

## **Section 4 Overview**

This section pertains to the policy and procedures necessary when an out-of-home placement of a child is imminent or has occurred.

## **Chapter 21 Overview**

This chapter discusses activities necessary when a youth is between the ages of 14-21.

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## 21.1 Mandates and Rationale

Section 477 of Public Law 99-272 requires each youth in out-of-home care, ages 16-21 to have an Independent Living Plan based on a Life Skills Inventory. Missouri has broadened this to include independent living services to all youth ages 14-21.

The Foster Care Independence Act of 1999 (the Act), signed into law December 14, 1999, established the John H. Chafee Foster Care Independence Program, hereinafter referred to as Chafee. This Act directs states to include a broad range of stakeholders in the planning, coordination, and delivery of independent living services. With the passage of H.R. 6893: Fostering Connections and Increasing Adoptions Act of 2008 (Public Law 110-351) Chafee was amended to add the purpose of providing services to youth who after the age of 16 leave foster care for adoption or guardianship.

National statistics indicate about 20,000 youth emancipate from the foster care system each year when they reach age eighteen. These young people leave without emotional or financial support that families provide. Many of these youth are not adequately prepared for life on their own. Turning eighteen may mean the beginning of a long and solitary journey toward adulthood if they have no one to turn to for help or support.

To strengthen the system of support that contributes to the safety of these young people we must: 1) increase early and consistent access to independent living preparation skills, especially opportunities for realistic practice of life skills; 2) ensure the active involvement of young people in the individual planning and decision-making process that will lead to successful emancipation; 3) ensure no youth is released from foster care to homelessness; and 4) provide access to transitional housing and longer term affordable housing options.

Young people who have left foster care say the immediate struggle for day-to-day survival after leaving care makes planning for a good future very difficult. To safeguard the well-being of youth making this transition, a continuum of support and preparation must begin when the youth enters out-of-home care. The Act enables the division to provide time-limited services and financial assistance to help these young adults as they develop the skills and education needed to move successfully into self-sufficiency and independence.

Chafee services should not be used as a substitute for sound permanency planning. In this context, independent living services do not constitute a permanency goal, but form a set of services provided to older youth to assist them in their efforts in reaching self-sufficiency. Independent Living is not an alternative to adoption for youth. Enrollment in Chafee shall occur concurrently with continued efforts to locate and achieve placement in adoptive families. The youth's case goal should be driven by his/her individualized case plan.

For youth who plan to enter into a post-secondary or other educational program, remaining in the state's care and custody to continue to have access to necessary services may be in their best interest. It may appear that Chafee conflicts with the Adoption and Safe Families Act (ASFA) of 1997. However, ASFA focuses on safety, permanency and well-being for all children, while Chafee focuses on services. The

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Division can comply with ASFA and Chafee by ensuring foster care youth in Legal Status 1 have access to independent living services regardless of their current placement or permanency.

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## **21.2 Definition and Purpose**

Adolescence is a time of adjustment culminating, hopefully, with a successful transition to adulthood and independence. This is a very difficult time of transition for the youth, which can only be made easier with proactive, supportive case planning, involving the youth. There is no definite age for this maturational process to occur. The only certainty is that the process will take place.

For youth in out-of-home care, who can neither return home nor be adopted, independence becomes a factual circumstance. The earlier the youth's needs are addressed, the greater the youth's chances for successful transition. The case manager's role is to ensure that the youth is involved in all phases of planning for their future and to facilitate the youth taking advantage of opportunities provided for them.

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### **21.3 Older Youth Program**

The Older Youth Program incorporates the Foster Care Independence Act of 1999, a federal legislation, which introduced the John H. Chafee Foster Care Independence Program in each state. The Older Youth Program, (OYP) reflects the specific philosophy and services offered to youth, ages 14 and older, in the custody or previously in the custody of the Missouri Children's Division.

The Older Youth Program encompasses philosophy through positive youth development and the distinct permanency needs of adolescents. Three services are provided through the Older Youth Program: The John H. Chafee Foster Care Independence Program services are being provided by a contractor or Community Partnership. Transitional Living Services are housing options and are also being provided through contracted agencies. Independent Living arrangements are also encompassed in the Older Youth Program.

#### **21.3.1 Program Goals:**

- To identify youth who are likely to remain in foster care until age 18 and to help these youth make the transition to self-sufficiency by providing services. These services may include, but are not limited to: assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention).
- To assist youth who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;
- To assist youth who are likely to remain in foster care until 18 years of age prepare for and enter post-secondary training and education institutions;
- To provide independent living services to youth who after age 16 or older, leave foster care for adoption or guardianship.
- To provide personal and emotional support to youth aging out of foster care, through mentors and the promotion of interactions with dedicated adults;
- Assist youth who are likely to remain in foster care until age 18 years of age with regular, on-going opportunities to engage in "age or developmentally-appropriate activities

- To provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster youth, who left care on or after age 17.5 and have not yet reached age 21 to complement their own efforts to achieve self-sufficiency and to assure program participants recognize and accept their personal responsibility in preparing for and making the successful transition from adolescence to adulthood; and
- To make available vouchers for education and training, including post-secondary learning and education, to youth who have aged out of foster care.

### **21.3.2 Eligibility:**

- Youth, ages 14-21, currently in the legal custody of the Division and in out-of-home placement;
- Youth, who exited legal custody of the Division on or after the age of 17.5 but have not yet reached age 21.
- Youth, who after age 16 or older, leave foster care for adoption or guardianship.

#### **21.3.2.1 Youth from Another State**

Youth placed in Missouri from another state are eligible for supervision of placements and case management services. Youth eligible for this service are wards of another state and are in Missouri for the purpose of attending college, living in an Independent Living Arrangement (ILA) or Transitional Living Arrangement (TLA). The financial responsibility for supporting these placements remains with the state from which the child was sent to Missouri. The sending state should arrange for Chafee services directly via the Chafee contractor from the youth's residence region. The sending state should also provide for the Educational Training Voucher services if they are needed. Initial requests for these services are facilitated through the ICPC unit in Central Office and supervisory reports are shared with the other state through this unit. Following receipt of the initial request from the sending state, the ICPC Unit in Central Office will forward the request to the appropriate county office for assignment.

Upon receipt of a referral at the county office, the youth is to be opened in the AC Client Information Function in FACES with a placement of TLA or ILA. The placement reason is other and an explanation is noted in the FACES notes section. The placement mode is 7-ICPC in-State.

The assigned supervising Children's Division staff must approve the suitability of the residence. Staff shall use the TLP Advocate and Independent Living Arrangement (ILA) Checklist, CS-TLP-1, which provides a procedure for documenting health and safety requirements specific to an older adolescent placed in an ILA or TLA. The CS-TLP-1 is completed every time a youth moves to a new ILA or TLA.

On-going case management and supervision is provided in accordance with ILA/TLA services and record keeping.

Related Subject: Section 4 Chapter 21.5 [Independent Living Arrangements](#)  
Section 4 Chapter 21.6 [Transitional Living Program](#)  
Section 4 Chapter 25.4.1 [Placement Of Another State's Child Into Missouri](#)  
[OY Services by Age](#)  
[OY Tasks by Age](#)

### **21.3.2.2 Re-entry**

Youth who left care after the age of 17 but are not yet 21 may elect to come back into care per [SB205](#) (2013), [SB208](#) (2013), and [HB1877](#) (2016). Section 211.036, RSMo, (commonly called "Re-entry") is intended to give youth once in custody, but no longer in custody, a second chance.

In making a determination on whether the Children's Division should petition for re-entry, the main considerations should be the youth's present circumstances, willingness to participate in services and work towards independence, and the Children's Division's ability to provide services to address the youth's needs.

Youth seeking re-entry will likely be struggling and may have outstanding debt as a result of decisions made while not in custody. He/she may be in crisis and as a result, not employed, going to school, or otherwise performing tasks to work towards independence; consequently, a decision on whether or not to file a petition for re-entry should not be based solely on current circumstances of youth or lack of efforts, and uncooperativeness while in Children's Division care and custody the first time, although they may be taken into account.

If it is deemed to be in the best interest of the youth, the youth may have his/her custody returned to the Children's Division through a petition to the Court. The petition may be initiated by the youth, Children's Division, or Juvenile Officer. Youth requesting re-entry through contact with a Foster Care Case Management Contractor, Specialized Care Contractor

or service provider are to be directed to the Children's Division office in the community where they currently reside.

The petition may be filed:

- In the court that previously exercised jurisdiction,
- In the county where the youth resides, or
- An adjacent county.

When a youth returns to the custody of the Children's Division, normal case-opening procedures will be followed. A new case is to be opened in FACES. A pop up will appear on the case member screen indicating the youth has a role of child but is over age 18 however the case may be open as this is information only. All case management services the youth would have received had she or he remained in care such as placement, adult support, and clothing allowances. The youth may request a Guardian Ad Litem. Court hearings will be held every six months and as necessary while the youth is in care.

Services should be provided by the previous case manager when possible and agreeable to the youth if returning in the original jurisdiction. If the youth was previously case managed by the Children's Division, these services are the responsibility of the Children's Division where the youth now resides. If the youth was previously case managed by a Foster Care Case Management Agency and returns within the service region served by that agency, the youth should be assigned to the Foster Care Case Management agency for case management.

When a youth comes into the office seeking re-entry, it is imperative that the information on the [CS-ILP-4](#) be fully completed and contact information for the youth be provided. A conversation should be held with the youth to determine if the youth is in need of re-entry or aftercare services, if the youth is willing to comply with services, and what services are expected. Youth should provide alternate numbers for contact of where he/she can be reached and of those who will know how to contact him/her. Division of Legal Services will need to know if the youth is employed, where the youth is staying, if the youth wants to go to school, and if the youth understands what coming back into custody means. This should be documented on the [CS-ILP-4](#). The person sending the referral to Division of Legal Services should follow-up within one week of the date of the referral and subsequently as needed.

For the purpose of re-entry, a youth is a person who meets all of the following criteria:

- any person age 17 through 20 who was previously placed in the care, custody and control (LS-1) of the Children's Division;

- was released from care, custody and control within the last 24 months;
- is otherwise competent, and not in a guardianship or conservatorship, and is not in the custody of any other individual or institution;
- is not incarcerated or committed to any jail, detention facility, or the Department of Corrections.

Youth will work in conjunction with the Children's Division for services to be provided and will:

- participate in and comply with any transition plan developed by the Children's Division, Family Support Team, and the youth;
- meet with his/her Children's Services Worker, the Juvenile Office representative, and Chafee Provider, as required;
- participate in any services provided such as Chafee and Transitional Living Program Services;
- enroll in and attend a "secondary school program of instruction" or an "institution of vocational or higher education," if determined the program will benefit the youth in his/her efforts to achieve independence.
- find and maintain employment to supplement the youth's transition plan
- work to maintain his/her own efforts toward independent living.

The Children's Division may amend the transition plan from time to time in conjunction with the Family Support Team, as it is in the best interests of the youth.

The Children's Division may request to be relieved of custody when:

- The youth is unwilling or unable to develop, implement, or otherwise cooperate with the implementation of the transition plan;
- The youth pleads or is found guilty of any felony, or any misdemeanor in which the youth is sentenced to a period of incarceration;
- The youth is committed to the custody of any sheriff or the Department of Corrections;
- Any other circumstance where the youth fails to cooperate with the Children's Division or the Children's Division does not have services available or the ability to provide services.

If a youth is returned to the Children's Division custody under section 211.036, and the Children's Division is consequently relieved of custody for any of the above reasons, another petition will not be filed by Children's Division on behalf of the youth.

### **21.3.3 Referral Process**

The case manager is responsible for ensuring all youth 14-21 receive the skills necessary to become self-sufficient upon release from custody. Youth, ages 14-21, in the legal custody of the Division and in out-of-home placement are to be referred for Chafee Foster Care Independence Program Services, regardless of their case plan.

Youth in an adoptive or guardianship placement that were previously referred for services continue to be eligible upon the case plan being achieved if the adoption or guardianship occurred after the age of 16. Youth that have been adopted or obtained guardianship after the age of 16 will follow the same referral process for youth in care if a referral was not previously made, Chafee services are desired, and they are still open in the Alternative Care Client Screen. However, if a youth is closed in the Alternative Care Client Screen after the adoption or guardianship is awarded, the Chafee referral will close and a new referral will need to be made through the Referral – Chafee Aftercare Services screen if the youth is eligible and desires services. The youth will have to be reopened in the system and will be categorized at this point as a LS-8 with a flag as an adoptive/guardianship youth in the Alternative Care Client Screen. Although the legal status will be that of an aftercare youth, the flag will indicate to the Chafee provider that the youth is eligible for full Chafee services versus crisis care.

Adoptive or Guardianship Case Managers will assist youth, adoptive parents, and guardians with completion of the necessary tools and assessments needed for referral. The Adolescent FST Guide (CD94), Individualized Action Plan Goals (CD94), Life Skills Strengths/Needs Assessment (CD97) the Casey Life Skills Assessment (CLSA) report must be submitted. The Adoptive or Guardianship Case Manager will be responsible for ensuring that services are being provided to assist the youth in independence skills and will review the Individual Life Skills Progress Form (CD95) and notify the Older Youth Transition Specialist if the desire for services changes. Participation is not mandatory for youth who are in an adoptive or guardianship placement.

Youth enrolled in the Transitional Living Program will receive Chafee Foster Care Independence Program Services through their respective Transitional Living provider.

### **Older Youth Program Referral Screens and Assessment Reports Referral Packet**

These screens and tools are used to refer older youth for OYP Services including Chafee Foster Care Independence Program Services, Chafee Aftercare Services, and Transitional Living Services (group homes and scattered sites). Screens and reports included as part of the referral must have been completed within the last six months, with the exception of the CLSA and Life Skills Strength/Needs Reporting Form (CD97), which are

annually. The screens and tools should be completed in the following order:

- **Life Skills Strengths/Needs Reporting Form (CD97)**
- **Casey Life Skills Assessment (CLSA) Comparison Report**
- **Individualized Action Plan Goals (CD94)**
- **Adolescent FST Guide (CD94)**
- **Referral – Chafee Independence Services**

#### **21.3.4 Youth Assessment**

Assessment is both a process as well as a product. The product of an assessment is an agreement. It gives youth the chance to tell their story. The youth's independent living competencies will be identified using the Casey Life Skills Assessments, Life Skills Strengths/Needs Assessment Reporting Form (CD97), and the Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94). The purpose of a life skills assessment is to provide the youth, youth's caregiver, and case manager comprehensive information which will assist the youth with preparing for self-sufficiency. The assessment is to be used in conjunction with other information available to focus specifically on those areas of the youth's life that are, or will, impact on their preparation for self-sufficiency. The assessment will assist in gaining understanding of the youth's strengths and challenges so practical, concrete efforts can be made to achieve the youth's goals.

**The Casey Life Skills Assessment** (<http://www.caseylifeskills.org>) is a free online youth-centered tool that assesses life skills youth need for their well-being, confidence, and safety as they navigate high school, postsecondary education, employment and other life milestones. It is a measure of youth confidence in their future and their permanent connections to caring adults. The tool is used to initiate a conversation regarding strengths and challenges and assist with goals to be developed for the teaching of life skills.

The youth format contains items to measure self-reported skills, knowledge, and awareness. The caregiver format asks a parent or other adult to rate the youth in his/her care on the same set of information. The report will show the average score for each life skill area, including permanency, on a scale of 1-5, with 5 indicating high strength.

The CLSA takes about 30-40 minutes to complete. The CLSA is completed electronically via the Internet, but copies can be printed from the CLSA website and taken by hand, with the responses entered into the website at a later time.

The CLSA is completed by the case manager and youth within the first sixty days of a youth coming into care after age fourteen or turning 14 while in care. Youth may be assessed as often as appropriate for the situation but at least annually to provide a picture of how well youth are doing with life skills obtainment. The initial assessment is completed by the case manager and the yearly assessment should be completed by the contracted Chafee or Transitional Living Program provider if the youth is referred for these services.

It is crucial at least one adult complete the caretaker form to gain a realistic picture of the youth's life skills accomplishments. More than one caregiver can take the assessment, but it is important that adults completing the assessment know the youth well.

Once the youth and the caregiver have completed the assessment, the Case Manager should receive a comparison report. The caregiver assessment results are a comparison to the youth's answers. The CLSA comparison report is useful for practice as it can help youth, caregivers, and staff acknowledge youth strengths, develop a realistic picture of youth readiness for emancipation, and identify areas in which youth may need to learn more or develop additional skills. This can create opportunities and facilitates increased understanding among all team members.

The CLSA is based on chronological age. Youth of all levels and abilities should be assessed for life skills if capable, therefore, for youth who are developmentally functioning at age 13 and younger but chronologically age 14 or older, the CLSA supplement should be used instead of the CLSA.

There are two levels to choose from:

- Youth Assessment Level I (elementary ages)

This 33-item assessment is appropriate for younger youth ages 8-9 or any young person with reading and/or developmental challenges. Youth can self-report on communication, daily living, home life, self-care, and work and study skills.

- Youth Assessment Level II (middle school ages)

With 49 items, this assessment is for youth ages 10-13. Like Youth Level I, it may be useful for young people with reading and/or developmental challenges. It assesses areas in communication, daily living, self-care, social relationships, and work and study skills.

Because these are supplements, a caregiver assessment is not available so only the Youth Assessment Supplement will be required for youth functioning developmentally at age 13 or below. It is important to communicate to the Family

Support Team the supplement being used as well as the Chafee provider for reassessment purposes.

**Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94)**, is a comprehensive document to guide team members through the Family Support Team (FST) process. The plan will identify the youth-specific team members, the identified individuals for a youth support system, goals for the youth and life skills assessment and continued evaluation.

The Individualized Action Plan Goals (CD94) takes the place of the Written Service Agreement if reunification is not the goal and goals can be geared toward life skills and transition. If reunification is the goal, the Individualized Action Plan will be used in conjunction with the family's Written Service Agreement. The form will be completed according to the age of the youth. This is an assessment tool to aid in determining life skills needed and obtained and will aid in documentation. It is also a tool to capture a thorough assessment of the youth as well as teach life skills. The entire form does not need to be completed at once. It is a living document which will be updated constantly throughout the youth's time in care.

The Individualized Action Plan goals and expectations provide the framework for life skills instruction. It is designed to help youth acquire knowledge and understanding about a life skill and then apply the life skill to real life situations. The individualized action goal represents the overall goal for instruction, and the expectations describe what the youth should be able to do after instruction takes place.

The Individualized Action Plan Goals (CD94) can be developed using the Casey Life Skills "Resources to Inspire Guide." The Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94) are to be completed within 120 days of a youth coming into care after the age of 14 or turning 14. The Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94) should be started in the first thirty days of a youth coming into care after the age of 14 or turning 14 in conjunction with the youth by the case manager. It is an on-going document and is presented at Permanency Planning Reviews in conjunction with the Child Assessment and Service Plan, CS-1. For youth eligible for Chafee in an adoptive or guardianship placement, the family will update the form with assistance of the Adoptive or Guardianship Case Manager and the revised Guide and Plan will be updated in FACES at least every six months.

**Life Skills Strengths/Needs Assessment Guideline Questions, CD-96, and Life Skills Strength/Needs Reporting Form (CD97)**, are interview style tools to assist in the planning process. The strengths/needs assessment uses a holistic approach to develop rapport and engage the youth. The assessment covers nine domains and provides a snapshot in time. This tool is used to assist in determining what a youth wants to work on (need statement) right now for goals

in the Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94) and is filed in the youth's record. The youth receives a copy of the completed tool. This tool is completed within the first 60 days of a youth turning 14 or coming into care after the age of 14. The tool should be completed annually and as the youth achieves his/her goals and needs to set additional goals.

**Individual Life Skills Progress Form (CD95)**, is a form used to record performance of youth in achieving life skills by using a Likert scale of Got It, Working On It, or Needs Assistance. It is completed through direct observation of the youth's work during and just after instruction has taken place and helps the youth appreciate what has just been demonstrated. Together, the youth and the instructor decide where the youth is on the three-point scale. It also provides the agency with historical data on the youth's life skill overall development. This form is completed monthly by the person teaching life skills. If the youth is not referred to Chafee Foster Care Independence Services or is not in a Children's Division contracted Transitional Living Program, this is the Children's Service Worker's responsibility.

**The Portfolio** is a collection of samples that communicate a youth's interest and give evidence of the youth's talents. It is used to show others what the youth has accomplished, learned, or produced. The portfolio is created during life skills instruction and is guided by the learning goals. Performance is observed and recorded on the Individual Life Skills Progress Form (CD95) so staff may see the concrete results of instruction. The portfolio process involves the appreciation and evaluation of one's work. Portfolio items are completed for each life skill instruction.

### **21.3.5 Credit Reports**

The Child and Family Services Improvement and Innovation Act of 2011 requires each youth age 16 and older in foster care receive a copy of any consumer credit report each year until discharged from foster care, and youth must be assisted in interpreting the credit report and resolving any inconsistencies.

For youth who turn age 16 and 17 while in care or come into care at age 16 or 17, the credit history will be obtained by Central Office. Staff will receive notification on their youth via e-mail that the information was submitted through an agreement with TransUnion. This is the date staff will be record on the Adolescent Family Support Team Guide (CD94). Staff will be notified if there are credit discrepancies and/or inaccuracies but will not receive a "report" for youth age 16 or 17.

For youth age 18 and older, free credit reports from three nationwide consumer credit reporting companies can be requested online at [AnnualCreditReport.com](http://AnnualCreditReport.com), by phone at 1-877-322-8228, or by completing the [Annual Credit Report Request](#)

[Form](#) and mailing the completed form to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 303048-5281. All three reports may be requested at once or ordered one at a time. Ordering separately allows monitoring of credit more frequently throughout the year.

[AnnualCreditReport.com](http://AnnualCreditReport.com) is the only authorized source for the free annual credit report that can be obtained per the Fair Credit Reporting Act.

Because the information in credit reports is used to evaluate applications for credit, insurance, employment, and renting a home, the information needs to be accurate and up-to-date. Any information regarding a youth with a credit history should be shared with the youth. For 18, 19, and 20 year olds there may be legitimate negative items due to late payments or debts. Regardless of the reason steps should be taken to help resolve these issues if possible. The Children's Service Worker should assist youth in interpreting the credit report and resolving any inconsistencies. Information to assist with interpretation and education can be found on the [Federal Trade Commission's](#) website.

Under the Fair Credit Reporting Act, both the credit reporting company and the information provider (the person, company, or organization that provides information to a credit reporting company) are responsible for correcting inaccurate or incomplete information in reports. When reviewing the report with youth, if there are accounts that are not recognized or information that is inaccurate, there is concern for identity fraud. Identity fraud is when a consumer whose means of identification or financial information is used or transferred without authorization from the consumer.

Examples of concern would be credit cards that the youth has not opened, utility bills in the youth's name that were prior to the youth residing on his/her own, or car purchases if the youth does not have a vehicle.

If the Children's Service Worker suspects identity fraud, the Family Support Team and the Division of Legal Services (investigations and/or litigation section) should be consulted to determine if an investigation or referral to law enforcement is necessary. If the youth's identity has been compromised the worker should send a referral to the Division of Legal Services so the necessary legal steps to correct the problem can be taken. Notice should be provided to the youth's Juvenile Officer and Guardian Ad Litem about the report findings.

If there is a need to further educate youth regarding credit, Children's Service Workers should address this on the Adolescent Family Support Team Guide (CD94) and Individualized Action Plan Goals (CD94) by creating new goals. The Chafee provider will assist with identified tasks of the new goals.

The Adolescent FST Guide (CD94) should be updated to reflect that the credit report has been received on a yearly basis, beginning when the youth turns 16 or

comes into care after age 16 and each subsequent year thereafter while in foster care.

All documentation pertaining to the credit checks should be filed in the Older Youth Section of the youth's record i.e. request form, credit report, e-mail correspondence from Central office.

As this is life skill teaching, documentation of this service should also be included on the NYTD Older Youth Services and Financial Expenditures Screen in FACES.

### **21.3.6 Youth with Special Needs**

Provisions of the Chafee Foster Care Independence Act of 1999 are equally applicable to youth with disabilities. Transitioning youth with disabilities face the same challenges as their peers without special needs and are at higher risk for many undesirable outcomes such as poverty and victimization.

Family Support Teams must consider youth with disabilities versus youth who are incapacitated. Youth with special health care needs include all children who have, or are at increased risk for, chronic physical, developmental, behavioral, or emotional conditions and who also require health and related services of a type or amount beyond that generally required. Incapacitated youth, in reference to consideration of Chafee referral, means unable to participate due to their disability. The youth is lacking the ability to engage or understand their participation.

Services should be provided in a holistic manner which addresses not only their special needs but their independent needs as well. Coordination with other service providing agencies is essential in order for youth with special needs to succeed in transitioning out of care. Youth with special needs require on-going support related to their disability as well as continued support towards self-sufficiency. This may mean assuring the youth is receiving benefits which they are eligible for such as SSI, connecting them to resources such as Vocational Rehabilitation, or advocating on their behalf. Youth with special needs are also likely to have or be entitled to an Individual Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA), an Individual Written Rehabilitation Plan (IWRP) through the Department of Vocational Rehabilitation, and a plan of service care and coordination through Title V (Maternal and Child Health Bureau's Division of Services for Children with Special Health Needs (DSCSHN)). Depending on the extent of the youth's needs, services may be coordination or advocacy only. However, if the youth is able to practice new skills, these opportunities should be made available to them in a format to suit their individual needs.

For youth who have been determined ineligible for referral due to disability level, it is understood the forms may not be completed with youth participation. Efforts

should be made to complete the assessment tools with the youth if at all possible. A referral for services should be made as the law requires a personalized independent living plan that is youth driven.

If the youth is not able to participate, documentation of the youth's independent living skills/functioning level should still occur on the Adolescent FST Guide (CD94) after Family Support Team discussion and decision. The CLSA will not be completed on the youth if the youth is unable to participate due to disability. Documentation of such will be made on the Adolescent FST Guide (CD94) in the CLSA section. The Adolescent FST Guide (CD94) should be completed by the worker as thoroughly as possible and filed in the record in the Older Youth Program Section.

The Family Support Team should continue to discuss the youth's independent living skills status at meetings and if the youth's functioning level should change, a referral for Chafee Foster Independence Program Services should be made. The Life Skills Strengths/Needs Assessment Reporting Form (CD97) should be discussed at the Family Support Team Meeting and strengths and needs of the youth documented regardless of disability level.

### **21.3.7 Post-Secondary Educational Opportunities**

Youth 15 years of age or older in foster care with the Children's Division are to receive a visit to a state university, community or technical college, or an armed services recruiter before being adopted or terminated from foster care per S.B. 205 (2013). The visit is to include an entry application process, financial support application and availability, career options with academic or technical training, a campus tour, and other information and experience desired by the youth. The visit is not required if waived by the youth's Family Support or Treatment Team.

Related Subject: Section 4 Chapter 7.3.8 [Educational Support and Intervention](#)

#### **21.3.7.1 Education and Training Vouchers**

The Promoting Safe and Stable Families Amendments of 2001 added a 6<sup>th</sup> purpose, Education and Training Vouchers (ETV) to the Chafee program. ETV allows states to provide funds for youth to attend post-secondary education or training programs. Early and on-going support for education is extremely important in preparing youth for self-sufficiency. Setting, monitoring and incorporating educational goals as part of their permanency plan will assist youth in understanding the importance of having a vision of educational success. At a minimum our foster youth should have a HiSET as their educational goal, but it is our desire that youth shall have the opportunity to receive post-secondary education and

training. The ETV Program gives the Children's Division the opportunity to provide educational and training funds to assist eligible youth interested in pursuing a higher education to reach their goals. The Missouri ETV program is administered by Foster Care to Success.

Those eligible for ETVs include:

- Youth currently eligible for Chafee services; and
- Youth who were adopted or obtained legal guardianship from foster care after their 16<sup>th</sup> birthday;

Additionally:

- Youth participating in a higher education program on their 21<sup>st</sup> birthday shall remain eligible until age 23, provided they are making satisfactory progress;
- Youth must have a high school diploma or equivalent;
- Youth must demonstrate academic success or motivation in school (generally a "C" average or its equivalency or as otherwise agreed upon with the plan) or in a training program;
- Youth must be accepted to an accredited or pre-accredited public or non-profit college/university and vocational school or certified training program;
- Appropriate scholarships, grants and other financial assistance must be explored and utilized; and
- There must be reasonable assurance the youth will graduate from the educational or training program.
- Personal assets (bank account, car, home, etc.) are not worth more than \$10,000.
- Youth must be aged 17, 18, 19, or 20 when first applying to the ETV Program.

Youth may receive up to \$5,000 per year or the total "cost of attendance". The cost of attendance includes:

- Tuition and fees.

- Room and Board for former foster youth who left care at age 18 or after but have not reached age 21. Room and Board assistance may also be available to eligible youth 21-23 if they are enrolled full-time in a post-secondary educational or training program.
- Rental or purchase of required equipment, materials or supplies (including a computer).
- Allowance for books, supplies, transportation, etc.; and
- Special study projects.

Eligible youth may apply for post secondary education/training assistance by completing the application online at:

<http://www.fc2sprogram.org/missouri> and submitting the required forms:

- ETV Student Cashier Statement;
- ETV Financial Aid Release Form;
- Federal Financial Student Aid Application (FASFA)

All applicants must have an active E-mail account which can be created for free through the ETV website. ETV assistance will be reviewed and made on a semester basis. Students must reapply online for every new school year. Every term, they must complete and submit a new Financial Aid Release Forms and Cashier Statements.

Older Youth Transition Specialists assist with eligibility determination once a student has applied on-line.

#### **21.3.7.2 Missouri Reach**

During the 2009 legislative session, the general assembly placed tuition and fee waivers into statute for certain foster care students per **173.270, RSMo.**

Tuition waivers and assistance with related fees are available to eligible youth on a tiered priority basis. Implementation of this program is in partnership with the Missouri Department of Higher Education (MDHE).

Priority is given to:

- Those youth not otherwise eligible for Educational Training Vouchers (ETV).

- Students adopted from Children's Division after the age of 14.
- Those youth who have at least 60 hours of college credit.

Foster Care to Success, a national non-profit organization, provides administrative services for the tuition waiver program. In order to apply, youth must go to <http://www.fc2sprogram.org/missouri> and complete the online application. Older Youth Transition Specialists will verify eligibility once application is made. The Missouri Department of Higher Education will approve applications based on the priority criteria. Youth eligible and accepted will be notified as funding is available on behalf of MDHE.

Youth who meet the eligibility criteria are encouraged to make application.

Foster Care to Success will process the applications once accepted by reviewing the applicants' transcripts to determine academic standing, confirming the applicants' tuition and fees with the college or university, and work with students to develop a community service action plan that will be verifiable and outcome based. Per the statute, youth are to complete 100 hours of community service or a public internship within a 12-month period beginning September 1<sup>st</sup> each year they receive the waiver.

MDHE has established the following types of community service and public internships that youth may participate in to meet this requirement:

- Volunteering with a non-profit community service organization
- Community service club activities (not meetings)

Campus coordinated community service projects include unpaid practicum and internships as well as philanthropic activities conducted by student service organizations

- Institutional and community sustainability projects
- Volunteering at a hospital, convalescent home, or group home for youth in foster care
- Unpaid peer mentoring or tutoring programs, both on- and off-campus
- Weekend campus clean-up, beautification activities
- Helping with a community team such as AYSO soccer or Little League (helping with sports events of younger children, refereeing, etc.)
- Volunteering for Habitat for Humanity, locally or abroad

- Unpaid internships with a local, state or federal agencies

The following are not considered appropriate for community service:

- Work often done by office, teacher or library student aides
- Service performed for a profit-making organization
- Service accomplished without obtaining prior approval
- Activities usually considered normal extracurricular (or co-curricular) activities,
- Service performed by a student for a family member or in instances where the family member supervises the service
- Service related to a class, credit for a class or the making of profit, defraying costs of trips, etc.
- Pay is received for the service rendered

Institutions of Higher Education the youth attends will monitor compliance and report it to MDHE. Once a youth is approved for the tuition waiver, continued participation in the program will be determined by academic standing, community service participation, and funding of the program.

### **21.3.8 Educational Opportunity for Children of Families Serving in the Military**

Occasionally, families serving in the military receive Family-Centered Services (FCS) or their children come into custody of the Children's Division. If the youth is a survivor of a war veteran, they may be eligible for a tuition grant for higher education. Section 173.234. 6-11 RSMo. states "Survivors of war veterans shall be certified as eligible by the Missouri veteran's commission to receive a tuition grant for higher education. If the survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the coordinating board for higher education by the institution and the eligible survivor. Surviving children who are eligible shall be permitted to apply for full tuition benefits conferred by this section until they reach 25 years of age."

Related Subject: Section 4 Chapter 25.7.4 <a href="#">Interstate Compact on Educational Opportunity for Military Children</a>
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### **21.3.9 State Youth Advisory Board**

The Missouri State Youth Advisory Board (SYAB) was established December 1992. The SYAB meets on a quarterly basis. Each member of the board is an outstanding youth in foster care or youth that obtained adoption or guardianship after the age of sixteen that represents other youth in his/her area of the state. Each of the seven administrative areas is represented with up to four (4) youth who are nominated at their local level to serve on the SYAB to assure that SYAB members are equally representing their specific area as related to geographical size. The board also may consist of three non-voting, ex-officio members. Ex-officio members must be a current or former foster care youth who has served at least a one-year term as a board member or alternate, within the last three years.

Recognizing each SYAB member represents all children and youth who are/were in out-of-home placements, each SYAB member is responsible for providing Children's Services' policy and procedural input to CD administrative staff/Juvenile Court. The SYAB decides what goals and activities they want to pursue for upcoming meetings and carry those out accordingly. The SYAB works as a network by bringing back important information to the Area Youth Advisory Board (AYAB) or other area youth leadership community, who in turn, takes information back to youth in their area. When recommended to serve on the SYAB, the membership term is one year, however, once a member; there are guidelines to follow in order to continue membership.

**Leadership opportunities are an important life skill and should be given to all youth in care.**

### [E-Forms and Instructions](#)

**Chapter Memoranda History:** (prior to 01-31-07)

[CD04-15](#), [CD04-56](#), [CD04-79](#), [CD05-02](#), [CD05-72](#), [CD06-80](#)

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[CD14-44](#), [CD14-52](#), [CD15-30](#), [CD15-71](#), [CD16-51](#)

## **21.4 Aftercare Program**

The intent of the Foster Care Independence Act was to increase funding to states for the expansion of the independent living program. This expansion allows the Division to serve youth with an array of services to meet their needs. Eligible youth are between the ages of 17.5 to 21, who left foster care at age 17.5 or after, but have not reached age twenty-one.

Aftercare services are meant to be flexible, short term and are intended to be used as a **safety net** in order to meet the needs of the young adult when:

- Remaining in state care and custody after age 17.5 is not a realistic or practical option;
- The youth has requested to leave custody upon or after age 17.5 and his/her case manager has assisted him/her in developing a reasonable and acceptable exit plan; or
- The Juvenile/Family Court has automatically terminated jurisdiction on or after age 17.5.
- Chafee Aftercare services are not to be part of the exit plan formulated while a youth is in care, rather a resource available to a youth after exit should the youth encounter difficulties in which assistance is needed.

### **21.4.1 Referral and Assessment**

Children's Service Workers shall notify youth in the process of transitioning out of care about assistance available under the Chafee Foster Care Independence Program, the Educational Training Voucher Program, and MO HealthNet Insurance.

Youth may also contact the Division for services after they have left care. There may be several avenues former foster care youth take to return to the Division for services. Youth may directly contact their former Children's Service Worker or Older Youth Transition Specialist. Youth may come to the Division for assistance through Family Support Division (FSD) or referrals from other agencies (e.g., homeless shelters, Workforce Development, etc.). Once a youth contacts the Division for services, a referral for Chafee Aftercare Services should be made via the Referral – Chafee Aftercare Services screen in FACES. The Older Youth Transition Specialist will refer the youth to the contracted Chafee provider in the region of the youth's residence and open the youth as an LS-8 in the Chafee Foster Care Independence Program (CFCIP) Aftercare screen.

Older Youth Transition Specialists are located and serve in the Regions/Circuits throughout the state as listed below:

Northwest Region: Circuits - 3, 4, 5, 6, 7, 8, 9, 14, 15, 17, 18, 43  
Northeast Region: Circuits - 1, 2, 10, 11, 12, 13, 19, 20, 23, 41, 45  
Southeast Region: Circuits - 24, 25, 32, 33, 34, 35, 36, 37, 42  
Southwest Region: Circuits - 26, 27, 28, 29, 30, 31, 38, 39, 40, 44  
Jackson County Region: Circuit - 16  
St. Louis City Region: Circuit - 22  
St. Louis County Region: Circuit - 21

County offices shall establish the following protocol to ensure eligible young adults who were former foster care youth coming into the agency shall have access to services:

1. Ninety days prior to a youth being released from foster care on or after age 17.5, the child's Children's Service Worker must have a discussion with the youth informing them of services available when they do exit custody. Each county office should have Exit Packets readily available to give to youth. The Exit Packet should contain MO HealthNet information, the Chafee Aftercare Pamphlet, an Education and Training Voucher (ETV) brochure, the National Youth in Transition Database (NYTD) Pamphlet and any additional resources pertinent to their own local communities.
2. Upon leaving care, a letter signed by the child's Children's Service Worker shall be provided to the youth on state letterhead verifying the youth's time in care and exit date. This will aid youth in receiving assistance after leaving care within the state and out of state for services that require eligibility verification.
3. When the young adult's first contact with the agency after leaving care is through FSD, the FSD worker shall follow procedures instructed through the Income Maintenance memorandum, IM00-191, dated December 27, 2000, on the process of collaborating with or referring the young adult to Children's Division (CD). FSD staff will refer the young adult to the Children's Division (CD) liaison/contact person for former foster care youth during the application process.
4. If the liaison/contact person is not available in a county, then the CD supervisor will be responsible for the assignment of the referral. In the absence of, or if there is not a CD supervisor based in the county, the assignment of the referral shall be the responsibility of the Circuit Manager.
5. The assigned CD staff shall meet with and provide the young adult with the CFCIP Support Application, CS-ILP-4, form to complete. When completed the form will provide the following information:
  - Identifying information for the young adult;
  - Current housing situation and household composition;

- Educational level and completion;
- Employment and salary information;
- Current and outstanding bills;
- Medical/mental health needs and access;
- Available family/community resources;
- Current/future needs;
- Ability/inability to reach self-sufficiency and continued independence;
- Present and future goals; and
- Willingness to accept personal responsibility.

Upon making contact with the young adult and receiving information of the young adults need for Chafee Aftercare services, the CD county liaison/contact person for former foster care youth shall immediately notify the Older Youth Transition Specialist assigned to their county by faxing or mailing the CFCIP Support Application, CS-ILP-4, to the Older Youth Transition Specialist. The Older Youth Transition Specialist shall open the youth in the Chafee Foster Care Independence Program (CFCIP) Aftercare screen as an LS-8 youth and complete the Referral – Chafee Aftercare Services screen. The CFCIP contracted agency will assist the young adult in designing a plan that is realistic and supports their efforts to become self-sufficient or to continue to live independently. The agreement shall be updated or renegotiated as often as needed. In the event of a crisis, if the Older Youth Transition Specialist is not accessible, the county liaison/contact person for former foster care youth may contact the Older Youth Transition Specialist’s supervisor. Even in a crisis situation, the county liaison/contact person for former foster care youth will follow the procedure of referring the young adult to the designated Older Youth Transition Specialist by notifying available Older Youth Program staff. The Older Youth Transition Specialist or Older Youth Program staff shall immediately follow up with the county liaison/contact person for former foster care youth involved with the young adult.

#### **21.4.2 Healthcare for Former Foster Care Youth**

Youth who were in foster care under the responsibility of the state of Missouri on the date they attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday are eligible for coverage without regard to their income or assets, if such persons:

- a) Are under twenty-six years of age,
- b) Are not eligible for coverage under another mandatory coverage group; (This group includes those youth who are disabled, receive Supplemental Security Income [SSI], or are receiving Medicare.) and
- c) Were covered by Medicaid while they were in foster care, per RSMo 208.151.1 (SB 577, 2007, and SB 127, 2013)

The youth's most current address must be updated in FACES on the Health Care for Former Foster Care Youth (formerly SB577) screen in order for the youth's address to cross over to MO HealthNet Division's (MHD) system where eligibility will show. If the youth resides in a Managed Care county, the youth will need to enroll into a Managed Care (MC) plan for their physical, vision and dental health care needs. Their behavioral health care and pharmacy needs will be provided on a fee-for-service/straight Medicaid basis under MHD. Youth who reside in non-managed care counties will have **all** their health care needs covered by MHD. The number to call to enroll into a MC plan, or to order a MHD card is 800-348-6627.

For those youth who are Missouri residents but are attending an out-of-state school or on a visit outside of Missouri, the out-of-state provider must be willing to enroll in the MO HealthNet program. Per federal requirements, Medicaid cannot be opened in two states at the same time.

When a youth exits CD custody, the Children's Service Worker will close the Alternative Care Client case in FACES, in order to capture the exit data in our information system. Upon closing, the system will automatically populate the youth as LSM, which denotes the youth is eligible for MO HealthNet coverage only.

Each county has designated liaison/contact person(s) for those LSM youth to contact and to ensure address changes are made in the FACES system. The contact/liaison is responsible for referring the youth to an Older Youth Transition Specialist, if necessary.

Eligible youth receiving MO HealthNet services through Family Support Division (FSD) will continue with their current healthcare coverage. If the eligible youth currently receiving FSD services becomes ineligible for healthcare through FSD, FSD will refer the youth to the CD.

If the former foster care youth already has health insurance or obtains health insurance from another source such as employment, they must use their third party insurance before using MO HealthNet. The youth will need to inform their medical/behavioral services provider that they are eligible for MO HealthNet.

### 21.4.3 Procedural Guidelines for Service Delivery

A critical piece for young people exiting care is the ability to develop a support network, and the influence of informal role models to serve as mentors in a support network. While each of the young adult's needs is important in its own right, we are increasingly learning the importance of significant adult relationships in supporting young adults during the transition to adulthood. Support services for former foster youth must focus on a larger target than the establishment of mentoring relationships. As we identify the important resources which will be needed by these young adults to support their efforts to achieve independence, we must develop partnerships with public and private agencies that already offer the needed services. Emphasis is placed on connecting or referring youth rather than providing financial assistance. Chafee funds may be expended for a variety of reasons and should be used as a support for the young adult, not as an on-going supplemental funding source.

Expenditures may include, but should not be limited to, emergency/crisis intervention, housing/room and board, educational assistance, job training/employment assistance, and support services. Support services should include, but are not limited to life skills, transportation, health care, mentoring, child care, and job training/employment assistance.

### 21.4.4 Education Financial Assistance and Support

The Education and Training Vouchers (ETV) Program, Missouri Reach Tuition Waiver, and Missouri Reach Credential Completion and Employment Programs are also available to former foster care youth eligible for Aftercare services.

Related Subject: Section 4, Chapter 21.3.7 <a href="#">Post-Secondary Educational Opportunities</a>
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### 21.4.5 Timeframes and Exceptions

For youth who do not have the option of remaining in state care and custody after 17.5 years old, or if the youth has developed a reasonable and acceptable aftercare plan and requested to leave custody, Chafee services should be used as a **safety net**, not a supplemental funding source, to assist them in reaching self-sufficiency and independence.

Former foster youth who left care at 17.5 years old or after, but have not reached age 21 may choose to request assistance only once or return intermittently to seek assistance as needed. **The Act is very clear; funding cannot be expended for room and board for any child who has not reached 18 years of age or for young adults upon reaching their 21<sup>st</sup> birthday. There are no**

**exceptions to this law.** Former foster youth who left care prior to age 17.5 are not eligible for Chafee Aftercare services, with the exception of youth who obtained kinship guardianship or adoption after the age of sixteen, who are eligible for full Chafee services. Most Chafee services, except Education and Training Vouchers, must end for the young adult upon reaching his/her 21<sup>st</sup> birthday, regardless of the legal status, with the exception of youth who obtained adoption or guardianship after the age of sixteen, who are eligible for full Chafee services.

### **E-forms and Instructions**

#### **Chapter Memoranda History:** (prior to 01-31-07)

[CD04-15](#), [CD04-56](#), [CD04-79](#), [CD05-02](#), [CD05-72](#), [CD06-80](#)

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[CD15-28](#), [CD15-70](#), CD16-60

## **21.5 Independent Living Arrangement**

An Independent Living Arrangement is a state-approved and subsidized placement option for youth age 17 and older who cannot return home. The case manager in conjunction with the Family Support Team (FST) determines the youth's suitability for placement in an independent living arrangement, by assessing the youth's motivation, abilities, skills and capabilities for living independently and ultimate emancipation from the service delivery system.

### **21.5.1 Criteria for Independent Living Arrangement**

Independent Living Arrangements (ILA) should be the **planned** placement for youth in out-of-home care and should never be used when a more appropriate placement resource is available for the youth. The payment of \$372.00 for monthly maintenance is made directly to the youth when they are in an ILA placement. Prior to placement of a youth, appropriate County Children's Services staff or contracted case agency staff must approve the suitability of the residence. Staff shall use the TLP Advocate and Independent Living Arrangement (ILA) Checklist, CS-TLP-1, which provides a procedure for documenting health and safety requirements specific to an older adolescent placed in an ILA. The CS-TLP-1 should be completed every time a youth moves to a new ILA.

Criteria for an ILA are as follows:

1. Youth is at least 17 years of age;
2. Youth is under court jurisdiction and in the care and custody of the Children's Division;
3. There is no likelihood of reunification with parent/legal guardian;
4. The youth does not want to be adopted;
5. The case manager has consulted with the FST and a plan has been completed that specifies how the youth will live;
6. Youth is enrolled and participating actively in the Chafee Foster Care Independence Program;
7. Youth is able to demonstrate competency in life skills;
8. Youth is able to manage his/her own finances and live independently;
9. Youth has demonstrated responsible conduct for at least 12 months:
  - a. No criminal law violations;

- b. If applicable, school performance is equal to youth's capabilities; and
  - c. Responsible money management.
10. Youth is attending an educational or vocational school regularly to the satisfaction of school officials and is gainfully employed; and
11. Youth has assisted or developed their plan for independent living.

### **21.5.2 Independent Living Arrangement Housing Options**

There are a variety of housing options available to youth who have demonstrated the skills/competencies to live in an independent living arrangement. Whatever option is selected by the youth, it must be stable and safe and in a community setting that allows the youth full access to services and resources in order to fully develop independent living skills. Housing options include the following:

1. Single dwelling (house, apartment, mobile home);
2. Shared housing;
3. Boarding home;
4. Dormitory (college program); or
5. Subsidized housing (HUD-Section 8).

### **21.5.3 Independent Living Arrangement Support Services/Systems**

The majority of youth in ILA placements have limited or no family support systems to rely on in the event they experience a crisis, i.e., financial, health, emotional, etc. Therefore, it is critical that the case manager assist the youth in identifying and accessing resources to enhance the prospects for success in the ILA. Specifically, the case manager youth, and other family support team members should identify, to the extent possible and appropriate, the following support systems:

1. Medical/dental services;
2. Educational/vocational training programs/options;
3. Employment opportunities;
4. Emergency contacts within the agency;
5. Family supports;

6. Religious supports;
7. Community sponsor/mentor; and
8. Others as needed.

#### **21.5.4 Termination of Independent Living Arrangement**

An Independent Living Arrangement subsidized and supported by the Division is temporary and should be terminated under the following circumstances:

1. Youth has demonstrated success in living independently and the FST agree that the youth will likely continue to live successfully as an adult in the community and should be released from court jurisdiction;
2. Youth is unsuccessful in living independently and requires placement in a more structured and supervised setting, i.e., transitional living program, out-of-home care or residential treatment;
3. Youth is in runaway status in excess of seven (7) consecutive days and likelihood of his/her returning to care is remote;
4. Youth engages in criminal activity which results in action by the legal system; or
5. Youth is released from court jurisdiction, Division custody, or reaches his/her 21st birthday.

#### **[E-Forms and Instructions](#)**

**Chapter Memoranda History:** (prior to 01-31-07)

[CD04-15](#), [CD04-56](#), [CD04-79](#), [CD05-02](#), [CD05-72](#)

**Memoranda History:**

[CD08-50](#), [CD09-05](#), CD09-108

## **21.6 Transitional Living Program**

The Transitional Living Program (TLP) is intended for a youth, typically age 16 or 17 and over; whose permanency goal is not reunification, adoption or legal guardianship. Youth younger than these age specifications may be determined eligible for TLP if mutually agreed upon by the TLP provider, the Family Support Team, and the case manager. Transitional living experiences for youth are vital. The purpose of the transitional living program is to provide a living environment that provides a path for the youth to transition from alternative care to self sufficiency and achieves the outcome of preparing the youth to live independently.

Adolescence is a time of testing, not only one's abilities but others' abilities as well. It is a time of trial and error. Our out-of-home care youth need to be allowed to make mistakes and to learn by natural consequences. Staff and care providers are to assist the youth with coping and learning from their successes and deficits.

When youth in out-of-home care make mistakes, staff and care providers need to exhibit patience, support and guidance. Youth need to feel the security that we will not give up on them, rather, we will work with them as they learn how to live and function in the adult world.

Ideally, TLP offers the youth the opportunity to transition smoothly from a more restrictive environment to a less restrictive setting based on the readiness of the youth. TLP allows the youth to apply what has been learned in their life skills teaching to actual daily living. Based on the particular needs of the youth, they may progress from one setting to another but may enter or exit any living situation at any time when it is felt by staff and the youth that they are ready for a change.

When a youth is not successful, staff and care providers should assess the current needs of the youth and modify the case plan accordingly. It is hoped the majority of issues will be resolved in the current placement. As a last resort, a youth may be returned to a more restrictive setting and receive remedial services as needed. When the youth is ready to progress again, TLP placement may occur.

### **21.6.1 Transitional Living Advocate**

The Transitional Living Advocate (TLA) is an adult, 21 years of age or older, who provides the youth a safe place to stay, continued life skills training, encouragement and guidance in regard to employment, education and/or training, and preparation for successful transition from CD custody. The TLA may be married or single and is willing to provide the time, a home, supervision and support needed by the youth transitioning out of care. They must be successful in their own independence, i.e., employed, maintain a household and generally provide a positive role model for the youth. The advocate should be similar to or understanding of the youth's race or ethnic background.

They must have flexible attitudes and expectations of the youth during this difficult time of transition. The advocate should have prior experience with adolescents, be energetic, and have the ability to listen and to handle failure as a learning process. They must have an understanding of adolescent behavior and be able to let the youth make mistakes and deal with natural consequences. Communication is essential when working with youth as well as allowing the youth to form their values.

The advocate should be aware of community resources that will support the youth's endeavors and be willing to assist the youth in accessing those services. Cultural sensitivity is a necessary asset of the advocate as is the ability to work with a variety of people. It will be required for the advocate to work with the Children's Service Worker, support providers, and others in developing and maintaining the youth's case plan.

This type of placement is crucial to the youth's successful transition to adulthood. It is hoped the advocate will become a life-long friend and mentor for the youth, allowing the youth to return for visits, holidays and occasional support.

Advocates must ensure a safe haven for the youth to stay in; help the youth with employment and education/vocational training; guide the youth and assist the youth with learning to live with rules. The advocate should encourage the youth and provide opportunities for the youth to practice life skills learned in life skills training.

#### **21.6.1.1 TLP Advocate Training**

Prior to approval, the advocate must complete the following:

- Successful completion of 18 hours of pre-service, specialized training on adolescent issues through CD including three (3) hours each in cultural/race sensitivity, OYP overview, adolescent development with an emphasis on what to expect from adolescent behavior, emotional obstacles out-of-home care youth must overcome, adolescent sexuality and behavior management via natural consequences;
- A criminal and child abuse/neglect background screening;
- An approved home study completed by the child's Children's Service Worker;
- A signed copy of the Agreement for the Purchase of TLP Advocate Services, CM-12; and
- Register with the Family Care Safety Registry;

It is recommended each area ensure that a cross section of youth assist in all phases of the advocate training. This includes recruitment and placement. Placement planning is very important and requires adequate time for a good

match. The youth needs to be matched with an advocate who has similar values and has an understanding of the needs of the youth.

#### **21.6.1.2 TLP Advocate Approval**

Prior to placement of a youth, the child's Children's Service Worker, must approve the advocate. Staff shall use The TLP Advocate and Independent Living Arrangement (ILA) Checklist, CS-TLP-1, when determining the suitability of the living arrangement. The CS-TLP-1 provides a procedure for documenting health and safety requirements specific to an older adolescent placed with an advocate.

A TLP advocate has the same right to a fair hearing as a foster parent when approval is denied or revoked. The advocate may also grieve a youth case management decision in the same manner as a foster parent.

#### **21.6.1.3 Advocate Maintenance Payment**

The youth shall receive \$586 per month for rent, food, clothing, incidentals and payment to the advocate. \$450 per month shall be paid by the youth to the advocate for food and rent expenses. The youth is to use \$136 per month for other expenses such as clothing, school/work necessities, personal hygiene, grooming, transportation, etc., as well as the establishment of a savings account.

#### **21.6.1.4 Characteristics of the Youth**

The youth should be at least 16 years of age with a placement history, which indicates this type of placement as a logical progression to independence. He/she should have developed good decision making skills and has a clear understanding of the program and what is expected.

Youth must be enrolled in the Chafee Foster Care Independence Program and actively participating prior to placement. The youth should not require close supervision and should have shown the ability to manage money with little to no assistance. Average or above average school performance is desirable as is some work experience. Work experience is not required for entry into this type of placement, however. It is recommended youth enrolled in school full time should not work more than 20 hours per week.

Related Subject: Section 4 Chapter 21.3.3 <a href="#">Referral Process</a>
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#### **21.6.2 Transitional Living Program Group Home (TLG)**

A **licensed**, residential, child care site where older youth, ages 16-18, who have a plan of independent living concentrate on preparation for independent living and completion of their educational/vocational programs in a supervised group setting.

Youth are currently enrolled and actively participating in Chafee Foster Care Independence Program services. Youth should not work more than 20 hours per week, if they attend school full time. Typically, youth entering a TLG have been residing in a residential treatment facility. Youth are expected to maintain employment and develop goals and plans for their future. All facilities that are contracted as TLP group homes are licensed as residential child care agencies by the Residential Program Unit within Central Office.

If the Family Support Team (FST) decides placement in a group home setting would be in the best interest of the youth, staff should refer the youth through FACES by using the Referral – Transitional Living Group Home/Scattered Site Services screen. In addition, the child's Children's Service Worker will submit the Residential Treatment Referral, CS-9, to their supervisor as part of the referral packet. The CS-9 must have been completed within the last 30 days. The Adolescent FST Guide (CD94), Individualized Action Plan Goals (CD94), Life Skills Strengths/Needs Assessment (CD97), the Casey Life Skills Assessment (CLSA) report must also be submitted. All forms, with the exception of the CS-9, must have been completed within the last six months. The CS-9 must have been completed within the last thirty days. Once placed, the group home is responsible for completing a day-to-day service plan that addresses all items listed in the Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94), within 30 days of the youth's initial placement and quarterly thereafter. The group home provider's service plan should address:

- Academic Achievement;
- Job Readiness;
- Community Services and Support;
- Youth Leadership;
- Independent Living Skills Training.

In order to meet the individual day-to-day service plan, the provider is responsible for contacting, interviewing, and screening youth, lesson planning, liaison activities, skills assessment, record keeping, pre and post testing evaluation, material and resource organization, organization of field trips, incentives for youth, and purchasing supplies for independent living skills training.

The provider of TL services is to reassess the youth annually and upon discharge utilizing the CLSA.

It is the responsibility of the child's Children's Service Worker to update the youth's case in FACES to show the youth placed in a TLG placement type. The maintenance code must be coded "no maintenance".

If a Foster Care Case Management (FCCM) Agency is utilizing a provider that does not hold a contract for Transitional Living services and the facility meets the requirements, in order to show the correct placement, an SS-60 will need to be submitted to Central Office for the opening of the vendor. The SS-60 will be reviewed to ensure licensing. If the agency does not have a residential child care license for the potential TLG operating site, the Residential Program Unit must first be contacted and a license must be obtained before proceeding with this placement.

Once a youth is residing in a Transitional Living Group Home, Chafee Foster Care Independence Program Services will be provided by the TLG provider.

If at any time the child's Children's Service Worker thinks that the contractor for TLG is not meeting the requirements outlined in the Transitional Living contract and the issue cannot be resolved with the contractor, the child's Children's Service Worker should contact the Older Youth Transition Specialist with the concerns to be addressed.

### **21.6.3 Transitional Living Program Single/Scattered Site Apartments (TLS)**

This program offers youth, ages 18-20, with a plan of independent living, ideally from a TLP group home, the opportunity to practice life skills and prepare for the future in an apartment setting. Youth in this type of placement receive support and guidance, but supervision is minimal. To be considered for TLS, youth need to demonstrate the ability to make responsible decisions, maintain employment, and have a clear understanding of the financial and emotional demands of living independently. Youth entering TLS ideally would be currently enrolled and actively participating in Chafee Foster Care Independence Program services.

A scattered site apartment is defined as a self-contained furnished (refrigerator, stove, bed, oven, table, chairs, etc.) unit with utilities (trash, sewer/water, electricity/gas, phone accessibility, etc) cooking, sleeping, and bath facilities for no more than one (1) youth per bedroom. Scattered site apartments may include apartments adjacent to other treatment programs, or sites scattered throughout the community and/or apartments clustered together. The apartment must provide a pleasant, clean, safe and healthful environment. Placement settings are located in community environments to allow the youth full access to services and resources in order to fully develop independent living skills.

The apartment must provide a pleasant, clean, safe (including fire extinguisher and fire alarm), and healthful environment. The apartment should be in good repair, including proper screening for ventilation, sufficient window coverings to assure the privacy of each client, and pest controlled. All painted surfaces should be in good condition. All areas and surfaces must be free of undesirable odors. Placement settings are located in community environments to allow the youth full access to services and resources in order to fully develop independent living skills.

Furniture and furnishings should be comfortable and maintained in clean condition and good repair. All upholstered furniture should not be torn. If furniture is torn, it

must be covered with fitted slipcovers. The slipcovers must be clean and in good repair with no tears. Throws are not acceptable to cover torn furniture. Chairs should not be broken, have cracked frames, or in any other way be unsafe or unsightly.

All sleeping areas must be physically separated by gender unless otherwise pre-approved by the state agency in writing. There should not be more than one (1) resident per bedroom occupying a given living arrangement unless otherwise approved by the family support team, the youth, the state agency case manager, the provider, and the state agency.

There are two types of Transitional Living Single/Scattered Site Apartment services:

A structured Transitional Living Single/Scattered Site Apartment service is defined as a support being available for the youth to contact twenty-four (24) hours per day and the youth is visited, at a minimum, every seventy-two (72) hours in the youth's living arrangement.

An unstructured Transitional Living Single/Scattered Site Apartment service is defined as a support being available to the youth upon request of the youth and the youth is visited a minimum of one (1) time per week. At least one (1) such visit each month is in the youth's living arrangement.

If the Family Support Team (FST) decides that placement in a TLS would be in the best interest of the youth, staff should refer the youth through FACES by using the Referral – Transitional Living Group Home/Scattered Site Services screen. In addition, the child's Children's Service Worker will submit the Residential Treatment Referral, CS-9, to their supervisor as part of the referral packet. The CS-9 must have been completed within the last thirty days. The Adolescent FST Guide (CD94), Individualized Action Plan Goals (CD94), Life Skills Strengths/Needs Assessment (CD97) the Casey Life Skills Assessment (CLSA) report must also have been updated within the last six months. The CLSA report link must be included in the comments section of the Adolescent FST Guide (CD94).

It is the responsibility of the child's Children's Service Worker to update the youth's case in FACES showing a placement type of TLS, with the vendor number of the TLS facility and a maintenance code of no maintenance.

**NOTE:** This is not an ILA placement; therefore, maintenance payments are never paid directly to the youth. Payment is always made directly to the provider for the youth. The case manager should be sure that the Alternative Care Client Information Screen reflects no maintenance payment. If a youth has a child, the child's Children's Service Worker would then pay monthly CYAC payments to the youth through a FACES Payment Request (PR).

If a FCCM agency is utilizing a provider that does not hold a contract for Transitional Living Program services and the facility meets the requirements, in order to show the

correct placement an SS-60 should be submitted to Central Office along with the apartment standards checklist.

The TLP Advocate and Independent Living Arrangement Checklist, CS-TLP-1, must be completed and each standard met. A copy of the completed checklist will be filed in the youth's record in the Older Youth Program Section and when using a Children's Division contracted provider, a copy is also provided to the Older Youth Transition Specialist. This form will need to be completed each time the youth moves to a new transitional living apartment, regardless of the reason for the move.

Once placed, the TL Provider is responsible for completing a day-to-day service plan that addresses all items listed in the Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94) within 30 days of the youth's initial placement and quarterly thereafter. The TL provider's service plan should address:

- Academic Achievement;
- Job Readiness;
- Community Services and Support;
- Youth Leadership;
- Independent Living Skills Training

The provider will demonstrate, document and report competencies obtained by youth for inclusion on the Adolescent FST Guide (CD94) and Individualized Action Plan Goals (CD94). In order to meet the individual day-to-day service plan, the provider is responsible for contacting, interviewing and screening youth, lesson planning, liaison activities, skills assessment, record keeping, pre and post testing evaluation, material and resource organization, organization of field trips, incentives for youth, and purchasing supplies for independent living skills training.

The provider is to reassess the youth annually and upon discharge utilizing the CLSA.

Once a youth is residing in a Transitional Living Scattered Site Placement, Chafee Foster Care Independence Program Services will be provided by the TLS provider. If at any time the child's Children's Service Worker thinks that the contractor for TLS is not meeting the requirements outlined in the Transitional Living contract and the issue cannot be resolved with the contractor, the child's Children's Service Worker should contact the Older Youth Transition Specialist with the concerns to be addressed.

<a href="#">E-forms and Instructions</a>
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## **21.7 Exit Plan**

The goal of an exit plan is to identify and arrange anticipated services for older youth who are in the process of transitioning out of foster care. Youth who have a comprehensive transition plan are better equipped to transition successfully from foster care to self-sufficiency. An unintended consequence of not preparing youth to exit from foster care is the youth becoming homeless.

Exit planning should be viewed as a collaborative effort between the youth, staff and Family Support Team (FST) members to ensure needed services are in place or the youth is aware of how to access services in their community prior to release.

Transition planning should be a purposeful, organized and outcome-oriented process designed to ensure the youth's quality of life. Transition and exit planning should be considered a continuum once the youth is eligible for the Older Youth Program. The Council on Accreditation standards requires agencies to provide youth transitioning to independence with at least six months advance notice of the cessation of any health, financial, or other benefits which will occur at transition/case closing.

Transition to adulthood can involve complex issues and create anxiety for the youth. To assist with the process, youth involvement in their plan as well as recognizing the youth's desire to have personal independence and find their own way is essential. Involving the youth's other connections and community partners in the process to ensure services are accessible, coordinated and appropriate are also necessary.

In order to prepare youth for their exit from the foster care system, the child's Children's Service Worker must plan to meet with the youth to complete exit planning ninety days prior to release from custody. The child's Children's Service Worker is responsible for meeting with their youth to complete the exit plan interview. The Adolescent Family Support Team Guide (CD94) and Individualized Action Plan Goals (CD94) should be updated to reflect the youth's plan for successful transition from foster care.

Consideration and planning must be conducted for youth who will continue to need supported care after transition to adulthood. The least restrictive environment which will meet the youth's physical and mental health needs should be considered by the Family Support Team. For youth with special needs, coordination should occur at least one year in advance with the Department of Mental Health, Division of Developmental Disabilities, Vocational Rehabilitation, Department of Elementary and Secondary Education and other state and local resource providers if the youth is currently receiving services or involvement is necessary. Some youth may require continued formalized support in the form of guardianship or conservatorship. In these instances, it is very important to begin transition planning with the Division of Legal Services at least one year in advance to assure the youth will have a plan and funding in place for those supports and services needed.

### **Considerations:**

The planning process must consider and address all of the following factors:

- Source of income
- Educational needs
- Vocational needs
- Financial needs, including eligibility for income maintenance programs, credit status needs
- Legal status needs, including whether a guardianship, conservatorship or other legal custody order is necessary or appropriate
- Transportation
- Peer support
- Caring adult/mentor
- Family information and involvement
- Residence
- Safety concerns
- Physical health needs
- Mental health needs
- Insurance coverage needs (health and automobile as appropriate)

For youth with special needs who will require funding upon release:

- Ensure an application is made for the youth's Medicaid to be transferred to the Family Support Division.
- Kids Account income: Staff should contact FACES Payment Unit and once advised of the amount of the youth's savings, complete a CS-KIDS-2 form for the person (payee) to whom money is to be released from the child's KIDS account. This person(s) may be the child's parent, guardian, adoptive parent or him/herself, if an emancipated minor.

Upon leaving care, a letter signed by the child's Children's Service Worker shall be provided to the youth on state letterhead verifying the youth's time in care and exit date. This will aid youth in receiving assistance after leaving care within the state and out of state for services which require eligibility verification.

A summary of the youth's plans should be filed in the Older Youth Program Section of the case record as well as a copy of the eligibility verification letter. As staff work with youth who are nearing, or past, their 18th birthday and opting to exit from custody, it is imperative these youth are made aware of resources available to them upon release. The child's Children's Service Worker shall inform these youth of their eligibility for MO HealthNet, and, if possible, determine the address where the youth will reside upon leaving care.

Each county must designate a liaison/contact person(s) for those youth who have exited care to contact. An Exit Packet is to be provided to those youth currently in care as they exit the foster care system, or to former foster care youth requesting Aftercare services. The Exit Packet includes information regarding:

- MO HealthNet
- Chafee Aftercare
- Education and Training Voucher (ETV)
- Missouri Reach Tuition Waiver and Credential Completion and Employment Programs
- Healthcare Treatment Decisions
- The National Youth in Transition Database (NYTD)
- Re-entry

Each county should also include additional resources pertinent to their own geographic areas into the packet.

Related Subject: Section 7 <a href="#">Glossary/Reference</a> : Homeless Child or Youth; Section 4 Chapter 21.4 <a href="#">Aftercare Program</a> <a href="#">Exit Packet Checklist</a>
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Former foster care youth will be required to enroll into a MO HealthNet Managed Care plan for their physical healthcare, if they reside in a geographic area covered by Managed Care. Their behavioral healthcare will be provided on a fee-for-service basis.

### **Further Considerations**

Youth transitioning from care should have the following documents upon release:

- Original Birth Certificate
- Original Social Security Card
- An up-to-date credit report
- Financial statements from financial institutions in which youth has an account
- Driver's license or ID Card
- Information regarding any policies of insurance the youth may have access to
- An accounting showing disposition of all monies received and distributed under the youth's KIDS account
- Portfolio and Lifebook
- Documentation of tribal eligibility or membership
- Previous placement information
- Medical Records (e.g. immunizations, current medications)
- Educational Records (e.g. diplomas, report cards, IEP, list of schools attended)
- Original documentation of immigration, citizenship, or naturalization, when applicable
- Death certificates when parents are deceased
- Religious documents and information

- A list of known relatives, with relationships, addresses, telephone numbers, and permissions for contacting involved parties
- A resume, when work experience can be described
- A verification letter of the youth's time in care on agency letterhead

### **21.7.1 Guardianship and Conservatorship**

Consideration and planning must be conducted for youth who will continue to need supported care after transition to adulthood. Planning documents which may assist with this process include:

- Power of Attorney
- Durable Power of Attorney
- Durable Power of Attorney for Healthcare

Possible court actions include:

- Guardianship
- Conservatorship
- Limited guardianship
- Limited conservatorship

**The Execution of a Power of Attorney, Durable Power of Attorney, and Durable Power of Attorney for Healthcare:** These documents allow someone to appoint another person to make decisions for him or herself. To execute a power of attorney, durable power of attorney, or a durable power of attorney for healthcare, the youth cannot be disabled or incapacitated.

Each of these documents allows the youth to appoint another person, called an attorney in fact, to make certain decisions on his or her behalf. The decisions which can be made by the attorney in fact must be specified in the power of attorney document. A durable power of attorney for healthcare allows the attorney in fact to make specified healthcare decisions, which may include the decision to withhold or withdraw life prolonging procedures. Employees of the Department of Social Services and Department of Mental Health are prohibited by law from being appointed as an attorney in fact unless the employee is closely related to the youth.

A power of attorney which is not durable expires in the event the youth becomes disabled or incapacitated. A power of attorney which is not durable also expires at the end of one year or when specified in the document if earlier than one year. A durable power of attorney or durable power of attorney for healthcare does not expire in the event of disability or incapacity and may be of such duration as specified in the document or after the death of the youth when probate issues are resolved.

The Missouri Bar has available "[Durable Powers of Attorney](#)" and "[Guardians and Conservators under Missouri Law](#)" resource guides and an accompanying [HIPAA](#)

[form](#) which further explains this option. The decision on whether a youth wishes to execute a power of attorney of any type is an important legal decision with important consequences. If the youth is competent to make his/her own decisions and is competent to execute a power of attorney the youth should be given an opportunity to consult with his/her guardian ad litem or his/her own attorney for legal advice before the youth is asked to sign a power of attorney of any kind. DSS/CD personnel need to be careful to avoid giving legal advice on this issue to the youth involved.

### **Guardianship and/or Conservatorship**

A guardianship may be pursued by CD/DLS for a youth between the ages of 18 and 21 when the youth has a physical or mental condition so serious the youth cannot make decisions for the youth's own safety and well-being. A conservatorship may be pursued when a youth between the ages of 18 and 21 is unable due to a physical or mental condition to effectively manage his or her financial resources. A guardianship and conservatorship often are pursued together, but obtaining both a guardianship and a conservatorship for the youth may not be necessary in all cases. A guardianship or conservatorship may be full or partial depending on the extent of the physical or mental condition of the youth.

A guardianship, under Missouri Law Chapter 475, is when a person is appointed by the Court (typically the Probate Division of the Circuit Court) to have the physical care and custody of an adult who has been legally determined to be incapacitated. A person deemed incapacitated refers to one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent he/she lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur.

A conservator is a person or a corporation, such as a bank or trust company, appointed by the Court (typically the Probate Division of the Circuit Court) to manage the property of an adult who has been found to be disabled. A disabled person is defined as one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent the person lacks ability to manage his/her financial resources.

In limited guardianship, the judge must specify the extent of the powers and duties of the limited guardian in order to allow the ward to care for himself to the maximum of his ability. The intent is to design the guardianship arrangement to encourage the development of maximum self-reliance and independence of the ward and should be considered before full guardianship.

Limited conservatorship is much like limited guardianship, except conservatorship deals strictly with the estate (property and financial resources) of the protectee. If a limited conservator is appointed, the judge must specify his powers and duties in such a way as to permit the person with a disability to manage his resources to the fullest extent of his ability. Furthermore, appointing a limited guardian and/or limited

conservator does **not** impose any legal limitation on the person except for what is specified in the court order.

An adult incapacitated or disabled person may designate his or her own guardian and/or conservator if he or she is able to communicate a reasonable choice to the court. Also, any competent adult person can designate a suitable person to serve as guardian or conservator if done in writing and witnessed by at least two witnesses within five years before the hearing. This is typically done in a durable power of attorney. If the incapacitated or disabled adult does not have a preference, or is unable to express a reasonable preference, the court will consider appointing as guardian and/or conservative, in order:

- spouse,
- parents,
- adult children,
- adult brothers and sisters,
- other close adult relatives.

The Family Support Team should follow this list of preferences. Only when there is specific evidence a family member is unable to serve as guardian and/or conservator should the team consider alternative providers. The team should also consider the appointment of an appropriate kinship resource if a suitable family member is not available. If there are no relatives or kinship resources willing or able to serve, the court has the power to appoint any suitable person (such as a close friend). The court may also appoint the Public Administrator, an elected county official whose job is to handle such matters when no one else is available. A person does not have to be a resident of Missouri to qualify for appointment as a guardian or conservator but this may be taken into consideration by the court when determining who may be suitable. If they are out of state, they do have to appoint a “resident agent” within the state to serve in the case the out of state guardian cannot be reached.

Any person who knows another person may require a guardian and/or conservator can commence the process by filing an application in the Probate Division in the county where the alleged incapacitated or disabled adult resides. The person alleged to need a guardian and/or conservator is called the respondent. Both the petitioner and respondent must be represented in court by an attorney. The court will appoint an attorney for the respondent if the respondent does not have an attorney. After a hearing, the court will decide whether a guardian and/or conservator are needed and make the appointment, if necessary. Notice of the application must be served to:

- the alleged incapacitated or disabled person,
- his or her spouse,
- parents,
- children or other close relative over the age of 18 years;
- any person acting in a representative capacity with respect to any of the respondent's financial resources;

- any person having care and custody of the respondent.

If the court has made a finding of total disability and incapacity, the person is presumed to be incompetent for all legal purposes.

Guardians must always act in the best interests of the ward. The guardian of an incapacitated person is responsible for the physical custody of the ward and must make decisions about the ward's care, treatment, shelter, education, support and maintenance. Guardians may give legal consent for medical treatment of the ward. Guardians must report to the court at least annually on the ward's physical condition.

A conservator is responsible for protecting and managing the protectee's financial assets. The conservator must properly and prudently invest the protectee's assets, apply those assets to the protectee's care and maintenance, and account to the Probate Division for all monies received and expended on behalf of the protectee. Most expenditures on behalf of the protectee must be authorized by prior court order.

Guardians and conservators are not personally liable for the debts and obligations of a ward or protectee, so long as they make it clear they are acting on behalf of the ward or protectee in a representative capacity. However, any unauthorized use or misappropriation of the ward/protectee's property by either the guardian or the conservator will render them liable and result in their removal.

Guardianship and conservatorship for an incapacitated and disabled person may terminate when the ward/protectee is found to be competent by the court. It may also be terminated if the court determines the guardian or conservator is not following the duties and responsibilities required by law. Anyone, including the incapacitated or disabled person or someone on their behalf may, at anytime, petition the court for a change in who is guardian/conservator, or to increase or decrease the powers outlined in the letters of guardianship or conservatorship. The court may also accept resignations of the guardian or conservator. The court may issue an order terminating guardianship or conservatorship or the order appointing a guardian or conservator may expire unless the court orders an extension of the appointment. Conservatorship may terminate if the assets of the protectee are completely exhausted. Authority is also terminated upon the death of the ward/protectee.

Coordination should occur with the Department of Mental Health and the Division of Developmental Disabilities if the youth is currently receiving services or involvement is necessary. Some youth receiving these services while in care may not need continued care or a guardianship arrangement.

#### **21.7.1.1 Effects of Guardianship/Conservatorship**

A full guardianship or conservatorship means the youth is presumed to be incompetent and significantly limits the youth's personal rights to make decisions and

perform many activities enjoyed by other citizens. Therefore pursuance of a full guardianship or conservatorship should be carefully considered. Limitations may include:

- The stigma a ward feels regarding how he is now treated under the law. The person, for example, may have little or no say about where he lives, who his doctor is, or how this property and money is handled. In sum, the person's status in society is confirmed through legal reinforcement.
- Loss of power to consent, or object, to medical care
- Loss of the right to vote
- Loss of the power to obtain the Department of Mental Health community placement if the guardian objects
- Loss of the right to marry without guardian/court permission
- Loss of the right to make enforceable contracts
- Being subjected to placement in a mental health or mental retardation facility without court hearing
- Loss of the right to hold public office
- Loss of the right to obtain a driver's license or drive a motor vehicle
- Loss of the right to own or possess a firearm
- Disqualification from being a witness in court

#### **21.7.1.2 Steps to be Taken**

Transition planning is an ongoing process and community services and resources should be explored first as the least restrictive option for youth who will require supportive assistance when transitioning from care.

However, if guardianship/conservatorship may be the best plan for the youth then a referral should be made to the Division of Legal Services (DLS) to staff the case for legal advice. The legal advice DLS provides is confidential to the Children's Division.

Communication with DLS should begin one year in advance to allow review of the supporting documentation, preparation and filing of legal documents and obtaining a hearing date as matters of guardianship/conservatorship are determined through a court hearing.

Evidence must be submitted on the youth's current mental and physical status and current ability to care for him/her without assistance in order for a determination to be made. The burden of proof is on the person who is seeking to have a guardian/conservator appointed for the respondent, to prove the respondent is totally or partially incapacitated or totally or partially disabled. Therefore, it is essential the medical/professional evaluation meets the requirements of incapacitation. Guardianship or conservatorships involve time, expense, and continuing court supervision.

The guardianship referral and assessment information should be sent to DLS no later than 6 months prior to the youth's anticipated transition from foster care.

The following items regarding the youth must be provided to the Division of Legal Services:

- DLS Case Referral form
- Documents
  - Copy of the original Jurisdictional Order;
  - Copy of the most recent court order retaining youth in custody;
  - Current (within the last six months) evaluation/report from physical and mental health medical professionals evaluating the physical and psychological ability of youth to care for himself/herself. Including a statement of the current diagnosis and prognosis;
  - Medical records from all medical professionals;
  - Vocational needs assessment. Vocational Rehabilitation Services may be able to assist with this in some situations;
  - A report/assessment by DMH and/or DHSS of eligibility and services available;
  - Educational needs assessment and records including Individualized Education Plan (IEP), current education level, abilities and needs;
  - Report of any other special needs;
  - Report from child's Children's Service Worker of why youth requires a guardianship.
- Assets and/or necessities:
  - List of youth's current medications;
  - The sources and amounts of any income available to the youth, including any funds such as SSI payments, OASDI, trust accounts, employment, etc.
  - The estimated value of the youth's real and personal property (furniture, clothing, DVD's, CD's, computer, TV, etc.).
    - The county in which the property of the youth, or a major part thereof, is located.
- Parties and/or witnesses:
  - The names and addresses of child's parents and any other adult relatives involved in child's life including siblings or grandparents. Adult in this instance means anyone 18 years;
  - The name and address of the current placement;
  - The length of time youth has been in current placement;
  - The name of the child's Children's Service Worker who works with the youth on a day-to-day basis.

There may be additional information DLS will need depending upon the facts of a particular case. The DLS attorney assigned to the case will let the child's

Children's Service Worker know if additional information is needed. It is imperative all information needed to file a guardianship/conservatorship petition is sent to DLS in a timely manner or DLS will not pursue a guardianship/conservatorship.

A clear aftercare plan is needed in order for youth to transition from care into a guardianship or conservatorship successfully after the age of 21. As jurisdiction of the juvenile court and Children's Division terminate on the youth's 21<sup>st</sup> birthday, planning must begin well in advance of the date of the youth's 21<sup>st</sup> birthday or the date the guardianship is needed to go into effect.

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[CD07-34](#), [CD07-38](#), [CD09-05](#), [CD10-18](#), [CD10-108](#), [CD13-11](#), [CD13-56](#), [CD13-78](#),  
[CD15-28](#), [CD15-30](#); CD16-60

## **21.8 Resource Development**

While Children's Division (CD) is considered the primary caretaker for youth in out-of-home care, the community plays a crucial role in their healthy development. Given the multitude of needs of youth in and exiting out-of-home care, CD must access and partner with community resources. Community supports are essential, and our efforts to develop an array of resources to meet their areas of need should be on-going. Making a smooth transition to self-sufficiency will depend on the youth's physical, psychological, and emotional well-being. A successful transition to independence hinges on building partnerships with other public and private agencies in the community.

Children's Service Workers, Supervisors, and Older Youth Program Service Providers should be cognizant of community resources already available. The intent of Chafee is to focus on services for youth who are in care, are aging out, or have aged out of the foster care system. Chafee funds are meant to be short term, flexible, and used as a safety net to meet the needs of the youth to assist them in their efforts toward independence. Youth should always be encouraged to work toward independence and self-sufficiency. Chafee providers will refer to and utilize all available resources before accessing Chafee funds and should look to the youth as a resource. Family Support Team (FST) members should regularly brainstorm resources accessible to youth at meetings. Resources may include, but should not be limited to the following:

- MO HealthNet (formerly called Medicaid);
- Employment Agencies;
- Service/Volunteer Organizations for Mentoring;
- College/Technical School Financial Assistance;
- Faith-Based Resources;
- Clothing Resources;
- One-Stop Centers;
- Transportation Resources;
- Child Care Resources;
- Emergency Housing Assistance;
- Food Pantries;
- Community Action Agencies;

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- Adult Education Programs;
- Income Maintenance Programs/Resources;
- Medical Clinics; and
- Other State Agencies.

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[CD04-15](#), [CD04-56](#), [CD04-79](#), [CD05-02](#), [CD05-72](#)

**Memoranda History:**

[CD07-38](#), CD09-05

## 21.9 Outcomes

The John H. Chafee Foster Care Independence Program (CFCIP) provides States flexible funding to carry out independent living programs that assist youth in care as well as those transitioning to adulthood. The law also requires the Administration for Children and Families (ACF) to develop a data collection system to track the independent living services provided to youth and to develop outcomes that measure States' performance in preparing youth for their transition from foster care to independent living. To meet this requirement, ACF published a proposed rule in the Federal Register in July 2006 and issued a final rule in February 2008. The data collection system is called the National Youth in Transition Database (NYTD).

The NYTD regulation requires States to engage in two data collection and reporting activities. First, States collect and report basic demographic data on each youth and the independent living (IL) services provided to them by the State in thirteen broad categories:

- independent living needs assessment
- academic support
- post-secondary educational support
- career preparation
- employment programs or vocational training
- housing education and home management training
- budget and financial management
- health education and risk prevention
- family support and healthy marriage education
- mentoring
- supervised independent living
- room and board financial assistance
- education financial assistance

Life Skills services may be provided for collection and reporting in one of the following ways:

- Through the Chafee provider if the youth is enrolled.
- Through the CD Contracted TLP provider if the youth is enrolled through CD.
- Through TLP services provided via Foster Care Case Management Agencies and reported by the Children's Service Worker.
- Through the foster parent or other community service provider if arranged by the Chafee or TLP.
- Through the foster parent as part of their services and entered by the child's Children's Service Worker.
- Through a community service provider if arranged by the youth's Children's Service Worker and entered by the youth's Children's Service Worker.

- Through the youth's Children's Service Worker if completed with the youth on a visit.

Second, States conduct a baseline survey of youth in foster care at age 17 and conduct a follow-up survey with these youth at ages 19 and 21 to collect and report information about the following youth outcomes:

- financial self-sufficiency
- experience with homelessness
- educational attainment
- positive connections with adults
- high-risk behavior
- access to health insurance

States collect the outcomes information by conducting a survey of youth in foster care on or around their 17th birthday. States track these youth as they age and conduct a new outcome survey on or around the youth's 19th birthday; and again on or around the youth's 21st birthday. **States collect outcomes information on these older youth after they leave the State's foster care system, regardless of whether they are still receiving independent living services from the State when they are 19 or 21 years old.** All States collect and report outcome information on a new cohort of youth every three years. All outcome information with the exception of demographics must be obtained directly from the youth and reflect the youth's provided response and not information obtained from other agency databases. The state will survey youth who reach their 17<sup>th</sup> birthday every third year thereafter.

The table below illustrates an example of the timeframes:

Fiscal Year of Implementation	All youth receiving services	Baseline Outcomes (17-year-olds)	Follow-up Outcomes (19-year-olds)	Follow-up Outcomes (21-year-olds)
FFY 2014	X	X (Cohort 2)		
FFY 2015	X			X (Cohort 1)
FFY 2016	X		X (Cohort 2)	
FFY 2017	X	X (Cohort 3)		
FFY 2018	X			X (Cohort 2)
FFY 2019	X		X (Cohort 3)	
FFY 2020	X	X (Cohort 4)		
FFY 2021	X			X (Cohort 3)

The survey consists of 21 questions in which the answers must come directly from the youth. For those youth still in care, the youth's Children's Service Worker will be responsible for ensuring that a survey is completed via one of the methods outlined below and entered into FACES. For youth who need assistance completing the survey, the youth's Children's Service Worker should assist with this to ensure survey

completion. For example, if a youth is incarcerated and the youth can be located, the youth could be interviewed by phone.

Options for youth to complete survey:

At age 17:

- In person with the Children's Service Worker. The Children's Service Worker may enter the survey at the time of completion in FACES, upon return to the office or may submit the survey by mail to the FACES Help Desk. Surveys must be completed within 45 days of the youth's 17<sup>th</sup> birthday in order to be compliant.

At age 19 or 21:

- Completed electronically by the youth within the six month reporting period from web-based link sent to the youth's email account.
- Completed electronically by the youth within the six month reporting period from a letter sent to youth's last known address containing information on an electronic link to complete survey.
- Paper copy sent to youth and completed by the youth within the six month reporting period and sent to Central Office for entry in postage paid envelope.
- Paper copy completed by youth during home/office visit and entered by youth Children's Service Worker.

Regardless of method of completion of the survey, the youth's Children's Service Worker must talk to the youth must explain and engage the youth in the survey process.

Efforts must be made to ensure contact information is available after the youth leaves care. E-mail is the preferred method to distribute the survey so that data collection can be as automated as possible.

By utilizing resources available through the Division, such as Chafee, MO HealthNet and the community, youth who are currently in out-of-home care or left the legal custody of the Division will be:

- Better prepared to meet the challenges they face on their road to self-sufficiency and independence;
- Will understand the importance of their role and personal responsibility to self and community;
- Will be more aware of community resources and how to access them if needed; and
- Will be able to develop their own support system to enable them to transition successfully to independence.

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