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AGING OUT OF FOSTER CARE: HOW EXTENDED FOSTER CARE FOR YOUTH EIGHTEEN TO TWENTY-ONE HAS FOSTERED INDEPENDENCE

Lucy Wieland† and Jenny L. Nelson††

I. INTRODUCTION

Although youth are considered adults at age eighteen, most would agree that the average American eighteen-year-old is not ready to live independently. Living independently presumes one has a place to live; a job or other means of financial support sufficient to pay the rent; utilities, food, clothes, and other necessities; and transportation, health care, a cell phone, and occasional entertainment. According to a recent survey, one in four teens does not believe she will be able to support herself financially until at least her mid-twenties.† In 2012, one study found that 53%

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of adults aged eighteen to twenty-four, and 39% of adults aged eighteen to thirty-four, returned home to live with their parents while they worked on achieving financial independence. Imagine then the plight of youth in foster care who turn eighteen and “age out,” often without completing high school, with no place to live, without a job or other means of support, and with no plans for a future.

Youth enter foster care as a result of neglect and abuse. Minnesota has made great strides over the last twenty years in expediting permanency for children placed in foster care. The majority are returned to their parents, who have successfully completed case plans. Many others have their legal and physical custody transferred to relatives, who take over their care and provide for their well-being. Some become state wards and are freed for adoption. Others are placed in long-term foster care, now called “permanent custody” within the agency, although this permanency disposition is no longer favored. However, there are still many youth, even in Minnesota, who reach the age of eighteen and are living in foster care. These youth are state wards who were never adopted, or they are in long-term foster care, or they are in placement at age eighteen without having achieved a permanency

survey. Id. at 4. The survey was administered by Knowledge Networks from February 5–15, 2013, with a sample size of 1025 completed surveys by teens aged fourteen to eighteen. Id.

2. Kim Parker, The Boomerang Generation: Feeling OK About Living with Mom and Dad, PEW RES. CENTER (Mar. 15, 2012), http://www.pewsocialtrends.org/2012/03/15/the-boomerang-generation/. This study was the result of an analysis of U.S. Census data and concluded that the number of Americans living in multi-generational households is at its highest since the 1950s. Id.


4. This observation and other uncited assertions in this article are based on the authors' personal experience. See also id. (“Minnesota is committed to finding permanent families for children.”).


6. See id.

7. See Child Safety & Permanency Div., supra note 3.

8. Id.
II. THE PLEDGE OF YOUTH WHO AGE OUT OF FOSTER CARE

The national statistics on this population of youth are grim. Each year roughly 20,000 teens age out of foster care without a permanent placement. Within eighteen months of aging out, 40–50% become homeless. Most lack an adequate education and are twice as likely to drop out of high school as their peers. More than one-third do not have a high school diploma, and of those that do, more than 28% do so by earning a GED. Fewer than 10% enroll in a university program, and only 1% of those who enroll get a degree. Because almost all of these youth suffered abuse and neglect as children, they also suffer from health and mental health problems as young adults. In fact, nearly twice as many teens who age out of foster care suffer from post-traumatic stress disorder as U.S. war veterans. Finally, youth who age out of foster care have substantial involvement with the criminal justice system. In 2007, a University of Chicago study found that former foster teens are ten times more likely to be arrested than their peers of the same age, race, and sex.
III. LAWS DESIGNED TO ASSIST YOUTH PAST AGE EIGHTEEN

An awareness of these realities led Congress in 2008 to pass the Connections to Success and Increasing Adoptions Act ("Fostering Connections"). \(^{19}\) The most significant part of this law was that it allowed states to better assist teens after they turned eighteen. \(^{20}\) As of October 1, 2010, states have the option to extend the time youth remain in foster care and to claim federal funds for young adults in foster care beyond their eighteenth birthday to age twenty-one. \(^{21}\) Minnesota took full advantage of this provision.

In September 2010, the Minnesota Department of Human Services issued instructions...that provided policy guidance on foster care for youth ages [eighteen to twenty-one]. The guidance was based on the Fostering Connections to Success and Increasing Adoptions Act of 2008...which was designed, in part, to improve the well-being of children and youth served by the public child welfare system.

Since the inception of this policy on October 1, 2010, through September 30, 2012, nearly 1,900 youth have either remained in or returned to foster care and have received support through this program... Social service agencies received $1,761,727 in federal Title IV-E reimbursement...for providing foster care to [eighteen-to twenty-one-year-olds]. \(^ {22}\)

The law itself appears fairly straightforward and was amended in 2012 to make some provisions more detailed. \(^ {23}\) However, the


\(^{21}\) Id.


\(^ {23}\) See Act of Apr. 23, 2012, ch. 216, art. 4, § 24, 2012 Minn. Laws 470 (codified as amended at MINN. STAT. § 260C.451 (2012)). The statute was retitled from "Foster Care Benefits to Age 21" to "Foster Care Benefits Past Age 18." Id. Subdivision 1 of the statute was amended to clarify the procedure required for notifying children in foster care of the availability of foster care until age twenty-one. Id. Subdivision 3 was amended to add language indicating which children are not eligible to continue in foster care past age eighteen. Id. at 470–71. Subdivision 6 was renamed "Reentering foster care and accessing services after age.
implementation of the law required significant work by the Minnesota Department of Human Services, as it worked through the specific details of what the law required and how the responsible social services agencies around the state were supposed to implement the law. The Department has issued several bulletins providing guidance and has conducted numerous trainings around the state since the law went into effect.

IV. THE OPERATION AND REQUIREMENTS OF THE MINNESOTA LAW PROVIDING FOSTER CARE BENEFITS PAST AGE EIGHTEEN

Minnesota law provides that a child in foster care immediately prior to the child’s eighteenth birthday may continue in foster care past age eighteen so long as the child cannot safely return home, be adopted or have legal custody transferred to a relative, and is not in placement due to a developmental disability which will continue into adulthood. The youth may continue in foster care to age twenty-one by meeting one of the required conditions:

1. Completing high school or a program leading to an equivalent credential. Examples include a traditional or alternative high school, an online high school, a GED program, an alternative learning center, or an approved homeschool setting. The youth must be enrolled, attending, and making progress, and this must be verified by the social worker.

\[\text{eighteen},\] and the amendment described which youth may reenter foster care after they age out and detailed the procedure by which reentry can occur. Id. at 471–72. Subdivision 7 was amended to add language stating the responsible social services agency remains responsible for each youth’s care and placement when his or her case continues under the court’s jurisdiction. Id. at 472. Subdivision 8 was added in its entirety to detail the procedure by which the responsible social services agency must notify youth of termination of continuing foster care benefits if they fail to meet one of the requirements of Minnesota Statutes section 260C.451, subdivision 3. Id.

24. See BULLETIN #12-68-22, supra note 22. This Bulletin was issued to inform county employees, social services staff, certain court staff, guardians ad litem, private foster care directors, and judges of the 2012 amendments to Minnesota Statutes section 260C.451 and reissue policy guidance regarding extended foster care for youth ages eighteen to twenty-one. Id. at 1.

25. Id.

26. MINN. STAT. § 260C.451, subdiv. 3.

27. Id. § 260C.451, subdiv. 5a(1).

28. See BULLETIN #12-68-22, supra note 22, Attachment A.

29. Id.
(2) Enrolling in college or a vocational program.\textsuperscript{30} Examples include enrollment at a college or university, a tribal college, a technical college, a vocational education program, or an online version of any of the above.\textsuperscript{31} The youth must be enrolled and class schedule, grades, and tuition payments must be verified by the social worker.\textsuperscript{32}

(3) Participating in a program or activity to remove barriers to employment.\textsuperscript{33} This might include participating in services through the Workforce Center, job coaching, going to job skills classes, or working with a case manager on job skills.\textsuperscript{34}

(4) Employed at least eighty hours a month.\textsuperscript{35} This must be verified by pay stubs or written verification from the employer.\textsuperscript{36}

(5) Incapable of doing any of the above activities because of a medical condition.\textsuperscript{37} Examples of this include a physical, developmental, or mental health disability; a chronic medical condition like cancer; or an acute medical condition.\textsuperscript{38} This must be verified by medical documentation of the condition and its effect on the youth’s ability to participate in the above activities.\textsuperscript{39}

If one of these requirements is met, then the child is eligible for “foster care benefits,” which means payment for a traditional foster care setting or for a supervised independent living setting.\textsuperscript{40} The agency and the child choose the particular foster care setting where the child shall live, based on the best interests of the child.\textsuperscript{41}

This provision in particular took time to develop because traditionally, social services agencies have only placed children in licensed foster care homes. Youth, particularly those still in high school or in foster care with a relative, may choose to remain in a...

\textsuperscript{30} MINN. STAT. § 260C.451, subdiv. 3a(2).
\textsuperscript{31} See BULLETIN #12-68-22, supra note 22, Attachment A.
\textsuperscript{32} Id.
\textsuperscript{33} MINN. STAT. § 260C.451, subdiv. 3a(3).
\textsuperscript{34} See BULLETIN #12-68-22, supra note 22, Attachment A.
\textsuperscript{35} MINN. STAT. § 260C.451, subdiv. 3a(4).
\textsuperscript{36} See BULLETIN #12-68-22, supra note 22, Attachment A.
\textsuperscript{37} MINN. STAT. § 260C.451, subdiv. 3a(5).
\textsuperscript{38} See BULLETIN #12-68-22, supra note 22, Attachment A.
\textsuperscript{39} Id.
\textsuperscript{40} See MINN. STAT. § 260C.451, subdiv. 4.
\textsuperscript{41} Id. § 260C.451, subdiv. 5.
traditional foster care setting for some period of time.\textsuperscript{42} In these cases, the agency continues to make foster care maintenance payments consistent with Minnesota Rules on this topic.\textsuperscript{43} The development of procedures around what “a supervised independent living setting” meant was more difficult. Agencies were encouraged to develop a range of approved settings including apartments, dorms, host families, or any other setting that allowed youth to move toward independence with support. At a minimum, these settings require one face-to-face meeting with the social worker each month.\textsuperscript{44} Youth living in independent living settings receive the foster care maintenance payment from the agency and must then be coached in some cases on budgeting and bill paying.\textsuperscript{45}

All Title IV-E eligible youth in foster care are eligible for Medical Assistance.\textsuperscript{46}

The social services agency responsible for the child has several mandates in place to help implement this program. Six months before the child’s eighteenth birthday, the agency must provide written notice on a specific form to any child in foster care not expected to return home or otherwise have a permanent home about the availability of foster care to age twenty-one and the right to appeal denial of services.\textsuperscript{47} This notice must go to the child, the child’s parents or legal guardian, the guardian ad litem, and the foster parents.\textsuperscript{48} The agency must file this notice with the court, and if not filed by the time the child reaches seventeen and one-half, the court shall order the agency to provide notice to the child.\textsuperscript{49}

Youth who turn eighteen and choose to receive foster care benefits under the eighteen-to-twenty-one program are considered adults for all purposes except the continuation of foster care benefits.\textsuperscript{50} All other legal custody orders terminate on the youth’s eighteenth birthday.\textsuperscript{51} The social services agency maintains legal responsibility for the youth’s placement and care under two

\textsuperscript{42} See BULLETIN #12-68-22, supra note 22, at 7.
\textsuperscript{43} Id. at 8.
\textsuperscript{44} BULLETIN #12-68-22, supra note 22, at 7.
\textsuperscript{45} Id. at 8.
\textsuperscript{46} Id.
\textsuperscript{47} MINN. STAT. § 260C.451, subdiv. 1.
\textsuperscript{48} Id.
\textsuperscript{49} Id. § 260C.203(e)(1).
\textsuperscript{50} Id. § 260C.451, subdiv. 7.
\textsuperscript{51} Id.
potential scenarios. The court may continue court jurisdiction over the youth and all other parties until the youth’s nineteenth birthday if it is in the youth’s best interests in order to protect the youth’s health and safety, do additional planning for independent living, or support the youth’s completion of high school. Alternatively, the agency and the youth enter into a voluntary placement agreement for the child to continue to receive foster care benefits in the eighteen-to-twenty-one program, and the agency assumes legal responsibility for the youth’s placement under this agreement. This agreement must be in writing and in a form approved by the Commissioner of Human Services.

For youth in the eighteen-to-twenty-one program, the agency through its social worker has the responsibility to work with each youth to develop a case plan for extended care. This “case plan includes the out-of-home placement plan and an independent living plan.” This case plan should reflect the agency’s efforts to assist the youth in living independently. It should include those resources and services relating to education, employment, housing, and any other social or emotional needs, including mental health services or other medical care. The social worker also has the obligation to document that the youth remains eligible to receive services under the program and to update the case file whenever there is a change or every six months. This is necessary to claim Title IV-E funding for the youth. In addition, the social worker’s case management responsibilities for youth in extended care are the same as for youth under eighteen. This means that the social worker must have the annual permanency review hearing, must update the out-of-home placement plan and the independent living plan, have at least monthly face-to-face meetings, conduct administrative case reviews every six months, regularly review eligibility conditions, document the case in the Social Services

52. *Id.*
53. *Id.* § 260C.193, subdiv. 6(c).
54. *Id.* §§ 260C.451, subdiv. 7, 260C.229(a).
55. *Id.* § 260C.229(a).
56. BULLETIN #12-68-22, supra note 22, at 3.
57. *Id.*
58. See *id.*
59. *Id.* at 3–4.
60. *Id.* at 4.
61. *Id.* at 6.
Information System computer system, and do transition planning for youth leaving extended care.\footnote{62} The court must conduct annual in-court reviews of each youth engaged in the eighteen-to-twenty-one program.\footnote{63} This review must address and make findings on the agency’s reasonable efforts to ensure that continued foster care is in the best interests of the youth; to assist the youth in building connections with family, siblings, and other supportive individuals; and to assist the youth in developing the skills necessary for successful independence after foster care.\footnote{64}

For youth who have chosen not to continue in foster care after age eighteen, or who have left the eighteen-to-twenty-one program, there is the option of reentering foster care.\footnote{65} If the youth was a state ward prior to age eighteen and asks to reenter foster care, the social services agency must work with the youth to meet the eligibility requirements of the program.\footnote{66} If the youth was not a state ward but was in foster care for six consecutive months prior to age eighteen, then the agency may provide foster care benefits to the extent funds are available.\footnote{67} In either case, the agency and the child may then enter into a voluntary placement agreement for the child to receive foster care benefits.\footnote{68} Within thirty days, the agency must file a motion with the court to reopen the previous juvenile protection matter and to review the youth’s placement and find that it is in the youth’s best interests.\footnote{69} The agency must also file an out-of-home placement plan.\footnote{70} The court must conduct a hearing on the motion within thirty days of the motion and, if granted, conduct annual reviews.\footnote{71}

When a youth is in the eighteen-to-twenty-one program and subsequently stops meeting one of the eligibility criteria, the youth

\footnote{62. Id.} \footnote{63. See Minn. Stat. § 260C.229(c) (2012); see also id. § 260C.193, subdiv. 6(a) (establishing jurisdiction to review foster care to age twenty-one); 45 C.F.R. § 1356.21(b)(2)(i) (2013) (requiring judicial determination of reasonable efforts).} \footnote{64. Bulletin #12-68-22, supra note 22, at 3–4.} \footnote{65. See Minn. Stat. § 260C.451, subdiv. 6.} \footnote{66. Id. § 260C.451, subdiv. 6(a).} \footnote{67. Id. § 260C.451, subdiv. 6(b)(1).} \footnote{68. Id. § 260C.229(a).} \footnote{69. Id. § 260C.229(b)(1).} \footnote{70. Id. § 260C.229(b)(2).} \footnote{71. Id. § 260C.229(c).}
is no longer eligible for foster care benefits. In this event, the social services agency must give the youth written notice that foster care benefits will end thirty days from the date the notice is sent. This notice must also be sent to the child’s attorney, the foster care provider, the guardian ad litem, and the court. The child or the guardian ad litem may file a motion asking for court review of this notice within fifteen days after it is received. The child may not be discharged from foster care until after the motion is heard. The written notice, terminating foster care benefits, must be on the form prescribed by the commissioner and must give notice of the right to court review.

The agency also has the responsibility to develop a personalized transition plan for every youth leaving extended care, for whatever reason. This plan must be developed during the ninety-day period prior to the date the youth leaves the program, and it must be as detailed as the youth chooses, including options on housing, education, employment services, health care and insurance, mentors, and continuing support services. The plan must also include information on the importance of health care directives as well as information on health care proxies or powers of attorney.

V. THE HENNEPIN COUNTY TRANSITION TO INDEPENDENCE PROGRAM—AN INSIDER’S PERSPECTIVE

The Hennepin County Transition to Independence Program (TIP) was developed in response to the law extending foster care benefits to eighteen- to twenty-one-year-olds. Over the last three years, the program has evolved to meet the challenges of supporting young adults in achieving independence. In some respects, Hennepin County was well positioned to manage the new law. The Hennepin County Human Services Department

72. See id. § 260C.451, subdiv. 8.
73. Id.
74. Id.
75. Id.
76. Id.
77. Id.
78. Id. § 260C.203(f).
79. Id.
81. The following is based on the authors’ personal experience.
“Department”) routinely conducted Youth in Transition Conferences (YTCs) for all youth sixteen and older who were in long-term foster care or were state wards. These YTCs were child driven and occurred as often as the youth wanted. At these conferences, the purpose was to help youth decide what they wanted to do as they approached adulthood. The Department also had child services workers who were specifically responsible for this population of youth. The court had a single judge assigned to the long-term foster care reviews and another judge assigned to the state ward reviews, so the judges knew the children and their needs. In addition, the Hennepin County Attorney’s Office had one attorney assigned to the long-term foster care youth and one to the state wards. The Public Defender’s Office had one attorney assigned to represent all of the long-term foster care youth. The Children’s Law Center represented the state wards. The Department also appointed a manager to develop the program and aggressively implement the new law in cooperation with the court, county attorney, and attorneys representing the youth. This sort of specialization made it relatively easy to form a group that met monthly and could brainstorm how best to manage this group of young adults. It was not an easy job. At the beginning of the program, there were over 280 youths ages eighteen or older in the program, as tracked by the court’s information system. That number has decreased as long-term foster care (now called “permanent custody” to the agency) has become less favored as a disposition in Hennepin County. Nevertheless, even today, there are between 150–200 youths at any given time in the TIP program.

To understand the challenges in managing this program, it is necessary to step back for a moment and consider the youth we are talking about. These are youth who, by definition, have been removed from their parents as a result of abuse and neglect. They have been raised in foster homes, some excellent and some not, but what these youth know above all else is that they have been raised by people being paid to care for them. They have not experienced unconditional parental love. Many have emotional scars from their childhood that become increasingly problematic as they enter their teenage years, often resulting in behavior problems or mental health issues. Furthermore, by the time they are

teenagers, they often do not want to go to therapy, especially the young men. They often have contentious relationships with their social workers because the workers are enforcing rules or telling them what they have to do without having the time to develop the trust and good communication necessary for a positive relationship. Finally, foster parents who are excellent at raising young children often become understandably frustrated with teenagers who are no longer willing to do what they are asked to do, who are sometimes rude and disrespectful, and who break the rules both at home and at school. For many parents who have raised teenagers, this is unpleasant but not entirely unexpected behavior. When it is your own children, you put up with and deal with it according to your own parenting style, but, at a minimum, you hang in there with them and work hard to help them make good decisions because they are your children and will be forever. For foster parents, this is not the case, and the adults and the youth know it. Everything is conditional for these youth, so it is no wonder that many of them reach the age of eighteen feeling powerless, resentful, and unheard. At the same time, many are very motivated to be successful and make it on their own, which is why the program is so important.

The goal of the TIP program is to help youth achieve independence by the age of twenty-one, but what does that mean? For many of us, we define it as putting youth on track to become self-sufficient, tax-paying citizens. That requires housing, education, employment, and permanent connections to caring adults. When youth reach the age of eighteen, they are adults and can make their own decisions about all of these things. If they choose to remain under court jurisdiction, receiving extended foster care and complying with the requirements of the TIP program, they do it because they want to—and they only want to if they see a benefit to it. In Hennepin County, a court hearing is generally set a few months before the youth turn eighteen, where they will have an attorney who can talk to them about the benefits of staying in the TIP program. The social worker, the foster parents, and the guardian ad litem have also been talking to the youth at both the YTCs and at home about their choices and the realities of being eighteen. Some youth choose to leave foster care and go off on their own, usually returning to their families. Most, however, choose to continue in the TIP program.
The Hennepin County TIP program learned early on that not all social workers are well equipped to deal with young adults. It requires an affinity for older teens and a temperament and personality that allows the social worker to develop a relationship with often-difficult youth. The youth are adults and have to be treated as such. They have to be given choices, allowed to make the choices, and then learn the consequences of those choices. They will make mistakes and the TIP program is their safety net—walking the fine line between making them suffer the consequences of the mistake and not letting them drown in it. Most importantly, the social workers have to develop an honest relationship with these youth based on open communication and trust. Many of these youth are “system” kids—distrustful, some drawn to a street lifestyle, and some who get into trouble with the law. And, through all of this, the social worker has to hang in there as the support person youth can go to. Hennepin County eventually ended up with six social workers for these youth. They have between twenty-five and thirty kids on their case loads, and the youth are spread across the state, with some in college out of state. They try to see the youth once or twice a month, but often communicate through cell phones and text messages.

The TIP worker is generally assigned to and meets with the youth about three months before they turn eighteen. This allows the worker to begin communication, explain the program, make sure they understand it, and find out if they want to participate. If they do, the first questions are where they are going to live and whether they are going to stay in their foster homes. If they are still in high school—and many are—they are strongly encouraged to stay in the foster home until they graduate and come up with an independent living plan for post-graduation. If the youth insist on leaving, then they must have a plan for where they are going to go. If they stay in foster care, the foster care payments continue to the foster parents.83 If the youth want to live independently, then they receive a monthly stipend to pay for rent, food, and everything else. The value of the stipend is approximately $800 a month,84 and


84. This estimated amount is based on the authors’ conversations with TIP Professionals.
managing all living expenses on that dollar amount takes time and planning. The other important question is the eligibility requirement and how the youth intend to meet that. A high school diploma or a GED is almost mandatory. This emphasis begins long before the youth turn eighteen as the Department, court, and foster parents all insist that the youth complete high school or an equivalent. A voluntary placement agreement is then entered into with the youth setting out the agreement as to eligibility, housing, and the financial agreement.\footnote{MINN. STAT. § 260C.451, subdiv. 3 (2012).}

Most of the youth in the TIP program graduate from high school or get a GED, and almost 70% go on to college or vocational school.\footnote{This percentage of youth who go on to college or vocational school is based on the author’s conversations with TIP professionals.} The TIP social workers are all extremely well educated in the various resources available to the eighteen- to twenty-one-year-olds in this program. Youth who are state wards are eligible for tuition waivers at all public state schools.\footnote{MINN. STATE COLLS. & UNIVS., SYSTEM PROCEDURES 5.12.2 (rev. June 21, 2000), available at http://www.mnscu.edu/board/procedure/5-12p2.pdf.} Pell grants are available to youth who have been in foster care past the age of thirteen, and the grant is $5500 a year.\footnote{20 U.S.C. § 1070(a) (2006).} This will pay for most community colleges. In addition, there are Education and Training Voucher grants available through the state as well, with a maximum grant of $5000.\footnote{Education and Training Voucher (ETV) Program, MINN. DEP’T HUM. SERVICES, http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000553 (last updated Feb. 12, 2014, 11:37 AM).} In addition to these grants, which cover tuition and books, the $800 monthly stipend is available for housing or room and board in a dorm. The problem with all of this, of course, is that the youth have to stay in school and pass their classes. If they drop out or do not pass, then they are required to pay back the money and are not eligible for additional grants. This can be a very tough consequence for youth whose expectation of what they can do does not match their reality. Many of them need significant mentoring around these issues beyond what a social worker can provide, and that has been an identified gap for these youth.\footnote{See, e.g., PECORA ET AL., supra note 16, at 47–52.}

Some youth choose to work rather than go to school. If they cannot get or do not have a job, then they participate in the Work
Force Center or work with HIRED, which assists youth in getting jobs. The reality these youth must quickly grasp is the hourly wage they can make. Even after receiving a stipend of $800 a month, youth need to make significant money to pay rent and utilities, buy food and clothes, pay for a cell phone, and pay for transportation. Many of them find out how hard it is to find a job paying a livable wage when they only have a high school diploma or GED. This is an ongoing struggle for youth in this program. They need at least a $10-per-hour job working full time to support themselves once they turn twenty-one, and that assumes they have a roommate. The struggle to become independent is difficult. Most of these youth cannot become boomerang children who move back home with their parents, although some end up doing that, and not always successfully.

As is true with many young adults, budgeting and money present a major problem for the youth in this program. Because they have been in foster care, and because many have not had even the basic experience of earning an allowance, having money and spending it wisely is not something they understand. The challenges for the youth and the social workers are teaching and learning the skills necessary to develop a budget and live within it, saving money instead of spending it, and planning for the future. For youth who have never had anything, to suddenly have $800 a month plus student loans or grants presents great temptation to spend unwisely rather than save or budget. This is understandable, but for youth who have to learn quickly or risk digging a hole they cannot get out of, the consequences can be serious. The budgeting/saving issue is particularly important because the money stops when youth turn twenty-one and stop being eligible for the program. It is critical when this happens that youth have the skills necessary to make a livable wage, budget their money, and pay rent and other necessities of life.

Youth do drop out or get terminated from the program before age twenty-one. This happens when they choose to leave or when they stop being eligible. Oftentimes, this is a case of “tough love” on the part of the social worker and the court. For some youth who struggle to assume the responsibility of adulthood, it takes being on their own for them to appreciate the resources that the program

offers them. For others, they return home eager to be back with their family, only to discover that it is not what they thought it would be, and they cannot be stable or successful there. In many cases, youth who leave the program or get terminated come back to the program. The process for this is spelled out in the statute, and the TIP program has been generous in allowing all eligible youth who wish to return to do so. Many remain in contact with their social workers during the time they are out of the program and return with a better understanding of how difficult life is on their own and of the importance of education and a good job.

The most important criteria for success for these youth are exactly the same as for any youth from any family. They need to be mature enough to consider the consequences of their choices. They need an education sufficient to get them a job that pays them a livable wage. As a practical matter, this usually means college or vocational school. They need to understand how to save money, budget their money, and live within their means. They need to know how and where to get a job that will allow them to support themselves. They have to have supportive and caring adults who will be there for them when they have to go to the hospital, during holidays, and when they need to talk about a difficult choice. They need to accomplish all this by the time they turn twenty-one, because then they will be on their own.

Perhaps the most difficult challenge for the social workers, attorneys, and court in working with these youth in the TIP program is that age eighteen is too late to start developing these attributes for success. This development needs to start years earlier. An appreciation for the value of education, the ability to understand the consequences of one’s choices, possessing the basic skills of budgeting and saving money, developing a work ethic that recognizes the importance of meeting deadlines, showing up on time, doing homework, helping out at home—these are all values and habits that get taught at home in the process of raising a child. For youth in foster care, this may or may not happen. It often does not, and it is not due to bad foster parents but instead to a lack of training for foster parents in how to teach these skills to older youth and an insistence by social services agencies that these are imperatives. As most parents will attest, it is much more difficult to raise teenagers than it is to raise young children. Yet foster parents

93. See id. § 260C.451, subdiv. 6.
are trained on lots of subjects relating to children and not much relating to teenagers. Perhaps more than anything, the county needs foster homes specially trained to deal with the challenges and needs of the teenager in foster care. In addition, the special needs of these youth and the unique challenges many of them face require more support and mentoring than social workers and foster parents can provide. On issues of education, housing, job training, and budgeting, many of these youth need additional assistance. And while there are good programs out there like the YMCA and Connections to Independence, it is often difficult to get youth to participate in yet another program. This is an area that needs additional attention.

VI. CONCLUSION

The plight of youth who age out of foster care in the United States is dire. Recognizing that these youth need assistance as they strive toward financial independence, the federal government has paved the way for states to implement programs that allow youth to remain in foster care past the age of eighteen. 94 Minnesota has taken full advantage of this by creating the Extended Foster Care Program, which provides youth aging out of foster care with tremendous advantages and resources. Many of these youth have taken advantage of the program and have gone on to successful, independent lives. Minnesota’s program is an example of government at its best—recognizing the needs of our most dependent youth and addressing those needs in a positive and supportive way.


95. See generally BULLETIN #12-68-22, supra note 22 (discussing policy guidance regarding foster care for youth ages eighteen to twenty-one).