

STATE OF WISCONSIN
Department of Children and Families
Division of Safety and Permanence

DSP Memo Series 2008 - 08
November 14, 2008

Re: Chafee Foster Care
Independence Program
Eligibility for Out-Of-
Home Care Youth

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities
Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Indian Child Welfare Directors
Licensing Chiefs/Section Chiefs
Tribal Chairpersons/Human Services Facilitators

From:

Cyrus Behroozi
Administrator



The intent of this memo is to notify agencies of changes in Wisconsin's eligibility criteria for the Chafee Foster Care Independence Program (CFCIP) and Education and Training Voucher (ETV) program funding. Inconsistent application of program eligibility criteria across the state necessitated a review of eligibility policy for services under the John H. Chafee Foster Care Independence Act of 1999 (Chafee Act) and the State of Wisconsin's Independent Living (IL) Program. The revised eligibility will go into effect for calendar year (CY) 2009 for counties and fiscal year (FY) 2009 for tribes.

Federal Eligibility Requirements

According to Section 477 (b)(3)(A) of the Social Security Act, each state may define the specific population served under CFCIP, but must serve youth between the ages 18 and 21 who left foster care at age 18. Additionally, the Chafee Act, consistently refers to eligibility in terms of "youth in a foster care placement"; with the intention of assuring youth who meet the following criteria receive the services and educational supports necessary to become self-sufficient upon leaving care. Eligible youth are those that: 1) have been removed from their biological parents or legal guardians and placed in foster care, 2) are "likely to remain in foster care until age 18" and 3) are identified as "children aging out of foster care".

Wisconsin Eligibility Requirements

Former Criteria: In Wisconsin, the practice had been that only youth placed in Out-of-Home Care (OHC) for at least six months after the age of 15 (as the result of a Child Protective Services court order), or Juvenile Justice youth with a documented Child Protective Services (CPS) history qualified for Chafee funded services. Once eligibility had been determined, youth remained eligible up to age 21, regardless if

Document Summary

To maintain consistency among Wisconsin State Statute, the Foster Care Independence Act, Chafee state plan, and federal reporting requirements, the eligible population for Chafee funded services in Wisconsin is amended for 2009. Eligibility will now apply to all youth who were placed in OHC by county and tribal agencies for a total of six months between the ages of 15 and 18, for as long as they remain in care and will continue to age 21 for those youth who age out of care at 18.

they remained in an OHC placement. Under this practice, Juvenile Justice youth with court ordered out-of-home care placements were not eligible for Chafee funded services, unless they had co-occurring CHIPS/Juvenile Justice issues.

Rationale for Change:

- Chapters 48 and 938, Wis.Stats., require that all youth age 15 or older in OHC receive an independent living skills assessment and service plan as part of their permanency plan. However, the former Wisconsin eligibility criteria limited the use of Chafee CFCIP and ETV funds to those youth in OHC under CHIPS or dual orders. This created situations where counties and tribes could only use their Chafee funds to service some of their youth with independent living services.
- Federal Chafee funding is allocated to states based on children in OHC as reported to the Adoption and Foster Care Analysis and Reporting System (AFCARS), including juvenile justice placements. New federal reporting requirements for the National Youth in Transition Database (NYTD) will require Wisconsin to report independent living service and outcome information for all youth in court ordered OHC, regardless of their legal status. In addition, certain groups of children have also been made eligible for Chafee funded services under a federal waiver or the Chafee program state plan. This includes children in Subsidized Guardianship and children adopted after age 16.
- To maintain consistency among Wisconsin Statutes, the Foster Care Independence Act, the Chafee state plan, AFCARS reporting requirements, and the NYTD reporting requirements; the eligible population for Chafee funded services (both IL and ETV) in Wisconsin has been amended. The new CFCIP and ETV eligibility requirements focus on the need to provide independent living assessments and services to all youth age 15-18 while in out of home care and transition services to youth aging out of care at age 18.

New Criteria: Eligibility for Chafee funded services will now apply to all youth who were placed in OHC by county and tribal agencies for at least six months between the ages of 15 and 18, for as long as they remain in care. This change includes new eligibility for Juvenile Justice youth who are in OHC under JIPS or Delinquent court orders with no CPS history. Eligibility will no longer include youth that were receiving services as a result of a former placement in out of home care, and are currently not in an OHC placement. However, any youth over the age of 18 who had become eligible for services under the former criteria prior to January 1, 2009, will maintain their eligibility up to age 21. For those youth that age out of care at 18, eligibility will continue for transitional services up to age 21. *Youth who leave OHC for any reason other than aging out of care, such as incarceration or reunification prior to the age of 18, are no longer eligible for Chafee funded IL services.* County/tribal agencies may chose continue providing independent living services to youth who have been reunified or incarcerated with local funding, but would not consider these youth as Chafee funded participants in the Independent Living Program.

This means that in order to be eligible for Chafee funded services, youth must now either:

- 1) Be currently placed in an OHC setting under the care and supervision of the state, county or tribe (does not include correctional facilities, detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children);
- 2) Exited OHC after age 15 and six months to Subsidized Guardianship or Long-Term Kinship Care (with permanent legal guardianship) and currently in those placements;
- 3) Been adopted after the age of 16 from one of the above listed placements;
- 4) Left care from one of the above listed placements at age 18.

The table below indicates the populations eligible for specific Chafee funded IL Services, under the new criteria:

Population	IL Services Age 15-18	ETV/Scholarship	Room and Board	Transition Services Age 18-21
Age 15 and 6 months in court ordered OHC placement (including, Subsidized Guardianship, Court Ordered Kinship Care, Supervised IL) for as long as the youth remains in care.	X	N/A	N/A	N/A
Left court ordered OHC care at 18.	N/A	X	X	X
Left Subsidized Guardianship at 18.	N/A	X	X	X
Left Long Term Kinship Care at 18.	N/A	X	X	X
Adopted after 16	N/A	X	N/A	X
Reunified at any time after the age of 15.	N/A	N/A	N/A	N/A
Age 15 6 mos – 18 but currently incarcerated.	N/A	N/A	N/A	N/A

Funding and Data Implications

Recent Federal Legislation makes it possible for teens that leave foster care or are adopted after their 13th birthday to indicate their status as an “independent student” on the Free Application for Federal Student Aid (FAFSA) form for college aid, which will likely increase their chances of receiving additional financial aid for college.

Beginning CY 2009, new functionality in eWiSACWIS will be used to record IL/ETV services to eligible youth, both for services while in OHC and for transitional services after age 18. Counties will be required to use eWiSACWIS to report IL/ETV services—replacing the current annual paper reporting process. Beginning in FFY 2010 (October 1, 2009 to September 30, 2010), Wisconsin must report NYTD data for IL services to youth in OHC, IL transitional and ETV services to youth age 18-21, as well as outcome information on youth who were in OHC at age 17 up to age 21.

The 2010 IL/ETV allocations to counties will be based on past practice of determining allocations and DCF will hold counties and tribes harmless. The 2011 allocations will be based on independent living data reported in eWiSACWIS; more accurately reflecting Wisconsin's eligible population of youth served with Chafee funds.

More detailed information regarding paper and electronic reporting requirements, recording services in eWiSACWIS and the methods to be used for determining future allocations will be identified in a future memo.

CENTRAL OFFICE CONTACT:

Christine A. Lenske
IL Coordinator
DCF/DSP/BPOC
1 W. Wilson St.
P.O. Box 8916
Madison, WI 53708-8916
608-267-7287
Christine.Lenske@dcf.wisconsin.gov

MEMO WEB SITE: <http://dcf.wisconsin.gov/memos>

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