Checklist for Attorney Ad Litems and CASAs Preparing Foster Youth for Post Foster Care Life

April 10, 2017

Checklist Prepared by Texas Foster Youth Justice Project

**[TexasFosterYouth.org](http://texasfosteryouth.org/legal-resources/legal-resources-for-youth/being-in-foster-care/)**

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# INTRODUCTION

Updated versions of this [checklist](http://texasfosteryouth.org/legal-resources/legal-resources-for-advocates/) can be found at [TexasFosterYouth.org](http://texasfosteryouth.org) in the *For Advocates* section. The Texas Foster Youth Justice Project (the Project), a special project of Texas RioGrande Legal Aid, provides free legal advice, assistance, guidance and representation to current and former foster youth throughout Texas to enforce foster youth rights and overcome barriers to a successful transition to independence. Besides providing representation to current and former foster youth, the Project serves as a free resource to youth and those who assist them, including attorneys ad litem, court appointed special advocates (CASAs), case workers and caring adults. The Project conducts training and outreach and maintains a website with numerous resources, which can be accessed at [www.texasfosteryouth.org](http://www.texasfosteryouth.org). The Project can be contacted toll-free at 877-313-3688 or by emailing info@texasfosteryouth.org.

**Note**: While the primary focus of this checklist is to prepare youth who will age out of the foster care system, it applies to every youth that enters the temporary or permanent managing conservatorship of the Texas Department of Family Services (DFPS). (DFPS is the Texas agency that protects children and adults who are elderly or have disabilities and regulates child care. Child Protective Services (CPS) is a DFPS program that protects children from abuse and neglect through investigations, services, foster care, and adoption. The names are often used interchangeably.) Even those youth who leave foster care for reunification, placement with kin, or adoption, as well as those youth in unstable home situations, will benefit from addressing these issues during their time in care. Too often the Texas Foster Youth Justice Project encounters youth who exited foster care before adulthood, or youth who should have been, but never were, placed in DFPS conservatorship, that have many of the same issues and concerns of aged out foster youth. DFPS policy supports resolving critical issues for youth before the court jurisdiction ends. [CPS Handbook §5541](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_5500.asp#CPS_5541) (Issues to Resolve Before DFPS’s Role in the Lawsuit Ends) is worthy of careful review to help identify issues that you should help your client resolve.

**Links**: This checklist includes numerous hyperlinks to connect you directly to sources of information helpful to current and former foster youth. Because links change, details are included to help you track down the information if the links become less useful in the future. The main resource sites include:

* Child Protective Services (CPS) Handbook: [www.dfps.state.tx.us/handbooks/CPS](http://www.dfps.state.tx.us/handbooks/CPS)
* Texas Foster Youth Project: [www.TexasFosterYouth.org](http://texasfosteryouth.org/)

# ALL AGES

# Birth Certificate

You should always require DFPS to provide you with a copy of the youth’s birth certificate. Review the information on the birth certificate carefully to ensure there are no errors. When a child enters foster care, DFPS is supposed to try to get the birth certificate from the family. If not provided by the family, DFPS is supposed to get a screen print of the birth record from the Texas Bureau of Vital Statistics, which can be used in lieu of a birth certificate until certain circumstances are met. If the child is born out of state or in a foreign country, the birth certificate should be ordered if not provided. [CPS Handbook §1520](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_1520.asp) (Obtaining Certified Birth Certificates and Screen-Printing Birth Records).

Check to verify there is a name, and that it is the same name and the same date of birth as listed on the court pleadings. If there are problems with the name, motions can be filed in the CPS court case to obtain orders for any necessary corrections or changes. If there is no birth certificate, it may be necessary for a delayed birth certificate to be sought, which is easier to do while the parents are still involved in the case.

# Citizenship and Immigration Issues

Foreign-born children require a birth certificate, all available immigration/citizenship documents, and a review of their immigration status by an attorney with immigration expertise so that timely steps can be taken to obtain appropriate immigration relief, including petitioning for special immigrant juvenile status and obtaining a certificate of citizenship. Some foreign-born children acquire citizenship under certain conditions when they are adopted or have a U.S. citizen parent. However, the law is complicated and it should not be assumed that any foreign-born child is a citizen or that they have the necessary documents that prove they are a citizen. If the birth certificate is issued by a U.S. state but shows child was born in a foreign country, additional documentation is required to establish they are a U.S. citizen. You should insist on talking to the actual immigration expert and not settle for third-hand explanations from the caseworker; seek outside immigration expertise if necessary. [CPS Handbook §6700](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6700.asp) (International and Immigration Issues).

# Sibling Access

Is the youth having regular calls and visits with siblings who are not in the same placement?

# Education

[Talking to Foster Youth About School](http://texasfosteryouth.org/legal-resources/legal-resources-for-youth/education/), in the *Education* section of [TexasFosterYouth.org](http://texasfosteryouth.org/) under *For Youth* contains guidance on talking to youth of various ages about their educational experience and can help to assess whether the youth’s educational needs and goals are being met. It also helps identify what steps and resources are needed to remedy deficiencies, and help foster youth maximize their educational experience. [Tex. Fam. Code 107.004(d-2)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.107.htm#107.004) and [Tex. Fam. Code 107.002(i)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.107.htm#107.002). Remember to focus not only on current grades and test scores but also, on future plans; it is never too early to introduce youth to the importance of developing their skills so that they can pursue higher education and career goals.

Except for those who reunify with a parent, youth who spend time in foster care will have access to the [tuition waiver](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Post_Secondary_Education/college_tuition_waiver.asp) to cover tuition and fees at any Texas public college. Those youth who leave permanent managing conservatorship at the age of 14 or older to the legal responsibility of a parent, or leave temporary managing conservatorship at the age of 16 or order, also qualify for the [tuition waiver](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Post_Secondary_Education/college_tuition_waiver.asp). [Foster Care and Student Success](http://www.tea.state.tx.us/FosterCareStudentSuccess/resource-guide.pdf), found on [www.tea.state.tx.us](http://www.tea.state.tx.us), is a helpful resource on foster youth and education, and [CPS Handbook §15000](https://www.dfps.state.tx.us/handbooks/CPS/Menu/MenuCPSa15000.asp) (Education for Children) outlines DFPS education policy and practices for foster youth. Other resources can be found in the in the *Education* section of [TexasFosterYouth.org](http://texasfosteryouth.org/) under *For Youth*.

The CPS [Regional Education Specialists](https://www.dfps.state.tx.us/Child_Protection/State_Care/education_specialists.asp) can be of great assistance in addressing education matters—seek to work directly with them as needed. [CPS Handbook §15610](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15610) (Role and Responsibilities of the Regional Education Specialist). Each school district should have a [Foster Care Liaison](http://tea.texas.gov/FosterCareStudentSuccess/liaisons/) who also can assist with school-related issues. The district’s liaison should be listed on Texas Education Agency (TEA) [website](http://tea.texas.gov/FosterCareStudentSuccess/liaisons/); if not, call the district’s central office for the contact information. Do not hesitate to enlist the aid of these individuals.

Foster youth have the right to continue attending the school they are enrolled in at the time they enter foster care or when they change placements, regardless of whether they move outside of attendance zones or district lines. They can stay in the school of origin until they complete the highest grade at that school unless the school district and CPS determine it not in the child’s best interest. Under the [Every Students Succeeds Act](https://www.ed.gov/essa) (ESSA), school districts must assist in providing transportation. TEA guidance on the implementation of ESSA can be found in the [Foster Care Student Success](http://tea.texas.gov/FosterCareStudentSuccess/Resources/) section of the [TEA](http://tea.texas.gov/FosterCareStudentSuccess/Resources/) website. Texas law also provides foster youth the right to stay in the school of origin through the highest grade level of the school, even if the student leaves conservatorship. [Tex. Fam. Code 25.001(g),(g-1)](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm).

# Special Education

Is a child or youth (child may be as young as 3) with disabilities receiving the necessary special education and other related services that they are entitled to? The [Foster Care and Student Success](http://www.tea.state.tx.us/FosterCareStudentSuccess/resource-guide.pdf) resource guide found on [www.tea.state.tx.us](http://www.tea.state.tx.us) includes a helpful overview of the special education needs of foster youth (see Chapter 12); additional information can be found at [CPS Handbook §15700-15722](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15700). Has the youth been evaluated on a timely basis for special education services? Is the student’s Individual Education Plan (IEP) being followed? Has an ARD (Admission, Review, and Dismissal Committee) meeting been held within the last year to review the IEP? Is there a need to request an ARD to consider revising the IEP? Who is serving as the surrogate parent and are they appropriately involved in special education decisions? Are all the appropriate parties participating at ARDs? Is the student in the least restrictive environment (LRE)? Are the rules and limitations regarding removal of special education students from their educational placement due to disciplinary violations being followed? Is the student being reevaluated at least once every three years? These questions are especially critical when the youth changes placements and schools–there should be no delay in implementation of the IEP or evaluation for special education services.

# Health

Review the youth’s health care – are they up to date on medical and dental exams and immunizations? Is the youth receiving, or should the youth be receiving, counseling or therapy services and is it being consistently provided? Talk to the youth about their health, the medications they take, the doctors and therapists they see and what they think about their care. For youth taking medications, ask how the medicine makes them feel and whether they experience sleepiness, inability to concentrate, weight gain or loss, dizziness, and other negative side effects. [Tex. Fam. Code §107.003(b)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.107.htm#107.003) and [Tex. Fam. Code §107.002(b-1)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.107.htm#107.002).

# Attending Court Hearings

[Tex. Fam. Code §263.302](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.263.htm) mandates that children of all ages should attend permanency hearings (those during the Temporary Managing Conservatorship phase) unless specifically excused by the court. The court shall consult with children age four and older regarding their permanency plan. [Tex. Fam. Code §263.501(f)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.263.htm#263.501) mandates that children of all ages should attend placement review hearings (those during the Permanent Managing Conservatorship phase) unless specifically excused by the court. The court shall consult with children age four and older regarding their permanency or transition plan. DFPS is required to send 10-day notice of placement review hearings to youth 10 years of age or older- [Tex. Fam. Code §263.0021(b)(8)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.263.htm#263.0021). Discuss with the court options for youth participation in hearing–possibilities include full hearing participation, conference with judge in chambers, video conferencing and phone. [TexasFosterYouth.org](http://texasfosteryouth.org/) has more information on youth [attending court hearings](http://texasfosteryouth.org/legal-resources/legal-resources-for-youth/being-in-foster-care/) in the *Being in Foster Care* section under *CPS Case Court Hearings*. Also located there is the [Report to Court by Foster Youth](http://texasfosteryouth.org/download/427/), which is a helpful tool to use to prepare the youth for participating at the court hearing and to obtain information to present to the court should the youth not attend the hearing.

# Place Youth with Disabilities on HCS Wait List

The Home and Community-Based Services (HCS) program provides a variety of services to people with disabilities who live with their family, in their own home, in a foster/companion care setting, or in a residence with no more than four people who also receive services. The program helps meet the person’s needs so the person can maintain himself or herself in the community and have opportunities to participate as a citizen to the maximum extent possible. With the HCS program, youth will have access to support services upon reaching adulthood and the options for the youth, whether or not they age out of foster care, expand tremendously. HCS generally covers individuals with intellectual disabilities, but in certain cases those with other significant disabilities who are in nursing facility placement or imminent risk of nursing facility placement may qualify. Wait lists are years long so a youth should be immediately registered for the wait list with the Department of Aging and Disability Services. To register, contact the [local intellectual and developmental disability authority](https://www.dads.state.tx.us/contact/la.cfm), which you can find at [www.dads.state.tx.us/contact/la.cfm](http://www.dads.state.tx.us/contact/la.cfm). Check annually to verify the youth is still on the list and their position.

# Review [Rights of Children and Youth in Foster Care](http://www.dfps.state.tx.us/Adoption_and_Foster_Care/About_Foster_Care/rights.asp)

Discuss the list of rights with youth in an age appropriate manner, identify any areas of concern and address with placement, CPS and court. Small things can matter greatly to foster youth and they quickly add up to feelings of stigmatization. [Tex. Fam. Code §263.008.](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.263.htm#263.008)

# AGE 7

# Participation in Permanency Conference

Beginning at age 7 every youth in temporary managing conservatorship should be notified by DFPS of the conference and should be able to participate. [Tex. Fam. Code §263.009](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.263.htm#263.009) and [CPS Handbook §6251.3](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6200.asp#CPS_6251_3) (Written Notice of a Permanency Planning Meeting). If DFPS determines that the youth should not participate to protect the youth from a parent or upsetting details, insist on alternate meeting with all but the parent so the youth can be a full participant.

# AGE 11

# A. Discuss “Criminal Matters”

At this age, begin talking to the youth and their placement about whether there have been “tickets.” This includes: juvenile, municipal, or justice of the peace court referrals or police interaction for fighting, curfew violations, truancy, disruptive behavior and other incidents, including those at school. Verify that the matter was resolved through dismissal, payment of fine or community service. Be especially vigilant for youth who are moved frequently due to behavioral issues or entered foster care during a turbulent time in their life. Notices often do not reach the transplanted youth or their caseworker. To that end, “Failure to Appear” for unresolved matters can lead to warrants and increased fines for these youth years later when they enter adulthood.

# AGE 14

## Experiential Living Skills

Foster youth ages 14 and older should receive training from their foster parent/facility on independent living skills through practical activities such as meal preparation, use of public transportation (when appropriate), financial literacy, laundry and basic household tasks. [Tex. Fam. Code §264.121(a-1)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.264.htm#264.121) and [CPS Handbook §10111](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10000.asp#CPS_10111) (Experiential Life Skills Training for Youth Age 14 and Older).

## Education

Once a youth is 14, besides the [*Education*](#_Education) matters listed in the [*All Ages*](#_ALL_AGES) section of this checklist, monitor the student’s progress in obtaining credits for high school graduation and ensure that they access the various supports available for foster youth to stay on track to graduate. Students who are behind or need additional support qualify for free summer school, credit recovery, tutoring, and State Virtual School. [Tex. Educ. Code §25.007](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm). Even if a youth has not reached high school, accessing resources is important to put them on track to an age appropriate educational environment.

Early on, you should be helping youth address any credit barriers to graduation resulting from school transfers. Credit recovery and summer school are both options for obtaining needed credits. If a youth transfers high schools due to placement changes mid-semester, the new school should have procedures to award partial credit for course work, including electives. [Tex. Educ. Code §25.007 (b) (3)](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm%2325.007%20). Foster youth and homeless students who change school districts in 11th or 12th grade can graduate based on the requirements of the school district they move from if they do not meet the requirements of their new district under [Tex. Educ. Code §28.005(i)](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm). Work with the youth’s academic counselor, [Regional Education Specialist](https://www.dfps.state.tx.us/Child_Protection/State_Care/education_specialists.asp) and [Foster Care Liaison](http://tea.texas.gov/FosterCareStudentSuccess/liaisons/) to develop an academic plan with the youth. While educational stability is critical at any age, it is particularly important during high school years and should be an important factor in the timing of placement changes.

Many provisions related to educational resources for foster youth also apply to homeless students.

## Attend Permanency Planning Meetings

Youth age 14 and older are not only permitted to attend permanency planning meetings, but they should be strongly encouraged to attend and efforts should be made accommodate the youth’s schedule. [Tex. Fam. Code §263.009](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.263.htm#263.009) and [CPS Handbook §6251.3](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6200.asp#CPS_6251_3) (Written Notice of a Permanency Planning Meeting).

## Credit Report

Beginning at age 14, DFPS is required to obtain a copy of a credit report annually for the foster youth. The report is to be reviewed with the youth and they should receive information about how to correct it (if they find errors) and assistance in correcting it, if necessary. Once the youth turns 18, DFPS must assist young adults in obtaining their credit reports. [CPS Handbook §10620-23](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10600.asp) (Consumer Credit Reports) and [Social Security Act, Section 475(5)(I) (42 U.S.C. §675)](https://www.ssa.gov/OP_Home/ssact/title04/0475.htm).

## Transition Planning and Transition Plan

All foster youth who are 14 and older and removed from the home must have a youth-driven transition plan. Transition plans are created either in a Circle of Support or a transition plan meeting. [CPS Handbook §1121.23-24](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_1120.asp#CPS_1121_23) (Circle of Support, Transition Plan Meeting). The plan must address the issues that are important for the youth as he or she leaves care and enters the adult world. Casework efforts and plan of service should be directed to helping the youth develop his or her transition plan. [CPS Handbook §6252](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6200.asp#CPS_6252) (Permanency Planning Meetings for Youth 14 and Over). Any youth who takes prescription medication must have provisions in their transition plan regarding managing the use of their medication and also, the managing of their long-term physical and mental health needs after leaving foster care. [Tex. Fam. Code §264.121(g)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.264.htm#264.121). A transition plan should be specific about what needs to be done and who is going to be doing it. There should be meaningful progress made as the youth progresses toward 18 in accomplishing the tasks, particularly those that others are supposed to be doing for the youth or assisting the youth in doing.

## Circle of Support

A [Circle of Support](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_1120.asp#CPS_1121_23) is a meeting driven by the youth and is the preferred method of transition planning. State law encourages CPS to use it. [Tex. Fam. Code §264.121(a)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.264.htm#264.121). A Circle of Support is based on a CPS process called Family Group Decision-Making (FGDM)—a collaborative approach to service planning and decision making. The first Circle of Support should be held when the youth is 14 years old, and there should be subsequent meetings on at least an annual basis. [CPS Handbook §1121](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_1120.asp#CPS_1121) (Family Group Decision-Making) and [CPS Handbook §6252](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6200.asp#CPS_6252) (Permanency Planning Meetings for Youth 14 and Over). The youth invites foster care providers, teachers, parents, siblings, relatives, church members, mentors, attorneys, CASAs and friends. A CPS Family Conference facilitator helps lead the group to aid the youth in developing a transition plan. Meeting topics include the youth’s hopes and dreams, goals, strengths, concerns and needs for education, employment, health/mental health, housing, personal and community.

Youth should participate in planning the circle of support. The meeting should be planned well in advance so that the youth is informed of the wide range of persons that they can invite, has time to think about whom they want to invite and so that those invited have time to make plans to attend. The youth also has a right to exclude someone from participating, including their attorney. Youth should know in advance the topics of conversation so they have time to give these matters thought. Unfortunately, Circles of Support sometimes are not planned well in advance and the necessary participants are not included. Sometimes there is inadequate follow-up following the Circle of Support. Insist that the Circles of Support not be a last-minute affair and that staff make it a meaningful meeting for the youth and that follow-up is done, particularly regarding tasks assigned to DFPS staff. Request an additional Circle of Support if the initial Circle of Support was not effective or the youth’s situation changes dramatically, which is especially likely to happen if the youth stays in extended foster care.

# AGE 15

## Name Change

Explore whether youth might want, or need, a name change. Are there any problems with names on identification documents, records, etc.? Are there concerns about their name, such as bearing the last name of a failed adoption, or unhappy ties to abusive biological family? If a name change is requested, you should discuss the permanency of a legal name change and revisit the topic after the youth has had a few days to think about it. It important to address a name change before identification documents are obtained for the youth by their 16th birthday.

## Identification Documents

See [*Identification Documents*](#_Identification_Documents) in [*Age 16*](#_AGE_16)section of this checklist. If the youth does not have their original documents, remind CPS (and the court) of the requirement for youth to have all of them by the time they turn 16.

## Family Contact and Post-Foster Care Plans

As a youth begins developing plans for their post-foster care life, it is important to discuss with them any plans or dreams that involve biological family, friends and others from their past and present life that they envision having a significant role. Efforts should begin to track down these people and assess whether the youth can possibly have some contact with them and try to develop the relationship. Most youth will end up in contact with and, quite possibly, living with these people post-foster care and it is better to help the youth explore that relationship while it is still easy to backtrack and pursue other options.

## Guardianship

A youth with intellectual or developmental disabilities has specialized needs in order to transition to adulthood. By the time a youth with disabilities turns 16, the caseworker must consider whether the youth will have the ability to provide for his or her own food, clothing, shelter, oversee his or her own health care, and manage his or her own financial affairs. Not every youth with these disabilities requires a full guardianship, which is very restrictive and removes the legal rights held by adults. Courts are required to ensure that the least restrictive arrangement is made—sometimes the least restrictive plan is a [supported decision-making agreement](http://texaslawhelp.org/resource/supported-decision-making-forms?ref=ySNoh) or a limited guardianship, rather than a full guardianship.

The caseworker should consult the DFPS [Developmental Disability Specialist](http://texaschildrenscommission.gov/media/47111/Developmental-Disability-Specialists-External-2015.docx). The caseworker must consider family and friends as options for a guardian before making a referral to the Department of Aging and Disability Services (DADS) for a guardianship. Because this process can require obtaining additional evaluations, SSI and time to explore options, it should begin well before the youth’s 16th birthday and be monitored closely in the coming years. Communicate directly with the Developmental Disability Specialist to assess progress. [CPS Handbook §10340 - 10344](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10330.asp#CPS_10340) (Preparation for Long-Term Care or Support in Adulthood for Youth with Disabilities).

## Supplemental Security Income (SSI)

Any youth with significant disabilities that will limit their ability to obtain and maintain employment will need SSI upon aging out of foster care, even if the youth will not need a legal guardian. For youth needing long-term care resources, SSI is generally required to access resources. While DFPS policy is to contact the SSI coordinator once the youth turns 17, this is much too late in the process for appropriate transition planning for youth with disabilities. [CPS Handbook § 1574](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_1570.asp#CPS_1574) (SSI Applications for Youth Aging Out of Care). It also can easily cause a youth to turn 18 with an SSI application that is still being considered by the Social Security Administration.

Often there is confusion as to whether a youth is receiving SSI. Many foster youth receive Retirement, Survivors and Disability Insurance (RSDI), which is another source of Social Security funds. This is based on one of their parents being deceased, disabled or retired. Even if a parent’s rights have been terminated, their child is still entitled to RSDI benefits based on the parent’s Social Security credits and status. RSDI will end when the youth turns 18, unless they are still in high school, in which case benefits will end once they turn 19, graduate from or leave high school, whichever comes first. If the youth is disabled, DFPS must apply for SSI (and for continued RSDI) for them. RSDI can be continued for a disabled youth who establishes disability with the Social Security Administration, but this does not automatically happen. It is not uncommon for some to think a disabled youth has SSI because they are receiving RSDI benefits. Accordingly, written confirmation of benefits from the Social Security Administration with review by someone experienced in public benefits law is necessary for youth to have what they need upon leaving CPS care.

If it is determined by the SSI coordinator that the youth is not receiving SSI, or is only receiving RSDI, the SSI coordinator must apply for SSI benefits for the youth and continued RSDI. Because extensive documentation of the disabilities must be provided and because the support provided by the SSI coordinator in completing the necessary applications and gathering documentation is minimal, it is critical to monitor the progress closely to ensure that the process is moving forward and that the process is not being delegated primarily to the foster parent and youth. Insist on copies of filed applications and obtaining on a regular basis specific details of what has been completed, what is still needed and who is responsible. [CPS Handbook §10341.2](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10330.asp#CPS_10341_2) (Ensuring Funding and Eligibility for Services).

# AGE 16

## Identification Documents

By age 16 every foster youth should have the following original, certified documents: birth certificate, Texas State identification card or driver’s license, Social Security card, and, if born in a foreign country, original immigration documents, such as LPR card or certificate of citizenship. CPS is mandated to provide the documents to the youth when they turn 18 or leave foster care and also give the youth their immunization records and Medicaid card. [Tex. Fam. Code §264.121(e)(e-1)(e-2)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.264.htm#264.121) and [CPS Handbook §10130 - 10132](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10000.asp#CPS_10130) (Personal Documents Provided to Youth). If CPS fails to obtain the documents for the youth before they turn 18, they are still responsible for doing so.

Inspect the actual documents, not photo copies, to make sure there is an actual original available. Check for name consistency and correctness. The documents will be useless if they are under different names or have conflicting information—the young adult’s life will be on hold for months or years until it is corrected, making it impossible to obtain employment and housing. Make an electronic copy and/or photo copy of the front and back of every document and store in a safe, secure, permanent location so it can be accessed if the youth needs information in future years to obtain replacements. (CPS often fails to keep copies of these documents or is unable to locate them and it can be very difficult to track down the necessary information to obtain replacements.)

Documents should be securely stored at youth’s placement for use for employment, college enrollment and other matters. Youth should have Texas identification card or driver’s license available for them to carry on a daily basis. When the youth changes placements, verify documents have gone with the youth. Review with the youth how to secure documents, have appropriate documents when needed, the necessity of identification documents to function in adult world (job, apartment, enrolling in college, financial aid, public benefits, etc.) and difficulties in replacing lost documents.

Detailed information about obtaining various documents can be found at [TexasFosterYouth.org](http://texasfosteryouth.org/legal-resources/legal-resources-for-youth/legal-documents/) section under *For Youth* in the *Identification Documents and CPS Records* section.

## Education

Once a youth is 14, besides the [*Education*](#_Education) matters listed in the [*All Ages*](#_ALL_AGES) and [*Age 14*](#_AGE_14) section of this checklist, make sure struggling or disenchanted youth are supported in accessing alternative educational programs. GED options are limited for foster youth under 18, but many districts have nontraditional campuses and programs.

If a youth is struggling to graduate because of placement changes during 11th or 12th grade and not meeting the graduation requirements of their new school, they may still be eligible to graduate based on former school’s requirements. [Texas Education Code 25.002(i)](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm%2328.025).

The DFPS [Regional Education Specialist](https://www.dfps.state.tx.us/Child_Protection/State_Care/education_specialists.asp) can be of great assistance in addressing education matters; seek to work directly with them as needed. [CPS Handbook §15610](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15610) (Role and Responsibilities of the Regional Education Specialist).

## Medical Consent

Youth who are 16 or 17 can request that the court authorize them to be their own medical consenter. [Tex. Fam. Code §266.010](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.266.htm#266.010) and [CPS Handbook §11140](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x11000.asp#CPS_11140) (Medical Consent by Minor Youth). An Attorney Ad Litem must advise the client of this right and file a petition requesting authorization if the youth wants to ask the court to be the consenter. [Tex. Fam. Code §107.003(b)(3)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.107.htm#107.003) and [Tex. Fam. Code §266.010](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.266.htm#266.010). When a youth is the medical consenter, they must complete the standard DFPS medical consent training for caregivers and if they are taking or considering psychotropic medications, the Psychotropic Medication Training. [Medical Consent - A Guide to Medical Services at CPS](http://www.dfps.state.tx.us/Child_Protection/Medical_Services/guide-consent.asp) and [CPS Handbook §11140](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x11000.asp#CPS_11140) (Medical Consent by Minor Youth). Suggest to the youth that they complete the training before the court hears the request to help establish their capacity.

Even if a youth is not interested in being named the medical consenter or is not authorized by court, youth should be well informed about what medications they take and familiar with any health conditions they may have. Make sure their plan of service includes provisions for training concerning their medication and self-administration of that medication. Their transition plan should also have provisions regarding managing the use of the medication and managing the youth’s long-term physical and mental health needs after leaving foster care. [Tex. Fam. Code §264.121(g)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.264.htm#264.121).

## Citizenship and Immigration Issues

See the [*Citizenship and Immigration Issues*](#_Citizenship_and_Immigration) in the [*All Ages*](#_ALL_AGES) section of this checklist. If a foreign-born youth does not have actual certified documents issued by the United States Citizenship and Immigration Services (USCIS) that show they are a legal immigrant or citizen, it is of the utmost importance that the process to obtain status/documents is well underway. Do not just take assurances that it is being worked on, ask to see the actual filed application and for the contact information of the person responsible for filing the application.

## Life Skills Class

Every youth should attend the Life Skills (often called PAL) class during their 16th year. There should be approximately 30 hours of classwork completed. If youth is over 16½ and has not been scheduled for a class or has been unable to complete the class, contact the Preparation for Adult Living (PAL) staff in the youth’s home region and region of placement. State PAL staff can be contacted if necessary. [CPS Handbook §10222](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10200.asp#CPS_10222) (Life Skills Training) and [DFPS Preparation for Adult Living Staff.](http://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/PAL_coordinators.asp) The class teaches critical independent living skills and completion of the class is required to access the $1000 Transitional Living Allowance when the youth ages out of foster care.

## Transition Center

If the youth lives in an area where there is a transition center, be sure they visit the center and have the opportunity to become familiar with and access their resources. [CPS Handbook §10140](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10000.asp#CPS_10134_3) (Transition Centers for Youth) and the [Texas Youth Connection](https://www.dfps.state.tx.us/txyouth/contacts/transition.asp) website under Contacts. Transition centers offers a range of support and services to current and aged out foster youth including help with job search, summer employment, job training, college financial aid applications, housing, mentoring and pursuing higher education.

## Higher Education Benefits

Youth, even if still in high school, can use their [tuition waiver](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Post_Secondary_Education/college_tuition_waiver.asp) and [Education and Training Voucher](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Post_Secondary_Education/college_tuition_waiver.asp) (ETV) funds to cover the expenses of college classes and dual credit classes. ETV funds can be used to pay for supplies such as text books and a laptop for these classes. Youth still in foster care or extended foster care should seek the assistance of their Preparation for Adult worker in obtaining the necessary support to correctly apply for financial aid and access benefits. Incorrect answers on the FAFSA and difficulties completing the ETV application and obtaining the required documentation can interfere with receiving needed ETV and financial aid funds.

# AGE 17

## A Guide to “Aging Out” of Foster Care in Texas

If your client has not yet received this book, order a copy from the [Texas Foster Youth Justice Project](http://texasfosteryouth.org/). It is also available online.

## Extended Foster Care

Review with youth the options for extended foster care and assist in exploring supervised independent living or other options more appropriate for young adults. Make sure youth has opportunity to sign extended foster care agreement. Discuss options to return to foster care after leaving but possible limitations on available placements. Review that the transition to independence goes more smoothly when youth notifies CPS well in advance of plans to leave care so CPS and Preparation for Adult Living Staff can coordinate necessary transition tasks. [CPS Handbook §5612](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_5600.asp#CPS_5612) (Actions Required by the Caseworker for All Youth Aging Out of DFPS Conservatorship) and [CPS Handbook §10490](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10440.asp#CPS_10490) (Discharge From Extended Foster Care).

## Tuition Waiver

Youths’ Preparation for Adult Living worker should provide them with their [tuition waiver](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Post_Secondary_Education/college_tuition_waiver.asp) letter so they will have it for applying for college and financial aid. Multiple copies of the letter should be made, including electronic copies. Some copies should be stored with the youth’s identification documents.

## Preparation for Adult Living (PAL) Worker

Every youth should have an assigned PAL worker. Make sure the youth knows who their worker is and their contact information and have them contact the worker to discuss their plans for the future and any current needs for assistance with transitional services and planning. You can contact the [PAL Lead](http://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/PAL_coordinators.asp) for your region to find out who the worker is.

## Review Benefits for Current and Former Foster Youth

Review the benefits and services available. While this should be covered in the youth’s Life Skills class and in transition planning, the information can be overwhelming and youth need an opportunity to process it and ask questions. DFPS’ [*Benefits for Current and Aged out Foster Youth*](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Transitional_Living/documents/Transitional_Living_Services_Handout.pdf), found at [TexasFosteryouth.Org](http://texasfosteryouth.org/legal-resources/legal-resources-for-youth/aging-out-of-foster-care/) under *For Youth* in the *Aging Out* section is a good document to use for the review.

## SSI Payee

If a youth has mental health or intellectual or developmental disabilities that will prevent them from handling their SSI payments, but they do not meet the criteria for a guardianship and are not entering a long-term care program that will help manage their SSI funds, they will need a payee. Often the Social Security Administration will require that they have a payee. Biological family is generally not good option for payee. Identify local resources that may be able to act as payee or other appropriate individuals so the young adult does not default to their biological family.

# AGE 18

## Selective Service Registration

Within 30 days of their 18th birthday, males must register for the selective service. Failure to register makes someone ineligible for a wide range of federal benefits, including financial aid and job training. Males who don’t register at all before they turn 26 will not be able to register and will likely encounter problems for decades to come. Registering online at [sss.gov](https://www.sss.gov/default.htm) is easy (Social Security number required) and you can also verify registration at the site.

## Register to Vote

While not mandatory, encouraging U.S. citizen clients to vote helps the young adult become familiar with how to register and gives them an additional document that can support identification. [Secretary of State Voter Registration Site](http://votetexas.gov/register-to-vote/).

## Financial Information

Every foster youth who is 18 should be provided information in writing about any trust funds, Social Security benefits and bank accounts, regardless of whether exiting foster care or not.

## Education Portfolio

If a youth exits foster care, they should be provided with their Education Portfolio. If they stay in extended foster care, depending on the structure of the placement they should either be given it or have access to it. [CPS Handbook §15423](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15423) (Delivering the Education Portfolio at Discharge from Conservatorship).

## File Request for Court to Extend Jurisdiction until Age 21

Once a youth is 18, they can request that the Court extend jurisdiction over them until they turn 21; this request can be filed whether they are in extended foster care or trial independence. With extended jurisdiction, even after a young adult has completed trial independence, they can request that the court hold service review hearings. This can be critical to resolving problems related to post-foster care transitional benefits and services or unresolved matters from their time in foster care, such as lack of identification documents, immigration assistance and sibling access. [Tex. Fam. Code §263.601-608](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.263.htm#263.601) and [CPS Handbook §5600- 5651](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_5600.asp?zoom_highlight=%22extended+jurisdiction%22) (Extension of Court’s Jurisdiction When a Youth Turns 18).

## Health Passport and Medical Records

Once they are 18, a young adult should be able to access their Health Passport; Preparation for Adult Living staff, their caseworker, or aftercare caseworker should assist youth in doing so. The Health Passport will have information on immunization history, prescriptions filled and services received under the foster youth Medicaid and the post-foster Medicaid provided to young adults who age out of care until they turn 21. Once they turn 21, the aged out former foster youth will be under different Medicaid insurance that does not use the Health Passport. The Health Passport should be printed out or stored as a pdf file so it is available for future access. It can also be obtained via a [CPS case record request](#_CPS_Records) but that request can take a long time to be processed.

Youth should also receive copies of important medical records from their CPS file including immunizations, psychological reports, and reports or documents concerning past or current medical conditions. Ask for these documents to be provided to youth as soon as they turn 18 so a formal CPS record request won’t be needed to obtain them later.

## CPS Records

A young adult who was in foster care has a right to obtain their CPS records once they are 18. More information about filing a request for CPS records can be found in [*Obtaining Your CPS Records*](http://texasfosteryouth.org/download/109/) at [TexasFosterYouth.org](http://texasfosteryouth.org) under *For Youth* in the *Identification Documents and CPS Records* section. In addition, [*How an Attorney/ Immigration Representative can Request CPS records for Former Foster Youth*](http://texasfosteryouth.org/download/593/) has information for legal advocates to request records for a client. This can be found at [TexasFosterYouth.org](http://texasfosteryouth.org/legal-resources/legal-resources-for-advocates/) under *For Advocates*. Records are supplied on a CD in an Adobe Acrobat PDF file. For many youth, the records are of tremendous importance and they will need information in the file as they navigate independence. Preparing a record request form and obtaining a court order with a deadline of 30 days to complete the request can help the young adult obtain their records much sooner than the usual 1-2 years.

# TRIAL INDEPENDENCE

## Medicaid

When a foster youth ages out of foster care after turning 18, they are eligible for Former Foster Care Children’s Medicaid coverage until they turn 26. DFPS is responsible for initially certifying the young adult when they leave care. The process of obtaining and maintaining coverage does not always go smoothly. [*Free Health Insurance (Medicaid) for Aged Out Foster Youth Ages 18-25*](http://texasfosteryouth.org/download/362/) found at [TexasFosterYouth.org](http://texasfosteryouth.org/legal-resources/legal-resources-for-advocates/) under the *Health Insurance/Medical* section has detailed information about the program including how to call 2-1-1 and talk to a Medicaid Foster Youth Specialist. Impress on aging out youth that they must keep their contact information up to date in order to receive renewal notices and that they must respond to any requests for needed information or call for guidance about how to respond if they find notices confusing. The [Texas Foster Youth Justice Project](http://texasfosteryouth.org/contact/) has engaged in extensive advocacy with the Medicaid program to address issues and is available to assist with access issues.

## Aftercare Case Management and Other Post Foster Care Benefits

When a young adult leaves foster care there are benefits and support services they can access. The young adult should contact their assigned Preparation for Adult Living (PAL) worker. If they don’t know their PAL worker or have difficulties contacting them they can contact the lead PAL staff for the region where they live, the lead PAL Staff for the region where their foster care case originated and the State PAL staff. [DFPS Preparation for Adult Living Staff](http://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/PAL_coordinators.asp). PAL workers can help with some benefits and refer youth to aftercare case management services in the area where they live for other services. It is up to the young adult how much they wish to utilize these services and benefits. If a youth is encountering barriers in accessing benefits and services, they can request a court service review hearing during trial independence or if they have requested extended jurisdiction. [CPS Handbook §5640](http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_5600.asp#CPS_5640)-5641 (Court Jurisdiction and Reviews for Young Adults Who Continue to Receive Transitional Living Services During or After the Trial Independence Period).