

Texas Foster Youth Justice Project



MEETING SYSTEMIC NEEDS OF CURRENT AND FORMER FOSTER YOUTH

Adolescent Symposium of Texas, Plano, Texas
February 14, 2019

An electronic version of this presentation is available at www.TexasFosterYouth.org – click on “For Advocates” and look under “Training Materials for Attorneys”

Mary Christine Reed, JD

Sarah D. Worthington, JD, MSSW



Hotline: (877) 313-3688

Email: info@texasfosteryouth.org

Website: www.texasfosteryouth.org

- Statewide program
- Assists current and former foster youth with legal problems
- Assists groups of current and former foster youth with legal problems
- Provides guidance for those that work with current and former foster youth

Project Staff

3

- Mary Christine Reed, Attorney, Project Director
- Sarah Worthington - Attorney (Austin)
- LuLu Portillo – Legal Assistant

Texas Foster Youth Justice Project



The Texas Foster Youth Justice Project helps current and former foster youth in Texas. We help foster youth understand their legal rights. We provide legal advice, assistance, guidance and representation in enforcing foster youth rights. We also educate the general public about the legal needs and concerns of foster youth.

Free Legal Help for Current & Former Foster Youth

1-877-313-3688



TFYJP: Common Project Cases

5

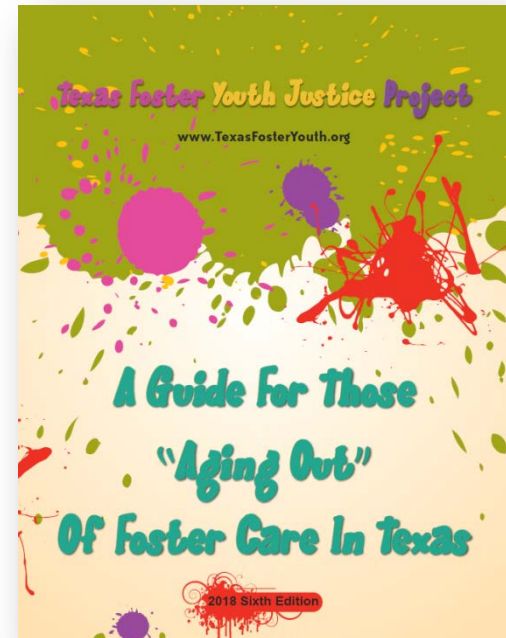
- CPS records
- Extended Foster Care/
Return to Foster Care/
Supervised Independent
Living
- Representation in CPS
court
- Healthcare issues
- Access to transition
services
- Education issues
- Juvenile/criminal records
- Name change/correction
- Identity documents
- Foster youth benefits
- Immigration/Citizenship
- Contact with/access to
siblings
- General advocacy

Texas Foster Youth Justice Project

TFYJP: A Guide for Those “Aging Out”

6

- 6th edition (2018)
- Download for free at www.texasfosteryouth.org
- Order bound copies for free by emailing info@texasfosteryouth.org



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Aging Out Issues: Objectives

7

- Understand the unique challenges faced by current and former foster youth
- Become aware of the state-provided resources for current and former foster youth and how to access those resources
- Learn to spot issues in difficult-to-serve clients in order to connect them to appropriate resources

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Aging Out Issues: Overview

8

- Case Study: Meet Leslie
- Helping Foster Youth
- Barriers and Challenges
- Preparation for Adult Living (PAL)
- Extended Jurisdiction and Care
- Transitional Services and Benefits
- Education Benefits
- Special Populations
- Juvenile and Criminal Issues
- Discussion

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9

Case Study: Meet Leslie*



** Note: this story is completely fictional and this picture is of my niece, used with her permission*

Case Study: Meet Leslie

10

PRESENT

- 19-year-old mother of one child, April (six months old)
- Aged out of foster care at age 18
- Has not received any transitional services or benefits
- Guards details of her personal life, especially with adults
- Seeking assistance to get formula and diapers for April



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Case Study: Meet Leslie

11

PLACEMENT IN FOSTER CARE

- Placed in foster care at age 9 due to sexual abuse by mom's boyfriend
- Mom broke up with boyfriend but she still couldn't go back home – doesn't know why
- No relationship with dad
- Has had no contact with mom since removal and still does not know how to contact her



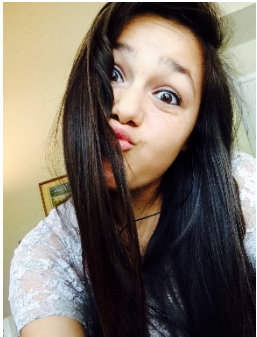
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Case Study: Meet Leslie

12

LIFE IN FOSTER CARE

- Lived in a total of 16 foster homes, 4 group homes, and 2 residential treatment centers
- In various placements, was denied food, punished harshly, and touched inappropriately by other foster youth
- Hospitalized at age 15 for attempting suicide
- Arrested at age 17 for fighting at placement – charged with a 3rd degree felony for assault family violence for hitting another foster youth who tried to grab her breast



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Case Study: Meet Leslie

13

MARK

- Met Mark, age 21, when she was 17 (junior in high school)
- Not allowed to date, so she skipped class to go out with him
- Got pregnant and was moved to another placement because she had premarital sex, which violated the values of the placement
- Left foster care at age 18 – didn't tell caseworker she was leaving and only had photocopies of ID documents
 - Stopped going to school



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Case Study: Meet Leslie

14

BEN

- Wanted to move in with Mark, but he didn't want her or the baby around; Ben, Mark's 28-year-old friend, said she could live with him
- Ben constantly flirted and said he would make her fall in love with him, even though she wasn't interested – he said she didn't have to work, he would take of her and the baby
- Began a relationship with Ben after a month of living together
- Gave birth to April a few months later



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Case Study: Meet Leslie

15

BEN

- When she told Ben she wanted to get a job, he shut her down, saying he needed her at home
- Eventually he stopped wanting to see friends or be social; he would do all grocery shopping himself
- After April was born, Ben wanted to have sex with her before she had healed from giving birth
- Ben threatened to not buy diapers for April if she did not have sex with him, so she gave in



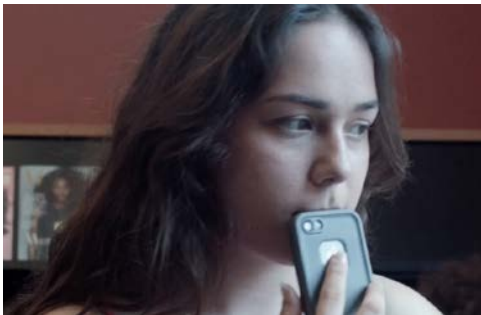
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Case Study: Meet Leslie

16

BEN

- Ben began regularly using threats to not buy April what she needed in order to force her to perform sexual acts
- Eventually Ben even made her have sex with other people or he wouldn't buy April diapers and formula
- She doesn't leave because she doesn't know how to provide for herself and her daughter
- Hasn't seen a doctor since April was born and hasn't been able to schedule an appointment because of an insurance problem



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Case Study: Meet Leslie

17

REACHING OUT

- She made an appointment with your organization while Ben was at work
- She walked all the way to your organization (which is 4 miles from her home)
- Seeking assistance to get formula and diapers for April



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Helping Foster Youth



Helping Foster Youth

19

□ Why talk about foster youth resources?

□ Current and former foster youth are at-risk of being exploited and/or trafficked

□ See *Stukenberg v. Abbott* (S.D. Tex. Dec. 17, 2015)

As of August 2014, approximately 60% of all foster children were placed outside their home county. Thus, aging out in a foreign community is commonplace. As a result, these children frequently end up homeless, participating in “criminal activities in order to survive, trespassing in vacant homes or stealing or human trafficking, prostitution, those kind of things in order to have a place to stay.”



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Helping Foster Youth

20

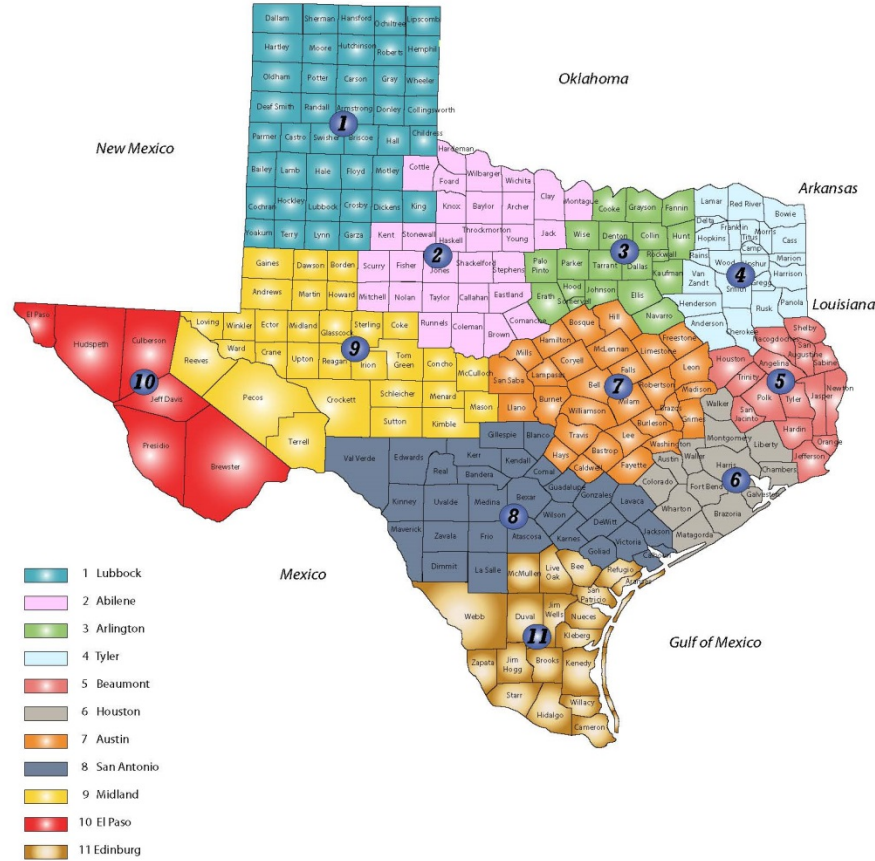
□ Common Questions

- What if the youth was not in foster care when they turned 18?
- What if the youth was adopted out of foster care?
- What if the youth was in foster care but returned to parent or placed with another relative?



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Texas Department of Family and Protective Services Regions



Locating Region # for County

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Helping Foster Youth

22

□ How to Help

- Contact DFPS Regional Preparation for Adult Living (PAL) Office to initiate services for youth under 21:

State Office

Gaye Vopat

Gaye.Vopat@dfps.state.tx.us

(512) 438-5442

- List of [Regional PAL Coordinators](#)
- Contact the **Texas Foster Youth Justice Project** for assistance

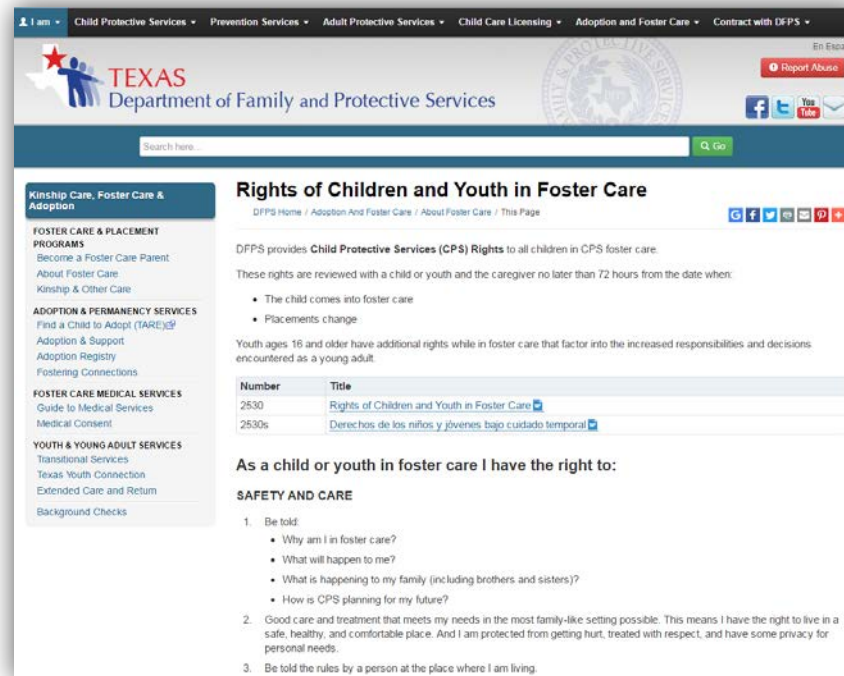


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Helping Foster Youth

23

□ Rights of Youth in Foster Care



The screenshot shows the Texas Department of Family and Protective Services website. The main heading is "Rights of Children and Youth in Foster Care". The page explains that DFPS provides Child Protective Services (CPS) Rights to all children in CPS foster care. These rights are reviewed with a child or youth and the caregiver no later than 72 hours from the date when:

- The child comes into foster care
- Placements change

Youth ages 16 and older have additional rights while in foster care that factor into the increased responsibilities and decisions encountered as a young adult.

Number	Title
2530	Rights of Children and Youth in Foster Care
2530s	Derechos de los niños y jóvenes bajo cuidado temporal

As a child or youth in foster care I have the right to:

SAFETY AND CARE

1. Be told:
 - Why am I in foster care?
 - What will happen to me?
 - What is happening to my family (including brothers and sisters)?
 - How is CPS planning for my future?
2. Good care and treatment that meets my needs in the most family-like setting possible. This means I have the right to live in a safe, healthy, and comfortable place. And I am protected from getting hurt, treated with respect, and have some privacy for personal needs.
3. Be told the rules by a person at the place where I am living.



<https://www.dfps.state.tx.us/Adoption and Foster Care/About Foster Care/rights.asp>

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Helping Foster Youth

24

□ Foster Youth Ombudsman

- Housed in HHSC, not part of DFPS
- Serves youth in care under age 18
- Call: 1-844-286-0769 (toll-free) 8am to 5pm, Monday through Friday
- Also online, fax, and email submission options

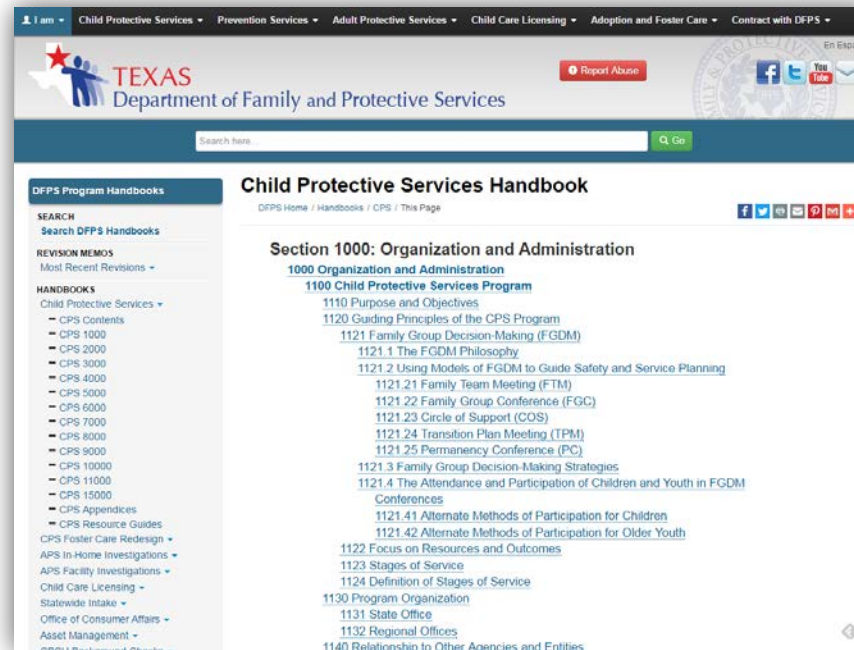


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Helping Foster Youth

25

□ Services to Older Youth in Care CPS Handbook – Section 10000



The screenshot displays the Texas Department of Family and Protective Services (DFPS) website. The main content area is titled "Child Protective Services Handbook" and shows "Section 1000: Organization and Administration". The sub-sections listed are:

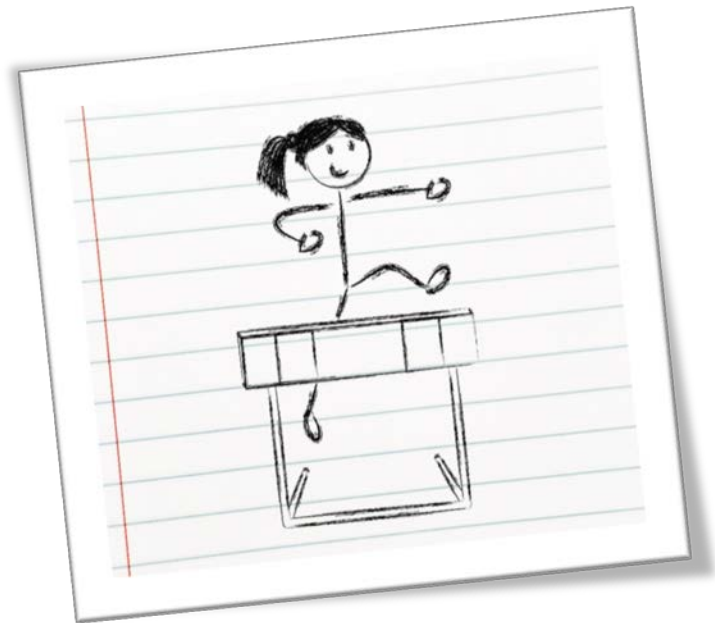
- 1000 Organization and Administration
 - 1100 Child Protective Services Program
 - 1110 Purpose and Objectives
 - 1120 Guiding Principles of the CPS Program
 - 1121 Family Group Decision-Making (FGDM)
 - 1121.1 The FGDM Philosophy
 - 1121.2 Using Models of FGDM to Guide Safety and Service Planning
 - 1121.21 Family Team Meeting (FTM)
 - 1121.22 Family Group Conference (FGC)
 - 1121.23 Circle of Support (COS)
 - 1121.24 Transition Plan Meeting (TPM)
 - 1121.25 Permanency Conference (PC)
 - 1121.3 Family Group Decision-Making Strategies
 - 1121.4 The Attendance and Participation of Children and Youth in FGDM Conferences
 - 1121.41 Alternate Methods of Participation for Children
 - 1121.42 Alternate Methods of Participation for Older Youth
 - 1122 Focus on Resources and Outcomes
 - 1123 Stages of Service
 - 1124 Definition of Stages of Service
 - 1130 Program Organization
 - 1131 State Office
 - 1132 Regional Offices
 - 1140 Relationship to Other Agencies and Entities



www.dfps.state.tx.us/handbooks/CPS/

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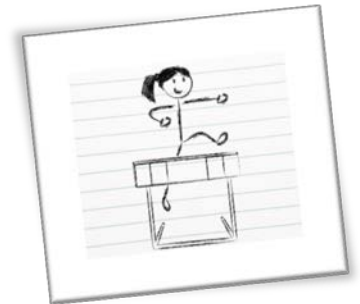
Barriers and Challenges



Barriers and Challenges

27

- **Identification Issues ([Family Code § 264.121\(e\)](#))**
 - Everyone must have identification documents to function as an adult (get a job, receive public benefits, vote, rent an apartment, open a bank account, etc.)
 - CPS must provide the following by age 16:
 - Original, certified birth certificate
 - State ID or driver's license
 - Original social security card
 - Original immigration documents
 - **However, youth do not always receive what they need**



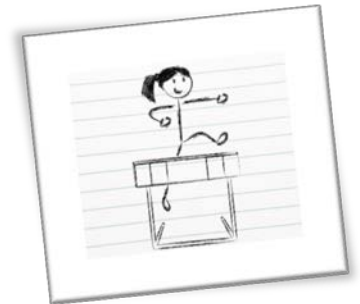
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Barriers and Challenges

28

□ Name Issues

- Failed adoptions
- Incorrect name on birth certificate (e.g. “Infant Smith”)
- Variations of name used throughout child’s life
- Easiest to address before age 18 – let the court know there is a problem
- May affect ability to **receive benefits, enroll in school, or obtain employment**



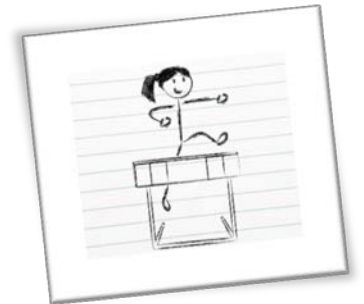
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Barriers and Challenges

29

□ History of trauma

- The factors that lead youth to become homeless or involved in the child welfare system also function as barriers
- Trauma may impact a youth's language capacity, personal agency, and understanding of cause and effect
- Trauma-informed approach is critical



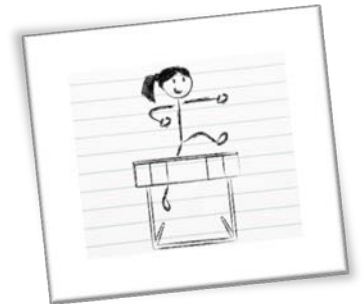
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Barriers and Challenges

30

□ Education

- Credit Recovery
- Partial credit available for transfers
- Transfer 11th or 12th grade – can graduate based on former school's requirements
- Continuing at school of origin and transportation
- Special education



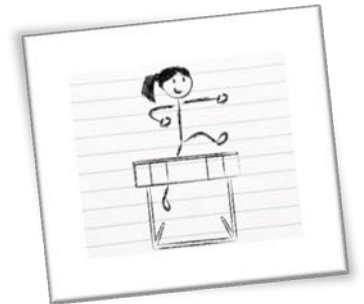
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Barriers and Challenges

31

□ Education

- Foster Care Liaison - every school district must have a Foster Care Liaison (see directory [here](#))
- List of [Regional Educational Specialists](#)
- List of [Higher Education Foster Care Liaisons](#)
- FAFSA: correctly answer question: “I was in foster care or I was a dependent or ward of the court since turning age 13.”
- [Texas Homeless Education Office](#) – resource for homeless or unaccompanied youth



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Preparation for Adult Living (PAL)



Preparation for Adult Living (PAL)

33

PAL: Services While in Foster Care

- Some age-appropriate services begin at age 14 (when it is likely that they will stay in DFPS care until age 18)
- General services begin at age 16 to provide
 - Life skills classes that cover six core areas: (1) health, (2) housing and transportation, (3) job skills, (4) money management, (5) planning for the future, and (6) personal and interpersonal skills
 - Independent living skills assessment
 - Transition planning; conferences and training events



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Preparation for Adult Living (PAL)

34

PAL: Aftercare Case Management

- Voluntary service available until age 21 (but required if financial assistance is provided)
- List of [Regional Case Management Service Providers](#)
- In addition to case management, aftercare case managers provide referrals for education, housing, employment, job training, public benefits
- Case manager assesses need for Aftercare Room and Board and helps set up education benefits
- List of [Regional Transition Centers](#)



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Extended Jurisdiction and Care



Extended Jurisdiction and Care

36

Extended Jurisdiction ([Family Code § 236.602](#))

- DFPS conservatorship is dismissed when youth turns 18
- Youth may stay in **Extended Foster Care** or exit to **Trial Independence**
- Court will maintain jurisdiction while youth is in Extended Foster Care or during Trial Independence period (6-12 months after exiting care)
- When a youth is in Extended Foster Care, a review hearing is held every six months
- The court's jurisdiction will automatically end at age 21



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Extended Jurisdiction and Care

37

Extended Jurisdiction ([Family Code § 236.602](#))

- Young adults may request extended jurisdiction be continued until they turn 21 and that jurisdiction continue past Trial Independence – must request before jurisdiction ends
- Young adults in Trial Independence and receiving transitional living services may request a court hearing to review delivery of transitional living services
- See Extended Jurisdiction Matrix [here](#)



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Extended Jurisdiction and Care

38

Extended Foster Care

- DFPS no longer has control of the youth, but youth must follow certain rules to maintain placement
- In order to remain in Extended Foster Care until age 21, youth must
 - Attend college or higher learning institution, or post-secondary vocational program or technical program (6 credit hours minimum);
 - Participate in employment program or activity that promotes or removes barriers to employment;
 - Work at a job at least 80 hours per month; OR
 - Have a documented medical condition that limits other activities



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Extended Jurisdiction and Care

39

Extended Foster Care: Returning to Care

- A youth who aged out of care at age 18 may choose to return to Extended Foster Care after leaving, up to age 21
- May return to care regardless of whether still in Trial Independence; Extended Foster Care is federally-funded if youth returns during Trial Independence, and state-funded if not
- Same eligibility requirements apply
- Greatest challenge is whether a placement is available
- Contact PAL worker to begin process of returning to care



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Extended Jurisdiction and Care

40

Supervised Independent Living

- Must be eligible for Extended Foster Care to obtain a placement
- Allows young adults to live on their own while continuing to receive case management and support services
- Youth must apply for an SIL placement with assistance from a caseworker or PAL program
- For youth ages 18-20
- See [DFPS website](#) for full details and application



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Extended Jurisdiction and Care

41

Trial Independence ([Family Code § 236.6015](#))

- Trial independence is automatic when a youth does not enter Extended Foster Care at age 18 or exits Extended Foster Care before age 21
- Default Trial Independence period is 6 months, but the court may extend the period up to 12 months
- A youth who reenters Extended Foster Care must complete a new period of Trial Independence
- Trial Independence ends on a youth's 21st birthday



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Extended Jurisdiction and Care

42



Extended Foster Care

- Starts at age 18, must remain eligible
- Can return after exiting*
- Eligible until age 21 (or age 22 if still in high school)
- Eligible for Supervised Independent Living



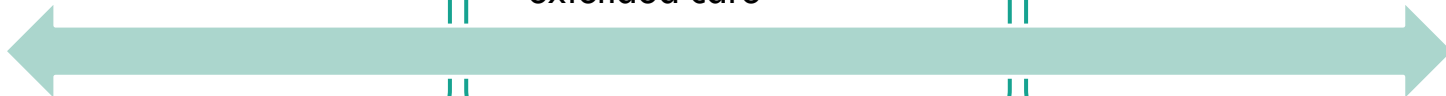
Trial Independence

- Starts upon exiting care
- Default is 6 months; can be extended to 12 months
- Automatically ends at age 21
- Relevant to whether federal or state funds pay for extended care



Extended Jurisdiction

- Court retains jurisdiction while in extended care, during trial independence, and upon request
- Can review placement and services if in extended care
- Can review transitional services if not in care



Transitional Services and Benefits



Transitional Services and Benefits

44

Medicaid Until Age 26: FFCC Overview

- Former Foster Care Children's Medicaid Program
- Eligibility determined by Texas Health & Human Services Commission (HHSC)
- HHSC eligibility staff mostly unfamiliar with FFCC
- TFYJP sent a [demand letter](#) in Nov. 2015 to address the issues systemically
- See [Texas Foster Youth Justice Project](#) website for additional information and guidance



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Transitional Services and Benefits

45

Medicaid Until Age 26: Eligibility

- Aged out of foster care in Texas under the conservatorship of DFPS, or the Unaccompanied Refugee Minor Resettlement Program in Texas, at age 18 or older
- Must be ages 18 to 25; no income test or asset limit
- Must have received federally-funded Medicaid when aged out of care
- Meet all other Medicaid eligibility criteria



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Transitional Services and Benefits

46

Medicaid Until Age 26: How to Apply

1. Call with youth to assist with navigation and trouble shoot
2. Between the hours of 8 a.m. – 6 p.m. Central Standard Time Monday – Friday, call 2-1-1 (or 877-541-7905)
3. Select language (English is 1)
4. Select 2 (State Benefit Programs)
5. Select 1 (Help with SNAP [food benefits], Medicaid)



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Transitional Services and Benefits

47

Medicaid Until Age 26: How to Apply

6. Select 1 Enter the young adult's Social Security Number and date of birth (2 digit month, 2 digit date, 4 digit year – example 01/01/1993)
7. If you know the case number you are calling about – Select Option 2 – No –select this even if you know the case number
8. Select Option 4 “Are you calling for another reason not already listed” - select even if other options seem relevant



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Transitional Services and Benefits

48

Medicaid Until Age 26: How to Apply

9. Select Option 4 “Do you have a question about something not listed” - select even if other options seem relevant
10. Wait for a call center agent to answer, and then state: **“I need to talk to a foster youth specialist about foster youth Medicaid”** - you should be transferred to an FFCC specialist after verifying who you are.

Note: 2-1-1 will assist with non-FFCC related changes such as address change; if you have FFCC related questions 2-1-1 staff will transfer you to specialized FFCC Staff



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Transitional Services and Benefits

49

Medicaid for Transitioning Foster Care Youth (MTFCY)

- ❑ Youth who do not qualify for FFCC may qualify for MTFCY (most common are youth in prison or jail and were not receiving Medicaid when they turned 18)
- ❑ Must have been in DFPS conservatorship on 18th birthday
- ❑ Coverage lasts until age 21
- ❑ Means tested – income must be at or below 400% of Federal Poverty Guideline



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Transitional Services and Benefits

50

Transitional Living Allowance (TLA): Overview

- Up to \$1,000 distributed in increments not to exceed \$500/month
- Must meet one of these requirements
 - Attend college or higher learning institution, or post-secondary vocational program or technical program (6 credit hours minimum)
 - Participate in employment program or activity that promotes or removes barriers to employment
 - Work at a job at least 80 hours per month
 - Have a documented medical condition that limits other activities



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Transitional Services and Benefits

51

Transitional Living Allowance (TLA): Eligibility

- ❑ Must have completed at least five hours of training in five of the six core areas in Preparation for Adult Living (PAL) class – one of the trainings must be financial management
- ❑ Must have moved or be in the process of moving into an independent living arrangement or a supervised or semi-supervised setting
- ❑ Must have legal immigration status
- ❑ Must not be incarcerated
- ❑ See [CPS Handbook § 10241](#) for full details



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Transitional Services and Benefits

52

Aftercare Room & Board (ARB): Overview

- Up to \$3,000 in increments not to exceed \$500/month
- Paid as a check or voucher directly to a landlord (rent deposits or payments) or utility company (utility deposits or payments)
- May also receive gift cards to grocery stores
- Not an automatic or entitled benefit – youth must show a need for emergency or stabilizing assistance in transition
- “Emergency” is broadly defined
- To be used when 18-20 years old



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Transitional Services and Benefits

53

Aftercare Room & Board (ARB): Eligibility

- Must meet one of these requirements
 - Attend college or higher learning institution, or post-secondary vocational program or technical program (6 credit hours minimum)
 - Participate in employment program or activity that promotes or removes barriers to employment
 - Work at a job at least 80 hours per month
 - Have a documented medical condition that limits other activities



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Transitional Services and Benefits

54

Aftercare Room & Board (ARB): Eligibility

- Must have been in DFPS conservatorship the day before turning 18
- Cannot live with a designated perpetrator of abuse or neglect
- Prove financial need—priority is given to youth who do not receive adequate assistance from another source to meet basic needs
- See [CPS Handbook § 10251](#) for full details



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Education Benefits



Education Benefits

56

Tuition Waiver

- Waives tuition and fees for ALL Texas public vocational schools, colleges, or universities for an unlimited number of hours/courses/degrees
- Youth **MUST** have enrolled in an a course at an state supported institution of higher education as an undergraduate student or in a dual credit course no later than age 25
- **College Tuition and Fee Waiver** on [DFPS website](#) – lots of details



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Education Benefits

57

Tuition Waiver: Eligibility

- Must in DFPS conservatorship
 - Day before 18th birthday; or
 - Day of 14th birthday, if also eligible for adoption on or after that day; or
 - Day graduated from high school or received GED; or
 - Day of adoption, if on or after September 1, 2009; or
 - Day PMC was granted to a non-parent, if on or after September 1, 2009; or...



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Education Benefits

58

Tuition Waiver: Eligibility (NEW)

- Youth was 14 years or older on or after June 1, 2016 and left PMC to return to legal responsibility of a parent; or
- Youth was 16 years year or older on or after June 1, 2016 and left TMC to the legal responsibility of a parent

PMC: Permanent Managing Conservatorship

TMC: Temporary Managing Conservatorship



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Education Benefits

59

Tuition Waiver: Adoption Assistance Agreement

- Tuition waiver for those adopted before September 1, 2009
- Can use even if did not take class from an state supported institution of higher education before 25th birthday
- Must maintain g.p.a. that satisfies the college or university's policy regarding eligibility for financial aid
- Cannot be used by undergraduates not complete credit hours considered to be excessive
- Those adopted after September 1, 2009 with assistance agreement can qualify under both forms of waivers



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Education Benefits

60

Education and Training Voucher (ETV)

- ❑ Provides up to \$5,000 per year for expenses related to college or training programs
- ❑ Permissible expenses include housing, food, books, childcare, computer equipment, medical insurance, tuition, and other expenses
- ❑ For youth between ages 16 and 21 who have a high school diploma or GED and who are enrolled in at least 6 hours in an institution of higher education
- ❑ Must have prior approval for online, correspondence, or distance learning



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Education Benefits

61

Education and Training Voucher (ETV): Eligibility

- ❑ In foster care and at least age 16 and likely to remain in foster care until age 18; or
- ❑ Out of foster care or emancipated and not yet age 21
- ❑ Adopted from DFPS conservatorship or entered Permanency Care Assistance program after turning 16 and not yet age 21
- ❑ May remain eligible for ETV until age 23 if enrolled in post-secondary education or training program on 21st birthday, were receiving ETV benefits, and making satisfactory academic progress



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Education Benefits

62

Education and Training Voucher (ETV): Others Eligible

- Also eligible for ETV:
 - Youth under the custody of the Texas Juvenile Justice Department (TJJD), or under the jurisdiction of a local probation department, is also eligible for ETV
 - Youth who were in a Title IV-E placement and was receiving Title IV-E payments the day before the youth turned 18
 - Tribal students may be eligible if their tribe chooses to participate in the ETV program and the student meets ETV and tribal requirements
- See [CPS Handbook § 10321.2](#) for details



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Special Populations

Immigrants



Youth with Disabilities



Special Populations: Immigrants

64

Immigration Barriers

- No U.S. birth certificate showing youth was born in a U.S. state, must assume not a citizen unless there is other certified documentation of citizenship
- If youth is an immigrant, must sort out whether they have some sort of legal status in the U.S. and obtain documentation of their status in order to work, get identification, full access to financial aid, and function in the U.S.
- Even if a youth has legal immigration status, non-citizens have very limited access to many public benefits



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Special Populations: Immigrants

65

Potential Immigration Relief

- **VAWA:** parent or step-parent is a USC or LPR and abusive
- **Special Immigrant Juvenile Status (SIJS):** abused, abandoned, or neglected children who cannot be reunited with a parent and are found dependent on a court
- **Deferred Action for Childhood Arrivals (DACA):** came to the U.S. before 16th birthday and have been living here since June 15, 2007, educational requirements
 - As of September 5, 2017, no new DACA applications accepted (pending litigation)



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Special Populations: Immigrants

66

Potential Immigration Relief

- **Asylum:** persecution based on race, religion, nationality, political opinion, or membership in a particular social group
- **U-Visa:** victim of a violent crime, cooperated with law enforcement
- **T-Visa:** victim of trafficking, cooperated with law enforcement

Immigration Specialist should evaluate for both SIJS and alternate forms of relief – contact TFYJP for assistance.



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Special Populations: Immigrants

67

Effects of Recent Executive Orders

- USCIS, CBP, and ICE have been directed to develop guidance and training to properly process unaccompanied alien children (UACs) – will establish “new procedures” to determine which children are given the legal protections required by statute
- Parents of UACs who travel to the U.S. to reunite with family may be prosecuted for having their child smuggled into the U.S. (may be put into removal proceedings and/or criminally prosecuted)
- Young adults with current DACA status should not be affected by the executive order



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Special Populations: Youth with Disabilities

68

SSI: Social Security Income

- ❑ Must be totally disabled (unable to work) to qualify
- ❑ Disability can be physical, intellectual, or mental
- ❑ Obtain verification at Social Security office of amount and type of benefits received
- ❑ RSDI recipients must establish disability to receive post age 18
- ❑ Eligibility is usually re-evaluated every 3 years
- ❑ Records are important for application and re-evaluation



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Special Populations: Youth with Disabilities

69

- Youth with intellectual disabilities should be placed on waiting list for Home and Community-Based Services (HCS) through their local mental health authority
 - Waiting list is usually 10+ years
 - CPS has limited number of spots for aging out foster youth
 - Get a Developmental Disability Specialist (DDS) involved
- **Guardianships** are appropriate for youth who have significant intellectual disabilities or capacity issues
- A Supported Decision-Making Agreement (SDMA) is a less-restrictive alternative to a guardianship



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Special Populations: Youth with Disabilities

70

□ Rental Assistance Program for Aging Out Disabled Foster Youth

- Section 811 Project Rental Assistance Program
- Referrals are made by the DFPS primary case worker usually in coordination with the DFPS Developmental Disability Specialist. **PUSH FOR REFERRAL TO BE MADE.**
- DFPS Developmental Disability Specialist State lead:
Kristen Jones
Kristen.Jones@dfps.state.tx.us
(512) 438-5421



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Juvenile and Criminal Issues



Juvenile and Criminal Issues

72

Juvenile Justice System

- Age 16 and under, unless certified as an adult, cases are handled in juvenile system
- Class C misdemeanors are NOT handled in the juvenile system
- Unresolved Class C misdemeanors and status offenses often turn into warrants, which show up in the adult criminal justice system and put a hold on obtaining a driver's license
- As of 9/1/17 there is a presumption of indigence for youth in DFPS conservatorship or classified as homeless, so they cannot be charged fines or fees by a municipal court ([Art. 45.0491\(b\), Code of Crim. Pro.](#))



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Juvenile and Criminal Issues

73

Criminal Justice System

- Age 17+ cases are handled in the adult criminal justice system
- Anyone who cannot afford an attorney is entitled to a court-appointed attorney for all felonies and Class A and B misdemeanors (not Class C misdemeanors)
- Youth of any age may be certified as an adult by a judge



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Juvenile and Criminal Issues

74

Juvenile Records

- SB 1304 passed by 2017 Legislature made juvenile records confidential by default and provided for sealing certain records without an application
 - Option to seal without application: CINS (conduct in need of supervision), misdemeanors, non-adjudicated felonies
 - Application to seal: felony adjudications (no determinate sentences)
 - Cannot have adult felony convictions
- Contact TFYJP for case-by-case analysis



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Juvenile and Criminal Issues

75

Criminal Records

- Employers, landlords, state licensing agencies, educational institutions, and more take into account criminal history
- Adult criminal records **never go away** (unless expunged or sealed)
- Arrest records show up on background checks even if the case was dismissed
- Problems with data miners publishing incorrect/outdated information online
- Contact TFYJP for help with expunctions and orders of nondisclosure



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Case Study: Help Leslie

76

Identified Issue	Resource or Benefit
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

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Case Study: Help Leslie

77

Identified Issue	Resource or Benefit
1. Repeated traumatic experiences	FFCC Medicaid for therapy
2. Questions about the past	TFYJP to help obtain CPS records
3. Mental health needs	FFCC Medicaid, local LMHA/LBHA
4. Felony assault charge, criminal system	Court-appointed attorney, possible erasure
5. Teen pregnancy/parenting	Extended foster care
6. No original identification documents	TFYJP to help get original ID documents
7. No employment history	PAL case management, employment assistance
8. Sex trafficking	Extended foster care, criminal prosecution
9. No housing options	Extended foster care, PAL case management, aftercare benefits (TLA, ACRB)
10. Insurance problems	FFCC Medicaid

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Contact Information

78

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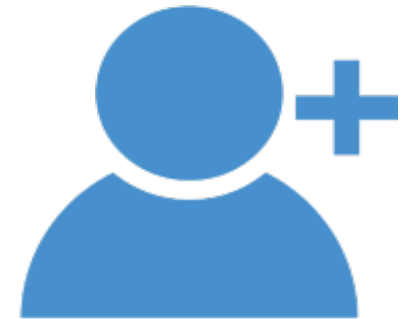
- Hotline: (877) 313-3688
- Email: info@texasfosteryouth.org
- Website: www.texasfosteryouth.org

□ Mary Christine Reed

- Email: mcreed@trla.org
- Phone: (512) 374-2729

□ Sarah D. Worthington

- Email: sworthington@trla.org
- Phone: (512) 374-2798



An electronic version of this presentation is available at www.TexasFosterYouth.org – click on “For Advocates” and look under “Training Materials for Attorneys”

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