

**Fostering Success/Extend Foster Care to 21 Years of Age –
Proposed Plan**

Session Law 2015-241, SECTION 12C.9.(i)



**Report to the
Joint Legislative Oversight Committee on Health and
Human Services
and
The Fiscal Research Division
by
North Carolina Department of Health and Human Services**

March 1, 2016

State Law

North Carolina Session Law 2015-241, Section 12C.9.(i), *Fostering Success/Extend Foster Care to 21 Years of Age*, requires the Department of Health and Human Services, Division of Social Services (Division), to develop a plan for the expansion of foster care services for individuals who have attained the age of 18 years old and opt to continue receiving foster care services until reaching 21 years of age.

Federal Law

P.L. 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008, provides states with the option to continue providing Title IV-E reimbursable foster care, adoption, or guardianship assistance payments to children up to the age of 21.

Eligibility Requirements for Fostering Success – Foster Care to 21 Program

An individual who has attained the age of 18 years and chooses to continue to receive foster care may enter into a voluntary placement agreement until the age of 21 years if the individual is:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution which provides post-secondary or vocational education;
- Participating in a program or activity designed to promote, or remove barriers to, employment;
- Employed for at least 80 hours per month; or
- Incapable of doing any of the above referenced due to a medical condition or disability.

The Division is collaborating with county child welfare agencies to define placement settings for semi-supervised housing arrangements and determine the payment structure.

Administrative Office of the Courts

The Division participates in bi-monthly collaborative meetings with the Administrative Office of the Courts. This workgroup is engaging and communicating with the courts and child welfare agencies new changes to the Juvenile Code, N.C.G.S. § 7B-910.1 which requires that an individual with a voluntary placement agreement must appear in court within 90 days of agreement execution. The North Carolina Department of Justice attorney assigned for Child Welfare is also providing technical assistance and training to the courts and child welfare agencies.

Contractual Agreement for Residential Services (CARS)

If a young adult is currently being served through a CARS, the Division and the county child welfare agencies will continue to honor CARS until that agreement is terminated (when the participant obtains the age of 21 or requests termination). If the young adult requests services after January 1, 2017, they will be eligible for the Fostering Success – Foster Care to 21 Program.

Milestones for Plan to Implement Fostering Success- Foster Care to 21 Program

The Division has developed a project plan to address the following areas:

- Administrative Rules
- Child Welfare Policy Manual
- Child Placement Payment System and NC FAST

- Foster Care 18-21 Program Coordinator Position
- Communication Strategies for Stakeholders
- State Plan Amendment for Title IV-E

The Division has completed the draft proposed amendments to administrative rules in 10A NCAC 70B and 10A NCAC 70M. The proposed amendments to administrative rules and fiscal impact note are currently under review by the Department and will be forward to the Office of State Budget and Management in March 2016. In a parallel effort with the administrative rules, the Division will be updating the North Carolina Division of Social Services Child Welfare Services Policy Manuals. The Division is on schedule to meet the Office of Administrative Hearings publication schedule for January 2016 – December 2016, in order to meet the effective permanent rule date of January 1, 2017.

The Division will collaborate with the Division of Information Technology to provide technical changes, timelines, and costs for the Child Placement Payment System and NC FAST. The Division will also include children in Fostering Success – Foster Care to 21 Program for federal reporting through the Adoption and Foster Care Analysis Reporting System (AFCARS).

The Foster Care 18-21 Program Coordinator position posting closed February 16, 2016 and the Division of Social Services anticipates hiring into this position by June 2016. This position will be responsible for identifying and developing communication strategies with stakeholders, including providing training and technical assistance regarding policy and legislative efforts. In addition, this position will work in conjunction with the Division of Social Services, Performance Management Section to ensure data is monitored for program performance.

The timeline set forth in legislation requires an implementation date of January 1, 2017. The Division will submit a Title IV-E State Plan Amendment to the U.S. Department of Health and Human Services, Administration for Children and Families within sixty days of implementation. The Division will report on the plan as implemented to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by March 1, 2017.