



2022 LEGISLATIVE AGENDA

Advancing Excellence in Practice & Policy

HOT TOPIC

Extend Foster Care to Age 21 in All States

ACTION

- Extend foster care to age 21 so that every young person in foster care will have an option to stay in care, resulting in improved education, housing, and employment outcomes.

The COVID-19 pandemic has focused a great deal of attention on the plight of youth in foster care. When schools and colleges closed and employers closed up, many of these youth were left in a difficult position with few options and limited support. The Children’s Bureau guided states in an effort to extend their foster care to 21 for youth who were faced with aging out of care, but the pandemic revealed systemic, legal, and safety challenges for this population of youth.

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act (PL 110-351). That law gave states the option to extend foster care up to the age of 21. Since this became an option, 28 states and the District of Columbia have extended care up to the age of 21 (Indiana extends it to age 20), but the remaining states have not extended care. In the states that extend care to age 21, young people have the option to stay in foster care if they choose. Some states allow young people the option to return to care if their first decision was to exit care at 18.

Federal data tells us that when young people continue to age 21 in foster care compared to youth in foster care who “age out,” youth in care have better outcomes:

- Higher full- and part-time employment (67% vs. 58%)
- Employment-related skills (37% vs. 31%)
- Education aid (31% vs. 16%)
- Homelessness (15% vs. 30%)
- Receiving public assistance (N/A v. 31%)

- High school diploma or GED (77% vs. 68%)
- Attending school (43% vs. 23%)
- Referral for drug treatment (6% vs. 11%)
- Medicaid coverage (90% vs. 64%)
- Incarceration (7% vs. 23%)
- Giving birth or fathering a child (14% vs. 24%)

The pandemic forced governors across the nation to issue moratoriums to child welfare agencies to prevent youth from aging out of foster care during a public health emergency. Then Congress passed legislation in the Consolidated Appropriations Act (P.L. 116-260) in December 2020, prohibiting states from terminating foster care placement and services due to reaching age of majority.

Society has changed since we first directed federal foster care funding to age 18 in 1980. In 1980, the average age for a first marriage was 24 years for a man and 22 years for a woman. By 2018, the average age for first marriage had risen to nearly 30 years for a man and just under 28 for a woman. At the same time, more young people are living in their parents’ homes for longer amounts of time. By 2015 a majority of young adults were living independently in just 6 states studied. Education also has changed. By 2015, only 7.4% of students were completing two-year degrees within two years and only 10.1% were completing four-year degrees within four years of enrolling.

Traditional paths to adulthood no longer include finding a full-time job shortly after high school and retaining that job for years. Immediate marriage, enrollment, or being drafted into the military have all changed. So why do we expect a young person in foster care to turn 18 and on their birthday become automatically “independent”—despite the fact they do not have the same family, societal, and financial support and guidance their non-foster care peers have?

A Government Accountability Office (GAO) report found that in the 26 states that do extend foster care, 38% of young people are in a family foster care arrangement, 34% are in a variation of independent living arrangements, and the remaining 28% are in a range of institutional settings, including college dorms, group homes, maternity homes, Job Corps and other employment training settings, and voluntary substance abuse treatment facilities.

In addition to these changes, Congress has recognized that the advances in adolescent brain development are magnified when young people have concrete supports in times of need. This is clear in the passage of the “normalcy” provisions required through child welfare state plans.

Adolescent Development as a Period of Opportunity

Research has shown that age zero to three is a critical period of development for infants and toddlers. Now we are learning that adolescent period is a vital time for growth and development. Young people are learning crucial cognitive development skills and navigating how to make decisions. This also is a crucial time for forming one’s self-identity. For youth in the foster care system, a sense of belonging is significant in supporting the needs and desires of each individual young person. The National Academies of Science, Engineering, and Medicine (the National Academies) report, *The Promise of Adolescence: Realizing Opportunity for All Youth*, explained that the “adolescent brain undergoes a remarkable transformation between puberty and the mid-20s.”

Older youth often have traumatic experiences prior to entering the foster care system and often are retraumatized prior to leaving the child welfare system, which impacts the adolescent brain. Since the period of adolescent development is crucial to opportunities for lifelong well-being, making decisions, and taking responsibilities, it is important that young people have guidance when exploring their own agency, are engaged throughout their case-planning process, and should be given the opportunity to participate and have their voice heard.

Youth Exiting Foster Care Could Benefit from Expanding Funding and Resources

In 2018, the United States spent \$33 billion on child welfare services, with only 2% of the total spent on services and assistance for older youth. According to the Adoption and Foster Care Analysis and Reporting System (AFCARS), in 2019, 20,445 young people exited foster care to independence, most at age 18 or 19. States have the option to extend foster care up to age 21 on a voluntary basis to youth currently in foster care. States have a broad range of options in designing placements for these young people in a way that can better assist youth making a transition to adulthood by using the extended time to increase use of job training, education, and other skills and services. This use of Title IV-E is also more flexible and in some instances allows states to bypass the antiquated link to the 1996 AFDC eligibility restriction.

Congressional Action Must Assist Youth in Foster Care

Congress has recognized that assistance and services are needed for young adults beyond the age of 21. It has expanded Chafee support for transitioning young people to age 23 and Education Training Vouchers to age 26 for states with extended foster care programs through the Family First Prevention Services Act of 2018. In addition, several states have developed models of care for older youth that improve permanency outcomes and provide youth with quality foster care placement and aftercare services.

Child welfare systems have been described as not being built for transitional youth, knowing that the focus is supporting a youth to 18 rather than finding legal permanency and stable opportunities to help a young person into adulthood. The National Academies report recommends that “to better promote resilience and positive outcomes for adolescents involved in the child welfare system, all states should adopt the existing federal option to provide extended care to youth until age 21 and Chafee services to age 23 and provide comprehensive aftercare support to youth as they transition out of the child welfare system.” After what was learned in 2020 and need to provide additional support to young adults, Congress should make that a reality.



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