

New Guidance from the Administration for Children and Families (ACF) About Serving Older Youth In and Aging Out of Foster Care During the Pandemic

Recently ACF issued guidance to address some of the challenges facing older foster youth in and leaving foster care. The first piece of guidance was provided in a [Letter to State and Tribal Child Welfare Leaders on April 27th](#). This guidance reminded states of fiscal flexibility that they already have, but may not yet have exercised, which could improve access to services for older youth in terms of re-entry into foster care and extending Chafee services to age 23. **Guidance was also issued on May 8th in a Program Instruction, [Title IV-E, Major Disaster, COVID-19, Stafford Act](#).** This guidance, which was issued using special federal authority that is triggered by a national disaster under the Stafford Act. It provides states **new opportunities** to take actions during the crisis that will help them serve youth related to the provision of extended foster care. Both types of guidance can be used by advocates to urge the implementation policies and practices that could provide immediate assistance for youth in their states. **The four main areas for advocacy include:**

1. **Extended foster care:** If your state does not provide IV-E extended foster care, urge your state to take advantage of the expedited process to provide extended care during the pandemic allowed by ACF under the Stafford Act.
2. **Suspending Participation Requirements:** If your state provides IV-E extended foster care, urge your state to take advantage of the option to waive or suspend participation requirements related to school, work, and program participation during the crisis allowed under the Stafford Act.
3. **Foster Care Re-entry:** If your state has extended foster care, urge your child welfare agency to allow and develop an expedited process for re-entry under existing guidance. If your state allows re-entry, urge your child welfare agency to provide youth an expedited process for re-entry under existing guidance.
4. **Extended Chafee Services:** If your state has state or IV-E funded extended foster care, urge your state to take the option to provide Chafee services to youth until age 23 under existing guidance.

This Q & A helps highlight the opportunities available and how your state can take advantage of them.

Actions Related to Extended Foster Care

What actions does federal policy allow that could help older youth during COVID-19 related to extended care?

States that have not opted to extend IV-E foster care can do so immediately.

What has changed about this option during the crisis?

ACF has issued an IM that informs states that there is an expedited process to take the option to extend care using IV-E funds.

How could this help youth now?

This would allow the state to provide placement and services until age 21 and draw down IV-E for the cost of care.

What do states need to do to take this option?

States that have major disaster declarations in place can take advantage of this option during the crisis by completing and submitting a one-page form to ACF that is included in the Program Instruction.

What happens to the extended care program after the crisis?

A state will need to submit a IV-E plan amendment after the crisis to continue to receive IV-E funds for its extended care program. (This is the usual process in place).

What actions can states take to keep youth in extended foster care whose work and school has been interrupted during the crisis?

In the IM, ACF allows states to request that the requirements for extended foster related to school, work, and program participation (42 U.S.C.A. 675 (8)(B)(iv) be waived or suspended during the crisis.

How can this help youth now?

States that take the option to modify participation requirements will be able to keep youth in extended care and maintain their eligibility for extended foster care even if their work or school was interrupted due to the pandemic. Youth will continue to be eligible for the program and states will maintain their IV-E eligibility.

What do states need to do to take this option?

States that have major disaster declarations in place can take advantage of this option during the crisis by completing and submitting a one page form that is included in the program Instruction.

What happens after the crisis?

This option only lasts for the duration of the crisis.

Actions Related to Re-Entry

What does federal policy allow states to do with respect to re-entry into foster care?

In its Letter to Child Welfare Leaders, ACF reiterated existing policy that states with extended foster care can provide re-entry into foster care to youth who meet the extended care eligibility criteria (which the IM allows for the state to waive with respect to participation requirements). States can do this through court action or through Voluntary Placement Agreements that the youth can enter with the agency.

How can this help youth now?

Making re-entry easy to access and complete allows the agency to provide youth in need placement and services immediately.

What happens after the crisis?

This existing policy will remain after the pandemic.

What actions should advocates take?

Ask the state to work with you on drafting and issuing a re-entry policy and a plan for publicizing it to youth and child welfare stakeholders. Advocates can work with their colleagues in states with good re-entry policies to offer drafts for consideration.

How does federal guidance help make re-entry a quick route to placement and services for youth in need during the pandemic?

By allowing states to use Voluntary Placement Agreements (VPA) to structure the re-entry process, child welfare agencies can begin to place and serve young people immediately without waiting for court action, which may be delayed at this time. Using a VPA for the re-entry process also triggers a new IV-E determination, using only the youth's income. This could maximize the agency's IV-E penetration rate and increase the federal share in covering the cost of care.

What happens after the crisis?

This existing policy will remain after the pandemic.

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What actions should advocates take?

Ask the state to work with you on drafting and issuing a re-entry policy and a plan for publicizing it to youth and child welfare stakeholders. Advocates can work with their colleagues in states with good re-entry policies to offer drafts for consideration.

Actions Related to Provision of Chafee Services to Age 23

What does federal policy allow with respect to the option to provide Chafee services until age 23?

Existing guidance allows states with IV-E or state funded extended care programs to take the option to provide Chafee services until age 23.

How can this help youth now?

Transition aged youth have many needs during the pandemic, and they do not end at age 21. States could provide needed resources like housing, food, service support, and funds to youth between the ages of 21 and 23 during the crisis.

What happens after the crisis?

This existing policy will remain after the pandemic.

What actions should advocates take?

Advocates should urge their state child welfare agency to take this option. States that have state or IV-E funded foster care are eligible to take this option. A state can do this by following the instructions in this [Program Instruction](#), issued on February 26, 2019.

The Children's Bureaus is encouraging states to take this option and has said they will work with states to expedite the process so youth can be served as soon as possible. It is recommended that states work with their to [Regional Children's Bureau office](#) make this happen.

Advocates can use information from young people in their state to show the need that could be met by expansion of Chafee services during the pandemic. You can also use the following surveys of youth and youth adults during the pandemic to help make your case: [Field Center Survey](#) and [FosterClub Poll](#).