

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Children and Family Services

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Statutory Authority for Promulgating Rules A.C.A. §§ 9-28-103 and 12-18-105.

Rule Title: Promoting Successful Transitions to Adulthood

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 05/01/2022
(Must be more than 10 days after filing date.)

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Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

02/11/2022

03/12/2022

04/22/2022

05/01/2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Toni Roy

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04/22/2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



Signature

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Director, Division of Children and Family Services

Title

04/22/2022

Date

POLICY VIII-B: EXTENDED FOSTER CARE

05/2022

Even after reaching the legal age of majority (that being, eighteen (18) years of age), all youth need additional support and access to an array of resources as they continue their transition into adulthood. As such, youth who are eighteen (18) through twenty-one (21) years of age (or such other age as may be required under federal law) may choose to participate in the Extended Foster Care Program for education, work, or other programs and services in order to help them achieve a successful transition into adulthood.

Extended foster care provides case management services and support, as well as financial assistance with room and board costs for a youth who:

- A. Was adjudicated dependent or dependent neglected;
- B. Was in foster care at eighteen (18) years of age but is not yet twenty-one (21) years of age (or such other age as may be required under federal law);
- C. Wishes to participate in extended foster care to benefit from the program; and
- D. Is one or more of the following:
 - 1) Completing secondary education or a program leading to an equivalent credential;
 - 2) Enrolled in an institution that provides post-secondary or vocational education;
 - 3) Participating in a program or activity designed to promote, or remove barriers to, employment;
 - 4) Employed for at least eighty (80) hours per month;
 - 5) Has a viable plan to meet the requirements one (1) through four (4) above; or,
 - 6) Incapable of completing school or work activities above due to a documented medical condition, which incapability is supported by regularly updated information in the youth's case plan.

Participation in extended foster care does not impede or otherwise alter any right afforded to the youth by virtue of their age of majority, including without limitation the right to consent to medical treatment or enter into contracts.

A six-month review hearing is not required for a juvenile who is over eighteen (18) years of age and has elected to remain in extended foster care or to return to extended foster care.

A copy of the youth's entire record will be made available to them at no cost at the final Transitional Team meeting, which will occur within ninety (90) days of youth's planned exit from care.

TRANSITIONAL YOUTH SERVICES SPONSOR

Youth who elect to participate in the Extended Foster Care Program will select a Transitional Youth Services (TYS) Sponsor. The sponsor will be a supportive adult with whom the youth already has a connection, such as the youth's previous out-of-home provider. For youth who are unable to identify such an individual, staff may recommend someone who is already serving as a sponsor to other youth in extended foster care or a volunteer from the community. The role of the sponsor is to provide support and guidance to the youth as they transition to adulthood. The sponsor will also receive the board payment on the youth's behalf. The sponsor will then assist the youth in managing the board payment according to their established budget developed by the youth and their Transitional Team. Exceptions for sponsors may be approved by the Division of Child and Family Services (DCFS) Director or designee. See Procedure VIII-B2 below for more information regarding TYS Sponsors.

Board payments for IV-E eligible youth may be made through title IV-E funds as appropriate. Board payments for youth who are not IV-E eligible will be paid using State General Revenue funds or other federal funds as allowed under federal law and regulations.

PARTICIPATION IN EXTENDED FOSTER CARE AFTER A PREVIOUS EXIT

Youth who left foster care at eighteen (18) years of age or older may later participate in the Extended Foster Care Program if the youth submits a request in writing or in person to the department to participate in extended foster care. Division staff will inform the youth of the option to have a petition filed on their behalf by their previous attorney ad litem if the youth also wishes for the court to have jurisdiction over their extended foster care case.

After receiving a request to return to the Extended Foster Care Program, the youth's case will be reopened in the division's information management system by the next business day. A TYS sponsor will be secured and keyed with a corresponding board rate within seven (7) business days after the request to return to the Extended Foster Care Program is received. Additional urgency in keying the sponsor and board rate will be exercised as needed to ensure this information is keyed prior to the monthly board payment run that occurs after the youth's return date.

The department may discharge a juvenile from extended foster care program if the juvenile:

- A. Is over eighteen (18) years of age;
- B. Reenters extended foster care after having his or her request to reenter foster care approved; and

- C. Fails to engage in or have a viable plan to meet the extended foster care requirements listed above or have a viable plan to meet those requirements for more than sixty (60) days.

PROCEDURE VIII-B1: Extended Foster Care

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The Family Service Worker, with support from the Transitional Youth Services Coordinator, will:

- A. Explain and complete CFS-009: Extended Foster Care Agreement with the youth when the youth decides to participate in Extended Foster Care and preferably before turning 18.
- B. Consider the following issues with the youth:
 - 1) The school the youth will attend, if applicable;
 - 2) Searching for and securing a job, if applicable;
 - 3) Living arrangements, including without limitation helping the youth locate a residence and assisting with any apartment applications;
 - 4) Choosing a sponsor;
 - 5) Budgeted income/expenses;
 - 6) Amount of board payment;
 - 7) Start-up items;
 - 8) Transportation needs;
 - 9) Continued life-skills training;
 - 10) Support needed to help youth remain in school, if applicable; and
 - 11) Designating a health care power of attorney or health care proxy.
- C. Assist the youth and their Transitional Team in determining appropriate housing and needed support.
- D. Complete CFS-370: Residence Checklist for Youth for any youth living in their own apartment or other independent setting.
- E. Develop a budget via CFS-025 with the youth and their Transitional Team.
- F. Visit the youth face-to-face at least once a month.
- G. Obtain approval for less than twice-monthly visits from the County Supervisor, if appropriate.
- H. Maintain monthly contacts with the youth's sponsor. Contacts may be by telephone.
- I. Obtain the youth's consumer credit report annually until the youth exits foster care, and:
 - 1) Access the report via www.annualcreditreport.com within thirty (30) days of the youth's birthday or within thirty (30) days of the youth entering care, whichever comes first; however, only access it on an annual basis (that being, ensure that one (1) full year has passed since accessing the previous year's report before viewing the current year's report);
 - 2) Review report with the youth and help youth in interpreting the report within ten (10) working days of accessing the report;
 - 3) Assist youth in resolving any inaccuracies found in the report;
 - 4) Document the credit report review in the Division's information management system, selecting "Annual Credit Check – Engage Youth"; and

- 5) Share relevant information with the youth's Transitional Services Coordinator.
- J. Update or otherwise complete CFS-003: Checklist for Youth Approaching Adulthood as the youth approaches 21 or other planned exit from the Extended Foster Care Program.

PROCEDURE VIII-B2: TYS Sponsors

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The Family Service Worker, with support from the TYS Coordinator, will:

- A. Assist the youth in locating and choosing a sponsor who is not the person from whom the youth was removed.
 - 1) Before finalizing a sponsor for a youth, a State Police Criminal Record Check and Child Maltreatment Central Registry Check will be conducted on the proposed sponsor.
 - a) In emergency situations in which a family member (other than the person from whom the youth was removed) wishes to serve as the sponsor, a Lexis Nexis check may be run in lieu of the State Police Criminal Record Check and Child Maltreatment Central Registry Check.
- B. Request that the local resource team establish an "ILP Sponsor" service for the approved sponsor in the division's information management system and key the youth into the placement service with the board amount listed in the youth's approved budget.

The youth's TYS Sponsor will:

- A. Serve as a member of the youth's Transitional Team to include participating in the youth's Transitional Team meetings.
- B. Provide support and guidance to the youth as they transition to adulthood (for example, assisting with decision making, including without limitation decisions regarding education, employment, and housing).
- C. Assist the youth with budgeting the youth's board payment.
- D. Help to ensure the youth meets at least one (1) of the Extended Foster Care Program requirements or has a viable plan in place to meet one (1) of the Extended Foster Care Program requirements.
- E. Maintain regular contact with the youth.

In addition, youth eighteen (18) years of age and older who are participating in the Extended Foster Care Program may live with their TYS Sponsors (even if the TYS Sponsor is not an approved resource home) as appropriate, provided that:

- A. A State Police Criminal Background and Child Maltreatment Registry checks are clear and up to date (that being, within the past two (2) years);
- B. A visual inspection of the sponsor's home is conducted, and the home is deemed safe and appropriate for a young adult;
- C. The Area Director or designee and the youth's attorney ad litem approves the living arrangement with the sponsor; and,

- D. A Transitional Team Meeting is held to ensure the sponsor understands their role and that individualized guidelines and expectations are established for any youth who will reside with their sponsor (including without limitation curfews and responsibility for assisting with costs of living, if applicable, via the youth's board payment).

An approved resource parent may serve as both a resource parent for children placed in their home and a TYS Sponsor for a youth in extended foster care but who is not residing in the resource home. However, an 'ILP Sponsor' service will have to be opened for that individual. Any resource parent who wishes to serve as a sponsor for a youth and who is set up under a master provider (such as Therapeutic Foster Care or Private Licensed Placement Agencies), must be set up with a new ILP Sponsor service with a new provider number.

If a youth in foster care was placed in a resource home prior to turning eighteen (18) years of age and continues to stay in that resource home after turning eighteen (18) years of age (and while participating in the Extended Foster Care Program), the youth will remain keyed into the resource home as a regular placement rather than keying the resource parent as the sponsor for the youth.

POLICY VIII-C: AFTER CARE SERVICES AND SUPPORT

05/2022

After care funds may provide assistance and services to youth who have left foster care because they have attained eighteen (18) years of age but have not attained twenty-one (21) years of age. The youth must have been in foster care on their eighteenth birthday and must not currently be participating in the Extended Foster Care Program to be eligible for after care services and support. However, associated financial paperwork processes for after care services may begin prior to a youth's exit from care in order to ensure a more seamless transition. After care is funded by the John F. Chafee Foster Care Program for Successful Transition to Adulthood grant award.

Additionally, a youth is encouraged to have a budget and a viable plan that includes participation in education, employment, or training. If the youth is incapable of school or work requirements due to a documented medical condition, they are also eligible for after care. After care support is generally limited to five hundred dollars (\$500) in any one (1) month and may be requested for a total of two thousand dollars (\$2000). However, more than five hundred dollars (\$500) per month may be provided to a youth on an as needed basis. After care support may include without limitation expenditures for housing, insurance, housing set-up, transportation, utility bills, and utility deposits. After care support does not include amounts available through the Education and Training Voucher (ETV) Program.

After care support is paid to the provider of the good or service rather than the youth. However, reimbursement may be made to the youth if the documentation of the expense, as well as the paperwork needed by the Division of Children and Family Services (DCFS) for reimbursement, is provided.

For youth who initially elect to participate in the Extended Foster Care Program but then choose to leave that program prior to twenty-one (21) years of age, after care funding will still be available on a prorated amount based on the number of months remaining until the youth's twenty-first birthday.

Youth eligible for after care may also participate in life skills classes, and staff may help with transportation needs of these youth as staff capacity allows.