



To: Texas Judges Hearing Child Protective Services Cases
From: Hon. John Specia (ret.), Jurist in Residence
Office of Court Administration
Date: October 5, 2010
RE: Extending Foster Care Beyond 18

I wanted to share information about a very important provision of the federal Fostering Connection to Success and Adoptions Act (FCA) that will affect many of the transitioning young adults on your CPS dockets. As I've mentioned previously, the FCA, which was signed into law in October 2008, is bringing sweeping changes to how child welfare agencies and the judiciary manage foster care cases. One very important change coming your way quickly is extended care.

Q: What is Extended Care?

A: Effective October 1, 2010, the federal Fostering Connections Act allows states to claim federal Title IV-E dollars for more young adults who opt to remain in extended foster care after turning 18 with the court maintaining oversight. Young adults may now remain in extended foster care until their 21st birthday, provided they participate in one of the required activities – completing a secondary education, attending college or a vocational program, working at least 80 hours per month, or attending a job training program, or are unable to participate in any of these activities due to a documented medical condition. Young adults continuing to complete a high school diploma or GED may stay in extended foster care until their 22nd birthday.

Q: What do judges need to know to extend care for a young adult aging out of foster care?

A: Starting October 1st, if a young adult turning 18 after that date chooses to extend foster care, the court MUST extend its jurisdiction, HOLD periodic review hearings, and MUST make a judicial determination at least once a year that DFPS has made reasonable efforts to finalize the young adult's permanency plan.

The following findings need to be made to enable DFPS to provide the most robust services for young adults in extended care:

1. The court has jurisdiction over the case pursuant to Texas Family Code Sections 263.601 et seq.
2. The young adult's living arrangement is safe and appropriate;
3. Reasonable efforts have been made to place the young adult in the least restrictive environment necessary to meet the needs of the young adult;
4. DFPS is making reasonable efforts to finalize the permanency plan in effect for the young adult:

(permanency plan/projected date);

5. The young adult participated in the development of the permanency plan, the plan reflects the independent living skills and appropriate services needed to achieve independence by the projected date, and the young adult is making reasonable progress in developing the skills needed to achieve independence by the projected date;
6. No other plans or services are needed to meet the needs of the young adult; or there are additional services that DFPS is authorized to provide under statute or DFPS rule or policy, either directly or through a contracted service provider, or that are available in the community, that are needed to meet the needs of the young adult (the order should list the services needed); and
7. Set the next date for an Extended Care Review Hearing.

DFPS created a standard order which includes the necessary findings. Judges may view the order by visiting the Commission's website [linked here](#).

Q: What if a young adult refuses to consent to extended court jurisdiction?

A: Young adults who turn 18 on or after October 1, 2010, are not eligible for extended foster care unless they consent to extended court jurisdiction.