



# 2013 Report to the Pennsylvania State Roundtable

*“Closing the Gap: A Meaningful Transition into Independent Living for Youth Aging Out of the Foster Care System.”*

*Transitional Youth Workgroup*

**Chairperson:**

**Honorable Charles Saylor**

Court of Common Pleas of Northumberland County

**Vanessa Garrett Harley, Esq.**

Children and Youth Division

Philadelphia Department of Human Services



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## REPORT TO THE PENNSYLVANIA STATE ROUNDTABLE

*“Simply cutting foster youth loose on their 18<sup>th</sup> birthday predictably leads to dismal outcomes. The new ability of former foster youth to request that the court resume jurisdiction should be facilitated in every way possible, and the judge, listening to the voice of the older youth, should interpret Act 91 as broadly as possible to ensure the youth is provided specific tools under the particular circumstances to assist the transition to sustainable independence.”*

Honorable Charles H. Saylor, Court of  
Common Pleas of Northumberland County  
Workgroup Co-Chairperson

*“Older youth are a unique population with very different issues and needs. The child welfare system must take these differences into account in everything from policy and planning to resource development. In order to improve the outcomes for these youth once they leave foster care, the system will have to adapt and recognize the importance of these youth and their voices and use this information to create age and developmentally appropriate programs that emphasize and promote family connections, independence and the successful transition out of the foster care system and into adulthood.”*

Vanessa Garrett Harley, Esquire  
Deputy Commissioner  
Philadelphia Department of Human Services  
Workgroup Co-Chairperson

*“Listen to the Youth; consider them. Just ‘cause you’re grown, doesn’t make you wise. Remember we’ve been through tons, outside we appear as teenagers, and inside we have enough experience to amount to a 50 year old.”*

Dependent Youth

## **BACKGROUND**

In May 2012, the Transitional Youth Workgroup submitted their preliminary State Roundtable report that recommended Pennsylvania expand eligibility for re-entry into foster care of youths up to age 21. The Workgroup was thrilled when it was announced at the 2012 State Roundtable that a re-entry legislative measure (Act 91) was near approval. Act 91 became law on July 5, 2012. Thereafter, resumption of jurisdiction by the court, and all the procedural and substantive questions relating to the implementation of Act 91, became the immediate focus of the Workgroup.

The first task assumed by the Workgroup was to identify the issues that the courts and county agencies would likely face under Act 91. Of course, fiscal concerns are always paramount. Fortunately, the Department of Public Welfare's (DPW) Policy Director and other DPW staff graciously gave of their time and expertise to facilitate the Workgroup's review.

In examining the criteria under Act 91 for resumption of jurisdiction and as an aid in interpretation thereof, of particular value were the comments in the program instruction issued on July 9, 2010 by the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) for the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351).

Additionally, there were a small number of states that had previously enacted legislation similar to Act 91. Of those, California and New York had developed procedural forms and processes that were helpful as models.

The Workgroup next provided support and assistance to the Honorable Judge Saylor in the drafting of a proposed new Bench Book chapter regarding transitional youth. This was later submitted to the Bench Book Committee in anticipation of a revised Pennsylvania Dependency Bench Book.

The Workgroup then used its time and expertise to make detailed comments and recommendations to the Juvenile Court Procedural Rules Committee on certain proposed rules and changes. This was submitted on January 30, 2013.

In addition, the Workgroup utilized generous grant funding from the Casey Family Programs to develop, design, print and distribute posters and flyers aimed at informing transitional youth of the new option available to them under Act 91.

Finally, there was the formidable task of initiating review and consideration of “congregate care” in relation to the transitional youth population. Some preliminary suggestions were formulated and are included in this report; however, there are many areas that need a fuller examination.

## **PHILOSOPHY ON RESUMPTION OF JURISDICTION OF YOUTH SEEKING TO RE-ENTER FOSTER CARE**

After considerable discussion and examination, the Workgroup recommends courts play a leadership role in developing best practices so that the resumption of jurisdiction provision of Act 91 is effectively implemented. This includes providing stakeholders and legal practitioners background on the purpose of the provision and the court's role in ensuring that practices are put in place that are accessible to youth and encourage eligible youth to seek and receive assistance under this provision. Over the last two years, the Workgroup has worked to educate stakeholders on the value of providing youth who age out and are not prepared for adulthood the opportunity for a second chance at support and assistance. The Workgroup encourages courts to promote the value of resumption of jurisdiction for youth who need more time to prepare for adulthood and for youth whose transition plans did not work out and are without support. Practices that allow youth easy and quick access to the courts and assistance as well as to high expectations and quality services should be encouraged and supported.

*“Everybody needs somebody.”  
- Dependent Youth*

## POSTERS & FLYERS FOR YOUTH REGARDING RE-ENTRY

The Workgroup recognized that, with the resumption of jurisdiction available up to age 21, outreach needed to be done to identify youth who could benefit from the new opportunities being provided to them. The Workgroup envisioned

developing flyers and posters

(Appendix A) that would describe not only the changes in the legislation but also how the youth could get more information.

*“My social worker or my foster parent doesn’t even know what’s available for me.”  
- Dependent Youth*

With the assistance of grant funding provided to the Office of Children and Families in the Courts from the Casey Family Programs, the Workgroup was able to take concrete steps to create such materials. The first step was to brainstorm all of the needed pieces of information for the poster. From there, the Workgroup elicited the help of the experts, current and former foster youth. With assistance from the Pennsylvania Child Welfare Resource Center’s (CWRC) Youth Practice Improvement Specialist, the information was shared with CWRC Youth Ambassadors and members of Pennsylvania’s Youth Advisory Board. They were asked to provide assistance in making the materials eye catching and youth friendly. The end result was a product that includes:

- A “Fostering Connections” logo that the youth could use in the future for all documents relating to fostering connections;
- Space for counties to include contact information so that they could provide youth with the agency’s point of contact;
- Contact information for the Youth Advisory Board; and
- A Quick Reference (QR) Code which would allow individuals who saw the materials to use their smart phones to direct them to the Pennsylvania Youth Advisory Board website for more information.

The Workgroup was able to use the Casey Family Programs funding to print 3,000 posters and 20,000 flyers. After the final product was developed, the Workgroup also obtained thoughts and suggestions from the youth as to how the materials could be most helpful. At the end of these discussions, the group generated several ideas for consideration. Key points from those discussions with youth include the following:

- Location - Consider displaying your posters in courtrooms, popular hangouts, public assistance offices, and public transportation stations. Do not limit the locations to youth specific locations. Consider places in the community where former foster parents or other caring adults may see the materials.
- National Youth in Transition Database (NYTD) - Send flyers to youth who are already being contacted as part of the NYTD Follow-up Population and formally integrate fostering connections outreach into the National Youth in Transition Database process.
- Ask the Youth - Engage older youth who are currently receiving services in your county. Ask them for their best thoughts on how to “get the word” out regarding Fostering Connections.

Once this task was complete, Workgroup members and the youth took action to distribute materials. The youth were quick to distribute the materials electronically. They posted them on Pennsylvania’s Youth Advisory Board Website and used Facebook to reach youth and professionals who had “liked” their page.

The majority of the materials were then distributed to counties using data gathered from CWRC’s 2011/2012 site visit reports. Each county received a percentage of the materials based on total number of youth listed as receiving independent living services and the number of youth receiving aftercare services. A



portion of the materials was reserved to be distributed and discussed at a number of statewide events that would be occurring in the near future.

In summary, the Workgroup was greatly appreciative of the opportunity provided by the Office of Children and Families in the Courts as well as Casey Family Programs, along with the invaluable input of current and former foster youth and others that assisted in the development of the materials. The Workgroup is also very thankful of the Pennsylvania Children & Youth Administrators and others who assisted in the dissemination of the materials. See Appendix A to view the poster/flyer.

### **COMMENTS ON THE PROPOSED COURT RULES**

The Workgroup submitted comments on the proposed Juvenile Court Rules related to extension of foster care and resumption of jurisdiction on February 1, 2013. The Workgroup was pleased with the detail and attention that the Rules Committee gave to Act 91 and is optimistic that strong and clear rules will promote practice that will benefit youth. The Workgroup strongly believes that Act 91 is an important piece of legislation that can benefit youth and families and improve permanency and self-sufficiency outcomes for older youth. Allowing youth who need more time to prepare for adulthood to stay in care and to re-enter care if they left the system without being ready, provides us all an invaluable opportunity to better serve and work with youth. Strong judicial leadership and court rules can help ensure not just that more youth are served, but that we improve the quality of services youth receive so as to achieve better outcomes.

*“So who is going to help me  
once I leave foster care?  
I don’t have anybody else.”  
- Dependent Youth*

The Workgroup addressed a few areas in its comments regarding the proposed rules. The Workgroup recommended that the term “youth” be used to the greatest extent possible instead of “child” to refer to youth who remain in care and

are age 18 or older. While being a dependent youth and a legal adult presents challenges for the system as a whole, these challenges are ones that the Workgroup believes the child welfare system and court must embrace if Act 91 is to have positive results. Like all parents with adult children, we must combine nurture and care with respect, guidance, the setting of high expectations, and responsibility.

The Workgroup commented that youth involvement and presence in court should be the standard and that the resumption of jurisdiction process should be as accessible to youth as possible from the forms that trigger a hearing to the treatment of youth in court. The Workgroup also commented that the court should ensure youth who are seeking re-entry into care have their immediate needs, including the provision of shelter addressed as a matter of course. The Workgroup emphasized that youth who seek re-entry are often facing difficult and sometimes dangerous situations; immediate needs as well as long range planning for self-sufficiency and permanency should be a key portion of the court's analysis and addressed in the order.

### **PENNSYLVANIA DEPENDENCY BENCH BOOK REGARDING TRANSITIONAL YOUTH**

The Pennsylvania Dependency Bench Book issued in July 2010, filled a void that turned out to be a very beneficial resource to judges. It was also soon regularly consulted by Solicitors, GAL's, Parents' Attorneys, and Agency Caseworkers. With subsequent rule changes, further developments in the law, and State Roundtable recommendations, the need became evident for updates. To this end, the Judges comprising the Bench Book Committee are in the process of making revisions.

*"They don't know how to adapt to each individual child.  
They have a general outlook on cases."  
- Dependent Youth*

In view thereof, the Workgroup undertook the task of developing a draft for an entirely new Bench Book chapter on the subject of transitional youth. The Workgroup is hopeful that the chapter will be included in the revised Bench Book, after suitable edits are completed. The proposed chapter was submitted in October 2012.

The highlights of the proposed chapter include the following:

(1) Courts should approach cases involving transitional youth with particular emphasis on making a full inquiry as to the youth's situation; knowledge of the assistance that is available; allowing the youth to make mistakes; and, facilitated return to the safety net of the court and needed services;

(2) Act 91 should be interpreted liberally to reach the broadest population possible;

(3) The significant change made by Act 91 was to redefine a "child" as one previously adjudicated dependent before 18, and under the age of 21; a request is made by the youth for the court to resume jurisdiction and one of five listed criteria is met;

(4) The criteria center upon education, employment, and medical/behavioral health conditions;

(5) Rule 1608 – the judge or master must consider and state on the record at each permanency review after age 16 the services needed to assist the youth to make the transition to independent living;

(6) Rule 1613(E) – the judge or master to review a transition plan 90 days prior to discharge upon or following the youth's 18<sup>th</sup> birthday;

(7) Resumption of jurisdiction up to age 21 does not involve any new finding or adjudication of dependency, with the focus now on whether one of the five criteria are met;

(8) There is no issue as to retroactivity of Act 91, and no procedural barrier should exist to delay access to the court and services, i.e. no “wrong door”.

(9) Court’s consideration should focus on the best interests of the youth and conditions necessitating re-entry, as opposed to the “reasonable efforts” test applicable to those under age 18; and

(10) A summary of the services available to youths 18 and over, including housing, college, supervised independent living, medical assistance and aftercare services.

Finally, the Workgroup hopes to develop a “Bench Card” providing a brief summary of the key principles and rules related to these hearings. This Bench Card will be submitted to the Bench Book Committee for consideration.

### **GUIDANCE FOR COUNTIES REGARDING INDEPENDENT LIVING**

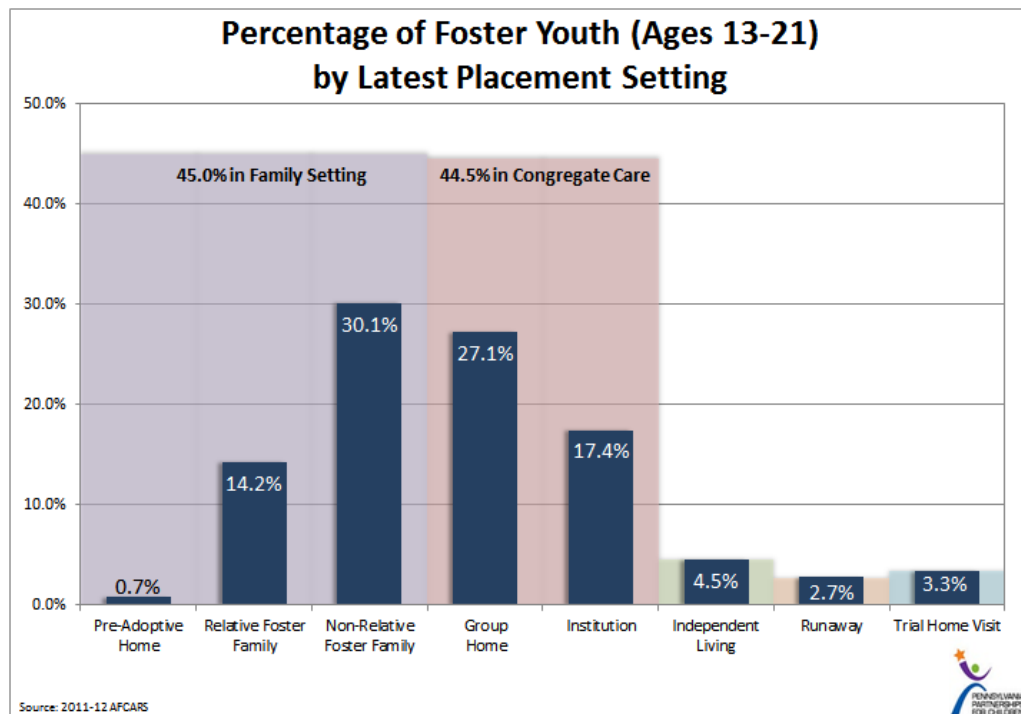
The Workgroup recognizes that counties will need additional guidance in its implementation of the re-entry provisions of the law and other changes in federal law. In light of Act 91, the Office of Children, Youth and Families is releasing a revised bulletin entitled Youth Independent Living Services Guidelines. This document will include changes related to The Fostering Connections Act, the Commonwealth’s enactment of Act 91 of 2012, and the federal Child and Family Services Improvement and Innovation Act of 2011 (requiring annual credit history reviews for foster youth ages 16 and older.) The bulletin will instruct county child welfare agencies about appropriate, least restrictive placement settings for foster youth ages 18-21 and define a wide range of unlicensed Supervised Independent

Living placement settings. These placement settings, an addition to the continuum of appropriate settings, will afford youth new opportunities to learn how to live as a young adult with the protections and support of the court. The bulletin also provides new information about the services required to support youth who resume jurisdiction or continue their foster placement between the ages of 18 to 21.

*“Not only is someone else owning your life, but I get threatened with homelessness every day.”  
-Dependent Youth*

### “RIGHT-SIZING” CONGREGATE CARE

Finally, per 2012 State Roundtable direction, the Workgroup thoughtfully examined the issue of congregate care. Clearly, one of the most critical decisions professionals within the child welfare system affecting the lives of children and youth entering foster care is where they will live. Changes in Pennsylvania law to fully implement the federal *Fostering Connections to Success and Increasing Adoptions Act* require relatives or kin to be given first consideration as placement resources. Decisions are also to be guided by requirements to place children and youth in the least restrictive and most family-like settings possible while assuring their needs for safety and well-being. These commitments should translate into the vast majority of children and youth in foster care being placed with families – and predominantly with extended family members.

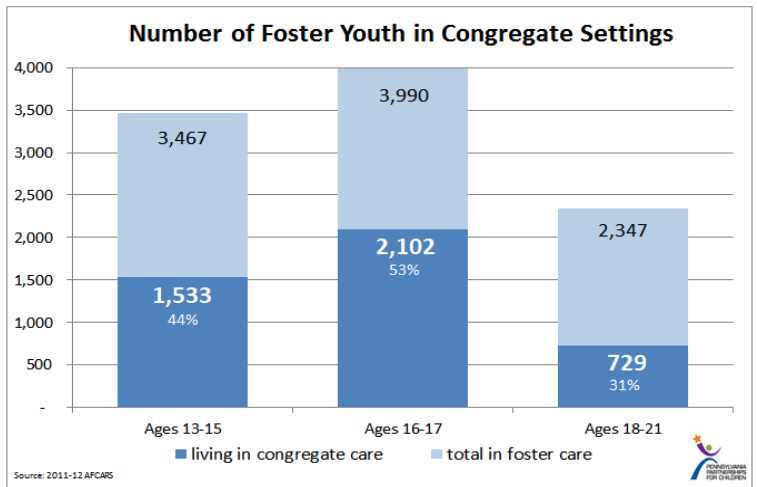
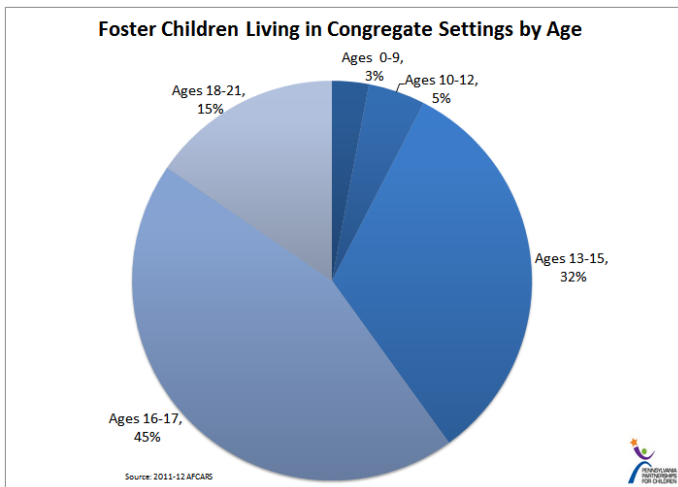


Pennsylvania has successfully reduced the overall numbers of children in

foster care by over 30 percent since 2006. These are significant gains. However, the impact of this overall reduction has done little to lower the percentage of children and youth placed within group homes and institutions – congregate care.

*“Although I come with baggage, see me as more than just a case number or file.”  
-Dependent Youth*

In 2012, Pennsylvania placed 21 percent of all foster children in congregate care. The national average of children placed in congregate care is approximately 15 percent. The numbers are further disconcerting when you look at youth ages 13-21 years. These youth comprise 44 percent of all children in foster care. An alarming 45 percent of teenagers ages 16-17 and 32 percent of teenagers ages 13-15 are placed in these congregate care settings.<sup>i</sup>



A 2008 study found that dependent youth placed in residential facilities have a two-and-a-half times greater risk of becoming delinquent than their peers in foster home placements.<sup>ii</sup> Compared to their peers housed in congregate settings, youth placed with foster families experience higher levels of education, fewer alcohol or other drug abuse problems, more positive relationships with biological siblings, greater housing stability and higher levels of optimism about their economic future.<sup>iii</sup>

Many child welfare leaders in Pennsylvania understand the dilemma of our state's use of congregate care, and some strategies to "right-size" the use of these placements have already begun to take root. In 2006, the State Roundtable commissioned the Permanency Practice Initiative which brought the practice of Family Finding to Pennsylvania, encouraged the use of Family Group Decision Making and Kinship Care, and increased the oversight of the Courts. Of the thirty-five (35) current PPI counties, twenty (20) include older youth in their PPI target population.

Individual counties, focusing on this issue, have witnessed tremendous safe reduction through resource development, internal policy review, and collaborative Court/agency leadership (i.e., Lycoming and Venango, to mention a couple).

Additionally, more educational attention has been given to this issue. Some examples include youth panels at all Children's Summits, judicial seminars at the State Conference of Trial Judge's focusing on older youth, a Bench Book section on older youth and, the 2012 State Roundtable commission for the examination of this issue by all State Roundtable Workgroups.

Yet another example of Pennsylvania's focus on this issue was seen in a Peer-to-Peer opportunity regarding congregate care. This opportunity, supported by the Courts, Department of Public Welfare and Casey Family Program, highlighted reform strategies employed in other states, particularly those in Maryland and Tennessee. As a follow-up to that convening, a statewide meeting involving county teams and supported by the Department of Public Welfare, Office of Children, Youth and Families in collaboration with the Administrative Office of Pennsylvania Courts, Office of Children and Families in the Courts occurred. This convening engaged all interested counties in developing local reduction plans, while providing data and technical assistance to facilitate local plan implementation.

Finally, Pennsylvania has been awarded greater federal funding flexibility via a Title IV-E Demonstration Waiver, and counties participating in the waiver will be targeting strategies to safely reduce the use of congregate care. While five counties

are currently involved in the Waiver, the opportunity exists for all sixty-seven counties to participate if they choose to do so.

Assuring appropriate alternatives to congregate care settings is a critical first step toward reform. But simply “squeezing out” the use of congregate care – without bolstering family, community and provider-based supports – could spell disaster. Pennsylvania needs to take a judicious and comprehensive approach to “right-sizing” that will ensure children and youth receive the highest level of treatment and care within the least restrictive setting. This will require new and better ways of supporting resource families, particularly formal and informal kinship families. It will also necessitate Pennsylvania exploring new federal opportunities to expand the use of supervised independent living settings to better prepare youth to successfully transition from care and to adulthood. Finally it will require a thoughtful analysis of our beliefs related to permanency for older youth, our focus on securing permanent families for these youth and our high usage of APPLA as a permanency goal.



*“We are born into adversity. It’s not our fault.”*



## **RECOMMENDATIONS**

**Moving forward the Transitional Youth Workgroup respectfully recommends to:**

- 1. Assume lead on efforts related to congregate care, including congregate care recommendations from other State Roundtable Workgroups.**
- 2. Continue to examine best practices related to the use of APPLA and provide recommendations to the 2014 State Roundtable.**
- 3. Develop an Act 91 Guide to assist professionals (agency, court, provider and community) working with these youth and promote best practices associated with this assistance and submit to 2014 State Roundtable.**
- 4. Develop strategies that will enhance the voice of youth and families in all phases of child welfare involvement, including but not limited to all levels of decision making, case planning, policy development/revision, and practice reform. Present a set of proposed strategies to the 2014 State Roundtable.**

**Amended and Approved by the 2013 State Roundtable:**

- 1. Assume lead on efforts related to congregate care, including congregate care recommendations from other State Roundtable Workgroups.**
- 2. Continue to examine best practices related to the use of APPLA and provide recommendations to the 2014 State Roundtable.**

**3. Develop an Act 91 Guide to assist professionals (agency, court, provider and community) working with these youth and promote best practices associated with this assistance and submit to 2014 State Roundtable.**

**4. Develop strategies that will enhance the voice of youth and families in all phases of child welfare involvement, including but not limited to all levels of decision making, case planning, policy development/revision, and practice reform. Present a set of proposed strategies to the 2014 State Roundtable.**

**5. Develop strategies to help youth understand the benefits of staying in care.**

**6. Identify creative aftercare options for youth.**

**7. Examine new Florida law which attempts to “normalize youth experience in foster care” and identify possible actions Pennsylvania might employ.**

**8. Develop a youth video, using youth, regarding resumption of jurisdiction and services beyond age 18.**

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<sup>i</sup> AFCARS longitudinal file produced by Hornby Zeller Associates for Pennsylvania Department of Public Welfare, Office of Children, Youth and Families: 4/1/11 – 3/31/12 (2012)

<sup>ii</sup> Ryan, J.P., Marshall, J.M., Herz, D., Hernandez, P.M. *Juvenile Delinquency in Child Welfare: Investigating Group Home Effects*, 2008.

<sup>iii</sup> Festinger, T. *No one Ever asked us...A postscript to foster care*. New York: Columbia University Press, 1983; McDonald, T., Allen, R., Westerfelt, A., & Piliavin, I. *Assessing the long-term effects of foster care: A research synthesis*, 1986. Washington, DC: Child Welfare League of America. Jones, M. A., & Moses, B. *West Virginia's former foster children: Their experiences in care and their lives as young adults*. New York: Child Welfare League of America. 1984.

# CHECK THIS OUT!

ARE YOU A FOSTER YOUTH WHO IS TURNING 18?

YOU CAN STAY IN CARE!

ARE YOU A FORMER FOSTER YOUTH WHO HAS AGED OUT OF THE SYSTEM?

YOU MAY BE ELIGIBLE TO HAVE THE COURT DECIDE TO ALLOW YOU TO RE-ENTER!

DO I MEET THE REQUIREMENTS?



**YOU NEED TO BE DOING AT LEAST ONE OF THE ACTIVITIES LISTED BELOW:**

- Completing high school or a similar program such as GED;
- Being enrolled in college, community college, or trade school;
- Participating in a program that will help you get a job;
- Working at least 80 hours per month; or
- You cannot do one of the activities listed above because of a medical or mental health condition.

## WHAT DO I NEED TO KNOW ABOUT FOSTER CARE BEYOND AGE 18?

### WHAT ARE THE BENEFITS TO BEING IN CARE?

- Having a place to live
- Having health insurance
- Getting support from professionals
- Being able to talk to your lawyer and a judge about your needs or problems you are facing
- Deciding what your goals will be
- Getting services that help prepare you for success

### AS AN OLDER YOUTH, YOU ARE RESPONSIBLE FOR:

- Doing at least one of the activities listed above
- Participating in your goal planning
- Being open to learning new skills



CONTACT YOUR COUNTY CHILDREN AND YOUTH AGENCY:

COUNTY: \_\_\_\_\_

PHONE #: \_\_\_\_\_



<http://www.independentlivingpa.org>

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