

EXTENDED JURISDICTION MATRIX

Status of young adult who turned 18 in care	What criteria define this status?	Does the court have extended jurisdiction?	Is a court hearing required or optional during this status?*	Who is the CPS contact?	When does court's jurisdiction end?	Additional comments
<p>EXAMPLE 1.</p> <p>YA turns 18 and elects to remain continuously in extended foster care (EFC), with no interruption in care.</p>	<p>Per §263.601(1), to be considered in EFC, the YA <i>must</i> be in a residential facility licensed or approved by DFPS, and paid for by DFPS; including foster homes, foster group homes, RTCs, and "Supervised Independent Living" providers who have a contract with DFPS for EFC. This does not include YAs living in State Supported Living Centers, HCS homes, with relatives, in a juvenile justice placement, or other settings not subject to DFPS regulation or payment.</p>	<p>Yes. Court jurisdiction is <i>mandatory</i> per §263.602(a) for as long as the YA remains in EFC, up to the YA's 21st birthday.</p>	<p>Yes. Mandatory EFC review hearings * must be held every six months while YA is in EFC, similar to the placement review hearings conducted prior to the YA's 18th birthday.</p> <p><i>* See §263.602(b)-(e), and discussion below chart for mandatory EFC review hearing/notice requirements.</i></p>	<p>The CVS** worker who was assigned before the YA turned 18.</p>	<p>Jurisdiction ends on the YA's 21st birthday.</p> <p><i>But see</i> remaining examples for YAs who:</p> <ul style="list-style-type: none"> • exit EFC before 21, with or without accessing transitional living services (TLS) (Examples 2 & 3); or • exit EFC and later return to EFC before turning 21 (Example 4). 	<p>Extended jurisdiction and 6-month review hearings are required by Title IV-E of the Social Security Act for the state to receive federal reimbursement for the cost of EFC.</p> <p>To be <i>eligible</i> for EFC after age 18, the YA must meet eligibility criteria in 264.101 and related DFPS rules. YA can remain in EFC until last day of month YA turns 22 if still completing HS or GED; or until last day of month YA turns 21 under all other EFC eligibility criteria.</p>
<p>EXAMPLE 2.</p> <p>YA is in trial independence (TI) and not receiving either EFC or TLS services from DFPS.</p>	<p>When a YA exits foster care/EFC on <i>or after</i> turning 18, the YA is automatically deemed to be in a mandatory TI status for a minimum period of 6 months, per §263.601(3-A), in conjunction with §263.602(f). No court order is required for the mandatory 6-month TI.</p> <p>Per the same provisions, the court <i>may</i>, in its discretion, order a longer TI period of up to a maximum of 12 months.</p>	<p>Yes. The court has mandatory extended jurisdiction during TI per §263.602(a) & (f).</p>	<p>No. The court is not required to conduct any periodic hearings during TI, and may not compel the YA in TI status to attend a court hearing, per §263.602(g).</p>	<p>The CVS** worker who was assigned before the YA turned 18.</p>	<p>Jurisdiction ends at the end of the TI period unless, <i>prior to end of TI</i>, the YA accesses transitional living services (TLS) or returns to EFC, as described in EXAMPLES 3 & 4, below.</p>	<p>YA in TI status is not, by definition, receiving EFC services. YA in TI status may, or may not, be receiving TLS while in TI status. If YA in TI is receiving TLS, see EXAMPLE 3.</p>
<p>EXAMPLE 3.</p> <p>YA exits foster care on <i>or after</i> turning 18, but is receiving transitional living services (TLS).</p>	<p>On <i>or after</i> turning 18, a YA exits foster care/EFC, triggering the start of automatic TI status of 6 months (or a longer TI status of up to 12 months if the court orders a longer period of TI).</p> <p>Throughout TI, or at some point before the TI period ends, the YA accesses transitional living services (TLS) - either directly from the department or from a provider with whom DFPS contracts for TLS services.</p> <p>TLS services are defined in §264.121, and <i>includes</i> Preparation for Adult Living Services (PAL) and Education and Training Voucher (ETV) services.</p>	<p>Yes. The court has mandatory jurisdiction for as long as YA remains in TI status, per §263.602(a) & (f).</p> <p>Court <i>may</i> extend jurisdiction beyond end of TI <i>if YA requests voluntary</i> extended jurisdiction, per §263.6021(a).</p>	<p>No. The court is not required to conduct any periodic hearings during TI, and may not compel the YA in TI status to attend a court hearing, per §263.602(g).</p> <p>However, YA <i>may</i> request <i>ad hoc</i> hearing to review delivery of TLS services. See §263.6021(c)-(e) and discussion below chart for voluntary hearing requirements. *</p>	<p>Until TI ends, the CVS** worker has primary responsibility. After TI ends, YA will only have a PAL** worker assigned.</p>	<p>Jurisdiction ends <i>on the earlier of</i> the date:</p> <ol style="list-style-type: none"> TI period ends if YA did not request voluntary jurisdiction under §263.6021; If YA has requested voluntary extended jurisdiction, the court's jurisdiction ends when the YA withdraws consent to voluntary extended jurisdiction, per §263.6021(b); OR the YA's 21st birthday. 	<p>Extended jurisdiction beyond the TI period to review TLS services delivery, as provided under §263.6021, is entirely voluntary on the part of the YA and the court.</p> <p>When jurisdiction is extended <i>voluntarily</i> under §263.6021, there are no mandatory, periodic review hearings required, as there are when YA is in EFC. Rather, under voluntary jurisdiction, the YA <i>may request</i> a hearing <i>as needed</i> to review the provision of TLS services. Such hearings are described in §263.6021(c)-(e), and are further described below this chart. *</p>

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<p>EXAMPLE 4.</p> <p>YA exits foster care on or after turning 18, and later returns to EFC.</p>	<p>A YA who was in DFPS conservatorship on the day before turning 18, may elect to leave foster care, but later elect to return to EFC before turning 21. A TI period of 6-12 months is triggered <i>each time a YA leaves foster care/EFC.</i></p> <p>Accordingly, when a YA returns to EFC - after having previously exited foster care/EFC – the YA may return:</p> <p>A. during TI, while court still has <i>mandatory</i> extended jurisdiction under 263.602(a);</p> <p>B. after TI has ended, but while court still has <i>voluntary</i> extended jurisdiction under 263.6021 (See Example 3); or</p> <p>C. after both mandatory and voluntary jurisdiction (if any) have ended.</p>	<p>Yes, if YA returns to EFC before either mandatory jurisdiction (per 263.602) or voluntary jurisdiction (per 263.6021) ends, as described in the examples above. No, if YA returns to EFC care after mandatory or voluntary court jurisdiction ended.</p>	<p>Yes, if the court did not lose jurisdiction before the YA returned to EFC, a review hearing should be held as soon as the YA returns, and every 6 months thereafter while the YA remains in EFC, per §263.602(b)-(e), and discussion at end of chart. *</p> <p>No, if court had already lost jurisdiction before YA returned to care.</p>	<p>A new CVS** worker will be assigned in the area where the YA is residing in EFC.</p>	<p>Assuming jurisdiction had not been lost before the YA returned to EFC, jurisdiction ends <i>on the earlier of</i>:</p> <p>A. date of YA's 21st birthday</p> <p>B. if the YA leaves EFC before turning 21 and does not request voluntary jurisdiction as described in Example 3, date the TI period ends; or</p> <p>C. if, after YA exits EFC, the TI period ends and the YA obtained voluntary jurisdiction, jurisdiction ends when YA withdraws consent to jurisdiction.</p>	<p>If YA leaves foster care on or after turning 18 and does not return to care before the court's jurisdiction ends under the provisions of Subchapter G, Ch. 263, there is no provision in Subchapter G for the court to regain jurisdiction. Each court will have to determine whether there is a legal basis for establishing jurisdiction for a YA who later returns to EFC or resumes receiving TLS services after jurisdiction has ended.</p> <p>All costs of EFC for a YA who returns to EFC after a TI period ends will be state-paid, with no federal reimbursement to the state.</p>
<p>EXAMPLE 5.</p> <p>YA is not in EFC, TI has ended, and YA has not requested voluntary jurisdiction to review TLS, but YA is pending a referral to DADS for guardianship services.</p>	<p>YA was in DFPS conservatorship on 18th birthday, and DFPS has made a referral to DADS for possible guardianship services. For purposes of this example, YA is not in EFC or TI, and therefore not subject to mandatory jurisdiction under § 263.602(a); nor has YA requested voluntary jurisdiction to review transitional living services, as provided under §263.6021(a).</p> <p>This scenario should very rarely occur, as most guardianship referrals will be resolved before EFC or TI status ends.</p>	<p>Perhaps. Court may, on its own motion, extend jurisdiction pending the outcome of the DADS guardianship referral, per §263.603.</p>	<p>No hearing is required pending outcome of DADS guardianship referral.</p>	<p>The YA's CVS worker remains responsible, pending the outcome of a referral to DADS.</p>	<p>Jurisdiction ends when:</p> <p>A. DADS or Probate Court denies guardianship; or</p> <p>B. Guardian is appointed, unless guardian should request voluntary jurisdiction to review TLS.</p> <p>See §263.603</p>	<p>DFPS does not consider a YA in guardianship to be in EFC, regardless of where placed, because DFPS no longer has "placement and care" responsibility over the YA.</p> <p>If a guardian is appointed before court loses jurisdiction, the guardian may request voluntary continuation of jurisdiction, as provided under 263.604, in conjunction with 263.6021, to review TLS provided to YA/ward.</p>

* **What kinds of hearings are required after age 18?** There are two types of hearings per Subchapter G, Chapter 263, depending upon a YA's status at the time of the hearing:

- (1) If the YA is in EFC, and the court has not yet lost jurisdiction under any of the provisions of Subchapter G, the court **MUST** continue to conduct mandatory review hearings, at least every 6 months, and make findings similar to those required for children under 18. The YA's CVS worker will continue to file a "plan of service" and court report with the court for purposes of the EFC review hearing, and notice of the EFC review hearing must be provided to the YA, DFPS, the YA's placement provider, any parent of the YA still involved in the YA's life, and any *ad litem*/CASA still appointed to the case. See hearing requirements in §263.602 (b)-(e).
- (2) If the YA is no longer in EFC, but is accessing TLS services and the court has not lost jurisdiction under any of the provisions of Subchapter G, the court *may*, *at the YA's request*, schedule a hearing as needed to review the provision of TLS services to the YA. This type of voluntary hearing has no special notice requirements and is conducted only when the YA requests the hearing. There is no "plan of service" for a YA who is not in EFC, however, CPS will file a court report describing the TLS services the YA is receiving. See hearing requirements in §263.6021(c)-(e).

** **Who in CPS has primary responsibility for reporting to the court after age 18?** The CVS worker is the YA's conservatorship worker. This worker has primary responsibility for preparing court reports and attending court while a YA is receiving EFC services or in TI status. The CVS worker should coordinate with the YA's PAL worker to obtain additional information regarding TLS the YA may be accessing. The PAL worker has primary responsibility for reporting to the court for YAs who are no longer in EFC or TI, as there will no longer be a "conservatorship" worker assigned to such YA by DFPS. When unable to contact the YA's CVS or PAL worker, questions may be routed to the CPS CVS Program Administrator or to the Regional Attorney.

Can a young adult have more than one TI period? Yes. Nothing in Subchapter G, Ch 263, TFC, limits a YA to only one TI period; a new TI period begins any time a YA exists foster care. For example, a YA may attend college and live in a dormitory during the school year, under a 12 month TI period. Prior to expiration of TI, the YA may return to EFC during the summer break, and again exit EFC to return to school. A YA may enter a new period of TI for up to 12 months, which preserves extended court jurisdiction and federal funding should the YA return to EFC the following summer – up to age 21.