



Updated Monday, April 26, 2021

## Youth Aging Out of Care

Youth aging out of out-of-home care are exceptionally vulnerable during the nation's current COVID-19 crisis. As a result of the pandemic, the Wisconsin Department of Children and Families (DCF) wants to ensure youth are not aging out of care without secure plans in place to meet their health and safety needs during these critical months of the pandemic. Providing the option for these youth to maintain stability and safety in their current placement setting should be a priority when possible.

As a state supervised, county administered state, DCF recognizes that the local courts and child welfare agencies have the authority and best information for identifying strategies for youth aging out of care. These case by case practice decisions, in collaboration with youth, courts, service providers, permanency connections and family, should now include additional considerations for ensuring stability of housing and basic needs for these youth during the crisis to ensure they are safely able to transition.

In our discussions with child welfare agencies and providers, we have heard that there are a wide variety of individual situations and a number of strategies that can be used, and that flexibility and funding are necessary in order to best support these young people. This guidance is intended to both review options that exist for youth aging out and highlight additional targeted funding that will be made available.

Please note that this document should not be construed as legal guidance. Counties with questions about compliance with these legal provisions relating to this area should seek legal advice from their local legal representative.

### Options for Youth Aging Out

*This information applies to both child welfare and youth justice cases (i.e., CHIPS, JIPS and delinquency) under Chapter 48 and Chapter 938.*

- For youth who are not yet 18 years old, agencies can work with their legal representatives and courts to determine whether the court's existing order extends beyond the youth's 18th birthday or if a new order issued by the court could extend beyond the youth's 18th birthday, to the extent permitted by Wisconsin statute.
  - For example, Wis. Stat. § 48.355(4)(b) provides that, with certain exceptions, an order "made before a child reaches 18 years of age that places or continues the placement of the child . . . shall terminate on the latest of the following dates, unless the judge specifies a shorter period or the judge terminates the order sooner:
    1. The date on which the child attains 18 years of age.



2. The date that is one year after the date on which the order is granted.
  3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child attains 19 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age.
  4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child attains 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child. . . .”
- Wis. Stat. § 48.355(4)(b); *see also* 48.357(6); 48.365(5)(b); 938.355(4); 938.357(6); 938.65(5)(b) (containing similar provisions).
- For youth who fall within the criteria for extended out-of-home care under Wis. Stat. § 48.366 or § 938.366, agencies should assist the youth through the process outlined in those statutory provisions and the DCF Ongoing Services Standards – Extension of Out-of-Home Care to continue in out-of-home care, pursuant to the youth’s wishes. These statutory provisions include two methods that can be used for extending placement: (1) extending the dispositional order or (2) entering into a voluntary transition-to-independent living agreement. Under either of these scenarios, the youth must agree to the extension of placement.
    - Youth who have recently aged out may also be eligible to re-enter care under the Voluntary Transition-to-Independent Living Agreement procedures. *See* DCF 21.
  - For youth who will age out of care upon graduation from high school, counties have flexibility as to how that date is determined, within the scope of the applicable statutory provisions, and agencies are encouraged to utilize that flexibility. For example, some school districts have delayed their graduation events in light of the pandemic, and these later dates may be considered the date when a youth graduates/ receives his or her diploma. Conversely, a youth may attend a graduation ceremony but continue to be a full-time student for the remainder of the school year, in which case the youth may not actually receive his or her diploma until after the end of the school year. In addition, regardless of the actual date of graduation, youth may remain in placement through the end of the month of graduation.
  - For youth who are living in a foster home, agencies are encouraged to work with the youth, the foster family, and the licensing agency to determine whether the youth may be able to voluntarily remain in the home after aging out until alternative housing is available (e.g., until beginning college, or due to delays in finding an apartment during the pandemic order). DCF will provide additional funding to support this approach as described in [Informational Memo 2021-12i](#). The DCF Exceptions Panel will be as flexible as possible on any foster care licensing exceptions necessary to allow the youth to remain in the home as a household member.



- For youth who are in a Supervised Independent Living placement, agencies are encouraged to maintain and increase contact with youth to ensure they aren't isolated, as well as work with youth, Transition Resource Agencies, and other community partners to plan for the youth's transition from Supervised Independent Living.
- Agencies should continue to collaborate with Transition Resource Agencies, adult services, other system partners, youth, and families in doing thoughtful and proactive transition planning for youth, with a recognition of the additional challenges posed by the pandemic. Similarly, youth who have already aged out and are now in need of additional services should be connected with these resources and supports and encouraged to take advantage of them.

### Targeted Funding through the Supporting Youth and Families Through the Pandemic Act

In December 2020, Congress passed the Consolidated Appropriations Act. Division X, the Supporting Foster Youth and Families Through the Pandemic Act, includes provisions regarding supports for foster youth and families. These provisions include requirements that youth not age out of care and that they be permitted to re-enter care during the period of the pandemic, defined in the law as January 27, 2020 through September 30, 2021. The law also provided additional Chafee funding and flexibilities in use of funds. In program instructions issued in March 2021, the Administration for Children and Families provided additional direction stipulating that:

*For purposes of meeting the temporary suspension of aging out of foster care and permitting re-entry of youth who have left foster care, title IV-E agencies may use a definition of foster care that does not fully accord with the definition used for the purposes of title IV-E in 45 CFR 1355.20. For example, a title IV-E agency could allow a youth to re-enter foster care without extending title IV-E agency placement and care to that youth, while still providing monthly financial support, age-appropriate supervision, and case management services (ACYF-CB-PI-21-04, p. 4).*

Based on Wisconsin's Independent Living service model, Wisconsin will use the increased funding and fulfill the associated requirements through a combination of funding to county and tribal child welfare agencies and to agencies contracted to provide independent living services to youth. Any youth who has aged out, or will age out, of court-ordered out-of-home care during the period from January 27, 2020 through September 30, 2021 will be entitled to monthly financial support, age-appropriate supervision, and case management services provided by the Transition Resource Agencies (TRAs) as required by the Act. In addition, DCF is providing funding to counties, tribes, and other youth-serving partners to provide additional independent living supports for youth. For counties, this funding will allow for reimbursement of one-time payments to support maintaining youth in their previous placement home as well as costs for independent living-related supports for youth who remain in care. Please see [Informational Memo 2021-12i](#) for more detail.