

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES**

DCF

**Department for Children and Families
Family Services Division**

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7000 Introduction

These rules have been established to provide for a range of age-appropriate services for youth to help ensure a successful transition to adulthood, including the avoidance of homelessness, incarceration, and substance abuse, and to enable youth to become self-sufficient, contributing members of their community.

The rules cover the following:

1. The types of services and programming available for youth in transition, including educational, vocational, employment, housing assistance, transportation, and case management; and
2. Eligibility requirements for these services and programs.

All youth are eligible for youth development program case management covered by these rules. Services and programming provided pursuant to 7001 are accessed through Department for Children and Families Family Services Division social workers and are for youth continuing services and programming in which they are already enrolled. Services and programming provided pursuant to 7002 and 7003 are accessed through youth development program coordinators and are for youth who are new to the services or programming, returning to the services and programming, or who are changing their existing services and programming. Such services and programming shall not supplant any adult services or other economic benefits for which the youth may also be eligible or is receiving. Payment for such services and programming shall also be coordinated with any other economic benefits.

The statutory authority for these regulations can be found at 33 V.S.A. §§304(b)(2), 4904(c).

7000.1.1 General Definitions

- 1) “Community-Based Residential Programming” means foster care or facility-based treatment programming with supplemental supports.
- 2) “Youth” means a person who is between the ages of 18 and 22, who either:
 - a. Attained his or her 18th birthday while in the custody of the Commissioner of the Department for Children and Families;
 - b. While he or she was between 10 and 18 years of age, spent at least five of those years in the custody of the commissioner for children and families or
 - c. Leaves state custody after the age of 16 and before reaching age 18.
- 3) “*Voluntary Services Agreement*” means an agreement that is signed by the youth, the youth’s social worker or youth development coordinator, and the supportive adult with whom the youth will live, if applicable. The agreement outlines:
 - a. The youth’s goals;
 - b. The youth’s commitment to continuing education, employment and other productive use of time;
 - c. Agreements about the youth’s financial contribution to his or her living expenses; and,
 - d. How adults will support the youth’s goals, including crisis support.

- 4) **“Youth Development Program”** means a community-based program established by the Department to provide voluntary services and supports to youth to ensure a successful transition to adulthood, including housing assistance, transportation, case management services, assistance with obtaining and retaining health insurance or employment, and other services.
- 5) **“Documented disability”** means a physical or mental impairment that substantially limits one or more of the individual’s major life activities. A disability is documented when it has been diagnosed by a qualified medical professional.

7001 Completion of Secondary Education for Youth who Reach 18th Birthday While in DCF Custody

This program provides support for eligible Youth in completing secondary education and in making a smooth transition to independent living by continuing the case plan and services that were in place when the Youth turned age 18.

7001.1 Eligibility

- A) To be eligible to enter this program a Youth must:
 1. Have attained his or her 18th birthday while in the custody of the Commissioner of the Department for Children and Families;
 2. Attend an educational or vocational program; and
 3. Voluntarily consent to participate in the program and sign a Voluntary Services Agreement.
- B) To remain eligible for this program a Youth must:
 1. Continue to attend an educational or vocational program by maintaining school attendance and passing grades that will allow for graduation as set forth in the Youth’s Voluntary Services Agreement; or
 2. If the educational or vocational program has been completed, the Youth may be involved in a transition plan consistent with productive time requirements in section 7001.2 for a period not to exceed six months.

7001.2.1 Productive Time Requirements

If the Youth has completed the educational or vocational program and continues in the transition phase of the program, the Youth shall participate in 40 hours per week of productive time, including one or more of the following activities, based on the individual Youth’s Voluntary Services Agreement:

1. Post-secondary education;
2. Employment;
3. Community involvement;
4. Job search;
5. Therapeutic activities; or
6. Other activities articulated in the Youth’s Voluntary Services Agreement.

7001.3 Support for Living Arrangements

DCF shall provide financial and case management support for approved placement in licensed foster care, approved independent living, or licensed residential care, as outlined in the Youth's Voluntary Services Agreement.

7001.4 Reimbursement for Living Arrangements

DCF shall provide substitute care payments for the Youth in approved living arrangements at the same rate paid before the Youth reached age 18.

If a Youth receiving services under this section is employed, the Youth shall be required to contribute to the cost of such services based on a sliding scale, unless the youth meets the criteria for an exception based on a disability or other good cause.

7001.5 Case Management Services

DCF shall assign a social worker to eligible Youth. The social worker and the Youth shall develop and enter into a Voluntary Services Agreement that promotes the Youth's completion of secondary education and transition to independent living.

7001.6 Residential Facility or Community-Based Residential Programming

An individual who turns 18 years of age while in DCF custody may continue in a residential care setting or a supported community-based treatment program but only if the placement occurred prior to the individual reaching age 18. The individual may remain in the residential care or Community-Based Residential Programming setting beyond his or her 18th birthday for only such time as is needed for the individual to complete a plan of treatment sufficient to make a smooth transition to community living for a period not to exceed six months. No residential facility or Community- Based Residential Programming established after the individual turns 18 is eligible for reimbursement under this section.

7001.7 Discharge from Secondary Education Programs or Changed Circumstances

The youth may elect to withdraw from a secondary education program at any time.

When the Youth is not meeting the terms of the Voluntary Services Agreement, the DCF social worker shall promptly convene a meeting of all signers of the Voluntary Services Agreement to determine if the agreement can 1) continue as written, 2) needs modification, or 3) should be terminated.

If termination is necessary based on the actions or decisions of the Youth, DCF shall provide verbal and written notice to the Youth, specifying when support ends, why the agreement is terminated, what other support options may be available to the Youth, including any appeal rights that may be available to the Youth as set forth in this rule at section 7005.

7001.8 Re-Entry into Program

Youth who withdraw or are terminated from a program established under this section may apply for re-entry. Re-entry is subject to the eligibility criteria of 7001.1; however, some or all of these criteria may be waived at the discretion of the Commissioner or designee. A Youth who withdraws or is terminated from this program may be eligible for other services to transition-age Youth, as outlined in these regulations.

7002 Adult Living Programs

7002.1 Purpose

Programs established under this subsection, including the current “Partners for Adult Living Program,” are designed to assist Youth in gaining skills and resources for self-sufficiency by supporting youth in safe and stable residences with appropriate adults.

7002.2 Eligibility

To be eligible for an adult living program a Youth must:

1. Be between the ages of 18 and 22;
2. Agree to live in a home-like environment with a supportive, appropriate and approved adult partner;
3. actively pursue the completion of a secondary education and/or actively pursue vocational, employment or post-secondary educational goals; and
4. Voluntarily consent to participate in the program and sign a Voluntary Services Agreement.

7002.3 Productive Time Requirements

To remain eligible the Youth shall participate in 40 hours per week of productive time, including one or more of the following activities, based on the individual Youth’s Voluntary Services Agreement:

1. Secondary education (including homework and extra-curricular activities);
2. Post-secondary education;
3. Employment;
4. Community involvement;
5. Job search;
6. Therapeutic activities; or
7. Other activities articulated in the Youth’s Voluntary Services Agreement.

A Youth who does not have a high school diploma or GED will be strongly encouraged to enroll and productively participate, through regular attendance and maintaining passing grades, in an educational program leading to high school diploma or GED.

7002.4 Exceptions from Productive Time Requirements

The Commissioner or designee may in his or her sole discretion grant an exception to the productive requirements of 7002.3.

The nature and extent of the exception will depend on the Youth’s individual needs and may be granted for good cause where the application of the eligibility criteria would cause unnecessary hardship for the youth.

Good cause exceptions may be found if the Youth:

1. Has a Documented Disability that renders him or her unable to participate in 40 hours of productive time;
2. Is in crisis and requires temporary, intensive therapeutic intervention;
3. Experiences other situations or life events which would prevent the Youth from meeting his/her requirements.

Any expectations for employment or productive time for full-time students shall take into consideration the Youth's course load.

7002.5 Approval of Adult Living Partner

- A) To be approved as an adult partner, the proposed individual must be:
1. At least 25 years old,
 2. Committed to supporting the Youth,
 3. Either be a licensed foster parent in Vermont or meet the background screening requirements of this subsection, and
 4. Must sign the Youth's Voluntary Services Agreement and agree to be bound by its terms.
- B) If the proposed adult partner is not a licensed foster parent, the adult partner must provide written authorization for the Department to conduct background screenings, including authorization to search the following:
1. The Vermont Child Abuse and Neglect Registry;
 2. The Vermont Adult Abuse Registry;
 3. The Vermont Crime Information Center's registry; and.
 4. The National Criminal Information Center's registry.
- C) Individuals who have the following are ineligible for approval as an adult living partner:
1. Any criminal conviction for child abuse or neglect, domestic abuse, a crime against children (including child pornography), or a crime involving violence;
 2. Any felony criminal conviction for a drug-related offense within the past 5 years;
 3. An entry in any child abuse and neglect registry or the Vermont adult abuse registry; or
 4. A judicial finding of abuse or neglect has been made against him or her.

The Department may refuse to support other living arrangements that appear to be exploitative, or otherwise inappropriate for the Youth at AHS discretion.

7002.6 Exceptions for Adult Living Partner Requirements

The Commissioner or his designee, in an individual case and in his or her sole discretion, may grant an exception to any of the adult partner approval criteria in subsection 7002.5(A). Such exceptions may be granted in unique and exceptional circumstances where the literal application of the criteria would cause unnecessary hardship and the intent of the criteria can otherwise be achieved through alternate means.

7002.7 Reimbursement for Living Arrangements

DCF shall reimburse the approved adult partner for room and board at the current base foster care established per diem. In instances where a foster parent served the youth before the 18th birthday, DCF may negotiate a higher rate up to the amount paid prior to the 18th birthday, based upon the circumstances of the youth and the foster parent. These rates shall be adjusted annually based on the index used to adjust other reimbursement rates paid to DCF Family Services foster parents.

If a Youth receiving services under this section is employed, the Youth shall be required to contribute to the cost of such services based on a sliding scale, unless the youth meets the criteria for an exception based on a disability or other good cause.

If the Youth is temporarily absent from the home, through no fault of the adult partner, reimbursement may continue at the discretion of the Commissioner or designee for up to 10 days after the Youth has left the home, pending the Youth's return.

7002.8 Case Management Services

DCF shall assign a Youth Development Coordinator to manage the Youth's case. The Youth, in conjunction with the Youth Development Coordinator and adult partner, shall develop and enter into a voluntary services agreement outlining strategies, and timeframes for the youth's becoming financially self-sustaining.

The Youth Development Coordinator shall also assist the youth and adult partner in accessing other community resources as needed, including housing, education and training supports, life skills education, employment, and mental health, physical health, and substance abuse services.

7002.9 Discharge from Adult Living Programs or Changed Circumstances

The Youth may elect to withdraw from an adult living program at any time.

When there are changes in circumstances rendering the youth or adult partner ineligible, or when the youth or adult partner is not meeting the terms of the Voluntary Services Agreement, the Youth Development Coordinator shall promptly convene a meeting of all signers of the Voluntary Services Agreement to determine if the agreement can, 1) continue as written, 2) needs modification, or 3) should be terminated. If termination is necessary based on the actions or decisions of the youth or adult partner, DCF shall provide verbal and written notice to the youth and adult partner, specifying when support ends, why the agreement is terminated, what other support options may be available to the youth, including any appeal rights that may be available to the Youth as set forth in this rule at section 7005.

7002.10 Re-Entry into Program

Youth who withdraw or are terminated from an adult living program established under this section may apply for re-entry. Re-entry is subject to the eligibility criteria of 7002.2; however, some or all of these criteria may be waived at the discretion of the Commissioner or designee. A Youth who withdraws or is terminated from this program may be eligible for other services to transition-age Youth, as outlined in these regulations.

7002.11 Post-secondary or vocational students living on campus

Youth attending post secondary education or vocational programs, living on-campus during the school year and in the home of the adult partner during summers and breaks may also qualify for programs established under this subsection provided that they meet the eligibility requirements of 7003.2.

The Department DCF shall establish by procedure a methodology for supporting Youth who are enrolled full-time in college including reimbursement for weekends, school breaks, and summer vacations.

Youth can apply for assistance with cost incurred separate from reimbursement for room and board under the incidental grants section of these rules (7004).

7003 Housing Support Programs and Incidental Living Grants

7003.1 Purpose

Housing supports programs are designed to provide Youth with financial assistance to establish and maintain an independent, safe and affordable living situation while gaining skills and resources for self-sufficiency, including education. To avoid homelessness and support successful transition to independent adulthood, funding for supported independent living programming may be considered. All Youth participating in this program are required to contribute to their support based on a sliding fee scale.

Incidental expense grants provide small monetary awards to pay for minor, one-time or initial expenses incurred by youth during the transition to adulthood.

7003.2 Eligibility

To be eligible for either housing supports programming or an incidental expense grant, a youth must:

1. Be between the ages of 18 and 22 years;
2. Actively pursue secondary, vocational, or post-secondary educational or employment goals; and,
3. Voluntarily consent to participate in the program and, if the youth will receive housing supports, sign a Voluntary Services Agreement.

7003.3 Productive Time Requirements

To remain eligible the Youth shall participate in 40 hours per week of productive time, including one or more of the following activities, based on the individual Youth's Voluntary Services Agreement:

1. Secondary education (including homework and extra-curricular activities);
2. Vocational education;
3. Post-secondary education;
4. Employment;
5. Community involvement;
6. Job search;
7. Therapeutic activities; or
8. Other activities articulated in the Youth's Voluntary Services Agreement.

A Youth who does not have a high school diploma or GED will be strongly encouraged to enroll and productively participate, through regular attendance and maintaining passing grades, in an educational program leading to high school diploma or GED.

7003.4 Exceptions from Productive Time Requirements

The Commissioner or designee may in his or her sole discretion grant an exception to the productive time requirements of 7003.3.

The nature and extent of the exception will depend on the Youth's individual needs and may be granted for good cause in exceptional circumstances where the application of the eligibility criteria would cause unnecessary hardship for the Youth.

Good cause exceptions may be found if the Youth:

1. Has a documented disability that renders him or her unable to participate in 40 hours per week of productive time; or
2. Is in crisis and requires temporary, intensive therapeutic intervention; or
3. Experiences other situations or life events which would prevent the Youth from meeting his/her requirements.

7003.5 Case Management Services

DCF shall refer the youth for an assigned Youth Development Coordinator through the Youth Development Program. Youth 18 and older may also self refer to the Youth Development Program for case management and housing supports. The Youth, in conjunction with the Youth Development Coordinator, shall develop and enter into a Voluntary Services Agreement that includes budgeting of the Youth's current and future financial resources.

The Youth Development Coordinator shall also assist the youth in accessing other community resources as needed, including housing, education and training supports, life skills education, employment, and mental health, physical health, and substance abuse services.

7003.6 Duration of Housing Agreements

Independent housing agreements may be negotiated for 6 months at which time they shall be reviewed and subject to modification based on the needs of the Youth and the discretion of the Commissioner. Independent housing agreements shall be incorporated into the Youth's Voluntary Services Agreement.

7003.7 Discharge from Independent Housing Programs or Changed Circumstances

The Youth may elect to withdraw from an independent housing program at any time.

When there are changes in circumstances rendering the Youth ineligible, or when the youth is not meeting the terms of the voluntary services agreement, the Youth Development Coordinator shall promptly convene a meeting of all signers of the Voluntary Services Agreement to determine if the agreement can 1) continue as written, 2) needs modification, or 3) should be terminated.

If termination is necessary based on the actions or decisions of the Youth, the Youth Development Coordinator or DCF shall provide verbal and written notice to the Youth, specifying when support ends, why the agreement is terminated, and what other support options may be available to the Youth, including any appeal rights that may be available to the Youth as set forth in this rule at section 7005.

7003.8 Re-Entry into Program

Youth who withdraw or are terminated from a housing support program established under this section may apply for re-entry. Re-entry is subject to the eligibility criteria of 7003.2; however, some or all of these criteria may be waived at the discretion of the Commissioner or designee. A Youth who withdraws or is terminated from this program may be eligible for other services to transition-age Youth, as outlined in these regulations.

7004 Incidental Expenses Grants

Grant awards are subject to availability of funding and the Commissioner's discretion. All Youth are eligible for these grants regardless of other programs in which they may be enrolled. Grants may be awarded to cover expenses consistent with the Youth's plan, such as:

1. Education/Training (GED, ACT, and SAT prep courses, GED testing, ACT and SAT testing, college application fees, orientation expenses);
2. Legal documents (e.g. birth certificates, passports, IDs);
3. Driver's license (fees for permit and license, driver's education);
4. Initial household start-up items (e.g. furniture, dishes, linens);
5. Transportation (public transportation costs related to education or family contact, gas cards, bicycle and helmet, minor repairs and tires for vehicle owned by the young person, this does not include purchase of vehicle);
6. Phone and utilities;
7. Computer;
8. College supplies;
9. Medical/Dental expenses not covered by insurance;
10. Work-related items (e.g. tools, apprentice fees, clothing);
11. One-time emergency expenses, as approved by DCF central office; or
12. Other reasonable expenses.

7005 Appeal Rights

Decisions appealable under this rule are: initial eligibility determinations; reduction of services or programming; exceptions; and terminations.

Every attempt should be made to initially resolve disputes with the program manager for the Youth Development Program. To the extent such decisions remain unresolved, appeals shall be made orally or in writing to the Deputy Commissioner of the Department for Children and Families Family Services division or designee. The Deputy Commissioner of the Department for Children and Families Family Services division or designee shall resolve disputes as soon as possible in exigent circumstances, but in no instance shall the review period exceed three weeks. After this appeal process has been exhausted, a Youth or his or her representative may appeal to the Human Services Board pursuant to 3 V.S.A. Sec. 3091 and any rules promulgated there under.

7006 Repeal of Existing Policy

DCF Family Services policy 5011.1, Eligibility beyond age eighteen, is hereby superseded and repealed by this rule.