



State of South Carolina

Department of Social Services

Policies and Guidelines: Child Welfare Services

Subject	546 Extension of Foster Care for Young Adults Age 18-21
Authority	Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351); Family First Prevention Services Act of 2018 (Public Law 115-123); John H. Chafee Foster Care Program for Successful Transition to Adulthood 42 USC 677; S.C. Code Section 63-7-2710, <i>et. seq.</i>
Standards	Guiding Principles and Standards (GPS) Practice Model
Application	Transition Services and Support (TSS) and Child Welfare Services Foster Care and Adoptions Staff
Purpose	
To explain agency policy and procedures governing the foster care program that assists eligible young adults, ages 18-21, in the transition to adulthood, including, but not limited to, development of life skills and assistance with competencies, experiences, and support necessary for these young adults to obtain education, stable housing, employment, health services, well-being, and permanent supportive relationships.	
Policy Statement	
The South Carolina Department of Social Services (DSS) extends foster care services to eligible young adults age 18-21 who exit the foster care system at age 18 due to reaching age of majority (age out) and either enter a Voluntary Services and Support Agreement with DSS for extended foster care services, and if unable to enter a Voluntary Services and Support Agreement due to physical, intellectual, emotional, or psychiatric impairment, are remaining in foster care beyond the young adult's 18 th birthday by Family Court Order. In no case may a young adult remain in foster care under the placement and care responsibility of DSS beyond the young adult's 21 st birthday.	
Policy Administration	
The Division of Child Welfare Services' Office of Operations is the owner of this policy. The Operations Director, or designee, shall review this policy annually from the date published in the Child Welfare Services Policy Manual, or as needed due to changes in law or practice.	
Policy Guidelines	
A. Eligibility Requirements for Extension or Re-Entry to Foster Care for Young Adults Based Upon a Voluntary Placement Agreement/Voluntary	Young adults who meet the following criteria are eligible to continue receiving foster care services or re-enter foster services: 1. The young adult must have been in foster care, in the legal custody of South Carolina DSS on the young adult's 18th birthday; and 2. Not living in a wilderness camp or other facility or institution that exists primarily for detention or correction; and 3. Meet the following conditions: a. Is a United States citizen or meets certain other guidelines to be considered a "qualifying alien" (young adults who are

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Services and Support Agreement	undocumented residents of the United States are not eligible); b. Is or was in the legal custody of the SCDSS on the young adult's 18th birthday; c. Voluntarily sign an agreement, DSS Form 30136: Voluntary Placement Agreement for Transitioning Young Adults, to accept foster care services as a young adult and include acceptance of a DSS placement option or Supervised Independent Living (SIL) setting and case management; d. Is completing secondary education or a program leading to an equivalent credential; or e. Is enrolled in an institution which provides post-secondary or vocational education; or f. Is employed at least 80 hours per month; or g. Is participating in a program or activity designed to promote or remove barriers to employment. 4. Eligible young adults may leave foster care at age 18 and may return and request extended foster care services until their 21st birthday.
B. Eligibility Requirements for Extension of Foster Care Services for Young Adults who are Incapable of Entering a Voluntary Services and Support Agreement	1. A child who is in the legal custody of the department, but who cannot execute a Voluntary Services and Support Agreement due to physical, intellectual, emotional, or psychiatric impairment may remain in foster care beyond the child's 18th birthday by Family Court order. The Family Court must issue such order retaining the child in foster care due to physical, intellectual, emotional or psychiatric impairment before the child's 18th birthday. The young adult shall be retained in foster care until the Department coordinates appropriate services and support and in no case may the time in foster care exceed the young adult's 21st birthday. 2. The young adult will continue to have yearly hearings until the department has coordinated appropriate services for a successful transition to adulthood, but in no case may the extension of foster care exceed the young adult's 21st birthday. 3. The foster care case manager and/or Transition Services and Support staff may include Adult Protective Services (APS) in case staffings as consultants. APS should only be used as temporary protection and should not be used as a long-term solution.
C. Denial, Disqualification, Termination, or Suspension for Participation in Extended Foster Care Services	1. The following young adults shall be denied, disqualified, terminated, or suspended from participation in extended foster care services: a. Young adults housed in wilderness camps or other facilities that exist primarily for detention or correction; b. Young adults who are not U.S. citizens or "qualifying aliens"; c. Young adults who are active-duty military service members;

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	d. Married young adults; e. Young adults who leave foster care and the legal custody of DSS before age 18; f. Young adults who do not meet education or employment requirements as outlined in this policy; g. Young adults who are convicted of a felony offense; and h. Young adults who are failing to make satisfactory progress toward a successful transition to adulthood as demonstrated by a pattern of failure to achieve transition plan goals within established time frames. 2. A young adult who is denied, disqualified, terminated, or suspended from participation must receive written notice of the adverse decision by certified mail and is entitled to appeal the adverse decision using the agency's fair hearing procedures. Refer to DSS Brochure 2410 and the Fair Hearings Policy for additional information regarding the process, timeframes to appeal an adverse decision, and team leader oversight.
D. Extension of Foster Care Services	Young adults eligible for extension of foster care services shall receive the following: 1. Case Management Services; 2. Chafee funded services, as applicable; 3. Educational and Training Voucher (ETV) awards, as applicable; and 4. Foster care board payments paid to the provider (foster parent or group home) or to the young adult if the young adult is living independently in a SIL setting, to cover the cost of food, clothing, shelter, school supplies, etc.; and 5. A stipend allowance, as necessary, to meet individualized needs and align with transition plan goals.
E. Voluntary Services and Support Agreement	Confirm eligibility for extended foster care by: 1. Verifying eligibility to extend or re-enter foster care. 2. Then completing DSS Form 30135: Voluntary Services and Support Agreement. a. The Transition Services and Support representative and the young adult must sign the Voluntary Services and Support Agreement on the same day. Final approval must be given within five (5) business days of the representative and young adult signing by the EFC State Coordinator or their supervisor. This form must be filed in the young adult's case file and linked in CAPSS. 3. Gathering information required to request a new Title IV-E eligibility determination. a. If eligibility is based upon the young adult's participation in an educational program, completing secondary or post-secondary education, or a program leading to an

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	equivalent credential, supporting documents may include an enrollment letter and schedule. b. If eligibility is based upon employment status for at least 80 hours per month, supporting documents may include pay stubs and written offer of employment, or a letter from and employer confirming employment. c. If eligibility is based upon participation in a program or activity designed to promote or remove barriers to education and/or employment, supporting documents may include program enrollment and activity description. d. if eligibility is based upon the young adult having a physical, intellectual, emotional, or psychiatric impairment that prevents the young adult from entering a Voluntary Services and Support Agreement, supporting documents must include the court determination that it is in the young adult's best interests to remain under the placement and care responsibility of the department due to a physical, intellectual, emotional, or psychiatric impairment. 4. Within 90 calendar days of entering a Voluntary Services and Support Agreement, the law requires the Family Court to conduct a hearing to determine whether it is in the child's best interests to remain under the placement and care responsibility of the Department. a. Within 30 calendar days of entering the Voluntary Services and Support Agreement, the Department must initiate proceedings in Family Court to review the agreement by filing a summons, petition and supplemental report. i. The summons, petition, supplemental report, and hearing notice must be served on the young adult and must include information on how the young adult may request the appointment of an attorney if the young adult wants to be represented at the hearing. ii. The supplemental report must explain how the young adult meets eligibility requirements for extended foster care; that remaining in foster care is in the young adult's best interest; must include a copy of the signed Voluntary Services and Support Agreement; and a copy of the young adult's Transition Plan. iii. If the young adult has siblings who are in foster care, then filing the summons, petition, and supplemental report will initiate court action to separate the young adult from the original foster care case. b. If the Family Court orders extended foster care, the Family Court will schedule permanency planning hearings every 12 months as long as the case remains open. c. The young adult is encouraged to attend and participate in all hearings.
F. Transition Plan Requirements	During the 90-day period immediately prior to the date on which the young adult exits extended foster care, the case manager and,

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for Extension of Foster Care	as appropriate, other representatives of the young adult must assist and support the young adult in developing a transition plan that is personalized and at the direction of the young adult. If the case manager is unable to engage the young adult in the collaborative process, the case manager shall document the reasons within dictation. The Transition Plan must be updated as needed to meet the needs of the young adult and shall include, at a minimum, the items below: 1. A clear narrative of what the young adult wants, their own voice; 2. Specific options on housing; 3. Outline of health insurance information; 4. Outline of the related educational information; 5. Local opportunities for mentors and continuing support services; 6. Workforce supports and employment services; 7. Information on advance health care planning, including the importance of designating another individual to make health care treatment decisions on behalf of the young adult if the young adult becomes unable to participate in such decisions; and 8. The option to execute a health care power of attorney and/or a living will in accordance with requirements set forth in S.C. Code Section 62-5-500 <i>et seq.</i>
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Forms and Related Documents	DSS Brochure 2410: Fair Hearings DSS Form 30135: Voluntary Services and Support Agreement
Related Management Reports	N/A

Glossary
Educational and Training Vouchers (ETV): Grants, funded by the federal government and administered by the states, awarded for young adults with Chafee eligibility and foster care experience who are pursuing post-secondary education in an approved educational program until the 26th birthday, or five (5) nonconsecutive years, whichever comes first. Extension of Foster Care (EFC) case manager: The staff assigned primary responsibility for case management support, including preparing the young adult for a successful transition to adulthood by developing and implementing, in collaboration with the young adult, private providers, and extended team members, the young adult's transition plan, and coordinating and providing services that facilitate the young adult's achievement of transition plan goals. Extension of Foster Care (EFC) Services: Assistance provided to an eligible young adult who ages out of foster care at age 18, and who is between 18-21 years of age

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during service delivery, to obtain education, housing, employment, well-being, health services, and permanent supportive relationships.

Legal Custody: The right to the physical custody, care, and control of the child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian.

Placement and Care Responsibility: The authority conveyed through the court, through written authorization prior to the child's eighteenth birthday, or through a voluntary placement agreement to provide supervision of the young adult and the young adult's placement.

Qualifying Alien: A person who does not have U.S. citizenship established, but does have Special Immigrant Juvenile Status established, or otherwise meets the criteria to remain lawfully in the United States as an emancipated adult according to necessary verifications.

Supervised Independent Living Setting: Any housing arrangement that is licensed or approved by the DSS and which makes support services for a successful transition to adulthood available to the young adult. Case management for the young adult must be provided by the department or a contracted provider. The young adult must reside in the setting voluntarily and the setting does not include wilderness camps or training schools, nor does it include any facility that exists primarily for the detention or correction of children, youth, or young adults.

The John H. Chafee Foster Care Independence Program (Chafee): Provides funds to assist current and former foster care youth or young adults in achieving self-sufficiency. Funds assist youth aged fourteen (14) until the twenty-first (21st) birthday in a wide variety of areas designed to support a successful transition to adulthood. Activities and programs include, but are not limited to, help with education, employment, financial management, housing, emotional support, and maintaining connections to caring adults

Transition Plan: A written case plan that is personalized, as detailed as the young adult may elect, and that includes specific options on housing, health insurance, education, local opportunities for mentors and for continuing support services, work force supports, and employment services. A transition plan also must include information about the importance of designating another individual to make health care treatment decisions on behalf of the young adult if the young adult becomes unable to participate in such decisions and the young adult does not have, or does not want, a relative who would otherwise be authorized to make such decisions and provides the young adult with the option to execute a health care power of attorney or health care proxy.

Voluntary Services and Support Agreement/Voluntary Placement Agreement: a written agreement, binding on the young adult and DSS, which describes at a minimum, the legal status of the young adult, as well as the rights and obligations of the young adult and the department while the young adult is under the placement and care responsibility of the department.

Young Adult: when used in this section describing extension of foster care, means a person who was in the legal custody of DSS on their 18th birthday and who is no older than 21 years of age and who meets at least one of the following requirements:

- Completing secondary education or a program leading to an equivalent credential;

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- Enrolled in an institution which provides post-secondary or vocational education;
- Participating in a program or activity designed to promote or remove barriers to employment;
- Employed for at least 80 hours a month; or
- Incapable of doing any of the above-described activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation, and the presence of the condition is supported by regularly updated information in the transition plan.