welfare of the ward; and

(b) Reasonable efforts, considering the circumstances of the ward and parent, have been made to prevent or eliminate the need for removal of the ward from the home or to make it possible for the ward to safely return home. In making this finding, the court shall consider the ward's health and safety the paramount concerns.

(2) The court may specify the particular type of care, supervision or services to be provided by the department to wards placed in the department's custody and to the parents or guardians of the wards, but the actual planning and provision of such care, supervision or services is the responsibility of the department. The department may place the ward in a child care center authorized to accept the ward.

(3) Uniform commitment blanks, in a form approved by the Director of Human Services, shall be used by all courts for placing wards in the legal custody of the department.

(4) If the ward has been placed in the custody of the department, the court shall make no commitment directly to any residential facility, but shall cause the ward to be delivered into the custody of the department at the time and place fixed by rules of the department. A ward so committed may not be placed in a Department of Corrections institution.

**(5) Commitment of a ward to the Department of Human Services continues until dismissed by the court or until the ward becomes 21 years of age.**

**(6) A court may dismiss commitment of a ward to the Department of Human Services if:**

**(a)(A) Dismissal is appropriate because the ward has been safely reunited with a parent or because a safe alternative to reunification has been implemented for the ward; and**

**(B) The ward is at least 14 years of age but less than 21 years of age and the court finds that:**

**(i) The department has provided case planning pursuant to ORS 419B.343 that addresses the ward's need and goals for a successful transition to independent living, including needs and goals relating to housing, physical and mental health, education, employment, community connections and supportive relationships;**

**(ii) The department has provided the appropriate services pursuant to the case plan;**

**(iii) The department has involved the ward in the development of the case plan and in the provision of appropriate services; and**

**(iv) The ward has safe and stable housing and is unlikely to become homeless as a result of dismissal of commitment of the ward to the department; or**

**(b) The ward has been committed to the custody of the Oregon Youth Authority.**

**House Bill 3075**

ORS § 339.133

(1) Except as provided in subsection (3), (4) or (6) of this section, children between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, guardians or persons in parental relationship to them reside.

(2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, guardians or persons in parental relationship to them reside.

(3) Those individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, guardians or persons in parental relationship.

(4) Children placed by public or private agencies who are living in substitute care programs licensed, certified or approved shall be considered resident in the school district in which they reside by placement of the public or private agency.

**(5)(a) Notwithstanding subsection (4) of this section, when a juvenile court determines that it is in the child's best interest to continue to attend the school that the child attended prior to placement by a public agency, the child:**

**(A) Shall be considered resident for school purposes in the school district in which the child resided prior to the placement; and**

**(B) May continue to attend the school the child attended prior to the placement through the highest grade level of the school.**

**(b) The public agency that has placed the child shall be responsible for providing the child with transportation to and from school when the need for transportation is due to the placement of the public agency.**

**(c) Paragraph (b) of this subsection applies only to a public agency for which funds have been designated for the specific purpose of providing a child with transportation to and from school under this subsection.**

(6) Persons living temporarily in a school district for the primary purpose of attending a district school shall not be considered legally resident of the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, guardians or persons in parental relationship to them maintain residency.

(7) Except as provided in [ORS 327.006 \(7\)](#) and [335.090](#), persons whose legal residence is not within the district but who attend school in the district with the written consent of the affected district school boards shall be considered to be residents of the district in which the person attends school for purposes of the receipt by that district of State School Fund moneys for the person.

(8) For the purposes of subsection (4) of this section, "substitute care program" means family foster care, family group home care, parole foster care, family shelter care, adolescent shelter care and professional group care.

#### ORS § 419B.192

(1) If the court finds that a child or ward is in need of placement or continuation in substitute care, there shall be a preference given to placement with relatives and persons who have a child-parent relationship with the child or ward as defined in [ORS 109.119](#). The Department of Human Services shall make reasonable efforts to place the child or ward with such persons and shall report to the court what efforts were made to effectuate such a placement.

(2) In attempting to place the child or ward pursuant to subsection (1) of this section, the department shall consider, but not be limited to, the following:

(a) The ability of the person being considered to provide safety for the child or ward, including a willingness to cooperate with any restrictions placed on contact between the

child or ward and others, and to prevent anyone from influencing the child or ward in regard to the allegations of the case;

(b) The ability of the person being considered to support the efforts of the department to implement the permanent plan for the child or ward;

(c) The ability of the person being considered to meet the child or ward's physical, emotional and educational needs, **including the child or ward's need to continue in the same school or educational placement**; and

(d) Which person has the closest existing personal relationship with the child or ward if more than one person requests to have the child or ward placed with them pursuant to this section.

(3) Notwithstanding subsections (1) and (2) of this section, in cases where the Indian Child Welfare Act applies, the placement preferences of the Indian Child Welfare Act shall be followed.

#### ORS § 326.575

(1) Within 10 days of a student's seeking initial enrollment in a public or private school or when a student is placed in a state institution, other than an institution of post-secondary education, or a private agency, detention facility or youth care center, the school, institution, agency, facility or center shall notify the public or private school or the institution, agency, facility or center in which the student was formerly enrolled and shall request the student's education records.

(2) Subject to [ORS 339.260](#), any public or private school, state institution, private agency, detention facility or youth care center receiving the request described in subsection (1) of this section shall transfer all student education records relating to the particular student to the requesting school, institution, agency, facility or center no later than 10 days after the receipt of the request. The education records shall include any

education records relating to the particular student retained by an education service district.

**(3) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute care programs:**

**(a) A school, institution, agency, facility or center shall notify the school, institution, agency, facility or center in which student was formerly enrolled and shall request the student's education records within five days of the student seeking initial enrollment; and**

**(b) Any school, institution, agency, facility or center receiving a request for a student's education records shall transfer all student education records relating to the particular student to the requesting school, institution, agency, facility or center no later than five days after the receipt of request.**

(4) Each educational institution that has custody of the student's education records shall annually notify parents and eligible students of their right to review and propose amendments to the records. The State Board of Education shall specify by rule the procedure for reviewing and proposing amendments to a student's education records. If a parent's or eligible student's proposed amendments to a student's education records are rejected by the educational institution, the parent or eligible student shall receive a hearing on the matter. The State Board of Education shall specify by rule the procedure for the hearing.

(5) As used in this section:

(a) "Detention facility" has the meaning given that term in [ORS 419A.004](#).

(b) "Educational institution" means a public or private school, education service district, state institution, private agency or youth care center.

(c) "Private agency" means an agency with which the Department of Education contracts under [ORS 343.961](#).

(d) "Youth care center" means a center as defined in [ORS 420.855](#).

## **Appendix F: Transition Readiness Index**

T1 Transition Readiness Index		TRI Date	TRI Score	
Youth Information	First Name and Initial	Last Name		
	Case #	Projected Emancipation Date (MM/DD/YYYY)		
	Birthdate (MM/DD/YYYY)	Age	Gender Male <input type="checkbox"/> Female <input type="checkbox"/>	
Independent Living Preparation	<input type="checkbox"/> Participates in Independent Living Program		Frequency	
	<input type="checkbox"/> Assessment Completed (type)	Date Completed (MM/DD/YYYY)	<input type="checkbox"/> updated within 6 months?	
	<input type="checkbox"/> Comprehensive Transition Plan Completed	Date Completed (MM/DD/YYYY)		
	<input type="checkbox"/> Youth Approval of Plan	Youth Signature		
Social Development	<input type="checkbox"/> Adoption, guardianship obtained		OR	
	<input type="checkbox"/> Surrogate Parent Identified			
	Name		Phone ( ) -	
	Street Address		Apt or Unit #      Email	
	City		State      Zip	
	Name		Phone ( ) -	
	Street Address		Apt or Unit #      Email	
	City		State      Zip	
	Role		<input type="checkbox"/> PPA (Permanency Partnership Agreement) Completed and Attached	
	Name		Phone ( ) -	
	Street Address		Apt or Unit #      Email	
	City		State      Zip	
	Role		<input type="checkbox"/> PPA (Permanency Partnership Agreement) Completed and Attached	
	Name		Phone ( ) -	
	Street Address		Apt or Unit #      Email	
	City		State      Zip	
	Role		<input type="checkbox"/> PPA (Permanency Partnership Agreement) Completed and Attached	
	<input type="checkbox"/> Spiritual Support: Church/Organization		Contact Person	Phone Number
	Housing, Transportation & Community Resources	<input type="checkbox"/> Address After Emancipation		City      State      Zip Code
		<input type="checkbox"/> Emergency Shelter (Identify)		
<input type="checkbox"/> Sample Rental Application Completed and Attached		<input type="checkbox"/> Participated in Housing Skills Classes		
<input type="checkbox"/> Social Security Card in Youth's Possession		Social Security Number		
<input type="checkbox"/> Have Photo ID		ID Type	ID Number      Exp. Date / /	
<input type="checkbox"/> Have Birth Certificate		County/State of Birth		
<input type="checkbox"/> Personal Filing System Established		<input type="checkbox"/> Registered to Vote		
		Location of Personal Filing System		

Independent Living Score

Social Development Score

Housing & Community Resources Score

**T1**

Total from front page (add all lines together)

**DRAFT**

**Money Management**

3	<input type="checkbox"/> Bank Account Open	Institution	Balance \$
3	<input type="checkbox"/> Savings Account Open	Institution	Balance \$
5	<input type="checkbox"/> Additional Source of Financial Support	Source(s) (List additional on separate sheet)	Monthly Amount \$
3	Demonstrated Skills (list)		

Money Management Score

**Work & Study Skills**

Education	10	<input type="checkbox"/> High School Diploma	School	Date Obtained / /			
	7	<input type="checkbox"/> GED	School	Date Obtained / /			
	10	<input type="checkbox"/> Enrolled in Post Secondary Education	School				
	6	Writing Skills Demonstrated	Test	Test Date / /			
5	Math Skills Demonstrated	Test	Test Date / /				
Employment	10	<input type="checkbox"/> Currently Employed Full Time	OR	7	<input type="checkbox"/> Currently Employed Part Time	3	<input type="checkbox"/> Sample Employment App (completed and attached)
		Current Employer	Address	Phone Number	Contact		
	10	<input type="checkbox"/> Previously Employed Full Time	OR	7	<input type="checkbox"/> Previously Employed Part Time	-5	Subtract 5 points if ended in firing or less than 3 months
3	Demonstrated Skills (list)						

Work Study Habits Score

**Self Care**

Health	5	<input type="checkbox"/> Medical Coverage After Care	Provider	ID Number	
	2	<input type="checkbox"/> Emergency Providers Identified	Provider	Phone Number	
	5	<input type="checkbox"/> Mental Health Coverage	Provider	ID Number	
3	Demonstrated Skills (list)				
Age: 0 <input type="checkbox"/> 15 or under 1 <input type="checkbox"/> 16 5 <input type="checkbox"/> 17 10 <input type="checkbox"/> 18 15 <input type="checkbox"/> 19+					
5	<input type="checkbox"/> Drug Free	List Method of Proof			
5	<input type="checkbox"/> No Criminal Record	5	<input type="checkbox"/> No Felony	10	<input type="checkbox"/> Non-parent (no offspring, not expecting)

Self Care Score

**Daily Living Skills**

3	Demonstrated Skills

Daily Living Tasks Score

**TRI History**

Date							
Score							

**Total TRI Score** \_\_\_\_\_

Participants or Youth Decision Meeting (YDM) Members:

Name	Role	Phone Number	Name	Role	Phone Number
Name	Role	Phone Number	Name	Role	Phone Number
Name	Role	Phone Number	Name	Role	Phone Number

**T2 Comprehensive Transition Plan** T2 Date / /

<b>Youth Information</b>	First Name and Initial	Last Name	DRAFT	
	Case # and PL	ILP Case Manager		
	DHS/Tribal Worker	Date Plan Completed / /		Six Month Update Due / /
	Referred to ILP? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, date of referral: / /		
Teen Parent? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, number of children	Expectant Parent <input type="checkbox"/> Yes <input type="checkbox"/> No		

<b>Youth's Strengths</b>	
--------------------------	--

<b>Identified Issues</b>	
--------------------------	--

<b>Additional Notes</b>	
-------------------------	--

<b>Youth Plan</b>	<p>Have other community partners crafted a plan on behalf of the youth? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please check all that apply and attach a copy to this form:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Ansel-Casey Life Skills Plan (<a href="http://www.caseylifeskills.org">www.caseylifeskills.org</a>)</li> <li><input type="checkbox"/> Individual Education Plan (IEP)</li> <li><input type="checkbox"/> Youth Transition Plan (YTP)</li> <li><input type="checkbox"/> Person Centered Plan</li> <li><input type="checkbox"/> Treatment Plan (D&amp;A, Residential, Mental Health, etc.)</li> <li><input type="checkbox"/> Development Disabilities (DD)</li> <li><input type="checkbox"/> Temporary Assistance to Needy Families (TANF/JOBS)</li> <li><input type="checkbox"/> Workforce Investment Act (WIA)</li> <li><input type="checkbox"/> Other (please list): _____</li> </ul>
-------------------	---

Please note that youth are to be intricately involved in crafting their service plan. Youth are to provide input regarding the goals and dreams they wish to accomplish and are to help determine what services will best assist them to achieve their goals.

# T2 Comprehensive Transition Plan **DRAFT**

T2 Date / /

## Youth Information

First Name and Initial	Last Name	
Case # and PL	ILP Case Manager	
DHS/Tribal Worker	Date Plan Completed / /	Six Month Update Due / /
Referred to ILP? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, date of referral: / /	
Teen Parent? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, number of children	Expectant Parent <input type="checkbox"/> Yes <input type="checkbox"/> No

## Youth's Strengths


## Identified Issues


## Additional Notes


## Youth Plan

Have other community partners crafted a plan on behalf of the youth?  Yes  No  
If Yes, please check all that apply and attach a copy to this form:

- Ansel-Casey Life Skills Plan ([www.caseylifeskills.org](http://www.caseylifeskills.org))
- Individual Education Plan (IEP)
- Youth Transition Plan (YTP)
- Person Centered Plan
- Treatment Plan (D&A, Residential, Mental Health, etc.)
- Development Disabilities (DD)
- Temporary Assistance to Needy Families (TANF/JOBS)
- Workforce Investment Act (WIA)
- Other (please list): \_\_\_\_\_

Please note that youth are to be intricately involved in crafting their service plan.. Youth are to provide input regarding the goals and dreams they wish to accomplish and are to help determine what services will best assist them to achieve their goals.



Youth Name \_\_\_\_\_ Case # and PL: \_\_\_\_\_

## Education

Current educational status: (In school? In what grade? How are grades? IEP? Graduated? GED? Other Program?):

Future goals or plans for education: (Attend college? Type of program -2 year, 4 year, Graduate Degree? Vocational training? Job Corp Military?):

Short Term Goals	Plan of Action	Progress
<i>(to help achieve long term goals/plans)</i>	<i>(who will assist with goals and how)</i>	<i>(rating scale below)</i>

Rating Scale: (+) =Positive Progress, (0) =No Change, (-) =Regression; (!) =Accomplished, (\*) =New Objective

Youth Name \_\_\_\_\_ Case # and PL: \_\_\_\_\_

## Housing

Current living situation (estimated date of independence, resources, concerns, risks, obstacles):

Plan for housing upon discharge (Where/with whom will you live? Transition to adult foster care?):

Future plans/goals for Housing (long range goals after discharge or emancipation – rent apartment, own a home, live in the dorm, shared housing, live with relatives?):

Short Term Goals	Plan of Action	Progress
<i>(to help achieve long term goals/plans)</i>	<i>(who will assist with goals and how)</i>	<i>(rating scale below)</i>

Rating Scale: (+) =Positive Progress, (0) =No Change, (-) =Regression; (!) =Accomplished, (\*) =New Objective

Youth Name \_\_\_\_\_ Case # and PL: \_\_\_\_\_

## Supportive Relationships and Community Connections

Current community support, activities and interests (Who is currently your support system? How are they a support? How are you involved in your community?):

Future goals or plans for supportive relationships and community connections: (What career field do you want to pursue? How will you gain the skills necessary for your career choice? Who can help obtain work experience in this career area? Plan for job shadow or internship?)

Short Term Goals	Plan of Action	Progress
<i>(to help achieve long term goals/plans)</i>	<i>(who will assist with goals and how)</i>	<i>(rating scale below)</i>

Rating Scale: (+) =Positive Progress, (0) =No Change, (-) =Regression; (!) =Accomplished, (\*) =New Objective

Youth Name \_\_\_\_\_ Case # and PL: \_\_\_\_\_

## Employment

Current employment status (skills needed, job search, placement, maintenance):

Future goals or plans for employment/career: (What career field do you want to pursue? How will you gain the skills necessary for your career choice? Who can help obtain work experience in this career area? Plan for job shadow or internship?)

Short Term Goals	Plan of Action	Progress
<i>(to help achieve long term goals/plans)</i>	<i>(who will assist with goals and how)</i>	<i>(rating scale below)</i>

Rating Scale: (+) =Positive Progress, (0) =No Change, (-) =Regression; (!) =Accomplished, (\*) =New Objective

**DRAFT**

Youth Name \_\_\_\_\_ Case # and PL: \_\_\_\_\_

## Health

Current Health status (physical, mental, emotional strengths and needs):

**Future goals or plans for maintaining good health:** (Is next dental and physical exam scheduled? What is plan to meet ongoing physical or mental health needs? What is plan for obtaining medical insurance? Do you have an understanding of nutrition and fitness?)

Short Term Goals	Plan of Action	Progress
<i>(to help achieve long term goals/plans)</i>	<i>(who will assist with goals and how)</i>	<i>(rating scale below)</i>

Rating Scale: (+) =Positive Progress, (0) =No Change, (-) =Regression; (!) =Accomplished, (\*) =New Objective

Youth Name \_\_\_\_\_

Case # and \_\_\_\_\_

**DRAFT**

## Miscellaneous Skills

**INDEPENDENT LIVING SKILL AREA:**

- Daily Living Skills       Money Management       Interpersonal/Social
- Nutrition/Safety         Transportation             Recreation/Leisure
- Legal                         Other: \_\_\_\_\_

Current Status:

Future goals or plans:

Short Term Goals	Plan of Action	Progress
<i>(to help achieve long term goals/plans)</i>	<i>(who will assist with goals and how)</i>	<i>(rating scale below)</i>

Rating Scale: (+) =Positive Progress, (0) =No Change, (-) =Regression; (!) =Accomplished, (\*) =New Objective

## **Appendix G: Youth Decision Meetings**

## **WHAT is a “Youth Decision Meeting” ???**

A Youth Decision Meeting is a meeting designed by YOU specifically for the planning of your present and future. Kristin Young, a Family Decision Meeting Facilitator with Intensive Family Services, is available to work directly with youth in foster care (this includes those involved in Powerhouse and ILP, of course) to help you develop your own plans based on your specific talents, strengths, dreams, needs, hopes, etc. This meeting is designed by YOU following consultation with Kristin Young. The initial meeting typically focuses on identifying your interests, short term and long term goals as well as identifying the people who support you and allowing them to help in more specific ways. Specific plans are developed to assist you in realizing your goals and in follow-up meetings progress is discussed and, if needed, plans are altered to fit new ideas. The format is whatever you make of it – who YOU want there, where YOU want to have it, what YOU want discussed.

If YOU are interested in this meeting, please do not hesitate to ask your caseworker or contact Kristin Young directly at 503-257-4226, ext. 263.

- If you have already had a Youth Decision Meeting and you have comments or ideas, PLEASE contact Kristin Young at the above number ... I'd love to hear what you have to say.

## **Youth Decision Meetings**

**Purpose:** To give young adults a voice in planning their future. To build a team to assist youth in acquiring the skills and relationships they need to be successful adults.

**When:** Any youth who has a case currently open to DHS/Child Welfare and is fourteen or older can request the service. Priority will be given to youth in foster care who are 16 or older. The date and time of the meeting will be determined by the youth and the availability of the facilitator.

**What is required from youth:** the first meeting should last about 1 ½ hours, and any follow up meetings about 45 minutes. The youth will be asked to identify who they would like to be at the meeting, to introduce the people at the meeting, and may accept tasks as part of their action plan.

**Rules:** Focus on strengths, no negative comments. At any point in time the youth can stop the plan.

**Process:** After introductions

- 1. Identify places where you spend your time, from most to least, e.g., school, job, 7-11, etc.**
- 2. Identify the people who support you, from most to least closest to you, e.g., best friend, occasional contact.**
- 3. Your likes and dislikes. What do you enjoy doing?**
- 4. List your fears and worries. What do you think about when you are having problems going to sleep? (These are your concerns, not those of your caseworker, parent, etc.)**
- 5. List your strengths and talents.**

- 6. List your “Choices” – things that you have control over now.**
- 7. Dream Time. Look at the charts again.**
  - **Is this what you want 5 years from now?**
  - **How can you take your “likes” and put them in career goals?**
  - **Want more choices?**
  - **Prioritize. What are your short and long-term choices?**
- 8. Action Plan. Identify one of your dreams and work with your support team to come up with small steps to get there.**
  - **What needs to happen? Who will do it? When?**
- 9. Prioritize. What are your short and long-term choices?**
- 10. Set a date for your next team meeting. When you meet next time, start with your action plan. What did you and your team accomplish? Are there any changes you want to make? What next?**

**Your future is up to you!**

## REFERENCES

### Periodicals, Newsletters, and Reports

- American Bar Association, *America's Children Still At Risk – A Report of the Steering Committee on the Unmet Legal Needs of Children*, 238 (2001).
- Berry, Marianne & Barth, Richard, *A Study of Disrupted Adoptive Placements of Adopted Adolescents*, 69 *Child Welfare* 3, 210-211 (May-June 1990).
- Charles, Kristi & Nelson, Jennifer, *Permanency Planning: Creating Life Long Connections*, The University of Oklahoma National Resource Center for Youth Development (April 2000).
- Cooke, Toni, *Connected by 25: A Plan for Investing in Successful Futures for Foster Youth*, The Youth Transition Funders Group Foster Care Work Group (2002).
- Courtney, M.E., Piliavin, I., Grogan-Kaylor, A., and Nesmith, A., *Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care*, 80 *Child Welfare* 6, 685-717 (2001).
- Courtney, Mark, Terao, Sherri, and Bost, Noel, *Evaluation of the Adult Functioning of Former Foster Youth: Conditions of Illinois Youth Preparing to Leave State Care*, Chapin Hall Center for Children at the University of Chicago (2004).
- Davey, Monica, *Those Who Outgrow Foster Care Still Struggle, Study Finds*, The New York Times (May 19, 2005).
- Department of Human Services (Received fax from), *Rank Order of States by Percent of Children Entering Foster Care at Age 16-18*, *Child Welfare Outcome Data*, (2001).
- Department of Human Services, *State Releases Annual Status of Abused and Neglected Children Report*, DHS News Release (July 22, 2003).
- Fagnoni, Cynthia, *Challenges in Helping Youths Live Independently*, United States General Accounting Office, 1 (1999).
- Foley, Ramona, *From the Administrator*, Focus Newsletter (October 2000).
- Gilbelman, M. & Schervish, P.H., *Who We Are: The Social Work Labor Force as Reflected in NASW Membership*, Washington, D.C., NASW (1993).
- Godsoe, Cynthia, *Caught Between Two Systems: How Exceptional Children In Out of Home Care Are Denied Equality in Education*, *Yale Law and Policy Review*, 15 (2000).
- Goodman, Naomi et. al., *It's My Life*, Casey Family Programs (2002).

- Graf, Ben, *Information Packet: Foster Care Independence Act of 1999*, National Resource Center for Foster Care and Permanency Planning (May 2002).
- Grasso, Kathy, *Litigating the Independent Living Case*, ABA Center for Children and the Law, Washington, D.C., 166.
- Graves, Bill, *One-third of Teens in State Don't Graduate*, *The Oregonian*, 1 (November 12, 2001).
- Halfon, N., Berkowitz, G., and Klee, L., *Mental Health Service Utilization by Children in Out of Home Care in California*, 89 *Pediatrics* 1238, 1238-1244 (1995).
- Independent Living Advisory Committee, *Independent Living for Children in Out-of-Home Care*, Wisconsin Department of Health and Family Services, 1 (2001).
- Inskeep, Steve, *Profile: Efforts to Help Adults Who Feel Disconnected from Society*, National Public Radio (June 10, 2004).
- Kellan, Susan, *Growing Independence*, Connect for Kids (October 26, 2001).
- Landsman, Malone, Tyler, Black and Groza, *Achieving Permanency for Teens: Lessons Learned from a Demonstration Project*, 2 *The Prevention Report* 2, 2 (1999).
- Loman, Anthony & Siegel, Gary, *A Review of Literature on Independent Living of Youths in Foster and Residential Care*, Institute of Applied Research, St. Louis, Mo., 8 (November 2000).
- McFarlane, Julie, *Troubled Lives, Troubling Prospects: System Teens Transitioning to Adulthood*, STAT! Project, 3 (September 2003).
- Moore, Amber, *What Does an 18<sup>th</sup> Birthday Mean to a Child in Foster Care?*, *Child Trends* (January 2003) [<http://www.childtrends.org>]
- Nixon, Robin, *Key Issues in Adolescent Development*, Training Session for CASA Volunteers (December 1997).
- Nollan, Kimberley & Downs, Chris, *Preparing Youth for Long-term Success – Proceedings From the Casey Family Program National Independent Living Forum*, CWLA Press, Washington, D.C., 28 (2001).
- Onkeles, Lauren, *Practitioner's Guide for Judges and Attorneys: Providing for the Well-being of Youth Aging Out of Foster Care*, ABA Center for Children and the Law, (2004) DRAFT.

Ortiz, Adam, *Adolescence, Brain Development and Legal Culpability*, American Bar Association (January 2004).

Polgar, Michael & Cabassa, Leopoldo, *Continuity of Mental Health Care for Young Adults*, Focal Point (2001).

Roman, Nan & Wolfe, Phyllis, *Web of Failure: The Connection Between Foster Care and Homelessness*, National Alliance to End Homelessness (April 1995).

Settlement Agreement between Juvenile Rights Project, Inc., National Center for Youth Law and the State of Oregon, by and through the Department of Human Services (September 10, 2003).

Sheehy, Alfred et. al., *Promising Practices: Supporting Transition of Youth Served by the Foster Care System*, 7 (1999).

Shirk, M. & Stangler, G., *On Their Own: Foster Children and the Transition to Independence*, Westview Press, Boulder, Co. (2000).

Sparr, *Orphan Foundation of America* (2001).

Taussig, Heather, Clyman, Robert, and Landsverk, John, *Children Who Return Home From Foster Care: A 6-Year Prospective Study of Behavioral Health Outcomes in Adolescence*, 108 Pediatrics 1 (July 2001).

The Youth Transition Funders Group Foster Care Work Group with the Finance Project, *Connected by 25: A Plan for Investing in Successful Futures for Foster Youth*, 10 (2004).

Unknown author, *Frequently Asked Questions: About the Foster Care Independence Act of 1999 and the John H. Chafee Foster Care Independence Program*, National Foster Care Awareness Project (February 2000).

Unknown author, *Foster Youth at 18: More Help is Needed for Them to Become Successful Adults*, 11 Child Welfare Report 2 (February 2003).

U.S. Department of Health and Human Services, Administration for Children and Families, *Child Welfare Outcomes 1999: Annual Report (Oregon)*, (1999).

Wertheimer, Richard, Ph.D., *Youth Who "Age Out" of Foster Care: Troubled Lives, Troubling Prospects*, Child Trends (December 2002).

Westat, Inc., *A National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth*, Phase I, Final Report, Rockville, Md. (1988).

Westat, Inc., *A National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth*, Washington, D.C.: HHS, 3 (1991).

Youth Advocacy Center, *The Future for Teens in Foster Care: the Impact of Foster Care on Teens and a New Philosophy for Preparing Teens for Participating Citizenship*, 41 (2001).

### Interviews

Iavendetti, Rosemary, *Interview with Rosemary Iavendetti*, Independent Living Coordinator for the State of Oregon, (July 29, 2003).

### Websites

Ansell-Casey Life Skills Assessment: <http://www.caseylifeskills.org>

Boys and Girls Club: <http://www.caseylifeskills.org>

Casey Programs: <http://www.Casey.org>

Insights Teen Parenting: <http://www.insightspp.org/>

Orphan Foundation of America: <http://www.orphan.org>

Outside In: <http://www.outsidein.org>

### Statutes and Regulations

ORS § 137.700 (2003).

ORS § 326.575 (2005).

ORS § 327.008 (2005).

ORS § 339.133 (2005).

ORS § 419B.192 (2005).

ORS § 419B.343(3) (2003).

ORS § 419B.337 (2005).

ORS § 419B.476 (2003).

Pub. L. No. 105-89, § 302, 111 Stat. 2115, 2115 (1997).

Pub. L. No. 105-89, § 302, 111 Stat. 2129, 2129 (1997).

20 U.S.C. § 1232 (g) (2004).

20 U.S.C. § 1415 (2004).

29 U.S.C. § 794 (2004).

42 U.S.C. § 675 (2004).

42 U.S.C. § 677(i) (2004).

42 U.S.C. § 12131 (2004).

42 U.S.C. § 11431 (2004).

42 U.S.C. § 1396d(e) (2004).

42 U.S.C. § 1677 (2004).

8 C.F.R. § 204.11(c)(5) (2004).

20 C.F.R. § 664.410 (2004).