



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: April 5, 2022

TO: The Honorable John Carney

FROM: Ms. Terri Hancharick, Chairperson *TH*
State Council for Persons with Disabilities

RE: H.B. 271 (Young Adults Aging Out of Foster Care)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 271 which would revise existing portions of the Delaware Code pertaining to the services provided by the Department of Services for Children, Youth & Families (“DSCYF”) and its Division of Family Services (“DFS”) to young adults aging out of foster care. As this legislation would undoubtedly impact young adults with disabilities, SCPD endorses the legislation to permanently expand the availability of support for young adults exiting foster care. SCPD has the following observations.

In most cases, youth in Delaware who are placed in foster care through DFS age out of care following their eighteenth birthday, however DFS provides a variety of supports to young adults transitioning out of these arrangements; currently by law eligibility for such supports extends through age 21. As described by the existing statute, these supports include “financial stability, housing supports, medical, employment and training, education, and connection to resources and individuals... that will assist youth with their successful transition to adulthood.” 29 Del. C. § 9003(a)(14). Specifically, the supports include need-based stipends through DFS’s Achieving Self Sufficiency & Independence through Supported Transition (ASSIST)

program to help support young adults transition to living independently after exiting care.

HB 271 proposes two revisions to existing law. First, the proposed revisions would add the words “transitional and” in multiple places where “independent living services” are referenced. According to the bill’s synopsis, this change would be consistent with how services are referred to by DFS (the bill’s synopsis points out that “DFS recently changed the name of the Independent Living Program to the ‘Transitional and Independent Living Program’”) and to better describe the nature of the services that DFS provides for this population. Second, and more substantially, the bill proposes to extend eligibility for transitional and independent living services through age 23. In response to the COVID-19 pandemic, as part of legislation passed in 2020, the federal government had issued a moratorium on youth aging out of foster care and provided additional funding to states to support eligible young adults up to age 27 who had been in foster care after the age of 14. As a result of this funding, according to the bill’s synopsis, Delaware’s DFS Director issued a mandatory directive expanding eligibility for transitional and independent living services to age 27. The federal relief measures lapsed at the end of September 2021, and while there have been some attempts to enact new legislation in Congress to extend relief (see H.R.5661 - Continued State Flexibility to Assist Older Foster Youth Act, which was passed by the U.S. House of Representatives in October but has yet to be considered by the U.S. Senate), currently there is nothing in place at the federal level. When DFS’s first mandatory directive ended in October 2021 after federal relief expired, DFS issued a new mandatory directive to continue to extend eligibility for young adults up to age 23, “because of the success observed on behalf of youth” with extended eligibility. As the more recent directive will expire in September 2022, the proposed legislation would permanently extend eligibility for transitional and independent living services through age 23.

Children and youth with disabilities and complex medical needs who encounter the child welfare system may be disproportionately likely to be placed in foster care, according to the Child Trends report *Children and Youth with Special Health Care Needs in Foster Care*, released in December 2020 (available at https://www.childtrends.org/wp-content/uploads/2020/12/CYSHCN_ChildTrends_Dec20-2.pdf). This same report cites to data indicating that 63% of the children and youth in foster care in Delaware have special health care needs (which are defined include intellectual disabilities, physical disabilities, and emotional disabilities, as well as “other medically diagnosed condition[s] requiring care” such as chronic illnesses) which is among one of the highest percentages nationally.

According to Casey Family Programs, among the children who exited foster care in Delaware in 2019, 24% had aged out (see State Fact Sheet Delaware, <https://caseyfamilypro-wpengine.netdna-ssl.com/media/delaware-fact-sheet-2021.pdf>). Youth aging out of foster care are often at risk of homelessness due to the lack of stability and available familial support following their exit from care. See, e.g., Jim Casey Youth Opportunities Initiative, *From Foster Home to Homeless: Strategies for Preventing Homelessness for Youth Transitioning from Foster Care*, June 2014, available at <https://assets.aecf.org/m/resourcedoc/JCYOI-FromFosterHometoHomeless-2014.pdf>. In addition to legislation that Governor Carney signed into law in October 2021 which guarantees tuition support to youth aging out of foster care accepted to a state university (see HB 123, now codified at 14 Del. C. § 3414A, et seq.), the effect of this bill would be expanded options for financial support and longer-term stability for this population.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council