

Legislative Analysis



FOSTER CARE INDEPENDENCE ACT

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House Bill 4481

Sponsor: Rep. Brenda Clack

Committee: Families and Children's Services

Complete to 4-17-07

A SUMMARY OF HOUSE BILL 4481 AS INTRODUCED 3-20-07

BRIEF SUMMARY: The bill would create the Foster Care Independence Act which would guide the provision of services to youth transitioning out of foster care. Much of the bill reflects codification of existing federal law.

FISCAL IMPACT: The bill largely codifies current federal law and DHS policy. One difference with federal law is that Section 4 of the bill requires the State to provide all of the goods and services listed in parts (a) through (d) to eligible youth in the program. Federal law allows, but does not require, the provision of these specific goods and services. The Department of Human Services, however, indicates the provisions in Section 4 are consistent with current state practices. Thus, the bill should have no fiscal impact on the State or local units of government.

DETAILED SUMMARY:

The bill would create a new act, the Foster Care Independence Act, to require in statute the Department of Human Services establish the foster care independence program, which would offer education, training, employment, and financial support for young adults leaving foster care. The program is aimed at "young adults" (aged 14 through 20) who are in or have been in a foster care placement through the state based on child abuse or child neglect on or after his or her 14th birthday. Much of the bill reflects codification of existing federal law.

The program would have to do all of the following:

**Identify young adults who are likely to remain in foster care until 18 years of age and help them make the transition to self-sufficiency through services such as vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities, including smoking avoidance, nutrition education, and pregnancy prevention.

**Help young adults in foster care until age 18 to receive education, training, services necessary to obtain employment or enter postsecondary training and educational institutions.

** Provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interaction with dedicated adults.

**Provide appropriate support [i.e., financial, housing, counseling, employment, education, etc.] to former foster care recipients between 18 and 21 years of age to complement their own

efforts toward achieving self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and making the transition from adolescence to adulthood.

Department Duties and Responsibilities

The department would be required to provide to eligible program participants the following goods and services: services not available from other funding sources for young adults currently in the system and young adults released from foster care before age 21; educational support; classes on interpersonal communication, building and maintaining relationships, and independent living skills; and stipends to cover the cost of utility deposits, security deposits, and first month's rent to those who are leaving or have left foster care because they reached 18 but are not yet 21. (The first month's rent and damage deposit may only be provided to those leaving or who have left foster care because they have reached 18 or 19 but who are not yet 21.) The department could also provide goods and services allowed under federal law and anything it considers appropriate.

Under the act, services would be provided to young adults 14 years and older regardless of the permanency planning goal. Services would also be available to eligible young adults after case closure through 20 years of age.

Participant Ineligibility

A young adult would be ineligible for services if he or she is in an out-of-home placement solely as an adjudicated delinquent. If he or she is currently an adjudicated delinquent but met the eligibility criteria before adjudication, services could be provided after the delinquency case is closed. A young adult would also be ineligible for services if he or she was never in an out-of-home placement based on child abuse or neglect or if he or she was in a detention facility or other state operated facility.

Definitions

The act would define "adjudicated delinquent" to mean an individual found to have committed an offense that, if committed by an adult, would be a criminal offense. "Foster care" would be defined to mean 24-hour substitute care for children placed away from their parents or guardians from whom the state agency has placement and care responsibility. Foster care placement includes placement in foster family homes, child care institutions and pre-adoptive placements. A "young adult" would be defined to mean an individual 14 years of age or older but less than 21 years of age.

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