

The “Aged Out” Foster Youth Client

Poverty Law Section

First Friday Presentation

October 2, 2009

Mary Christine Reed

Texas RioGrande Legal Aid

mcreed@trla.org, 512-374-2729

Texas Foster Youth Justice Project

Texas RioGrande Legal Aid

- Mary Christine Reed – Attorney/Project Director
- Assist current and former foster youth statewide with legal problems
- Hotline 1-877-313-3688, www.texasfosteryouth.org, Project email info@texasfosteryouth.org
- Funded by Texas Supreme Court's Permanent Judicial Commission For Children, Youth & Families
- Free Copies of A Guide for Those “Aging Out” of Foster Care in Texas and Sealing Juvenile Court Records in Texas

Foster Youth Justice Project Cases

CPS records

Attending court hearings

Communicating with court about placement, school and other care services

Health care issues, including having a say in medication

Accessing programs and training to move from foster care to independent living

Staying in contact with siblings

Education issues including college/vocational, and financial aid

Juvenile matters and sealing records

Name Change/Fixing

Obtaining identification documents

Obtaining foster youth benefits

Immigration

What is a *foster* child?

- Child/Youth who CPS has taken legal control over via court proceeding under chapter 262 and chapter 263 of Texas Family Code due to abuse or neglect.
- Does not include children who are voluntarily placed with someone else pursuant to a CPS compelled safety plan.

Placement via Safety Plan

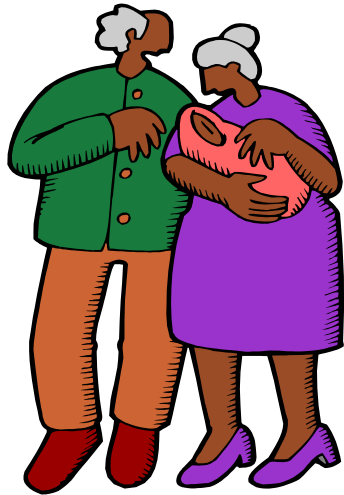
- CPS conducts an investigation, determines there are risk factors, parents are *encouraged* to voluntarily place child with a caregiver.
- Written safety plan is developed.
- CPS eventually has to close out investigation.
- Authorization NonParent Family Relative Tex. Family Code Sec. 34.001

Closing Out Investigation

§2234.45 CPS Policy Handbook

- CPS determines child cannot be returned safely to the parents and
- Family's plan for the child's care is long-term out-of-home placement, without continued CPS involvement (as evidenced by the safety plan and following it) and
- CPS obtains the caregiver's assurance that caregiver will seek conservatorship and closes out investigation.

Caregiver Then Contacts Legal Aid Seeking Custody Assistance



What is *Aging Out*?

- Leaving the managing conservatorship of DFPS/foster care system at the age of 18 (or later under certain circumstances).
- Not adopted, not returned to parents.



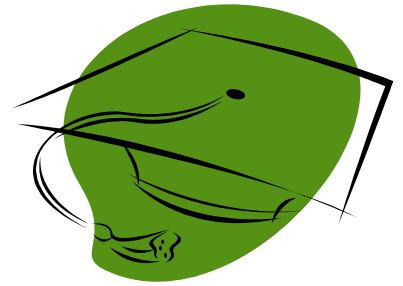
Identifying Former Foster Care Youth

- Screen for those under 25: *have you been in the foster care system as a foster child?*
- Are they receiving services at a transition center? Do they have a case manager?

Practice Tips

- Email address
- Whose address and phone number are they giving you?
- Case Manager Contact Info
- Can they get mail at transition center?
- Encourage to contact you frequently, leave messages.
- Tell them, email them, write them. Specify time frame.

Education Tuition and Fee Waiver for Foster Youth



- Free tuition and fee waiver for any state-supported college, university or technical institute- FOREVER (or until law changes)!
- Must enroll for first time before turning 25.
- Available to those who age out of foster care, were in foster care and were eligible for adoption on or after 14th birthday, or were adopted out of foster care, if their adoptive parents received an adoption subsidy.
- Can live with the *designated perpetrator* (person CPS found abused or neglected the youth) and still receive these benefits.

Texas Education and Training Voucher

- Money to help with housing, food, books, child care, computer equipment and some other expenses.
- Must begin receiving benefits before age 21.
- Application and receipt process – can be tedious.
- Can live with the designated perpetrator.

Transitional Medicaid

- Those who age out of foster care are eligible for the Texas foster care Medicaid program, STAR Health, until turn 21. Expanding to until turn 23?!?
- *Star Health* easy to confuse with Texas largest Medicaid HMO, *Star*, but is a different program.
- Many youth do not know/understand that they have health insurance.
- Not enough doctors enrolled in plan.
- If youth needs to update address or needs other assistance with obtaining coverage, call Jordan Young, Centralized Benefit Services, at (800) 248-1078, ext. 8126 or (512)908-8126.

Preparation for Adult Living (PAL) Program

- DFPS program to help foster youth transition to independent living.
- Prepares youth in foster care and assist former foster youth after leaving care.
- DFPS PAL Staff – for each region and private community contractors.



PAL Services

- Independent livings skills assessment
- Training for skills necessary for independent living
- Support Services, such as education, employment
- Administration of financial benefits
- Transition Centers in some locations

Transitional Living Allowance



- \$1000 maximum benefits, \$500 per month max
- Completed certain amounts of Preparation for Adult Living Training
- Housing arrangements necessary
- Job or school requirements
- Been in paid foster care w/in 24 months
- Can't live with the designated perpetrator

Aftercare Room and Board

- \$3000 total benefits, \$500 per month max, funds paid directly to landlord, utility company, grocery store voucher
- Not an automatic benefit, for emergency needs
- Ages 18-21
- Have financial need, job or school requirements, or show some special circumstances
- Can't live with the designated perpetrator

Priority Population

- Child Care Management Services (after Veterans) Texas Workforce Center
- State Jobs (up to age 25)
- Other Workforce Center Programs

CPS Records

- Once youth is 18, they have a right to get one *free* copy of their CPS file (with certain information redacted).
- CPS does a terrible job of responding to requests for these records, obtaining records for youth is a priority for project.
- Detailed instructions in materials for advocates to obtain records in the materials.

Identification Documents Needed by Foster Youth (All in Correct Name)

- Original Birth Certificate
- Texas Identification Card or Driver License
- Original Social Security Card
- Original immigration document
- Certified court order of any name change
- As part of transition planning, CPS *should* be obtaining these for youth before age 16.

Undocumented Foster Youth

- Youth in foster care system who are not U.S. Citizens or lawful permanent residents should adjust immigration status BEFORE turning 18.
- Special Immigrant Juvenile Status (SIJS) is probably available
 - Criminal record complicates
- CPS is supposed to have their attorneys apply for SIJS but frequently it does not happen.
- Call Texas Foster Youth Justice Project if there is any concern that matter is not or has not been addressed.

Foster Care Post Age 18

- Extended Court Jurisdiction up to 21 if youth consents.
- Expanded options to stay and return to care between 18-22 beginning in Oct. 2010.
- Lack of placements for those post-18.

Questions/Comments

