



CHILDREN'S LAW CENTER OF MINNESOTA

CLC Practice Point

Preventing Homelessness for Foster Care Youth

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For most, transitioning to adulthood is a difficult and gradual process. Young adulthood is recognized as a distinct developmental period in the growth of an individual before she settles into adult roles and responsibilities.¹ Development during this period often has a direct relationship with post-secondary enrollment, career and financial performance, parenthood and relationships, and involvement with illicit substances and crime.² Most adolescents outside of the foster system have adults upon whom they can continue to rely while they learn how to live independently. Unfortunately, services provided to youth in foster care often abruptly terminate when they reach adulthood, despite their imminent need for support and continued guidance.³

This practice point will address the connection between previous foster care placement and its increased risk for future homelessness, provide information on federal and Minnesota authority designed to assist foster care youth in successfully transitioning to adulthood, as well as offer tips for attorneys to use when representing teens in foster care to prevent future homelessness.

Former Foster Care Youth are At Risk for Homelessness and Other Challenges

Former foster care youth often face significant disadvantages in their lives. Research shows that foster care youth who transitioned from out-of-home placements in the foster care system compared to their non-foster care peers in the general population are significantly more likely to be homeless, involved in the criminal justice system, incarcerated, parent at a young age, have unwanted pregnancies, be under or unemployed as well as have higher rates of physical, developmental, and mental health

¹ Glenn I. Roisman, et al., *Salient and Emerging Developmental Tasks in the Transition to Adulthood*, 75 Child Development 123, 124 (2004) (a study of 205 children transitioning into adulthood that confirmed a direct relationship between the development of salient and emerging developmental tasks between age 20-30 with adult success).

² D. Wayne Osgood, et al., *Vulnerable Populations and the Transition to Adulthood*, 20 The Future of Children 209, 216 (2010) (“54 percent of youth discharged from foster care at age eighteen complete high school within 2.5 to 4 years, compared with 78 percent of same-age peers in the general population” and “fewer than 15 percent of homeless youth have high school diplomas”).

³ *Id.* at 209.

problems and drug or alcohol abuse.⁴ Foster care youth are also less likely to have health insurance, a positive relationship with a caring adult, be involved in their community, graduate from high school, or pursue post-secondary education.⁵ Moreover, failures in education, parenting, and career-planning during early adulthood are often correlated with less stable housing situations, including homelessness, when children experiencing these setbacks reach adulthood.⁶

Of the 247,631 youth who exited foster care in 2017, roughly eight percent left care with no established living arrangement and no guidance on how to live completely independently.⁷ Further, a staggering 30 percent of 19-to-21 year old who had formerly been in foster care report experiencing homelessness.⁸ Meanwhile, the total number of people who experienced homelessness in 2018 was 552,830.⁹

Despite certain institutionalized beliefs, homelessness is not always the direct result of mental illness, alcoholism, or substance abuse.¹⁰ For youth living on the street, their circumstances differ widely from case to case. Some may feel that homelessness is a better, safer alternative than staying in their familial home, while many others may find their situation perpetuated by repeating their parents' negative behaviors, such as substance abuse, criminal behavior, domestic violence, sexual abuse, and facing untreated mental health issues.¹¹ For many Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ+) homeless youth, factors contributing to homelessness often include familial rejection and abuse, with one study of homeless youth in shelters indicating that nearly seven in ten (68%) experienced familial rejection and (54%) experienced familial abuse.¹² Foster care youth often face similar familial struggles, which they seek to overcome to develop healthy lifestyles and avoid homelessness.

⁴ Mark E. Courtney et. al., *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Ages 23 and 24*, 1-98 (Chapin Hall at the Univ. of Chi.), 2010, at 21, available at https://rhyclearinghouse.acf.hhs.gov/sites/default/files/docs/18690-Midwest_Evaluation-Outcomes_at_Ages_23_and_24.pdf; see also Melinda Atkinson, *Aging Out of Foster Care: Towards a Universal Safety Net for Former Foster Care Youth*, 43 Har. C.R.-C.L. L. Rev. 183, 183 (2008).

⁵ *Id.*

⁶ Yumiko Aratani, *Homeless Children and Youth: Causes and Consequences* (National Center for Children in Poverty), September 2009 at 4-6; see also Matthew H. Morton et al., *Missed Opportunities: Youth Homelessness in America*, National Estimates (Chapin Hall at the Univ. of Chi. 2017) (Youth with less than a high school diploma or GED were 346% more likely to be homeless, those with an annual household income of less than \$24,000 were 162% more likely to be homeless, LGBTQ youth were 120% more likely to be homeless, and unmarried youths with children were 200% more likely to be homeless).

⁷ *Foster Care Statistics*, (Children's Bureau), March 2019 at 6, available at <https://www.childwelfare.gov/pubPDFs/foster.pdf#page=3&view=Children%20in,%20entering,%20and%20exiting%20care>.

⁸ *Fostering Youth Transitions: Using Data to Drive Policy and Practice Decisions*, The Annie E. Casey Foundation, 2018 at 2, available at <https://www.aecf.org/resources/fostering-youth-transitions/>

⁹ *State of Homelessness*, National Alliance to End Homelessness (2018), available at <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-report/>

¹⁰ Doug A. Timmer et. al., *Paths to Homelessness: Extreme Poverty and the Urban Housing Crisis* 11-12 (Routledge 2019) (finding that the essential causes of homelessness are likely insufficient low-income housing and general poverty).

¹¹ Alice S. Baum and Donald W. Burnes *A Nation in Denial: The Truth About Homelessness* 23 (Routledge 2019).

¹² *Gay and Transgender Youth Homelessness by the Numbers*, Center for American Progress (2010), available at <https://www.americanprogress.org/issues/lgbt/news/2010/06/21/7980/gay-and-transgender-youth-homelessness-by-the-numbers/>

The consequences of homelessness can be severe and long-lasting. Homeless adolescents suffer from medical problems more frequently and in greater severity as well as having higher mortality rates than their counterparts in stable housing.¹³ These higher rates may be due to extreme poverty, delays in receiving medical treatment, failures to comply with medical treatment, cognitive impairments, as well as natural exposure to the elements that accompany homelessness.¹⁴

The comparatively heightened rates of homelessness among young adults may be due, in part, to foster care programs' failure to provide an adequate safety net to these youth while they are in care. Of those children exiting foster care in 2017, only sixteen percent had received housing financial assistance or independent living services.¹⁵ Minnesota's foster care youth also struggle in this area as only twenty percent of youths exiting foster care received room and board financial assistance services.¹⁶

Homeless adolescents have lost access to services without which many cannot effectively mature into adulthood. Only one quarter of respondents in one long-term study reported that they felt "very prepared" to live on their own after exiting foster care, but one third reported feeling "not very" or "not at all" prepared for independent living and later reported that they wished they had received assistance or training in independent living skills.¹⁷ Certain services may be able to prevent homelessness and streamline the transition to adulthood for many youth, despite a historic lack of initiative to provide these services when required. Specific services for Minnesota's foster care youth will be addressed in this summary.

Federal Legislation Improved States' Ability to Assist Foster Care Youth Transition to Independence

The Independent Living Program was initiated in 1986 in an amendment to Title IV-E of the Social Security Act by Public Law 99-272.¹⁸ This amendment gave states federal funding specifically for the

¹³ Baum, *supra* note 11 (finding that "mortality rates among street youth in Montreal are 9 times higher for males and 31 times higher for females" and that "death rates among homeless men in Toronto are about one-half that of homeless men in US cities").

¹⁴ Stephen W. Hwang, *Homelessness and Health*, 164 Canadian Med. Assoc. J. 229, 230 (Jan. 2001) (a Canadian study finding that the most common medical problems among homeless adults in Montreal include chronic diseases like tuberculosis and HIV/AIDS and localized medical issues like seizures, chronic obstructive pulmonary disease, arthritis, hypertension, diabetes, anemia, respiratory tract infections, skin infections, and foot disorders. Also note that certain diseases may be instigated or aggravated by alcohol and substance abuse problems).

¹⁵ *Foster Care Statistics*, *supra* note 6; see also Kids Count Data Center, *Youth Transitioning out of Foster Care: Received Supervised Independent Living Services by Race/Ethnicity in the United States*, The Annie E. Casey Foundation (Updated October 2018), available at <https://datacenter.kidscount.org/data/tables/10228-youth-transitioning-out-of-foster-care-received-supervised-independent-living-services-by-race-ethnicity#detailed/1/any/false/1447/6285,4411,4039,2638,2597,4880,4758,6286,1353|6259/19790,19791>.

¹⁶ Kids Count Data Center, *Youth Transitioning out of Foster Care: Received Supervised Independent Living Services by Race/ethnicity in the United States*, The Annie E. Casey Foundation (Updated October 2018), available at <https://datacenter.kidscount.org/data/tables/10228-youth-transitioning-out-of-foster-care-received-supervised-independent-living-services-by-race-ethnicity?loc=25&loc=2#detailed/2/25/false/1447/6285,4411,4039,2638,2597,4880,4758,6286,1353|6259/19790,19791>.

¹⁷ Courtney, *supra* note 4 at 21 (the Midwest Study surveyed 763 former foster children in Illinois, Iowa, and Wisconsin in three waves of data collection to study how these youths transition into adulthood; finding that some respondents did not receive independent living skills, but those that did receive training wished that they received it at a younger age, and money management, employment, and housing were among the most requested topics of training).

¹⁸ Pub. L. No. 99-272, title XII § 12307(d) Apr. 7, 1986, 100 Stat. 297.

purpose of providing foster youth aging out of foster care with education and training.¹⁹ The John H. Chafee Foster Care Program for Successful Transition to Adulthood (known as the Chafee Act or FCIA) followed in 1999 and created more flexible funding.²⁰ The Chafee Act increased federal funding by 2020 from \$70 to \$143 million and it added \$60 million in training vouchers.²¹ The Chafee Act allows states discretion in implementing their services and in distributing funds among diverse programs as long as the programs align with the purposes of the Act.²² In 2004, forty-six states had used the Chafee Act to offer assistance with room and board and otherwise assist with housing support.²³ In 2012, thirty states had chosen to expand their programs to include Medicaid coverage to former foster youth through the Chafee Act.²⁴ Thus, the Chafee Act and the Independent Living Program provide substantial financial opportunities for older foster care youth to advance their educations and employment skill sets.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (“Fostering Connections”)²⁵ also provides support for older foster care youth. Fostering Connections is a federal law designed to ensure greater permanency for and improve the wellbeing of youth served by state child welfare systems. One of the key provisions of Fostering Connections is it amended Title IV-E (federal reimbursement to states for costs associated with eligible foster youth) by extending the age of eligibility from 18 to 21.²⁶ Additionally, a study focused on Illinois youth found that for every \$1 spent on foster care beyond the age of 18 there was almost a \$2 increase in future earnings due to higher rates of bachelor’s degree completion.²⁷ Thus, in 2008 states were given the opportunity to extend foster care beyond age 18 and claim federal funding for these older foster care youth as well as accessing the increased societal financial benefits of extended foster care. In 2010, Minnesota elected to utilize this option and passed legislation to conform to the federal requirements for Fostering Connections funding under Title IV-E.²⁸

Minnesota’s Juvenile Code Seeks to Provide Older Foster Care Youth Support and Services to Prevent Homelessness as They Transition from Foster Care

¹⁹ *Id.*

²⁰ Foster Care Independence Act of 1999, 42 U.S.C. §677 (2018) (the purposes of the Chafee Act include “to provide states with flexible funding that will enable programs to be designed and conducted... (4) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age... (5) to make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care...”).

²¹ *Id.* at § 677(h) (training vouchers may be used to pay the cost of attendance at an institution of higher education, as defined in § 1002 of title 20 and may not exceed \$5,000 or the cost of attendance, whichever is lesser in value).

²² *Id.* at § 677(b)(2).

²³ Government Accountability Office, *HHS Actions Court Improve Coordination of Services and Monitoring of States’ Independent Living Programs*, 4 (2004), at 20, available at <https://www.gao.gov/new.items/d0525.pdf>.

²⁴ Michael R. Pergamit et. al., *Providing Medicaid to Youth Formerly in Foster Care Under the Chafee Option: Informing Implementation of the Affordable Care Act* (Dept. of Health & Human Services), Nov. 2012, at 2, available at <https://aspe.hhs.gov/system/files/pdf/76721/rpt.pdf>.

²⁵ Pub. L. No. 110-351, Oct. 7, 2008, 122 Stat. 3949.

²⁶ *Id.*

²⁷ Clark M. Peters, et al., *Extending Foster Care to Age 21: Weighing the Cost to Government Against the Benefits to Youth*, 8 (Chapin Hall Issue Brief June 2009).

²⁸ MINN. STAT. § 260C.451 (2019).

Minnesota offers a wide variety of services to assist older foster youth in finding stable housing and balancing all aspects of adult life. In fact, Minnesota law allows youth who are still in foster care when they reach eighteen years of age to receive Extended Foster Care (EFC) services.²⁹ Data suggests that receiving continued benefits has a significant impact on an adolescent's housing stability as more time in foster care has been significantly correlated with reduced risk of homelessness between ages seventeen and twenty-one.³⁰ A long-term 2018 study by Chapin Hall found that each year in care decreased the odds that youth were homeless or "couch surfed" by twenty-eight percent, decreased the odds of youth experiencing additional instances of individual homelessness by thirty-two percent, and decreased the total number of days youth were homeless by an average of fifteen days.³¹

ATTY NOTE: Six months prior to your client's eighteenth birthday, your client will receive a notice that, if she³² cannot reasonably be expected to return home or have another legally permanent guardian before eighteen, continued foster care services are available until age of twenty-one. At this time, your client will need to sign a voluntary agreement indicating your client's desire to remain in foster care under the responsibility of the county or tribe and will coordinate with the social services agency to update the youth's independent living plan and meet the requirements of extended foster care.

A youth is not eligible for extended foster care if she can safely return home, is under placement regulation due to a developmental disability or related condition, is receiving case management support for developmental disabilities, or can be adopted or have permanent custody transferred to a relative prior to her eighteenth birthday.³³ To be eligible for extended foster care, youth must be:

- (1) completing secondary education or a program leading to an equivalent credential;
- (2) enrolled in an institution that provides post-secondary or vocational education;
- (3) participating in a program or activity designed to promote or remove barriers to employment;
- (4) employed for at least 80 hours per month; or
- (5) incapable of doing any of the activities described in clauses (1) to (4) due to a medical condition.³⁴

Once a youth has qualified for EFC, the matter generally moves to an EFC calendar. The court, at minimum, must review the matter annually.³⁵

ATTY NOTE: Given the significant changes youth face as they transition to adulthood, CLC believes it is often necessary to review an EFC youth's case earlier than the minimum statutory mandate of every 12 months. Connect consistently with

²⁹ *Id.*

³⁰ Mark E. Courtney et. al., *Report from CalYOUTH: Findings on the Relationship between Extended Foster Care and Youth's Outcomes at Age 21* (Chapin Hall at the Univ. of Chi.), Nov. 2018, at 12, available at <https://www.chapinhall.org/wp-content/uploads/Impacts-of-extended-care-age-21.pdf>.

³¹ *Id.*

³² For simplicity sake, and not to the exclusion of any particular gender or identity, this article will use "she" and "her" as the gender neutral pronoun.

³³ MINN. STAT. § 260C.451, subdiv. 3.

³⁴ *Id.* at subdiv. 3a.

³⁵ *Id.* at subdiv. 9(a).

your client about how she is doing and what concerns she may have, so you are able to request specific action items to be addressed by the next review date and don't hesitate to ask for 6 month or earlier review date if you and your client believe such a review would benefit your client's transition to adulthood.

As part of its annual review, the court seeks to ensure that the social services agency is making reasonable efforts to finalize the youth permanency plan.³⁶ As part of this determination:

The court shall find that the social services agency is making reasonable efforts to finalize the permanency plan for the child when the responsible social services agency:

- (1) provides appropriate support to the child and foster care provider to ensure continuing stability and success in placement;
- (2) works with the child to plan for transition to adulthood and assists the child in demonstrating progress in achieving related goals;
- (3) works with the child to plan for independent living skills and assists the child in demonstrating progress in achieving independent living goals; and
- (4) prepares the child for independence according to sections 260C.203, paragraph (d), and 260C.452, subdivision 4.³⁷

Youth who have already exited foster care may also re-enter foster care after age eighteen up until the age of twenty-one.³⁸ A former foster youth may, at the age of eighteen or older, re-enter foster care under the following conditions:

(a) [T]he child and the responsible social services agency ... enter into a voluntary agreement for the child to be in foster care under the terms of section [260C.451](#). The voluntary agreement must be in writing and on a form prescribed by the commissioner.

(b) When the child is in foster care pursuant to a voluntary foster care agreement between the agency and the child, and the child is not already under court jurisdiction pursuant to section [260C.193, subdivision 6](#), the agency responsible for the child's placement in foster care shall:

(1) file a motion to reopen the juvenile protection matter where the court previously had jurisdiction over the child within 30 days of the child and the agency executing the voluntary placement agreement under paragraph (a) and ask the court to review the child's placement in foster care and find that the placement is in the best interests of the child; and

(2) file the out-of-home placement plan required under subdivision 1 with the motion to reopen jurisdiction.

(c) The court shall conduct a hearing on the matter within 30 days of the agency's motion to reopen the matter and, if the court finds that placement is in the best interests of the child, shall conduct the review for the purpose and with the content required under section [260C.203](#) at least every 12 months as long as the child continues in foster care.³⁹

³⁶ *Id.*

³⁷ *Id.* at subdiv. 9(b).

³⁸ *Id.* at subdiv. 6.

³⁹ MINN. STAT. § 260C.229 (2019).

Other conditions required for re-entering foster care at age eighteen or older include:

- (1) [W]as in foster care for the six consecutive months prior to her eighteenth birthday, or left foster care within [that time period,] and was not discharged home, adopted, or transferred into the legal and physical custody [of a relative]; or
- (2) was discharged from foster care while on runaway status after age fifteen.⁴⁰

ATTY NOTE: If your client is re-entering foster care, CLC will be served with the re-entry motion papers. Once CLC receives the re-entry motion, we contact the youth's previous volunteer attorney to inform her of the date of the re-entry hearing. Please, immediately contact your client to ensure that she will be present at the hearing. At this time, you should also discuss how she is currently meeting the eligibility requirements and any other issues that may arise at the hearing. Your client's presence at the hearing is crucial because it may potentially be your client's last court appearance for twelve months and it may also be the best opportunity to request, challenge or modify the current Out-of-Home Placement Plan, a specific living arrangement, and any other needed service.

ATTY NOTE: If your client is re-entering foster care, she will have to work with the responsible social services agency to develop an Out-of-Home Placement Plan (hereafter "OHPP") for the purpose of meeting the eligibility criteria listed above and to increase your client's ability to live safely and independently. Your client will also enter into a voluntary placement agreement with the social services agency following the development of this plan.⁴¹

The OHPP developed prior to re-entering foster care must be oriented specifically towards the client's vocational, educational, social, or developmental needs.⁴²

Out-of-Home Placement Plan (OHPP)

An OHPP is a written document prepared within thirty days following a court-ordered or voluntary placement to establish where the foster child will live while in EFC.⁴³ It is also used when a foster youth is under the age of eighteen.⁴⁴

Out-of-home placement settings for youth under eighteen generally include traditional licensed foster care placements, such as family foster homes, foster care with relatives, group homes, and emergency shelters;⁴⁵ however, while EFC youth may be placed in such settings, many live in supervised living settings, such as apartments, dorms, host homes, to be selected based on the youth's best interests and an individual determination of her needs, goals, and personal preference.⁴⁶ Since placements for

⁴⁰ *Id.* at subdiv. 6(b).

⁴¹ *Id.* at subdiv. 6(a).

⁴² *Id.* at subdiv. 6(c).

⁴³ *Id.* See also, MINN. STAT. § 260C.212, subdiv. 1 (2019).

⁴⁴ MINN. STAT. § 260C.212, subdiv. 1.

⁴⁵ MINN. STAT. § 260C.007, subdiv. 18 (2019).

⁴⁶ *Corrected Bulletin #17-68-20C: Extended Foster Care for Youth Ages 18 up to 21*, Department of Human Services (October 2017) at 11 (citing to the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)); when determining a supervised independent living setting, consider: "[D]oes youth have a feasible financial plan? Can youth

youth in EFC may be, but are not required to be in licensed homes, EFC youth have an opportunity to experience independent living with the support net of county resources.

An OHPP for youth under eighteen is prepared by the responsible social services agency together with the parent or guardian of the youth and under the advisement of the youth's guardian ad litem, the youth's tribal representative (if relevant), the youth's foster parent or foster care facility, and sometimes the youth⁴⁷ and describe how the placement will serve the best needs of the youth.⁴⁸ Once a youth is fourteen years old, the youth may invite to two other individuals to assist the team in preparing the youth's OHPP.⁴⁹

The OHPP must be submitted to and ordered by the court and signed by the parent or guardian of the youth, the youth's guardian ad litem, the youth's tribal representative if relevant, the responsible social services agency, and, if possible, the youth.⁵⁰ For EFC youth, the OHPP is often developed with the youth and the social service agency representative. Regardless of the youth's age, once a youth is in placement, the youth's caseworker must visit the youth in her placement monthly to address case planning issues and to ensure the safety, permanency, and wellbeing of the child.⁵¹

Independent Living Plan

As soon as a youth is age fourteen, the youth's planning team may consult with the youth to develop an independent living plan for the youth.⁵² The plan may include, but is not limited to:

- (i) educational, vocational, or employment planning;
- (ii) health care planning and medical coverage;
- (iii) transportation including, where appropriate, assisting the child in obtaining a driver's license;
- (iv) money management...;
- (v) planning for housing;
- (vi) social and recreational skills;
- (vii) establishing and maintaining connections with the child's family and community; and
- (viii) regular opportunities to engage in age-appropriate or developmentally appropriate activities typical for the child's age group, taking into consideration the capacities of the individual child.⁵³

afford identified housing? Does the youth have stable income? Does youth have knowledge of financial skills, such as budgeting and managing money? Is youth developmentally ready to handle daily tasks on their own, such as grocery shopping, preparing meals, self-care, paying bills and transportation? Is youth able to handle independence, such as waking up in time for work or school, able to follow rules, and generally has good decision-making skills?"

⁴⁷ MINN. STAT. §260C.212, subdiv. 1(b).

⁴⁸ MINN. STAT. §260C.212, subdiv. 1(c) for the necessary contents of the OHPP.

⁴⁹ MINN. STAT. §260C.212, subdiv. 1(b).

⁵⁰ *Id.*

⁵¹ *Id.* at 260C.212, subdiv. 4a.

⁵² *Id.* at 260C.212, subdiv. 1(c)(12).

⁵³ *Id.*

This plan must be updated every six months by the social services agency.⁵⁴ It must also be updated upon the youth's request when re-entering foster care prior to her eighteenth birthday and the agency must also provide services that will allow the implementation of the plan.⁵⁵

ATTY NOTE: Encourage your client to attend and participate actively at the independent living plan development meetings. If your client can feel a sense of ownership in the identification and planning of her goals, hopefully, your client will be more motivated and engaged in her transition to independent living. Additionally, the youth may feel more comfortable asking for help and acquiring new skills.

ATTY NOTE: It is best practice to have your client request time to review the plan with you before it is signed. Reviewing the plan with your client can help your client conceptualize what independent living will be like and it allows you to foresee possible barriers to the plan's implementation.

ATTY NOTE: Clearly identify to the court and agency any ILP barriers so efforts to address these barriers are made and monitored. Remember, at your client's review hearings, the court must examine the youth's progress toward the youth's independent living goals, especially as the youth prepares to leave foster care, at which time the court must make findings as to what the child has accomplished on their goals.⁵⁶

Transition Plan

In Minnesota's current EFC program, a youth may decide to either continue in foster care until she turns twenty-one or leave foster care. When a youth leaves foster care at age eighteen and older, she must develop a personalized transition plan in her final ninety days in foster care to establish the steps that she will take to gain independence.⁵⁷ The transition plan may include as much detail as the child would like, including, but not limited to:

- (1) affordable housing with necessary supports that does not include a homeless shelter;
- (2) health insurance...;
- (3) education, including application to the Education and Training Voucher Program;
- (4) local opportunities for mentors and continuing support services, including the Healthy Transitions and Homeless Prevention program, if available;
- (5) workforce supports and employment services;
- (6) a copy of the child's consumer credit report...;
- (7) information on executing a health care directive...; and
- (8) appropriate contact information through 21 years of age if the child needs information or help dealing with a crisis situation.⁵⁸

⁵⁴ *Id.*

⁵⁵ *Id.* at 260C.451, subdiv. 2.

⁵⁶ MINN. STAT. § 260C.203(d) (2019).

⁵⁷ MINN. STAT. § 260C.452, subdiv. 4(d).

⁵⁸ *Id.*

ATTY NOTE: It is important to ensure you receive a copy of your client's transition plan to ensure you are able to review the plan with your client prior to your client's exit from care.

Notice of Termination of Benefits

On a monthly basis EFC youth in foster care must verify their compliance with the EFC requirements. When an EFC youth is no longer in compliance, both the youth and her attorney must receive written notice that the youth's foster care benefits will terminate thirty days from the date the notice is given.⁵⁹

ATTY NOTE: If upon receipt of the agency's notice to terminate benefits, you and your client believe the agency's notice to terminate is incorrect and your client is meeting the eligibility criteria, you or your client's guardian ad litem may file a motion to review the agency's determination within fifteen days of receipt of the notice. If you challenge the agency's notice, your client's foster care benefits will not terminate until the motion is heard.⁶⁰ Contact CLC if your client receives a termination notice.

Conclusion

Homelessness is a reality for many foster youth whose support lines are removed from them far too quickly as they approach adulthood. How adolescents grow during this time has a significant effect on every aspect of their life, including their long-term and short-term decision-making skills, health, and emotional and physical security, which may affect their likelihood of experiencing homelessness. Lacking stable housing can significantly impede this crucial developmental stage. Attorneys can assist their clients in their transitions to adulthood and independent living by advocating for necessary supports and services and by ensuring their clients have substantial relationships with caring adults who can act as the youths' safety nets.

Minnesota has allowed foster youth to continue in foster care well into adulthood through the Extended Foster Care program. Participating in this program requires goal-setting and planning to ensure that the young adult will be capable of living independently successfully at age twenty-one, but planning for adulthood does not and should not start at age eighteen. Independent Living Plans (ILP) are required at age fourteen and strong advocacy can ensure these plans are unique to each foster care youth and are properly modified as the youth ages and develops. Strong ILPs and EFC supports for those foster care youth without permanency are available to help significantly reduce the risk of homelessness for foster care youth.

Please contact CLC for our Client Advocacy Checklist and Resource Guide to help you ensure that your client receives the appropriate supports needed to assist your client in avoiding homelessness as your client approaches adulthood.

⁵⁹MINN. STAT. § 260C.452, subdiv. 5.

⁶⁰ MINN. STAT. § 260C.451 subdiv. 8.