

VERMONT TAKES ACTION TO BETTER THE FUTURES OF YOUTH AGING OUT OF STATE CUSTODY

After years of dogged advocacy on behalf of Vermont youth aging out of state custody, changes were made in 2007 that will greatly benefit many of these young people. In a bi-partisan effort, all three branches of government, advocacy and provider groups, as well as youth themselves, organized to study, to make recommendations and, ultimately, to act to better the future for these young adults.¹

The State of Transitional Youth in Vermont

Until July 2007 when a young person in custody reached the age of majority – 18 in Vermont – their services were terminated and placement ended.² The policy to end support to children in custody at age 18 left a vulnerable group with limited options and no help if things went wrong. A large number of this group found themselves again in state custody, though this time in the custody of the Department of Corrections.

One of the few Vermont-specific measures of outcomes for this age group comes from the Vermont Mental Health Performance Indicator Project of the Department of Developmental and Mental Health Services. According to data from the indicator project, young people between ages 18 and 21 who end up in prison are overwhelmingly more likely to have been in special state support systems as children. Those who had been on the child welfare caseload had the highest incarceration rate at 18 percent, more than four times the general population rate; those who had been served by mental health were second highest at 9 percent; and those on the special education caseload, 7 percent. From the reverse perspective, among all those incarcerated in that age group, 36 percent had a history with the child welfare system, 31 percent with mental health, and 27 percent had been in special education.³

Definition

'Transitional youth', as this group has been labeled, are that group of young people who reach age 18 while in the custody of the Department of Children and Families. They have been placed in custody due to abuse, neglect, delinquency or because they are found to be beyond the control of their parents or guardians. They live in foster or residential care, depending on their needs.

According to the Governor's Task Force on Youth Aging Out of Foster Care, "Each year approximately 150 youth leave the state's custody at age 18 or upon completing high school. Approximately 50 return home and another 100 "age out" of the system without reliable permanent connections.⁴

Foster parents, providers of services to youth, caseworkers, advocates, corrections officials and the youth themselves struggled for years to solve the problems created by the inadequate resources and support available to youth in Vermont leaving the custody of the state at 18. They were taught such skills as balancing a checkbook, writing a resume, how to search for a job or an apartment. Limited transitional housing was provided while they launched themselves. These efforts, though admirable, were far from adequate to address the problems and needs of this group of young people. Of particular concern is Vermont's high rate of unstable placements of youth.⁵ Such instability disrupts ties to community, school and friends, leaving the youth, already without biological family, even more alone.

¹ Youth who reach 18 in or out of custody with a severe emotional disturbance or a disability are yet to receive needed policy changes.

² The only exceptions were some informal supportive services through the Youth Development Program and provision for young people who turned 18 during their senior year in high school and finished high school before their 22nd birthday. 33 VSA sec. 4901 and 4904 (amended in 2007 legislative session).

³ *Vermont Mental Health Performance Indicator Project*; August 1, 2003 and August 8, 2003, John Pandiani and Koushik Ghosh.

⁴ *Hope for the Future: A Plan to Support Vermont's Youth Aging Out of Foster Care*; Report of the Governor's Task Force on Youth Aging Out of Foster Care, October 2006, p. 2.

⁵ Vermont Child and Family Services Review, U.S. Department of Health and Human Services, August 17, 2007 p. 19, <http://www.dcf.state.vt.us/fsd/CFSR/index.html>.

Federal Foster Care Independence Act (FCIA)

The federal government recognized that action was needed for transitional youth and created the John Chafee Foster Care Independence Program in 1999, appropriating money to states to provide support for youth ages 18 to 21 who are transitioning from foster care to independent living. Supports include housing, education and employment assistance. A specific provision of FCIA, known as the FCIA Medicaid Expansion Option, gives states the option to extend Medicaid eligibility to youth who were in state-supervised foster care on their 18th birthday until they reach their 21st birthday. There are no financial restrictions. Vermont did not implement this option.⁶ 'Chafee Funds', as they are called, were a good first step; however the funds appropriated have not been enough to meet the challenges of this group of youth.⁷

Vermont State Government Takes Action

The Administration Focuses on Transitional Youth

In 2005, Governor James Douglas held a forum at the State House. Invited were youth from throughout the state who were or had recently been in custody. Following the forum the Governor convened two task forces, one general with a sub-committee to study access for this group to the higher education system, and one to look at the legal system as it relates to youth in custody. At the beginning of the 2007 legislative session the general task force submitted to the legislature a report, 'Hope For the Future', with recommendations.

In 2007, the Administration appropriated money in the FY 08 budget to allow for services for transitional youth. Under the state law in effect at the time services could be provided to those youth if there was funding available.⁸ However, funding had very seldom been available for this age group until the FY 08 appropriation because it had not been made a priority.

Chief Justice Convenes Task Force

Convened by Chief Justice Paul Reiber, the Justice for Children Task Force is overseeing the complete overhaul of Vermont's child welfare and juvenile justice statutes, as well as a review of the general court environment for children and youth in care.

Vermont Legislature Acts on Behalf of Youth

In 2006, the legislature passed a bill mandating that the Department of Children and Families report back to the 2007 Legislature the cost of providing services to transitional youth up to the age of 22. Low-income 18 to 21 year-old youth are eligible for Medicaid in Vermont and the bill directed the Department to provide outreach to youth already eligible for Medicaid and study the costs of expanding Medicaid eligibility to youth not currently eligible.⁹

Although the Administration's FY 08 appropriation for transitional youth was appreciated, members of the House Human Services and Senate Health and Welfare Committees determined a law was required to ensure that services were available to transitional youth.

Transitional Youth Need Ongoing Support

Before Vermont's recent changes some foster parents continued to provide support at no reimbursement to the youth in their care who became ineligible. Without this kind of relationship with their foster family, many other youth were left without stable family connections or resources. Many realized their dream to return to their biological family only to be met by the problems that forced their removal from the family in the first place. Often when the return to the family of origin failed, these youth were on their own, facing poverty, homelessness, unemployment, lack of access to health care and the inability to fund post-secondary education.

⁶ *Health Care for Adolescents and Young Adults Leaving Foster Care: Policy Options for Improving Access*, Abigail English, Amy J. Stinnett, Elisha Dunn-Georgiou, Center for Adolescent Health and the Law, February 2006, p. 6.

⁷ In 2007, according to the National Resource Center for Youth Services at The University of Oklahoma, Vermont's Chafee Allocation was \$500,000 with another \$127,107 for the Education and Training Voucher Program that was added in 2001.

⁸ 33 VSA sec.4904.

⁹ *Act 159/H. 618*: See text at: <http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2006/acts/ACT159.HTM>.

To address this concern, the legislature passed and the governor signed **Act 74**, mandating that transitional youth between the ages of 18 and 22 receive services from the state if they so request. The bill extends services to young people between the ages of 18 and 22 years, who turned 18 while in the custody of the state or were in custody for at least five years between the ages of 10 and 18 years and who elect to continue receiving services.¹⁰ Services will also be provided for persons under age 22 who leave state custody after the age of 16 and at or before the age of 18 provided that they voluntarily request additional support services.

Two Other Transition-Age Groups Focus of Study

The legislature requested, in Act 74, information from the administrative branch on two other groups of transitioning youth, those who have a functional developmental disability and have been receiving services through an individualized education program (IEP) and those youth who have received state-funded services for severe emotional disturbance on or before their 18th birthday. The legislature called for a study of the costs and benefits of extending services to the above groups to be reported not later than November 30, 2007. That report was submitted to the legislature by the Agency of Administration and recommended no expansions of the current system at the present time.¹¹

Transitional Youth and Higher Education

The Higher Education Sub-committee on the Governor's Task Force recommended creating a formal connection between the Vermont Student Assistance Corporation and the Department of Children and Families in order to make outreach programs available to youth in custody, including assistance accessing financial aid and identifying supports while on campus.¹² We remain concerned that financial aid programs do not guarantee that former foster youth accepted to college or vocational training will receive sufficient funding to pay their expenses.

Transitional Youth and Medicaid¹³

When it investigated in response to the mandate of the legislature, DCF learned that 56% of those youth eligible for Medicaid in the state of Vermont are not receiving this immensely valuable health coverage. The state implemented an aggressive outreach effort, including a bulletin informing youth and providers of eligibility.¹⁴ As part of its outreach effort the state emphasized continued coverage by Medicaid of those young people aging out of custody. Youth workers were assigned to work with the youth to apply and provide the necessary information for reauthorization.¹⁵ In order to receive Medicaid after 18 the youth who was formerly in custody must be low-income. Eleven states have opted, through the Chaffee program, to cover transitional youth up to the age of 21 regardless of their income. According to the Center for Adolescent Health and the Law, this is "one of the most effective strategies to improve health care access for former foster youth."¹⁶ Vermont did not opt for this coverage from the federal government and the Agency of Human Services estimated a cost of \$720,000 for this option if the state were to provide the funds.¹⁷

Act 74 Requirements

Specific services will be established by rule; however the legislature provided guidance in the statute for what the rules should contain. The law mandates that the rules provide age-appropriate services to ensure a successful transition to adulthood, including foster care, housing assistance, transportation, case management services, assistance with obtaining and retaining health insurance or employment and other services.

The law states that the youth receiving services shall be required to work or attend an educational or vocational program and, if working, the youth shall contribute to the cost of services. However, the department shall establish rules for exceptions to these requirements based on a disability or other good cause.

The law also mandates that the state not impose a co-payment for prescription drugs for individuals under age 21 enrolled in Medicaid or Dr. Dynasaur.

¹⁰ Act 74/H.449: see text at: <http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/acts/ACT074.HTM>

¹¹ Report to the House Committee on Human Services and the Senate Committee on Health and Welfare, H.449, An Act Relating to Foster Care Services and Supports, Sec. 4. Study on Transitional Services for Youth, Submitted by: Michael K. Smith, Secretary, Agency of Administration, November 30, 2007, p. 8.

¹² Hope For The Future, p.7.

¹³ See Voices for Vermont's Children: Issue Brief on Young Adult Medicaid, www.voicesforvermontschildren.org

¹⁴ Report to the General Assembly, Act 159: An Act Relating to Services for Transitional Youth, Submitted by Cynthia LaWare, Secretary, Agency of Human Services, January 10, 2006, p. 6.

¹⁵ Report to the General Assembly, p.9.

¹⁶ English, et al, pp. 5-7.

¹⁷ Report to the General Assembly, p.7.

Next Steps

Vermont has just begun the process of creating a program of services for young people aging out of state custody. The state rulemaking process for the new legislation begins in January 2008. We see this as a great opportunity. The future for young people transitioning from state custody looks better; but there is much to be done. Proposed rules and policy recommendations submitted by the state allow for payment to a responsible adult to maintain a relationship and provide a living situation for the youth. Though we laud this as a first step, we do not think the proposal goes far enough. We believe that caseworkers should be allowed to purchase a wide range of services for young people, similar to the model used by Casey Family Services.¹⁸ Preliminary research findings “support a long-lasting, broad-based commitment to young adults exiting the system.”¹⁹ In short, as annual expenditures for extended services increase, negative outcomes decrease.²⁰ In its rulemaking process the state has the opportunity to create a wide range of services and supports that will help to ensure a brighter future for youth in transition. Young people for whom the state became parents deserve the same opportunities as their more fortunate counterparts. We hope that the state will use the rulemaking process to develop and expand services and supports accordingly.

Voices for Vermont's Children Recommends

- ❖ Use the Chaffee option to guarantee Medicaid for young people who age out of the custody of the state regardless of the young person's income or assets.
- ❖ Waive tuition at Vermont's state colleges for transitional youth.
- ❖ Work with former foster youth to set up a foster care alumni network with the goal of empowering youth to age out successfully. Work toward setting up a foster youth-run support center similar to California's VOICES.
- ❖ Set up a transitional youth sub-committee in the Children's Cabinet.
- ❖ Set up a system for DCF caseworkers or youth development workers to purchase a wide variety of supports and services for transitional youth, depending upon their unique needs.
- ❖ Guarantee that youth aging out of the residential system will have access to the same services and supports that foster children receive. The statute covers all youth in custody, including those in residential care. The Governor's Task Force recommended that 'Intensive "Wrap Around" and Residential Care would be able to continue beyond the 18th birthday under special conditions to assure continuity of treatment and support, particularly when special needs youth do not qualify for adult services.²¹
- ❖ Conduct research on the long-term outcome for youth aging out of the system. The Governor's Task Force could only report using anecdotal information on this age group, stating that Vermont does not have adequate information on outcomes.²²

Voices for Vermont's Children

Promoting public policy that enhances the lives of children and youth in Vermont

PO Box 261, Montpelier, VT 06501 • 802-229-6377
sreed@voicesforvtkids.org • www.voicesforvermontschildren.org

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¹⁸ *Child Welfare Journal of Policy, Practice and Program, Extending Transitional Services to Former Foster Children*, Ben Kerman, Richard P. Barth, and Judy Wildfire, Vol. LXXXIII, #3, May/June, 2004, Child Welfare League of America.

¹⁹ Kerman, et al, p. 258.

²⁰ Kerman, et al, p. 255.

²¹ *Hope for the Future*, p.4

²² *Hope for the Future*, p 2.