



**NATIONAL RESOURCE CENTER
FOR FOSTER CARE
& PERMANENCY PLANNING**

at the Hunter College
School of Social Work

INFORMATION PACKET: *Foster Care Independence Act - 1999*

By Ben Graf

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129 East 79th Street • New York, NY 10021
TEL 212/452-7053 • FAX 212/452-7051
www.hunter.cuny.edu/socwork/nrcfcpp

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The Foster Care Independence Act of 1999

Numerous challenges face youth as they exit from foster care. Interim Adoption and Foster Care analysis and Reporting System (AFCARS) reports show that over a quarter of a million children exited foster care in the fiscal year 1999. Nearly half of these children were adolescents moving toward young adulthood. Independent living programs, which are designed to assist such children, have been in place prior to the enactment of the Foster Care Independence Act of 1999. However, the services (provided for under Title IV-E) came up short, as evidenced by a report made by the U.S. General Accounting Office in 1999. It found that many state and local administrators of independent living programs felt that they could not provide youths leaving foster care with all the supports that they needed (Casey.org/cnc/document/outcomes_for_youths_exiting_foster_care.pdf).

In November of 1999, The Foster Care Independence Act (also named the Chafee Act after the late John H. Chafee, the senator who sponsored the bill) passed congress. It received bipartisan support in both the House and Senate, and received further support from R-Tom DeLay of Texas (Mcmillan, 1999). The Act was signed into law by President Clinton in December of the same year. The main thrust of the Foster Care Independence Act is to expand the provisions for Independent Living Programs by doubling the allotment for these programs as provided for under Title IV-E. The federal allotment to states for Independent Living Programs (now called Chafee Foster Care Independence Programs) is doubled from \$70 Million to \$140 Million, with the states matching 20%. Another important aspect of the Act is that it allows for more flexibility in terms of providing independence oriented services. The Chafee act also allows for extensions of Medicaid to youth until the age of 21, and strengthens the focus on accountability of states by allocating 1.5% of the total allotment (or \$2.1 Million) for the development and implementation of a national evaluation and provision of technical assistance to states in assisting youths.

Key Provisions of The Foster Care Independence Act:

(The following data compiled from the Child Welfare League of America (CWLA) and National Indian Child Welfare Association (NICWA) websites as well as Social Security Legislative Bulletin number 106-12)

- Changes the name of the Independent Living Program.
As a testimonial to the late Senator Chafee (R-RI), the Senate sponsor of the legislation, the program is now entitled the John H. Chafee Foster Care Independence Program.
- Increases funds to states to implement CFCIP programs.
Federal funding for the Independent Living Program (CFCIP) is doubled - from \$70 million to \$140 million a year. Funds can be used to help youths make the transition from foster care to self-sufficiency by offering them the education, vocational and employment training necessary to obtain employment and/or prepare for post secondary education, training in daily living skills, substance abuse prevention, pregnancy prevention and preventive health activities, and connections to dedicated adults.
- Additional funds authorized for adoption incentive payments to states that increase the number of children adopted from foster care.
States must contribute a 20 % state match for Independent Living Program funds. States must use federal training funds (authorized by Title IV-E of the Social Security Act) to help foster parents, adoptive parents, group home workers, and case managers to address issues confronting adolescents preparing for independent living.
- Recognizes the need for special help for youths ages 18 to 21 who have left foster care.
States must use some portion of their funds for assistance and services for older youths who have left foster care but have not reached age 21. States can use up to 30 percent of their Independent Living Program funds for room and board for youths ages 18 to 21 who have left foster care. States may extend Medicaid to 18, 19 and 20-year-olds who have been emancipated from foster care. Access to the new independent living funds is not contingent upon states exercising that option.
- Offers states greater flexibility in designing their independent living programs.
States can serve children of various ages who need help preparing for self-sufficiency (not just those ages 16 and over as in previous law), children at various stages of achieving independence, and children in different parts of the state differently; they also can use a variety of providers to deliver independent living services. The asset limit for the federal foster care program is changed to allow youths to have \$10,000 in savings (rather than the current \$1,000 limit) and still be eligible for foster care payments.
- Establishes accountability for states in implementing the independent living programs.
The Secretary of Health and Human Services (HHS) must, in consultation with federal, state, and local officials, advocates, youth service providers, and researchers, develop outcome measures to assess state performance. Outcomes include educational attainment, employment, avoidance of dependency, homelessness, non-marital childbirth, high-risk

behaviors, and incarceration. HHS must also collect data necessary to track how many children are receiving services, services received and provided, and implement a plan for collecting needed information.

- HHS must also report to Congress and propose state accountability procedures and penalties for non-compliance.

All political subdivisions of the state must be served, including Tribal Nations. Services must be equally available to Indian Children as other children in the state. \$2.1 Million is set aside for a national evaluation and for technical assistance to states in assisting youths in transitioning from foster care.

- States must coordinate the independent living funds with other funding sources for similar services.

States are subject to penalty if they misuse funds or fail to submit required data on state performance. Makes provisions relating to SSA administered programs. Makes representative payees liable for any erroneously disbursed OASDI or SSI payments as a result of the death of the recipient Allows SSA to recoup up to 50% of a lump sum payment in cases where the recipient has received an overpayment. Provides a penalty for the disposal of resources at less than fair market value. Bars representatives and health care providers from OASDI and SSI programs if they were found to have helped to commit fraud.

- Requires a study be done, with reports submitted to the House Ways and Means Committee and the Senate Finance committee, to identify possible ways to reduce fraud by people receiving OASDI or SSI.

Extends special benefits to certain qualified veterans of WWII. (Child Welfare League of America- <http://www.cwla.org/advocacy/indlivhr3443.htm>) (Social Security Administration- http://www.ssa.gov/legislation/legis_bulletin_112499.htm) (National Indian Child Welfare Association- <http://www.nicwa.org/policy/sum-fcia.htm>.)

Statistics: Youth Transitioning Out of Foster Care

Lawmakers recognized the importance of developing a performance assessment system for evaluating the Chafee Foster Care Independence Program as established by the Foster Care Independence Act of 1999. The Children's Bureau of the U.S. Department of Health and Human Services (DHHS) has been charged with the task of developing data collection procedures and performance measures as described in the Act. The project goals are to:

- 1. develop outcome measures that can be used to accurately assess states' performance in operating independent living programs

- 2. identify data elements needed to track the number and characteristics of children receiving services (and the type and quantity of these services) and
- 3. develop and implement a plan to collect the needed information.

As the national data relevant specifically to the Chafee Act is in the process of being collected, the findings of smaller research projects relevant to adolescents aging out of foster care will be presented:

The University of Wisconsin interviewed youths 12 to 18 months after emancipating from foster care (Courtney & Piliavin, 1998). Some of the findings are as follow:

- 37% had not finished high school or achieved an equivalency certificate.
- 12% had been homeless at least once subsequent to exiting foster care.
- 81% had held a job since discharge, but only 61% were employed at the time of the interview.
- 40% of young women and 23% of young men received Public Assistance benefits.
- Although not reunited by the foster care system nearly 33% were living with family members.

The University of Nevada Las Vegas conducted a study of 100 former foster care youth who had discharged at least 6 months prior (Kids Count, 2001). The study found:

- 41% reported not having enough money to cover basic expenses.
- 34% earned less than \$5000 and 60% earned less than \$10000 in 1999.
- 24% had supported themselves by dealing drugs.
- 11% had had intercourse in exchange for money.
- 63% had obtained a high school diploma or equivalency at the time of interview.
- 13% had achieved a high school diploma or equivalency since leaving care.
- 30% had attended or were attending college while 75% had aspirations for acquiring a higher degree.
- 55% had no health insurance.
- 38% were parents.
- 41% reported violence in interpersonal relationships
- 41% had been incarcerated.

Top five CFCIP allotments to states for Fiscal Year 2001 (National Resource Center for Youth Services):

1. California.....27,570,078
2. New York12,313,109
3. Illinois.....9,413,899
4. Florida.....8,016,425
5. Michigan.....6,109,567

An example of how one of these top five states proposes to actually use CFCIP funds can be found at http://www.nrcys.ou.edu/documents/chafee/ny_chaf_plan.pdf.

Further Resources/Suggested Reading

Independent Living Program Design

- Proceedings from the Independent Living Forum, Sponsored by Casey Family Programs, in June of 1999 (Nolan & Downs, 2001).
- Improving Economic Opportunities for Young People Served by the Foster Care System (Edmund Muskie School of Public Service, University of Oklahoma, 1998)
- The WAY to Work. (Baker, Olson & Mincer, 2000)

National Foster Care Statistics

- The AFCARS Reports. FY 1999. <http://www.acf.dhhs.gov/programs/cb/publications/afcars/june2001.htm>
- National Resource Center for Youth Services. <http://www.nrcys.ou.edu>.

Homelessness

- See attachment d in the Laws/Policies section of the Children's Bureau website for a complete listing of grantees providing transitional housing services for homeless youth. <http://acf.dhhs.gov/programs/cb/laws/pi/pi0004a4.htm>

Application For Chafee Funds

- For Program Instruction for states to apply for CFCIP funds go to <http://www.acf.dhhs.gov/programs/cb/laws/pi/pi0103.pdf>. (Approved through May 31, 2002).

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