

# LEGISLATIVE RESEARCH REPORT

MARCH 23, 2010



REPORT NUMBER 10.209

## YOUTH RE-ENTERING FOSTER CARE AFTER TURNING 18

PREPARED FOR REPRESENTATIVE LES GARA

BY TIM SPENGLER, LEGISLATIVE ANALYST

You asked whether Alaska or any states allow youth 18 years of age or older to re-enter the foster care system. Additionally, you wanted to know if child welfare organizations have developed a "best practices" model for re-entry after the age of 18.

Alaska law does not allow youth who have left foster care to re-enter after they are age 18 or older.<sup>1</sup> Under Alaska Statute 47.10.080, youth are able, in certain circumstances, to extend their stay in foster care until they are 19 or 20; however, if they have left foster care, and are 18 or older, they are unable to re-enter the system.

We identified 15 states (Alabama, Arizona, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Minnesota, New York, Oklahoma, Texas, Virginia, and Washington) that allow youth over age 18 to re-enter foster care under varying circumstances. Below we highlight aspects of each state's program.<sup>2</sup> As you will note from this summary, re-entry in many states is dependent on the education plan of the youth in question.

- ◆ Alabama - Youth who were in "out of home" care on or after their 18th birthday have the option of returning to care if they are living in a situation in which there is an identifiable risk of harm.
- ◆ Arizona - Teens and young adults who left the Arizona foster care system at age 18 or older may request to re-enter foster care prior to their 21st birthday. All foster care services end on the person's 21st birthday.
- ◆ Connecticut - Until they turn 21, youth can return to care as long as they were in care on their 18th birthday, and the purpose of re-entry is to either obtain education or work skills for transition into adulthood.

<sup>1</sup> Mike Lesmann, community program manager, Office of Children's Services, Department of Health and Social Services at (907) 465-3548.

<sup>2</sup> We identified state programs through a number of sources including the Casey Family Programs (<http://www.casey.org>), the Child Welfare League of America (<http://cwla.org>), and the National Conference of State Legislatures (<http://www.ncsl.org>).

- ◆ Illinois – Former foster care youth under 21 may “reengage” with the Department of Children and Family Services in order to secure essential supports and services to learn to live independently as adults.<sup>3</sup>
- ◆ Indiana - Youth must meet eligibility requirements to re-enter care under the Older Youth in Foster Care Program. In Attachment A, we include the Indiana Code (31-28-5.7-1) pertaining to this program as well as correspondence from the Department of Child Services outlining the program. Indiana’s Independent Living Program is detailed at <http://www.in.gov/dcs/2530.htm>.
- ◆ Iowa - A youth can return to care provided that he or she is still working on a high school education or GED. Individuals can remain in care up to the age of 20.
- ◆ Kentucky - Youth have up to six months after reaching age 18 to decide if they would like to return to care.
- ◆ Maine - Youth must typically enroll in the optional Volunteer Extended Care Program prior to, or within 90-days following, reaching age 18. In some exceptional cases youth who have been out of care for more than 90 days are permitted to re-enter foster care. Program details are available at <http://www.maine.gov/dhhs/ocfs/cw/v92.htm>.
- ◆ Massachusetts - Youth may request to re-enter care as long as they have not reached age 22, even if they voluntarily exited at age 18.
- ◆ Minnesota - Youth are able to re-enter care as long as they were “wards of the state” and have not reached the age of 21, even if they voluntarily exited at age 18. The re-entry provision does not apply if the youth’s parents’ parental rights have not been terminated.
- ◆ New York - A youth age 18 or older can re-enter care if that individual is on a “trial discharge” and is in need of services. Youth age 18 or older with a status of “final discharge” cannot return to care, although some agencies at their own discretion may provide assistance to these youth.
- ◆ Oklahoma - If a youth has exited care without completing the requirements for a high school diploma or without obtaining a GED, that individual may return on a voluntary basis if a placement is available. The youth may remain in care until completing high school or the GED, or until age 21, whichever comes first.
- ◆ Texas - The Return to Care program allows certain eligible youth age 18 to 21 years of age to return to care in order to attend high school or GED courses (up to age 22), or to attend a vocational or technical program (up to age 21). In Attachment B, we provide a copy the pertinent Texas Administrative Code (Rule 700.346) as well as Return to Care policy

---

<sup>3</sup> The full 34-page text of enrolled House Bill 4054, which allows for reengagement of former foster youth, can be accessed at <http://www.ilga.gov/legislation/>

information taken from the Department of Family and Protective Services handbook.

- ◆ Virginia - If a youth decides to leave foster care, he or she can resume independent living services as long as he or she returns within 60 days of discontinuance of services.
- ◆ Washington - Youth can re-enter foster care via the Foster Care to 21 program within six months of leaving care if they are enrolled in a post-secondary education program. (We include a program description as Attachment C.) A Washington State Institute for Public Policy report from January 2010 found that Foster Care to 21 participants had higher college attendance rates, fewer arrests, and used food stamps for a shorter period of time than did foster youth who graduated from high school before the program was available. The report (also included in Attachment C) estimates a taxpayer benefit of \$1.35 for every dollar spent on the program.

In Attachment D, we include the statutory language from both Virginia (CV 63.2-905.1) and Washington (RCW 74.13.031) pertaining to former foster care youth over 18 reentering the system.

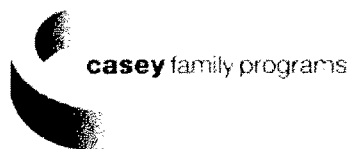
We could identify no “best practices” or official policy positions put forth by child welfare or foster care organizations regarding allowing youth over 18 to re-enter foster care. Nevertheless, it is commonly held by experts in the field that many, if not most, 18 year-olds—whether they were in the foster system or not—are ill-equipped to function as independent adults. To that point, we include an issue brief (Attachment E), from the University of Chicago's Chapin Hall Center for Children entitled, “When Should the State Cease Parenting?,” which suggests that allowing youth to remain (or re-enter) foster care past age 18 would benefit both them and society.

Attachment E also contains a print article from National Public Radio entitled, “Generation Next in the Slow Lane to Adulthood.” The piece examines how the current generation of young adults is quite dissimilar to past generations in terms of becoming independent from their parents and being prepared for the responsibilities of adulthood.

---

We hope you find this information to be useful. Please let us know if you have questions or need additional information.

Attachments available upon request.  
Contact Rep. Gira's office at 465-2647.

[x Close](#)

# State Child Welfare Policy Database

> Older Youth in Foster Care > Foster Care Age Limits > Age at which youth become ineligible to remain in foster care

State	When are youth ineligible to remain in foster care?
Alabama	21st birthday
Alaska	20th birthday
Arizona	21st birthday
Arkansas	21st birthday
California	Don't know
Colorado	21st birthday
Connecticut	24th birthday
Delaware	19th birthday
District of Columbia	21st birthday
Florida	18th birthday
Georgia	21st birthday
Hawaii	Depends on the situation
Idaho	19th birthday
Illinois	21st birthday
Indiana	21st birthday
Iowa	20th birthday
Kansas	21st birthday
Kentucky	21st birthday
Louisiana	21st birthday
Maine	21st birthday
Maryland	--
Massachusetts	Depends on the situation
Michigan	20th birthday
Minnesota	21st birthday
Mississippi	Depends on the situation
Missouri	21st birthday
Montana	--

Nebraska	19th birthday
Nevada	21st birthday
New Hampshire	21st birthday
New Jersey	21st birthday
New Mexico	18th birthday
New York	21st birthday
North Carolina	21st birthday
North Dakota	21st birthday
Ohio	Depends on the situation
Oklahoma	--
Oregon	21st birthday
Pennsylvania	21st birthday
Rhode Island	--
South Carolina	21st birthday
South Dakota	--
Tennessee	19th birthday
Texas	22nd birthday
Utah	21st birthday
Vermont	22nd birthday
Virginia	21st birthday
Washington	21st birthday
West Virginia	--
Wisconsin	19th birthday
Wyoming	21st birthday

[www.childwelfarepolicy.org](http://www.childwelfarepolicy.org)  
Developed and Managed By Child Trends



PRINT THIS

SOCIAL SERVICES

## Children of the System

**New research supports a radical shift in child-welfare policy for the thousands of teens who 'age out' of foster care at age 18, only to face high rates of homelessness, unemployment and incarceration.**

By Daniel Heimpel | Newsweek Web Exclusive  
Mar 9, 2009

Eighteen-year-old John Kyzer's blue eyes are bleary and the skin around them puffy as he paces a corner of Hollywood Boulevard in Los Angeles. Kyzer has been spending his nights on a bench in front of a Starbucks. And now, he is dangerously close to entering the ranks of dozens of other former foster youth who "cop a squat" (sit) on concrete stairwells and sleep in "abandos" (abandoned buildings) up and down the street.

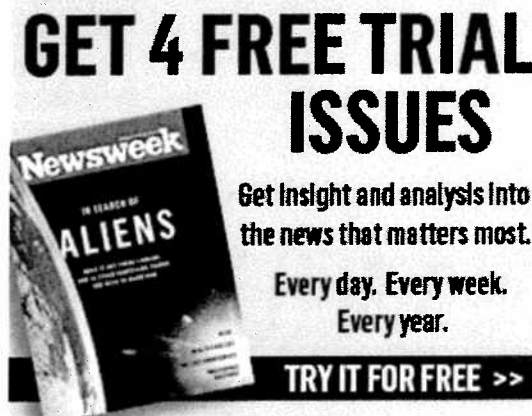
Soon after his 18th birthday, the state of California "terminated" Kyzer's case and he was forced to leave his group home. He moved in with his girlfriend and their 4-month-old baby in the home she shared with three generations of her family. Wanting to help support his son, Kyzer got a job at Starbucks and worked as many hours as the boss would give him. For two months his confidence brimmed.

But then he did something many teenagers do. He blew off work and was fired. Now, the door to his girlfriend's house is shut. Kyzer is on his own.

For Kyzer and many of the more than 25,000 other foster youth in the United States who "age out" of the system every year, there is no family and no support network to pick you up when you fall. Within two years of emancipation, half of Los Angeles County's foster youth will be unemployed, one fifth will be homeless and a quarter will have been to prison, according to the Children's Law Center. Similar fates can be expected across the country for many of the 500,000 children who call the state their parents.

But a law signed by President Bush in the waning days of his administration could radically change the futures of these children. The Fostering Connections to Success and Increasing Adoptions Act of 2008 offers states matching federal funds to extend care to age 21 for all foster youth who choose to stay in the system after their 18th birthday. What's meant by "care" would vary state by state, but could include extending Medicaid coverage to age 21 (which about 20 states now do), providing housing vouchers or access to group homes, vocational training, educational funding and psychological counseling services.

"We have known for a long time that kids don't suddenly become self-sufficient at the age of 18," says the federal bill's sponsor, Rep. Jim McDermott of Washington state. "The law we passed last year finally



**GET 4 FREE TRIAL ISSUES**

Get insight and analysis into the news that matters most.

Every day. Every week. Every year.

**TRY IT FOR FREE >>**



recognized the need to better provide the building blocks of success to these children."

Research released Monday suggests that the approach makes financial sense for a government weighed down by the costs of incarceration, welfare, Medicaid and homelessness incurred by former foster youth who struggle after emancipation. Conducted by the University of Washington School of Social Work, the study finds that caring for young adults until age 21 will represent a return of \$2.40 on every government dollar spent in California.

Experts hope the report will lead more states to implement the federal law. But adding anything to a state budget right now is a hard sell. Thus far only seven states have put forward such legislation, including California. And before the passage of the federal legislation, only two states had implemented comprehensive extended care for foster kids after age 18—Illinois and Vermont.

The study's leading researcher, Mark Courtney, director of Partners for Our Children, a public-private collaboration promoting child-welfare reform at the University of Washington, sees the federal legislation as the most radical shift in child-welfare policy in the last decade. "The government has been unwilling to help kids after 18 beyond teaching them independent-living skills," he says. "That is not what parents do. A parent is not happy to kick a kid out at 18 and say good luck."

Courtney's earlier work has shown significant long-term benefits for kids who get a few more year's care versus those who are pushed out of the system at 18. His hallmark "Midwest Study," published in 2005, was instrumental in shaping the current federal legislation. That report followed 732 foster youth through their 17th, 18th and 21st birthdays. It found that along with lower rates of incarceration, homelessness and unemployment, young people in a state like Illinois, which extends care until 21, were 3.5 times as likely to have completed a year of college than peers in states like Iowa and Wisconsin, which routinely cut care at 18. (Census data show that less than 3 percent of foster kids earn college degrees, compared with 28 percent of the population as a whole.)

"The minute we kick them out they start looking for their families," says Karen Bass, speaker of the California Assembly and coauthor of The California Fostering Connections to Success Act. The legislation plans to increase spending to \$70 million in California for youths age 18 to 21, largely through the newly available federal funds. "When they can't find their families, they make families of their own on Hollywood Boulevard. In L.A., they are couch surfing; you have groups of young people living together and it is homelessness, just a different form." Bass and coauthor Jim Beall say that despite the budget wrangle and deficits that California faces, the bill bears the name of 26 Assembly members, has wide cross-aisle support and will likely pass.

In this latest study of foster care, Courtney narrowed his focus on higher education. As he had already shown, young people in extended care were better equipped to pursue a higher level of education and thus vastly increased their lifetime earning potential. For an expenditure of \$37,948 over the course of extended care, Courtney concludes that those foster youth will earn \$92,000 more in their working life. "We are talking about spending \$38,000 over one to three years versus what it costs to incarcerate somebody for 20 to 30 years," says Bass. In California, the Department of Corrections anticipates the annual cost of incarceration will jump to \$53,000 in fiscal year 2009-10.

But these undeniable statistics are running headlong into the cold reality of a national financial crisis. "Here is the most significant piece of [foster-care] legislation in a decade and it may be slowed down by these

economic times," says Kathi Crowe, executive director of the Foster Care Coalition. "It's almost too bad it is optional." Nonetheless, Courtney believes that the evidence he has presented along with the National Youth in Transition Database, which will be implemented nationwide as of October 2010 and will track young people as they mature into adulthood, will force states to act. "At that point some states may be shamed into changing their laws if the outcomes of their former foster youth look much worse than the outcomes for youth in states that have extended care to 21."

But for Kyzer and the kids currently "copping a squat" on the streets, it may be too late. "I just wasn't ready," Kyzer says of being a father, holding a job and moving into his own place. Tonight he is couch surfing, but tomorrow, his only option may be an abando.

Find this article at

<http://www.newsweek.com/id/188493>

© 2009