

# NEW SUPPORT FOR OLDER YOUTH: STATE OPTIONS FOR IMPLEMENTING THE FOSTERING CONNECTIONS ACT OF 2008

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Youth aging out of foster care face unique challenges in their transition to adulthood. Research has shown consistently poor outcomes for foster youth despite previous attempts to improve outcomes through legislation. The 2008 Fostering Connections to Success and Increasing Adoptions Act offers new support for older foster youth by giving states the option to extend care until age twenty-one. Whether this legislation will improve outcomes for foster youth is unclear due to uncertainty of extended-care benefits and the range of implementation decisions to be made by states. The author recommends that states take full advantage of the care extension offered by the Act, experiment with new services for foster youth, and identify best practices.

## INTRODUCTION

The transition to adulthood is challenging for any teenager, even if he or she has a loving and supportive family. For the twenty-six thousand young adults who “age out” of foster care every year, the challenges are far more complex.[1] Without a safety net, these young adults are at much higher risk for negative outcomes including low educational attainment, incarceration, homelessness, substance abuse, early pregnancy, unemployment, and poverty.[2]

New federal legislation, the 2008 Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections Act), has given states the option to extend foster care for certain youth until age twenty-one.[3] As this legislation is implemented, many questions remain about its ability to improve outcomes for foster care youth:

- Will three extra years in foster care produce better outcomes for youth?
- Is improvement in outcomes a result of providing room and board, the teaching of independent living skills, or developing a connection with a supportive adult?
- Will states implement the extension, and will youth take advantage of it?

In this paper, I highlight the questions facing state lawmakers as they determine how to implement this new legisla-

tion. After presenting a brief history of foster care legislation as it relates to older youth, I will focus on the anticipated impact of the Fostering Connections Act by looking at arguments for and against extending foster care beyond age eighteen. I will also review the effectiveness of programs to promote better outcomes after youth leave the foster care setting. The paper will conclude with recommended steps to be taken by states to maximize the potential gains from this legislation.

## HISTORY OF FEDERAL FOSTER CARE LEGISLATION

Prior to the passage of the Fostering Connections Act, there were two major pieces of legislation intended to provide youth aging out of foster care with the tools to live independently: the Independent Living Initiative and the John H. Chafee Foster Care Independence Program. The Independent Living Initiative was created in 1986 as part of Title IV-E of the Social Security Act. Title IV-E, the largest source of federal funding for child welfare programs, reimburses states for most of the cost of providing foster care to eligible youth.[4] A child is Title IV-E eligible if he or she was removed from a low-income family prior to being placed in foster care.[5]

The Independent Living Initiative provided additional Title IV-E funding to states to assist foster youth aged sixteen and older in their transition to living independently. This was accomplished through the state provision of Independent Living (IL) services that focus on aiding foster youth pursuing education and employment and maintaining a household.[6] IL services can range from one-on-one mentoring to job skills classes, and states have discretion in determining which services to provide to meet legislative goals. Initially federal fund-

ing only supported these services for Title IV-E eligible youth, but in 1988 the legislation was expanded to include all youth sixteen or older and still in care.[7]

The John H. Chafee Foster Care Independence Program (1999) replaced the Independent Living Initiative and further expanded IL services to foster youth younger than sixteen and all youth who had aged out of care but were not yet twenty-one.[8] In addition to the expansion of IL services, this program provided \$5,000 worth of education and training vouchers for each Title IV-E eligible foster youth per year and allowed states to use a portion of funding to provide room and board for eighteen- to twenty-one-year-olds.[9] The overall funding available for IL services doubled from \$70 million to \$140 million under this program.[9]

### THE FOSTERING CONNECTIONS ACT: NEW SUPPORT FOR OLDER FOSTER YOUTH

The Fostering Connections Act, a watershed reform in child welfare policy, further expands federal provision of IL services for foster youth.[10] Two key reforms of the Act specifically address foster youth transitioning to adulthood. The first is an extension of federal funding for foster care maintenance, adoption assistance, and guardianship assistance for some foster youth until age twenty-one. This funding applies to Title IV-E eligible youth who reached age eighteen while still in care (or reached age sixteen before being adopted or exited to guardianship) and are in school, employed, or have a medical condition prohibiting them from engaging in school or work.[3] The second key reform extends education, training, and other IL services available through the Foster Care Independence Program to youth who exit foster care to adoption or guardianship before age sixteen (youth who age out directly from foster care were already eligible for these services).[3]

The general response to this new legislation among youth advocates is cautiously optimistic. Youth advocates generally support the Act as a response to research demonstrating consistently negative outcomes for this population.[2] They also applaud the potential gains for youth who remain in care beyond age eighteen.[5] The impact of this legislation, however, depends mainly on the outcome of the complicated set of choices states face in implementing the Act. These choices include: (1) which of the eligible groups (guardianship, adoption, and foster care) to extend care for Title IV-E youth to; (2) whether to use state funds to extend care to non-Title IV-E eligible youth; (3) whether to set the extension limit to age nineteen, twenty, or twenty-one; (4) whether to impose state eligibility restrictions in addition to federal requirements; and (5) whether to allow youth under age twenty-one to return to care once they have left.[3]

States have been given great flexibility in implementing these various dimensions of the Act. Therefore, reform is likely to look very different on a state-by-state basis.

### STATE IMPLEMENTATION: ARGUMENTS FOR AND AGAINST EXTENDING CARE TO TWENTY-ONE

The provision that allows states to extend care up to age twenty-one does not go into effect until October 2010. As states begin to grapple with these decisions, it is important to identify the research in support of and in opposition to care extension.

One argument in favor of extending care to age twenty-one is the direct benefit to youth. A University of Chicago longitudinal study surveyed 603 former foster youth from Wisconsin, Iowa, and Illinois at ages seventeen, nineteen, and twenty-one.[2] Comparing the outcomes of Iowa and Wisconsin youth, who in those states typically leave care at age eighteen, with Illinois youth, who routinely stay until age twenty-one, the study found that youth who remain in care beyond age eighteen are more likely to pursue higher education, earn more, and delay pregnancy.[11] A cost-benefit analysis of this data estimated that every dollar spent on extending foster care to age twenty-one returns two dollars in societal benefits. The benefits from decreased use of public assistance and higher wage earnings more than offset the cost to government of an extra three years in care.[5] This cost-benefit analysis has some substantial limitations; the study directly compared groups of foster youth from different states, made assumptions on their future educational trajectories, and used data from the general population to estimate future increases in earnings.[5]

The question on whether to extend foster care services reflects a larger debate about the changing social conception of when independent adulthood begins.[12] Researcher Jeffrey Arnett coined the term “emerging adulthood” to describe the new life phase experienced by eighteen- to twenty-five-year-olds as they explore their options for employment, marriage, and personal identity, while receiving emotional and material support from their parents.[13] Yet current child welfare policy expects former foster youth to emerge as stable and self-sufficient adults at age eighteen. A counterargument to the theory of emerging adulthood is that extending care to age twenty-one may only delay the period of adjustment to the real world for these young people and prolong the “learned helplessness” they have acquired during years in foster care.[14] Some analysts worry that this might make these youth more dependent on social welfare programs in the future.

The question of whether to restrict extended funding to Title IV-E eligible youth presents additional challenges. The Act explicitly restricts extended funding to Title IV-E eligible youth, but states that disagree with that policy may decline to implement the legislation. Some argue that maintaining the link to Title IV-E eligibility sends the message that “the federal government only has a financial stake in the care of foster children from poor families.”[10] Foster youth face many of the same challenges when they age out regardless of the income level of their pre-foster-care household. By maintaining Title IV-E eligibility guidelines, only about half of children who

enter foster care will be eligible for this funding.[5] States can, however, make up for this gap by extending care to ineligible youth using state funds.

### INDEPENDENT LIVING PROGRAMS: HOW TO PREPARE OLDER YOUTH FOR ADULTHOOD

Beyond the question of whether to extend care to age twenty-one, states must also decide which services will best prepare foster youth to live on their own once they age out of care. Although IL services have been provided to older foster youth since the mid-1980s, very few comprehensive evaluations of their success have been conducted. Barriers to evaluating IL programs include a lack of standardized data collection and reporting, difficulty in following up with youth after they have left care, and a lack of prioritization of program review by the Department of Health and Human Services (HHS).[15,16,17]

The studies that have been conducted are mostly small-scale and their findings have been mixed.[15,16,17] In 2001, HHS funded the first experimental evaluation of IL programs (a 10-week life skills course and a tutoring/mentoring program) and found no impact on the outcomes measured.[18,19] Researchers have proposed several possible explanations for their lack of success. One explanation is that life skills cannot be successfully taught in a classroom. Instead, they argue, these skills are best taught by adult mentors and role models. The best chance of success is achieved when youth are provided with an opportunity to practice these skills in an environment without fear of failure.[20]

A second reason offered by researchers for IL programs' lack of success is that foster youth may be more likely to avoid depending on others in interpersonal relationships. Research clearly identifies the critical role of healthy relationships in youth development, yet foster youth who have been placed in many different foster homes become accustomed to relying only on themselves and may come to view dependence on others as a personal weakness or indication of failure.[21] In order to overcome this adaptation, some researchers are calling for a shift from teaching independent to teaching interdependent living skills. A focus on interdependent skills places an emphasis on teaching foster youth not only how to take care of themselves but also how to interact with others, ask for assistance when needed, and accept assistance when offered.[14]

Some researchers suggest that IL programs as stand-alone solutions fail for a variety of other reasons. For example, these programs do not solve the problem of finding stable housing for foster youth. Learning to find and maintain stable housing is crucially important for older foster youth and allows them to be successful in other aspects of life.[22] Practitioners also recognize that the experiences of these youth vary greatly; therefore, the same programs cannot be expected to be successful with all youth but must be adapted to each individual.[23]

### CONCLUSION AND RECOMMENDATIONS

The Fostering Connections Act, by expanding federal support to foster care youth in transition, represents a significant step in the right direction. It is clear that current policies are not providing adequate support to foster youth amid growing evidence of the benefits of extending care to age twenty-one.[5] This legislation provides a critical opportunity for a large-scale evaluation of the benefits of extending foster care services beyond age eighteen. What next steps can states take to take full advantage of this opportunity?

- Implement the extension for all eligible youth. Without the participation of the majority of states, we will lose the chance to learn lessons that can be replicated nationwide.
- Provide caseworkers with training in communicating the options and potential benefits to foster youth of choosing to remain in care. Youth need to be encouraged to take advantage of the care extension where it is available and appropriate for them.
- Re-examine existing IL programs and experiment with new practices. If we continue blindly with traditional IL programs, this legislation will only serve to extend failed approaches from the past.
- Track all IL services and participant information through the National Youth in Transition Database. This database, which goes into effect in October 2010, will allow for comparison of IL programs across states.[24]

When a state makes the decision to remove a child from his or her home, it assumes responsibility for providing a better life for that child. As the custodial "parent" for 26,000 youth approaching adulthood, the government has a responsibility for their future.[25] Many of these youth do succeed as adults, but there is great potential to improve outcomes. We have an obligation to continuously try new approaches, carefully measure results, and improve the services available to youth aging out of foster care.

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ENDNOTES

[1] Pew Charitable Trusts, "Time for reform: Preventing youth from aging out on their own," September 2008, <http://kidsarewaiting.org/tools/reports/files/Agining-Out-2008AL.pdf>.

[2] Mark E. Courtney, Amy Dworsky, Gretchen Ruth Cusick, Thomas Keller, Judy Havlicek, Alfred Perez, Sheri Terao, and Noel Bost, "Midwest evaluation of the adult functioning of former foster youth," 2007, <http://www.chapinhall.org/research/report/midwest-evaluation-adult-functioning-former-foster-youth>.

[3] As of June 2009, forty-four states and the District of Columbia used state funding to allow youth to remain in foster care beyond age twenty one. National Foster Care Coalition, "FAQ: Youth and young adults provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008," June 2009, <http://www.nationalfostercare.org/pdfs/NFCC-FAQ-olderyouth-2009.pdf>.

[4] The percentage reimbursed ranges from 50 to 83 percent, as determined by the state's Federal Medical Assistance Percentage (FMAP). Torey Silloway and Soumya Bhat, "Connected by 25: Financing policies and practices that support permanency for youth transitioning out of foster care," May 2009, <http://www.financeproject.org/publications/FinancingPoliciesAndPractices.pdf>.

[5] A family is determined to be "low-income" in this case if they meet the income-eligibility guidelines in place in July 1996 for Aid to Families with Dependent Children. Clark M. Peters, Amy Dworsky, Mark E. Courtney, and Harold Pollack, "Extending foster care to age 21: Weighing the costs to government against the benefits to youth," 2009, <http://www.chapinhall.org/research/brief/extending-foster-care-age-21-weighing-costs-government-against-benefits-youth>.

[6] US Department of Health and Human Services, Administration on Children, Youth and Families, *Title IV-E independent living programs: A decade in review* (Washington, DC: US Government Printing Office, 1999), <http://www.inpathways.net/independent%20living%20programs%20decade%20in%20review.pdf>.

[7] Child Welfare League of America (CWLA), "Brief history of federal child welfare financing legislation," July 2003,

<http://www.cwla.org/advocacy/financinghistory.htm>.

[8] Maria Scannapieco, Kelli Connell-Carrick, and Kristin Painter, "In their own words: Challenges facing youth aging out of foster care," *Child & Adolescent Social Work Journal* 24(5)(2007): 423-435.

[9] National Foster Care Awareness Project, "Frequently asked questions: About the Foster Care Independence Act of 1999 and the John H. Chafee Independence Program," 2000, <http://www.nrcyd.ou.edu/programs/pdfs/faq.pdf>.

[10] Rob Geen, "Fostering Connections to Success and Increasing Adoptions Act: Implementation issues and a look ahead at additional child welfare reforms," January 2009, [http://www.childtrends.org/Files/Child\\_Trends-2009\\_02\\_10\\_FR\\_NewCWPaper.pdf](http://www.childtrends.org/Files/Child_Trends-2009_02_10_FR_NewCWPaper.pdf).

[11] Mark E. Courtney, Amy Dworsky, and Harold Pollack, "When should the state cease parenting? Evidence from the Midwest study," Chapin Hall Issue Brief #15, December 2007, [http://www.chapinhall.org/sites/default/files/publications/ChapinHallDocument\\_1.pdf](http://www.chapinhall.org/sites/default/files/publications/ChapinHallDocument_1.pdf).

[12] Rosemary J. Avery, "An examination of theory and promising practice for achieving permanency for teens before they age out of foster care," *Children and Youth Services Review* 32(3)(2009): 399-408.

[13] Jeffrey Arnett, *Emerging adulthood: The winding road from late teens through the twenties* (Oxford: Oxford University Press, 2004), <http://jeffreyarnett.com/articles.htm>.

[14] Becky F. Antle, Lisa Johnson, Anita Barbee, and Dana Sullivan, "Fostering interdependent versus independent living in youth aging out of care through healthy relationships," *Families in Society* 90(3)(2009): 309-315.

[15] US Government Accountability Office, "Foster care: Effectiveness of independent living services unknown," GAO/HEHS-00-13, November 1999, <http://www.gao.gov/new.items/he00013.pdf>.

[16] US Government Accountability Office, "Foster youth: HHS actions could improve coordination of services and monitoring of states' independent living programs," GAO-05-25, November 2004, <http://www.gao.gov/new.items/d0525.pdf>.

[17] US Government Accountability Office, "Child welfare: HHS actions would help states prepare youth in the foster care system for independent living," statement of Cornelia M. Ashby to the Subcommittee on Income Security and Family Support, Committee on Ways and Means, US House of Representatives, GAO-07-1097T, July 2007, <http://www.gao.gov/new.items/d071097t.pdf>.

[18] US Department of Health and Human Services, Administration for Children and Families, "Evaluation of the Life Skills Training Program: Los Angeles County, California: Final report," July 2008, [http://www.acf.hhs.gov/programs/opre/abuse\\_neglect/chafee/reports/eval\\_1st/eval\\_1st.pdf](http://www.acf.hhs.gov/programs/opre/abuse_neglect/chafee/reports/eval_1st/eval_1st.pdf).

[19] US Department of Health and Human Services, Administration for Children and Families. "Evaluation of the Early Start to Emancipation Preparation - Tutoring Program: Los Angeles County," July 2008, [http://www.acf.hhs.gov/programs/opre/abuse\\_neglect/chafee/reports/eval\\_estep/eval\\_estep.pdf](http://www.acf.hhs.gov/programs/opre/abuse_neglect/chafee/reports/eval_estep/eval_estep.pdf).

[20] Madelyn Freundlich and Rosemary J Avery, "Transitioning from congregate care: Preparation and outcomes," *Journal of Child & Family Studies* 15(4) (2006): 503-514.

[21] Gina Miranda Samuels and Julia Pryce, "What doesn't kill you makes you stronger": Survivalist self-reliance as resilience and risk among young adults aging out of foster care," *Children & Youth Services Review* 30(10)(2008): 1198-2010.

[22] Erik S. Pital, "Thickening the safety net: Key elements to successful independent living programs for young adults aging out of foster care," *St. John's Journal of Legal Commentary* 23(2008): 447, [http://www.stjohns.edu/academics/graduate/law/journals/jcred/issues/23\\_2](http://www.stjohns.edu/academics/graduate/law/journals/jcred/issues/23_2).

[23] Mike Stein, "Research review: Young people leaving care," *Child & Family Social Work* 11(3)(2006): 273-279.

[24] National Resource Center for Youth Services. "NYTD 102." (n.d.) <http://www.nrcys.ou.edu/nytd2.html>.

[25] US Congress, House Committee on Ways and Means, *Children who age out of the foster care system: Hearings before the Subcommittee on Income Security and Family Support*, 110th Cong., 1st Sess., July 12, 2007, Serial #110-53.