



Bulletin 2016-04

September 2016

ELIGIBILITY EXTENSION FOR FOSTER CARE AND ADOPTION ASSISTANCE PAYMENTS

APPLICABLE LEGISLATION: Sub. HB 50 (131st General Assembly)

REVISED CODE SECTIONS: Amends ORC Sections 2151.353, 2151.415, 2151.82, 5101.141, 5103.30 and enacts 2111.011, 5101.1411, 5101.1412, 5101.1413, 5101.1414

LEAD SPONSORS: Reps. Pelanda and Grossman

HOUSE COSPONSORS: Reps. Sears, Driehaus, Stinziano, Rogers, Fedor, Rezabek, Blessing, Maag, Lepore-Hagan, LaTourette, Amstutz, Boyd, Kuhns, Anielski, Antonio, Arndt, Ashford, Barnes, Boccieri, Boose, Brown, Burkley, Celebrezze, Craig, DeVitis, Duffey, Green, Hayes, Howse, Kunze, O'Brien, M., O'Brien, S., Patterson, Phillips, Reece, Ruhl, Scherer, Schuring, Sheehy, Slesnick, Smith, K., Smith, R., Strahorn, Sweeney, Speaker Rosenberger

SENATE COSPONSORS: Sens. Coley, Gardner, Skindell, Tavares, Hughes, Balderson, Brown, Burke, Eklund, Hackett, Hite, Hottinger, Jones, Lehner, Manning, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Thomas, Uecker, Yuko

EFFECTIVE DATE: September 13, 2016

Please note: The bill includes a 15 month delay from the effective date for planning and allows implementation only if the general assembly has appropriated sufficient funds to operate the program. These funds are expected to be part of the SFY 18-19 budget.

BULLETIN SUMMARY

This county advisory bulletin will outline the history behind the extension of foster care and adoption supports and the challenges that youth, particularly those who age out of foster care, face. The bulletin will also address the growing pressures on the child protective system and why CCAO had concerns about the funding of HB 50. Finally, the bulletin will discuss the current resources available to adopted and foster youth, changes made in HB 50 and the results other states are seeing.



County Risk
Sharing Authority

Fax: 614-220-0209
www.corsas.org



County Employees Benefits
Consortium of Ohio
CEBCO
Counties Working for Affordable Health Benefits

Fax: 614-229-4588
www.cebcos.org



County Commissioners
Association of Ohio
Service Corporation

Fax: 614-221-6986
www.ccao.org

HB 50 BACKGROUND

Ohio currently provides financial assistance and services to families of foster and adopted youth until they reach 18 years of age. In 2008 Congress passed the Fostering Connection to Success and Increasing Adoptions Act which provides federal matching funds to help states support foster and adopted youth through age 21.

HB 50 gives Ohio access to these federal funds by calling for the Director of Job and Family Services to submit two amendments to the state's plan for child welfare services to the U.S. Secretary of Health and Human Services. These amendments will allow Ohio to create a new program that expands services to foster and adopted youth from 18 to 21 years of age. This new program will only begin if the general assembly has appropriated sufficient funds to draw down the federal funds. Implementation of the program was delayed 15 months from the effective date to allow for planning and to see if the funding is made available. The Ohio Department of Job and Family Services (ODJFS) will be responsible for the planning and operation of the new program.

Once funding is secured, Ohio will begin to provide additional support that includes housing and case management services to foster youth until their 21st birthday. Additionally, HB 50 extends adoption assistance payments to age 21. This provision was designed to offset the costs of adopting older foster youth and children with special needs who may need additional services.

Studies show that children who “age out” of the system at 18 often lack the resources and supports to become fully independent. Many have insufficient education, experience homelessness and human trafficking and become involved with the criminal justice system. These experiences often distance them from opportunities to further their education or gain dependable employment. (Ohio Fostering Connections. (March 2015). *Expanding supports to foster youth through age 21*. Retrieved from <http://www.ohiofosteringconnections.org/wp-content/uploads/2015/02/OFC-Report-MARCH-2015-1.pdf>.)

By accessing the federal funds made available through the Fostering Connection to Success and Increasing Adoptions Act, HB 50 creates a safety net for these youth and supports their journey towards becoming healthy and productive members of the community.

GROWING PRESSURES ON THE CHILD PROTECTIVE SYSTEM

One of most important duties placed upon county government is to protect children from abuse and neglect, however we have seen funding for these services steadily decrease over time. 2013 data on public expenditures reveal that the local share of spending was 52 cents of every dollar. The federal share of spending was 39 cents of every dollar, followed by the state of Ohio at 9 cents on the dollar. In fact, Ohio provides the lowest investment in child protection in the nation when you look at state spending across the U.S. (Public Children Services Association of Ohio Factbook 12th Edition (2015-2016). *The Child Protection Mission: Safety, Permanency & Well-being*. Retrieved from <http://www.pcsao.org/factbook>.)

The child protection system is a complex and challenging system that requires the ability to make life altering decisions for families in crisis. Caseworkers face situations that are unpredictable and many times traumatic for everyone involved which leads to high turnover. The widespread effects of opiate addiction, the spike in children requiring intensive mental health treatment and the lack of state funds dedicated to child protection has caused even more pressure on this delicate system. A study released this month from the Public Children Services

Association of Ohio (PCSAO) showed that between 2010 and 2016 there was a 19% increase of kids in the care of Ohio's counties, while state funding has decreased 17%. County leaders are becoming more and more concerned about how to serve the growing number of children coming into their custody while managing limited resources.

Because there was no appropriation in HB 50 when introduced, CCAO expressed concerns to the legislature about the ability to fund these additional services and asked that they consider a new appropriation to ODJFS in the next budget to cover this population. Current projections say that a state match of \$9 million per year will be necessary to pull down the federal funding for the extension of foster care and adoption services. Although the bill states that ODJFS is responsible for this program and that no public children services agency (PCSA) will be responsible for the non-federal costs, the proposal caused apprehension about how this new program could affect current funding to the child protective system without a new infusion of funds.

Changes adopted right before passage eased some of these concerns. These changes included a 15 month delay in the implementation date and the addition of language that allows implementation only if the general assembly has appropriated sufficient funds to operate the program.

The bill states that ODJFS will have sole responsibility for the program and may contract with another person to carry out these new duties. ODJFS must form an advisory council, not later than one month after the act's effective date, to evaluate and make recommendations for statewide implementation. Once these recommendations are released we will have a better sense of the role that PCSAs will play in this program.

CURRENT FOSTER CARE SUPPORTS

Children in foster care may be placed in a variety of settings, ranging from family foster homes to therapeutic foster care. Ohio has varying per diem rates depending on the type of foster care being provided. Foster parents are expected to use these funds to provide food, shelter, laundry, toiletries, school supplies, transportation, recreational activities and other incidentals.

PCSA's must provide independent living services to children in foster care who are between the ages of 14 and 18 to prepare them for the transition to self-sufficiency. These services include a credit report, a life skills assessment no later than 60 days after 14th birthday (to determine needed skills) and a life skills written plan, developed with input from the youth, within 30 days of the assessment. The plan must be reviewed every 90 days and will include contact info for significant others.

Some PCSA's may also provide services to foster care youth beyond their 18th birthday. These services include daily living skills, drug and alcohol abuse prevention and treatment, family planning, financial counseling and self-esteem counseling.

In addition, the Ohio Education and Training Voucher Program is designed to help youth who were in foster care attain post-secondary education and/or training. Students may receive up to \$5000 a year for school related expenses. Funding is limited and available on a first-come, first served basis. To apply you must be:

1. In foster care on your 18th birthday or aged out at that time OR

2. Adopted from foster care with the adoption finalized AFTER your 16th birthday.

Former foster children may also qualify for Medicaid health care coverage and be eligible for Ohio's new comprehensive case management and employment program which helps low income youth attain employment.

CURRENT ADOPTION SUPPORTS

The Post Adoption Special Services Subsidy (PASSS) assists Ohio families after the finalization of their adoption. The subsidy is available to all adoptive families, excluding step parent adoptions. Each child may be eligible for up to \$10,000 per year (\$15,000 if residential treatment is recommended by a qualified professional). In order to qualify for PASSS, the following criteria must be met:

1. The child resides in the Ohio county and the home of the parent(s) in which the application is made.
2. The child has been adopted by someone other than a step parent.
3. The child has a physical or developmental handicap or mental or emotional condition that either:
 - a. Existed before the adoption petition was filed.
 - b. Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background or medical history, or biological family's background or medical history.
4. The child meets either of the following requirements:
 - a. The child is under the age of eighteen.
 - b. The child is at least eighteen years of age and less than twenty-one years of age and is mentally or physically handicapped as defined.

HB 50 SUMMARY

The act requires the Director of Job and Family Services, not later than nine months after the act's effective date, to submit two amendments to the state's plan for child welfare services to the U.S. Secretary of Health and Human Services. The first amendment is to expand federal Title IV-E foster care payments. The second is to expand adoption assistance.

The first amendment (Title IV-E foster care payments), would permit payments directly to, or on behalf of, persons up to age 21. The second amendment (adoption assistance payments) would permit payments to the adoptive parents with respect to an adopted person up to age 21. The Department of Job and Family Services (ODJFS) must pay the full nonfederal share of the payments. No public children services agency is to be responsible for these costs.

Qualifications for foster care payments

To qualify for the foster care payments, a person must:

1. Have reached age 18, but not yet reached age 21;
2. Sign a voluntary participation agreement;
3. Have been in the custody of a PCSA upon reaching age 18; and
4. Meet at least one of the following criteria:
 - a. Is completing secondary education or a program leading to an equivalent credential;
 - b. Is enrolled in an institution that provides post-secondary or vocational education;
 - c. Is participating in a program or activity designed to promote, or remove barriers to, employment;
 - d. Is employed for at least 80 hours per month;
 - e. Is incapable of doing any of the activities described in (a) to (d) above because of a medical condition, which incapability is supported by regularly updated information in the case plan of the child

Qualifications for adoption assistance payments

To qualify for the adoption assistance payments, an adoptive parent must meet all the following requirements:

1. Have adopted a person while the adopted person was 16 or 17 years old and the adopted person had been in the custody of a PCSA or the parent enters into an adoption assistance agreement under the federal Adoption and Guardianship Assistance Program;
2. The adopted person reached age 18, but not yet reached age 21;
3. The parent maintains parental responsibility to that adopted person;
4. The adopted person meets at least one of the following criteria:
 - a. Is completing secondary education or a program leading to an equivalent credential;
 - b. Is enrolled in an institution that provides post-secondary or vocational education;

- c. Is participating in a program or activity designed to promote, or remove barriers to employment;
- d. Is employed for at least 80 hours per month;
- e. Is incapable of doing any of the activities described in (a) to (d) above because of a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

Application, termination, and resumption of payments

The act provides that any person who qualifies may apply for foster care payments and may make the appropriate application at any time. An adoptive parent applying for adoption assistance payments may request an extension of adoption assistance payments at any time before the adopted person reaches age 21. Any person receiving foster care payments, or on whose behalf the payments are received, or any adoptive parent receiving adoption assistance payments, may refuse them at any time, but must reapply if the person or adoptive parent seeks to receive the payments again later. If ODJFS terminates foster care and adoption assistance payments, that determination is subject to a state hearing by ODJFS.

Other services

The act provides that a person who is directly receiving foster care payments, or on whose behalf the payments are received, or an adoptive parent receiving adoption assistance payments and the adopted person, as provided in the act, are eligible for services set forth in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. Additionally, a person who is receiving foster care payments, or on whose behalf the payments are received, may be eligible to reside in a supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings.

Voluntary participation agreements

The act provides that a child who receives foster care payments, or on whose behalf payments are received, may enter into a voluntary participation agreement with ODJFS or its designee for the child's care and placement. A voluntary participation agreement expires after 180 days and may not be renewed without court approval.

Rules

The act requires ODJFS to adopt rules, not later than nine months after the act's effective date, necessary to carry out its provisions, including rules that:

1. Allow a person who is directly receiving foster care payments, or on whose behalf the payments are received, or a person whose adoptive parents are receiving adoption assistance payments, to maintain eligibility while transitioning between qualified employment or educational activities;
2. Require a 30-day notice to a person determined to be ineligible before termination of payments.

Foster care worker and supervisor training and oversight

ODJFS rules must also establish the scope of practice and training necessary for foster care workers and their supervisors who care for persons receiving foster care payments, or on whose behalf the payments are received. The training required by rule must be provided by the Ohio Child Welfare Training Program.

Advisory council

The act requires ODJFS to create an advisory council, not later than one month after the act's effective date (i.e. October 14, 2016), to evaluate and make recommendations for statewide implementation of the act's provisions.

Implementation of amended state plan

The state plan amendments must be implemented beginning 15 months after the act's effective date (i.e. December 2017), if both of the following apply:

1. The plan as amended is approved by the Secretary of Health and Human Services.
2. The General Assembly has appropriated sufficient funds to operate the program required under the plan as amended.

Oversight of ODJFS duties under amended state plan

The act permits ODJFS to contract with another person to carry out the act's new duties under the amended plan for foster care and adoption assistance, to the extent permitted by federal law.

Planned permanent living arrangements

The act makes changes regarding the age at which a child may be placed in a "planned permanent living arrangement." Prior statute permitted court placement of a child under age 16 in a planned permanent living arrangement in some situations, but not others. The act applies this minimum age in all situations in which statutes authorize a court to place a child in a planned permanent living arrangement. The situations for which prior statute did not impose the age 16 minimum, but the act now does, are:

1. The child has been adjudicated to be an abused, neglected, or dependent child and
 - a. Is unable to function in a family-like setting due to physical, mental, or psychological problems or needs and
 - b. Must remain in residential or institutional care.
2. The child is in temporary custody, a planned permanent living arrangement dispositional order is requested on termination of temporary custody, and one of the following applies:
 - a. The child is unable to function in a family-like setting due to physical, mental, or psychological problems or needs, and must remain in residential or institutional care;

- b. The child's parents have significant physical, mental, or psychological problems, adoption is not in the child's best interest, and the child retains a significant and positive relationship with a parent or relative.

A planned permanent living arrangement (PPLA) is a juvenile court order giving legal custody of a child to a PCSA or private child placing agency (PCPA) without terminating parental rights. The order must permit the PCSA or PCPA to place the child with a foster care provider or another person or agency.

The act contains language that requires a PCSA or PCPA to provide independent living services to any child in a PPLA who is over the age of 14 (see Current Foster Care Supports pg. 3). Because HB 50 changes the minimum age that a child can be placed in a PPLA to 16, this language makes sure that independent living services are provided for those children who may be 14 or 15, but have already been placed in this type of a living arrangement.

STUDIES

Studies demonstrating the benefits for foster youth and savings to public sector cost centers were persuasive during the bill's deliberations. Highlights included:

1. Reduced rates of homelessness, incarceration and unemployment
2. Lower rates of teen pregnancy
3. Higher wage earnings and educational attainment

Below are studies that give detailed information on the positive outcomes that are possible through the expansion of foster care services.

[Ohio Fostering Connections: *Expanding supports to foster youth through age 21 \(2015\)*](#)

Key findings from their cost benefit study concluded that over a ten-year period, Ohio will benefit dollar-for-dollar by providing supportive services to young people who age out of foster care and to those who were adopted from foster care at age 16 or later.

[Chapin Hall's *Midwest Evaluation of the Adult Functioning of Former Foster Youth and Employment Outcomes for Youth Aging Out of Foster Care \(2011\)*](#) found that young adults in Illinois who remain in care past age 18 are more likely to enroll in, and graduate from, high school and college and are more likely to be employed, and less likely to experience an array of negative outcomes including homelessness, incarceration or unemployment.

[The Partnership for Our Children and Chapin Hall's *California's Fostering Connections to Success Act and the Costs and Benefits of Extending Foster Care to 21 \(2009\)*](#) found that each year that a young adult remains in foster care past their 18th birthday is associated with increased earnings of about 17 percent. Those who remain in care until they turn 21 experience an increase in work-life earnings of \$92,000, due to the increased likelihood that they will attain a college degree or complete post-secondary training.

CONCLUSION

HB 50 brought to light the significant obstacles that children who are aging out of the foster care system face and the benefits that could be obtained, both for youth and public sector expenses, by expanding these services. The fact that HB 50 places the responsibility of this new program with ODJFS, rather than PCSAs, and the addition of language that delays implementation and requires sufficient funding is a positive step, however the need for better funding for the existing child protection population remains a crucial priority for CCAO. We will continue to follow the implementation of the program, apprise our members of its status and advocate for adequate funding for both populations in the next biennial budget.

If you have questions please contact CCAO Policy Analyst [Kate Neithammer](#) at (614) 220-7996.