

ISSUES FOR JUDGES TO CONSIDER IN REVIEWING TRANSITION PLANS FOR FOSTER CHILDREN/YOUNG ADULTS

1. Comprehensive Transition Planning (CTP) v. Independent Living Programs (ILP) and Related Services.

a. Comprehensive Transition Planning

The law requires DHS to develop a “Comprehensive Transition Plan” that outlines the transition goals, action steps and services a youth needs to successfully transition to adulthood. It covers a number of domains, including: education, housing, supportive relationships/community connections, employment, transportation, mental and physical health, and life skills. You may see this plan referred to as a “T2” or “CTP”. Youth will complete a “Transition Readiness Index” or “T1” just prior to the Comprehensive Transition Plan to identify the youth’s readiness for services, commitment to participate, ability to interact with and connect to supportive adults, and ability to successfully transition to living independently.

A Comprehensive Transition Plan is required when a youth is age 16, or age 14 if the permanency plan is APPLA. The youth must agree to the plan. The plan may be developed through an Independent Living Program or with the caseworker. It is the caseworker’s responsibility to ensure the plan is developed. The plan goals and services should be regularly reviewed by the caseworker during monthly face to face contacts with the youth and during 90 day case plan reviews. The caseworker is required to document the youth’s progress in achieving the plan goals, along with any barriers to achieving the goals, and plans to address those barriers. The plan should be updated every six months.

Youth who are receiving Developmental Disabilities Services will have an Individual Support Plan that is updated annually. This may satisfy Comprehensive Transition Planning requirements, as long as it is adequately tailored to the youth’s level of functioning.

The Court should review the Comprehensive Transition Plan for the following:

- Whether the plan is adequate to ensure the youth’s successful transition to independent living;
- Whether DHS has offered appropriate services pursuant to the plan; and
- Whether DHS has involved the youth in the development of the plan.

Typical Court orders may include:

- (If no plan in place) DHS meet with the youth to develop a Comprehensive Transition Plan within 45 days, and provide it to the juvenile court/CRB at the next scheduled review.
- (If plan found to be inadequate) DHS meet with the youth to address planning for (insert: housing, education, transportation, medical, etc.) and revise the Comprehensive Transition Plan accordingly within 45 days.
- (If services needed) DHS meet with the youth within 30 days to address the youth's goal of (insert: getting a driver's license, planning for college, etc.) and assist the youth in obtaining appropriate services.

Other Resources:

[DHS Policy, Youth Transitions](#)

[DHS Child Welfare Procedure Manual, Youth Transitions](#)

[ORS 419B.476\(3\)](#)

b. Independent Living Program.

Independent Living Programs (ILP) are designed to provide youth with services that will help them transition to independence. Independent Living Programs are provided in local communities through for-profit, non-profit and governmental agencies who offer skills training and support services for youth and young adults.

ILP provides a variety of services, including skill building, transition planning, and various subsidies and grants to provide assistance with the costs of post-secondary education and training, as well as housing. Skill building services include: (1) basic living skills such as money and home management, consumer skills, legal issues, parenting, health care, access to community resources, transportation, educational assistance and housing options; (2) educational and vocational training support, post-secondary education and academic support, job readiness and job search assistance; (3) skill building and social skills training; and (4) development of community networks and supports.

Youth are eligible for some ILP services beginning at age 14, including life skills training, educational assistance (college tours, homework/study groups, financial aid/scholarship applications), and discretionary funds to assist the youth in obtaining services needed to meet their goals for transition. Some DHS offices wait to refer youth to ILP until they are age 16, unless they are in an APPLA plan. Youth have the right to refuse services. DHS remains under the obligation to develop a Comprehensive Transition Plan, regardless of

whether the youth is participating in ILP. Youth in residential care or who are eligible for developmental disabilities services may have other transition planning services available.

For eligible Youth, the court orders and permanency judgments should require that DHS refer age appropriate youth to ILP and that DHS has ensured appropriate services for the child.

Other Resources:

[Eligibility – Independent Living \(ILP\) Services and Funds Matrix](#)

[DHS Policy, Youth Transitions](#)

[DHS Child Welfare Procedure Manual, Youth Transitions](#)

2. Specific Transition Services To Consider

a. Driver's Education.

DHS should provide age appropriate youth with information about how to obtain a driver's license. This information may also be presented through the Independent Living Program. Before a youth may enroll in driver's education, the caseworker and other adults involved with the youth must agree he or she is ready to pursue a driver's license. Factors to consider include:

- Is the youth old enough for a permit (age 15)?
- Is the youth enrolled and attending school, maintaining at least a "C" average or working with a tutor or receiving academic assistance? Has the youth's school attendance been regular without incidents of suspension, absence or expulsion during the last six months?
- Is the youth mentally and physically healthy?
- Has the youth been free from drug and alcohol use for the past year?
- Does the youth display age-appropriate behavior?
- Does the youth have placement stability?

A caseworker may apply for driver's education course payments through the local Independent Living Program on behalf of a youth. In order to qualify, a youth must:

- Be in substitute care;
- Be between the ages of 15 to 17;
- Have a driver's permit;
- Sign up with an approved driver's education school;
- Have a plan for obtaining auto insurance coverage.

It may be appropriate for the Court to inquire as to whether DHS has informed the youth about how to acquire a driver's license, and whether DHS has provided the youth with assistance in obtaining his or her driver's permit if the youth has indicated a desire to do so. Note the youth may not obtain his or her license prior to completing the course.

Other Resources:

[Obtaining a Driver's Permit and a Driver's License for Youth in Care Under Age 18](#)

b. Credit Reports.

State and federal law require DHS to ensure that youth in foster care receive a consumer credit report annually starting at age 16. This review ensures there is some oversight of the youth's credit history, and no one is fraudulently using the youth's identity. DHS must provide the youth with assistance in interpreting the credit report. If there are any inaccuracies, DHS must ensure the youth receives assistance resolving them. When reviewing youth age 16 and up, it is appropriate to ask the caseworker when the last time the youth's credit report was accessed and reviewed with the youth. This is a service that is relevant to reasonable/active efforts that DHS has ensured that appropriate services are in place to safeguard the children's safety, health, and well-being.

Other Resources:

[OAR 413-030-0456\(2\)](#); [42 U.S.C § 675\(5\)\(I\)](#)

c. Tuition Waiver

Oregon law allows for a waiver of undergraduate tuition and certain fees for current and former foster children. A youth meets the definition of former foster child if he or she spent six more months in care between the ages of 14 and 21, and was not dismissed from care before reaching 16 years of age. The waiver applies to Oregon public universities, Oregon community colleges and the Oregon Health and Science University.

In order to qualify for the waiver, a youth must:

- Complete a Free Application for Federal Student Aid (FASFA) for that academic year;

- Participate in a minimum of 30 volunteer service hours per academic year while receiving the waiver.

The Court may inquire of the caseworker and/or the youth if the youth has been informed of the availability of the tuition waiver. If the answer is no, the Court should order that DHS provide the youth with information about the waiver.

Resources:

[ORS 351.293](#)

d. Education and training vouchers (ETV).

The education and training voucher program provides financial assistance to a youth for post-secondary education or training. Funds may be used toward the costs of attendance for all two and four year colleges or universities, as well as some trade and vocational schools.

Youth in foster care may access funds beginning at age 14. Youth who have left care after age 16 may also access funds, provided he or she has 180 or more cumulative days of substitute care, and he or she accesses the funds prior to age 21.

e. Housing Programs.

There are two housing programs that may be available to assist youth with housing expenses: the Independent Living Housing Subsidy and Chafee Housing program. They each have specific eligibility requirements and provide monetary support to allow for independent living while a youth is attending school or working. ILP Subsidy is for youth who are still in care, while Chafee Housing is only available for youth who aged out of care after age 18, and have not yet reached age 21.

Both programs may provide assistance up to \$600 per month for basic living expenses, based on the youth's need. The youth must be involved in 40 hours of productive activity per week, and is required to be working on his or her secondary education if he or she does not already have a high school diploma or GED.

A one-time housing voucher may be issued to provide the initial costs for establishing a residence.

f. ILP discretionary funds.

ILP discretionary funds are available as an added support to assist youth with services or items needed to accomplish goals provided in their Comprehensive Transition Plan. The caseworker must make the funding request to the local Independent Living Program. The youth must be enrolled in skill building services through ILP to be eligible for these funds.

Other Resources:

[Youth Transitions, DHS Child Welfare Procedure Manual](#)

3. Requirements at Independence.

As youth get close to reaching age 18, the Court can ensure DHS is adequately preparing the youth for the transition to independence. DHS should hold a Benchmark Review as described below, should ensure the youth has appropriate housing lined up, and should have a “Transition Tool Kit” prepared by the time DHS requests the juvenile court terminate wardship. These requirements are discussed in more depth below.

a. Benchmark Review.

A Benchmark Review is a meeting the caseworker must hold six months prior to a youth’s 18th birthday for the purpose of documenting that the youth and DHS have a plan for the adult decisions that need to be made after the youth turns 18. The determinations made at the Benchmark Review should be documented in the Comprehensive Transition Plan (T2). Planning regarding the following is required:

- Education;
- Housing;
- Identification of people who provide supportive relationships to the youth;
- Identification of community resources, including government assistance;
- Employment;
- Medical decision making;
- Transportation;
- Life skills development.

If you are reviewing the case plan of a youth who has reached seventeen years of age, it is appropriate to ask about planning for the Benchmark Review and whether DHS has ensured appropriate services for the child. For youth who are beyond age 17 and a half

and no review has been provided, the Court should order the caseworker schedule the Benchmark Review.

b. Terminating Wardship

Wardship ends when a young adult turns age 21. Prior to that time, the juvenile court may terminate wardship upon finding that:

- DHS has provided case planning that addresses the ward's needs and goals for a successful transition to independent living, including needs and goals relating to housing, physical and mental health, education, employment, community connections and supportive relationships;
- DHS has provided appropriate services pursuant to the case plan;
- DHS has involved the youth in the development of the case plan and in the provision of appropriate services; and
- The ward has safe and stable housing and is unlikely to become homeless.

At least 60 days prior to the date DHS will be relieved of legal custody of a youth who will become independent, the caseworker must inform the youth of the hearing, including:

- The date, time and location of the hearing;
- His or her right to attend the hearing, and the importance of attending;
- Possible options for transportation to and from the hearing.

c. Transition Tool Kit

At the time the court relieves DHS of custody, the caseworker must provide the youth with a "Transition Tool Kit". These are documents that the youth will need regarding his or her medical history, for employment purposes and to continue post-secondary education. It must include:

- Family history;
- Placement history;
- Location and status of siblings and contact information the youth can use should s/he want to obtain additional information;
- Health and immunizations records;
- Chafee Medical Referral form;
- Education summary and records;
- Original birth certificate;

- Official proof of citizenship or residence in a form acceptable to an employer who is required to verify immigration status;
- Social security card;
- Driver's license or other form of state identification;
- Copy of death certificate of youth's parent(s) (if applicable);
- Written verification of placement in substitute care between the ages of 14 to 18 through DHS or one of the federally recognized tribes.

Many of the required items in the tool kit should already be in the case file. The Court should ensure these items are in place prior to terminating wardship. For youth with immigration issues, advance planning by the caseworker to secure the required proof of citizenship/residence will be necessary, as it may take several months to obtain the required documents.

Other Resources:

[DHS Policy, Youth Transitions](#)

[DHS Child Welfare Procedure Manual, Youth Transitions](#)

[ORS 419B.337](#)