

**Division of Children & Family Services**

P.O. Box 1437, Slot S560, Little Rock, AR 72203-1437

P: 501.682.8770 F: 501.682.6968 TDD: 501.682.1442

February 11, 2022

Blake Gilliam, Legislative Analyst
Senate Interim Children and Youth Committee and the
House Aging, Children and Youth, Legislative and Military Affairs Committee
Arkansas Bureau of Legislative Research
Bureau of Legislative Research
#1 Capitol, 5th Floor
Little Rock, AR 72201

Re: Promoting Successful Transitions to Adulthood

Dear Mr. Blake Gilliam:

Please arrange for the rule to be reviewed by the Children & Youth Committee. If you have any questions or need additional information, please contact Mac Golden, Office of Rules Promulgation at 501-320-6383 by emailing Mac.E.Golden@dhs.arkansas.gov.

Sincerely,

A handwritten signature in blue ink that reads 'Mischa Martin'.

Mischa Martin
Director

MM:tr

Attachments

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Department of Human Services
DIVISION Division of Children and Family Services
DIVISION DIRECTOR Mischa Martin
CONTACT PERSON Mac Golden
ADDRESS P. O. Box 1437, Slot S295 Little Rock, AR 72203-1437
PHONE NO. (501) 320.6383 FAX NO. (501)404.4619 E-MAIL Mac.E.Golden@dhs.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Christin Harper
PRESENTER E-MAIL Christin.Harper@dhs.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after “Short Title of this Rule” below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Rebecca Miller-Rice
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201**

1. What is the short title of this rule? Promoting Successful Transitions to Adulthood

To update the Division of Children and Family Services’ policies and procedures related to transitional youth services pursuant to Acts passed during the 93rd General Assembly, Regular Session, to reflect current practice as it relates to youth sponsors and aftercare payments, and to

2. What is the subject of the proposed rule? make technical corrections.

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. _____

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule? Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

See attached.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. §§ 9-28-103 and 12-18-105.

7. What is the purpose of this proposed rule? Why is it necessary? See Attached.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: n/a

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

March 12, 2022

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

May 1, 2022

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of the said notice. See Attached.

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). See Attached.

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Unknown.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services

DIVISION Division of Children and Family Services

PERSON COMPLETING THIS STATEMENT Christin Harper

TELEPHONE (501) 682.8541 **FAX** (501) 683.4854 **EMAIL:** Christin.Harper@dhs.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Promoting Successful Transitions to Adulthood

- 1. Does this proposed, amended, or repealed rule have a financial impact? Yes No

- 2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No

- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

(b) The reason for adoption of the more costly rule;

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

(d) Whether the reason is within the scope of the agency’s statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	<u>\$0.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
Total	<u>\$0.00</u>

Next Fiscal Year

General Revenue	<u>\$0.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
Total	<u>\$0.00</u>

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	<u>\$0.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
Total	<u>\$0.00</u>

Next Fiscal Year

General Revenue	<u>\$0.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
Total	<u>\$0.00</u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ \$0.00

Next Fiscal Year

\$ \$0.00

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ \$0.00

Next Fiscal Year

\$ \$0.00

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

NOTICE OF RULE MAKING

The Director of the Division of Children and Family Services of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: A.C.A. §§ 9-28-103 and 12-18-105.

Effective May 1, 2022:

The Director of the Division of Children and Family Services (DCFS) amends the Division of Children & Family Services Policy & Procedure Manual. DCFS amends section XIII-B concerning extended foster care to align with Acts 316 and 791 of the 93rd General Assembly. DCFS updates the eligibility requirements for extended foster care. DCFS clarifies that a six-month review hearing is not required for a juvenile who is over eighteen years of age and has elected to remain in extended foster care or return to extended foster care. DCFS also adds detailed practice guidance for the Transitional Youth Services Sponsor program.

DCFS revises section VII-C, After Care Services and Support, to clarify eligibility requirements for after care services. Also, DCFS adds rules regarding after care eligibility for youth who initially participate in the Extended Foster Care program but then choose to leave the program before the age of twenty-one. Lastly, DCFS makes technical corrections throughout the amended sections.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than **March 12, 2022**. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-534-4138.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color, or national origin. **4502024715**



Mischa Martin, Director
Division of Children and Family Services

Toni Roy

From: legalads@arkansasonline.com
Sent: Wednesday, February 9, 2022 12:03 PM
To: Toni Roy
Subject: Re: Full Ad Run - Promoting Successful Transitions to Adulthood

[EXTERNAL SENDER]

Will run Fri 2/11, Sat 2/12, and Sun 2/13.

Thank you.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette

From: "Toni Roy" <Toni.Roy@dhs.arkansas.gov>
To: "Gregg Sterne" <legalads@arkansasonline.com>
Cc: "Thomas Herndon" <Thomas.Herndon@dhs.arkansas.gov>, "Mac Golden" <Mac.E.Golden@dhs.arkansas.gov>, "Christin Harper" <Christin.Harper@dhs.arkansas.gov>
Sent: Wednesday, February 9, 2022 9:15:12 AM
Subject: Full Ad Run - Promoting Successful Transitions to Adulthood

Please run the attached public notice:

Friday, February 11, 2022;
Saturday, February 12, 2022; and
Sunday, February 13, 2022.

I am aware that distribution will be provided to all counties on Sundays and limited distribution on other days. Please let me know if you have any questions or concerns.

Please invoice to: **AR Dept. of Human Services**
DCFS, ATTN: Christin Harper
P.O. Box 1437, Slot S-568
Little Rock, AR 72203
(501) 682.8541

Thank you,



TONI ROY

[Office of Rules Promulgation](#)

Program Administrator

P: 501.320.6164

Toni Roy

From: Toni Roy
Sent: Friday, February 11, 2022 7:58 AM
To: register@sos.arkansas.gov
Cc: Thomas Herndon; Simone Blagg (DHS); Mac Golden; Christin Harper
Subject: DHS/DCFS - Proposed Filing - Promoting Successful Transitions to Adulthood
Attachments: SoS - Proposed Rule - Promoting Successful Transitions to Adulthood.pdf

This ad will run in the Arkansas Democrat Gazette on the following dates:

Friday, February 11, 2022;
Saturday, February 12, 2022; and
Sunday, February 13, 2022.

The public comment period will end on March 12, 2022.

Please let me know if you have any questions or concerns.

Thank you,



TONI ROY

[Office of Rules Promulgation](#)

Program Administrator

P: 501.320.6164
F: 501.404.4619
700 Main Street
P.O. Box 1437, Slot S295
Little Rock, AR 72203-1437
Toni.Roy@dhs.arkansas.gov

humanservices.arkansas.gov



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Statement of Necessity and Rule Summary Promoting Successful Transitions to Adulthood

Statement of Necessity:

Pursuant to Acts 316 and 791 of the 93rd General Assembly, Regular Session (the Act), the Division of Children and Family Services' revises rules regarding services provided to youth eighteen (18) through twenty-one (21) years of age who aged out of foster care or who continue to participate in the Extended Foster Care Program, as detailed below. DCFS also formalizes current practice guidance regarding youth sponsors and aftercare payments and makes formatting and technical corrections.

Summary:

Effective May 1, 2022, the Division of Children and Family Services implements the following changes to the listed rules:

- Policy VIII-B: Extended Foster Care
 - To update the definition of and the eligibility requirements for extended foster care pursuant to the Act, to include reentry requirements.
 - To clarify that participation in extended foster care does not impede or otherwise alter any right afforded to youth by virtue of their age of majority pursuant to the Act.
 - To add that a six-month review hearing is not required for a juvenile who is over eighteen (18) years of age and has elected to remain in extended foster care or return to extended foster care pursuant to the Act.
 - To include existing practice guidance regarding the definition of and eligibility criteria for Transitional Youth Services Sponsors for youth participating in the Extended Foster Care Program.
 - To make formatting improvements and technical corrections.

- Policy VIII-C: After Care Services and Support
 - To clarify eligibility requirements for aftercare services.
 - To formalize existing practice guidance into rule regarding aftercare eligibility for youth who initially participate in the Extended Foster Care Program but then choose to leave the program prior to twenty-one (21) years of age.
 - To make formatting improvements and technical corrections.

POLICY VIII-B: EXTENDED FOSTER CARE

04509/2013/2022

Even after reaching the legal age of majority (~~(i.e. that being, eighteen (18) years of age)~~), all youth need additional support and access to an array of resources as they continue their transition into adulthood. As such, youth who are ages eighteen (18) through twenty-one (21) years of age (or such other age as may be required under federal law) may choose to participate in the eExtended Ffoster Ceare Program for education, ~~treatment~~, work, or other programs and services ~~as determined appropriate by their Transitional Team~~ in order to help them achieve a successful transition into adulthood.

Extended foster care provides case management services and support,s as well as financial assistance with room and board costs for a youth who:

- A. Was adjudicated dependent or dependent neglected;
- B. Was in foster care at eighteen (18) years of age but is not yet twenty-one (21) years of age (or such other age as may be required under federal law);
- C. Wishes to participate in extended foster care to benefit from the program; and
- A. ~~Is one or more of the following:~~
 - D. ~~— In order to be eligible for extended foster care, youth must meet one of the following criteria:~~
 - ~~2) CThe youth is completing secondary education or a program leading to an equivalent credential; ~~or,~~~~
 - 1) ~~_____~~
 - ~~3) EThe youth is enrolled in an institution ~~which that~~ provides post-secondary or vocational education; ~~or,~~~~
 - 2) ~~_____~~
 - ~~4) PThe youth is participating in a program or activity designed to promote, or remove barriers to, employment; ~~or,~~~~
 - 3) ~~_____~~
 - ~~1) EThe youth is employed for at least eighty (80) hours per month; ~~or,~~~~
 - 4) ~~_____~~
 - 5) Has a viable plan to meet the requirements one (1) ~~–~~through four (4) above; or,
 - ~~E. 6) IThe youth is incapable of ~~doing any of the above described activities~~ completing school or work activities above due to a documented medical condition, which incapability is supported by regularly updated information in the youth’s case plan.~~

Participation in extended foster care does not impede or otherwise alter any right afforded to the youth by virtue of their age of majority, including without limitation the right to consent to medical treatment or enter into contracts.

A six-month review hearing is not required for a juvenile who is over eighteen (18) years of age and has elected to remain in extended foster care or to return to extended foster care.

A copy of the youth's entire record will be made available to them at no cost at the final Transitional Team meeting, which will occur within ninety (90) days of youth's planned exit from care.

TRANSITIONAL YOUTH SERVICES SPONSOR

Youth who elect to participate in the Extended Foster Care Program will select a Transitional Youth Services (TYS) Sponsor. The sponsor will be a supportive adult with whom the youth already has a connection, such as the youth's previous out-of-home provider. For youth who are unable to identify such an individual, staff may recommend someone who is already serving as a sponsor to other youth in extended foster care or a volunteer from the community. The role of the sponsor is to provide support and guidance to the youth as they transition to adulthood. The sponsor will also receive the board payment on the youth's behalf. The sponsor will then assist the youth in managing the board payment according to their established budget developed by the youth and their Transitional Team. Exceptions for sponsors may be approved by the Division Department of Child and Family Services (DCFS) Director or designee. See Procedure VIII-B2 below for more information regarding TYS Sponsors.

If a youth was in foster care on or after his 16th birthday and was adopted or a guardianship was put into place on behalf of the youth before his or her 18th birthday, he or she will be eligible for Transitional Youth Services until his or her 21st birthday.

Board payments for IV-E eligible youth may will be made through title IV-E funds as appropriate. Board payments for youth who are not IV-E eligible will be paid using State General Revenue funds or other federal funds as allowed under federal law and regulations.

A copy of the youth's entire record will be made available to him or her at no cost at the final Transitional Team meeting which will occur within 90 days of youth's planned exit from care.

PARTICIPATION IN EXTENDED FOSTER CARE AFTER A PREVIOUS EXIT

Youth who left foster care at eighteen (18) years of age or older may later participate in the Extended Foster Care Program if the youth submits a request in writing or in person to the

department to participate in extended foster care. Division staff will inform the youth of the option to have a petition filed on their behalf by their previous attorney ad litem if the youth also wishes for the court to have jurisdiction over their extended foster care case.

After receiving a request to return to the Extended Foster Care Program, the youth's case will be reopened in the Division's information management system by the next business day. A TYS sponsor will be secured and keyed with a corresponding board rate within seven (7) business days after the request to return to the Extended Foster Care Program is received. Additional urgency in keying the sponsor and board rate will be exercised as needed to ensure this information is keyed prior to the monthly board payment run that occurs after the youth's return date.

The department may discharge a juvenile from extended foster care program if the juvenile:

- A. Is over eighteen (18) years of age;
- B. Reenters extended foster care after having his or her request to reenter foster care approved; and
- C. Fails to engage in or have a viable plan to meet the extended foster care requirements listed above or have a viable plan to meet those requirements for more than sixty (60) days.

PROCEDURE VIII-B1: Extended Foster Care

054/20122022

The Family Service Worker, with support from the Transitional Youth Services Coordinator, will:

- A. Explain and complete CFS-009: Extended Foster Care Agreement with the youth when the youth decides to participate in Extended Foster Care and preferably before turning 18.
 - A-B. Consider the following issues with the youth:
 - 1) The school the youth will attend, if applicable;
 - 2) Searching for and securing a job, if applicable;
 - 3) Living arrangements, including without limitation helping the youth locate a residence and assisting with any apartment applications;
 - 4) Choosing a sponsor;
 - 5) Budgeted income/expenses;
 - 6) Amount of board payment;
 - 7) Start-up items;
 - 8) Transportation needs;
 - 9) Continued life-skills training;
 - 10) Support needed to help youth remain in school, if applicable; and
- Designating a health care power of attorney or health care proxy. (if not already determined before entering extended foster care)

- 11)
- C. Assist the youth and their Transitional Team in determining appropriate housing and needed support.
 - D. Complete CFS-370: Residence Checklist for Youth for any youth living in their own apartment or other independent setting.
 - E. Develop a budget via CFS-025 with the youth and their Transitional Team.
 - F. Visit the youth face-to-face at least once a month.
 - G. Obtain approval for less than twice-monthly visits from the County Supervisor, if appropriate.
 - H. Maintain monthly contacts with the youth's sponsor. Contacts may be by telephone.
 - I. Obtain the youth's consumer credit report annually until the youth exits foster care, and:-
 - 1) Access the report via www.annualcreditreport.com within thirty (30) days of the youth's birthday or within thirty (30) days of the youth entering care, whichever comes first; however, only access it on an annual basis (i.e. that being, ensure that one (1) full year has passed since accessing the previous year's report before viewing the current year's report);-
 - 2) Review report with the youth and help youth in interpreting the report within ten (10) working days of accessing the report;-
 - 3) Assist youth in resolving any inaccuracies found in the report;-
 - 4) Document the credit report review in the Division's information management system, selecting "Annual Credit Check – Engage Youth"; and
 - 5) Share relevant information with the youth's Transitional Services Coordinator.
 - J. Update or otherwise complete CFS-003: Checklist for Youth Approaching Adulthood as the youth approaches 21 or other planned exit from the Extended Foster Care Program.

PROCEDURE VIII-B2: TYS Sponsors

054/2022

The Family Service Worker, with support from the TYS Coordinator, will:

- A. Assist the youth in locating and choosing a sponsor who is not the person from whom the youth was removed.
 - 1) ~~who may be the youth's out-of-home provider, attorney ad litem, apartment manager/owner, or a volunteer from the community.~~ Before finalizing a sponsor for a youth, a State Police Criminal Record Check and Child Maltreatment Central Registry Check will be conducted on the proposed sponsor.
 - B.a) In emergency situations in which a family member (other than the person from whom the youth was removed) wishes to serve as the sponsor, a Lexis Nexis check may be run in lieu of the State Police Criminal Record Check and Child Maltreatment Central Registry Check.
- B. Approve the sponsor chosen by the youth. Request that the local Resource team establish an "ILP Sponsor" service for the approved sponsor in the Division's information management system and key the youth into the placement service with the board amount listed in the youth's approved budget.

~~C.~~

~~Notify the Transitional Services Coordinator of the youth's sponsor.~~

~~D. Assist the youth and his or her Transitional Team in determining appropriate housing and needed support for the first school year. (If youth intends to reside with sponsor, he or she must be an approved placement.)~~

~~D. Complete CFS 370: Residence Checklist for Youth.~~

~~D. Notify Resource Worker to initiate the youth's monthly board payments when residence is selected.~~

~~D. Develop a budget with the youth and share it with the Transitional Team.~~

~~D. Visit the youth face to face at least once a month.~~

~~D. Obtain approval for less than twice-monthly visits from the County Supervisor, if appropriate.~~

~~D. Maintain monthly contacts with the youth's sponsor. Contacts may be by telephone.~~

~~D. Obtain the youth's consumer credit report annually until the youth exits foster care.~~

~~0) Access the report via www.annualcreditreport.com within 30 days of the youth's birthday or within 30 days of the youth entering care, whichever comes first; however, only access it on an annual basis (i.e., ensure that one full year has passed since accessing the previous year's report before viewing the current year's report).~~

~~0) Review report with the youth and help youth in interpreting the report within ten (10) working days of accessing the report.~~

~~0) Assist youth in resolving any inaccuracies found in the report.~~

~~0) Document the credit report review in the contacts screen in CHRIS.~~

~~0) Share relevant information with the youth's Transitional Services Coordinator.~~

The youth's sTYS Sponsor will, as appropriate:

A. Serve as a member of the youth's Transitional Team to include participating in the youth's Transitional Team meetings.

B. Provide support and guidance to the youth as they transition to adulthood (for example, assisting with decision making, including without limitation decisions regarding education, employment, and housing).

C. Assist the youth with budgeting the youth's board payment.

D. Help to ensure the youth meets at least one (1) of the Extended Foster Care Program requirements or has a viable plan in place to meet one (1) of the Extended Foster Care Program requirements.

~~A. Attend and participate in Team Meetings.~~

~~B. Assist the youth in selecting the transitional living residence.~~

~~C. Assist the youth with managing their budget if selected as board payment payee.~~

~~D.E. _____ Maintain regular contact with the youth.~~

In addition, youth eighteen (18) years of age and older who are participating in the Extended Foster Care Program may live with their TYS Sponsors (even if the TYS Sponsor is not an approved resource home) as appropriate, provided that:

- A. A State Police Criminal Background and Child Maltreatment Registry checks are clear and up to date (that being, within the past two (2) years);
- B. A visual inspection of the sponsor's home is conducted, and the home is deemed safe and appropriate for a young adult;
- C. The Area Director or designee and the youth's attorney ad litem approves the living arrangement with the sponsor; and,
- D. A Transitional Team Meeting is held to ensure the sponsor understands their role and that individualized guidelines and expectations are established for any youth who will reside with their sponsor (including without limitation curfews and responsibility for assisting with costs of living, if applicable, via the youth's board payment).

An approved resource parent may serve as both a resource parent for children placed in their home and a TYS Sponsor for a youth in extended foster care but who is not residing in the resource home. However, an 'ILP Sponsor' service will have to be opened for that individual. Any resource parent who wishes to serve as a sponsor for a youth and who is set up under a master provider (such as Therapeutic Foster Care or Private Licensed Placement Agencies), must be set up with a new ILP Sponsor service with a new provider number.

If a youth in foster care was placed in a resource home prior to turning eighteen (18) years of age and continues to stay in that resource home after turning eighteen (18) years of age (and while participating in the Extended Foster Care Program), the youth will remain keyed into the resource home as a regular placement rather than keying the resource parent as the sponsor for the youth.

POLICY VIII-B: EXTENDED FOSTER CARE

05/2022

Even after reaching the legal age of majority (that being, eighteen (18) years of age), all youth need additional support and access to an array of resources as they continue their transition into adulthood. As such, youth who are eighteen (18) through twenty-one (21) years of age (or such other age as may be required under federal law) may choose to participate in the Extended Foster Care Program for education, work, or other programs and services in order to help them achieve a successful transition into adulthood.

Extended foster care provides case management services and support, as well as financial assistance with room and board costs for a youth who:

- A. Was adjudicated dependent or dependent neglected;
- B. Was in foster care at eighteen (18) years of age but is not yet twenty-one (21) years of age (or such other age as may be required under federal law);
- C. Wishes to participate in extended foster care to benefit from the program; and
- D. Is one or more of the following:
 - 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 eighty (80) hours per month;
 - 5) Has a viable plan to meet the requirements one (1) through four (4) above; or,
 - 6) Incapable of completing school or work activities above due to a documented medical condition, which incapability is supported by regularly updated information in the youth's case plan.

Participation in extended foster care does not impede or otherwise alter any right afforded to the youth by virtue of their age of majority, including without limitation the right to consent to medical treatment or enter into contracts.

A six-month review hearing is not required for a juvenile who is over eighteen (18) years of age and has elected to remain in extended foster care or to return to extended foster care.

A copy of the youth's entire record will be made available to them at no cost at the final Transitional Team meeting, which will occur within ninety (90) days of youth's planned exit from care.

TRANSITIONAL YOUTH SERVICES SPONSOR

Youth who elect to participate in the Extended Foster Care Program will select a Transitional Youth Services (TYS) Sponsor. The sponsor will be a supportive adult with whom the youth already has a connection, such as the youth's previous out-of-home provider. For youth who are unable to identify such an individual, staff may recommend someone who is already serving as a sponsor to other youth in extended foster care or a volunteer from the community. The role of the sponsor is to provide support and guidance to the youth as they transition to adulthood. The sponsor will also receive the board payment on the youth's behalf. The sponsor will then assist the youth in managing the board payment according to their established budget developed by the youth and their Transitional Team. Exceptions for sponsors may be approved by the Division of Child and Family Services (DCFS) Director or designee. See Procedure VIII-B2 below for more information regarding TYS Sponsors.

Board payments for IV-E eligible youth may be made through title IV-E funds as appropriate. Board payments for youth who are not IV-E eligible will be paid using State General Revenue funds or other federal funds as allowed under federal law and regulations.

PARTICIPATION IN EXTENDED FOSTER CARE AFTER A PREVIOUS EXIT

Youth who left foster care at eighteen (18) years of age or older may later participate in the Extended Foster Care Program if the youth submits a request in writing or in person to the department to participate in extended foster care. Division staff will inform the youth of the option to have a petition filed on their behalf by their previous attorney ad litem if the youth also wishes for the court to have jurisdiction over their extended foster care case.

After receiving a request to return to the Extended Foster Care Program, the youth's case will be reopened in the division's information management system by the next business day. A TYS sponsor will be secured and keyed with a corresponding board rate within seven (7) business days after the request to return to the Extended Foster Care Program is received. Additional urgency in keying the sponsor and board rate will be exercised as needed to ensure this information is keyed prior to the monthly board payment run that occurs after the youth's return date.

The department may discharge a juvenile from extended foster care program if the juvenile:

- A. Is over eighteen (18) years of age;
- B. Reenters extended foster care after having his or her request to reenter foster care approved; and

- C. Fails to engage in or have a viable plan to meet the extended foster care requirements listed above or have a viable plan to meet those requirements for more than sixty (60) days.

PROCEDURE VIII-B1: Extended Foster Care

05/2022

The Family Service Worker, with support from the Transitional Youth Services Coordinator, will:

- A. Explain and complete CFS-009: Extended Foster Care Agreement with the youth when the youth decides to participate in Extended Foster Care and preferably before turning 18.
- B. Consider the following issues with the youth:
 - 1) The school the youth will attend, if applicable;
 - 2) Searching for and securing a job, if applicable;
 - 3) Living arrangements, including without limitation helping the youth locate a residence and assisting with any apartment applications;
 - 4) Choosing a sponsor;
 - 5) Budgeted income/expenses;
 - 6) Amount of board payment;
 - 7) Start-up items;
 - 8) Transportation needs;
 - 9) Continued life-skills training;
 - 10) Support needed to help youth remain in school, if applicable; and
 - 11) Designating a health care power of attorney or health care proxy.
- C. Assist the youth and their Transitional Team in determining appropriate housing and needed support.
- D. Complete CFS-370: Residence Checklist for Youth for any youth living in their own apartment or other independent setting.
- E. Develop a budget via CFS-025 with the youth and their Transitional Team.
- F. Visit the youth face-to-face at least once a month.
- G. Obtain approval for less than twice-monthly visits from the County Supervisor, if appropriate.
- H. Maintain monthly contacts with the youth's sponsor. Contacts may be by telephone.
- I. Obtain the youth's consumer credit report annually until the youth exits foster care, and:
 - 1) Access the report via www.annualcreditreport.com within thirty (30) days of the youth's birthday or within thirty (30) days of the youth entering care, whichever comes first; however, only access it on an annual basis (that being, ensure that one (1) full year has passed since accessing the previous year's report before viewing the current year's report);
 - 2) Review report with the youth and help youth in interpreting the report within ten (10) working days of accessing the report;
 - 3) Assist youth in resolving any inaccuracies found in the report;
 - 4) Document the credit report review in the Division's information management system, selecting "Annual Credit Check – Engage Youth"; and

- 5) Share relevant information with the youth's Transitional Services Coordinator.
- J. Update or otherwise complete CFS-003: Checklist for Youth Approaching Adulthood as the youth approaches 21 or other planned exit from the Extended Foster Care Program.

PROCEDURE VIII-B2: TYS Sponsors

05/2022

The Family Service Worker, with support from the TYS Coordinator, will:

- A. Assist the youth in locating and choosing a sponsor who is not the person from whom the youth was removed.
 - 1) Before finalizing a sponsor for a youth, a State Police Criminal Record Check and Child Maltreatment Central Registry Check will be conducted on the proposed sponsor.
 - a) In emergency situations in which a family member (other than the person from whom the youth was removed) wishes to serve as the sponsor, a Lexis Nexis check may be run in lieu of the State Police Criminal Record Check and Child Maltreatment Central Registry Check.
- B. Request that the local resource team establish an "ILP Sponsor" service for the approved sponsor in the division's information management system and key the youth into the placement service with the board amount listed in the youth's approved budget.

The youth's TYS Sponsor will:

- A. Serve as a member of the youth's Transitional Team to include participating in the youth's Transitional Team meetings.
- B. Provide support and guidance to the youth as they transition to adulthood (for example, assisting with decision making, including without limitation decisions regarding education, employment, and housing).
- C. Assist the youth with budgeting the youth's board payment.
- D. Help to ensure the youth meets at least one (1) of the Extended Foster Care Program requirements or has a viable plan in place to meet one (1) of the Extended Foster Care Program requirements.
- E. Maintain regular contact with the youth.

In addition, youth eighteen (18) years of age and older who are participating in the Extended Foster Care Program may live with their TYS Sponsors (even if the TYS Sponsor is not an approved resource home) as appropriate, provided that:

- A. A State Police Criminal Background and Child Maltreatment Registry checks are clear and up to date (that being, within the past two (2) years);
- B. A visual inspection of the sponsor's home is conducted, and the home is deemed safe and appropriate for a young adult;
- C. The Area Director or designee and the youth's attorney ad litem approves the living arrangement with the sponsor; and,

- D. A Transitional Team Meeting is held to ensure the sponsor understands their role and that individualized guidelines and expectations are established for any youth who will reside with their sponsor (including without limitation curfews and responsibility for assisting with costs of living, if applicable, via the youth's board payment).

An approved resource parent may serve as both a resource parent for children placed in their home and a TYS Sponsor for a youth in extended foster care but who is not residing in the resource home. However, an 'ILP Sponsor' service will have to be opened for that individual. Any resource parent who wishes to serve as a sponsor for a youth and who is set up under a master provider (such as Therapeutic Foster Care or Private Licensed Placement Agencies), must be set up with a new ILP Sponsor service with a new provider number.

If a youth in foster care was placed in a resource home prior to turning eighteen (18) years of age and continues to stay in that resource home after turning eighteen (18) years of age (and while participating in the Extended Foster Care Program), the youth will remain keyed into the resource home as a regular placement rather than keying the resource parent as the sponsor for the youth.

PROPOSED

POLICY VIII-C: AFTER CARE SERVICES ~~AND~~ SUPPORT

~~0105/20112022~~

~~After care Chafee funds can be used to~~ provide assistance and services to youth who have left foster care because they have attained eighteen (18) years of age ~~but and who~~ have not attained twenty-one (21) years of age. ~~These services are called After Care.~~ The youth must have been in foster care on ~~his or her~~ their eighteenth 18th birthday and must not currently ~~in be DHS custody~~ participating in the Extended Foster Care Program to be eligible for after care services and support. However, associated financial paperwork processes for after care services may begin prior to a youth's exit from care in order to ensure a more seamless transition. After care is funded by the John F. Chafee Foster Care Program for Successful Transition to Adulthood grant award.

~~In order to be eligible for after care, youth must meet one of the following criteria:~~

- ~~1. Youth must have been in foster care at or before age 17, OR~~
- ~~2. Youth must have entered care at age 17 or after due to dependency neglect, OR~~
- ~~3. Youth must have entered foster care at age 17 or after with a prior dependency neglect status.~~

Additionally, a youth is encouraged to ~~must~~ have a budget and a viable plan that includes participation in education, employment, or training. If the youth is incapable of school or work requirements due to , or a documented medical condition, they are also eligible for after care treatment in order to be eligible for after care. After care support is generally limited to five hundred dollars (\$500) in any one (1) month and may be requested for a total of two thousand dollars (\$2000). However, more than five hundred dollars (\$500) per month may be provided to a youth on an as needed basis. After care support may include without limitation expenditures for ~~education or training programs,~~ housing, insurance, housing set-up, transportation, utility bills, and or utility deposits. After care support does not include amounts available through the Education and Training Voucher (ETV) Program.

After care support is paid to the provider of the good or service, ~~rather than not~~ the youth. However, reimbursement may be made to the youth if the documentation of the expense, as well as the paperwork needed by the Division of Children and Family Services (DCFS) for reimbursement, is provided.

For youth who initially elect to participate in the Extended Foster Care Program but then choose to leave that program prior to twenty-one (21) years of age, after care funding will still be

available on a prorated amount based on the number of months remaining until the youth's twenty-first birthday.

~~After care support does not include amounts available through ETV.~~ Youth eligible for after care may also participate in life skills classes, and staff may help with transportation needs of these youth as staff capacity allows.

Mark-UP

POLICY VIII-C: AFTER CARE SERVICES AND SUPPORT

05/2022

After care funds may provide assistance and services to youth who have left foster care because they have attained eighteen (18) years of age but have not attained twenty-one (21) years of age. The youth must have been in foster care on their eighteenth birthday and must not currently be participating in the Extended Foster Care Program to be eligible for after care services and support. However, associated financial paperwork processes for after care services may begin prior to a youth's exit from care in order to ensure a more seamless transition. After care is funded by the John F. Chafee Foster Care Program for Successful Transition to Adulthood grant award.

Additionally, a youth is encouraged to have a budget and a viable plan that includes participation in education, employment, or training. If the youth is incapable of school or work requirements due to a documented medical condition, they are also eligible for after care. After care support is generally limited to five hundred dollars (\$500) in any one (1) month and may be requested for a total of two thousand dollars (\$2000). However, more than five hundred dollars (\$500) per month may be provided to a youth on an as needed basis. After care support may include without limitation expenditures for housing, insurance, housing set-up, transportation, utility bills, and utility deposits. After care support does not include amounts available through the Education and Training Voucher (ETV) Program.

After care support is paid to the provider of the good or service rather than the youth. However, reimbursement may be made to the youth if the documentation of the expense, as well as the paperwork needed by the Division of Children and Family Services (DCFS) for reimbursement, is provided.

For youth who initially elect to participate in the Extended Foster Care Program but then choose to leave that program prior to twenty-one (21) years of age, after care funding will still be available on a prorated amount based on the number of months remaining until the youth's twenty-first birthday.

Youth eligible for after care may also participate in life skills classes, and staff may help with transportation needs of these youth as staff capacity allows.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/2/21

A Bill

HOUSE BILL 1358

5 By: Representative Barker
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CERTAIN
10 DISCLOSURES OF INFORMATION BY CHILDREN; CONCERNING
11 FOSTER YOUTH TRANSITIONS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING CERTAIN
16 DISCLOSURES OF INFORMATION PERMITTED
17 UNDER THE CHILD WELFARE AGENCY LICENSING
18 ACT; AND CONCERNING FOSTER YOUTH
19 TRANSITIONS.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 9-27-306(a)(1)(B), concerning jurisdiction
25 under the Arkansas Juvenile Code of 1989, is amended to read as follows:

26 (B) Proceedings in which a juvenile is alleged to be
27 dependent or dependent-neglected from birth to eighteen (18) years of age,
28 except for the following:

29 (i)(a) A juvenile who has been adjudicated dependent
30 or dependent-neglected before eighteen (18) years of age may request the
31 court to continue jurisdiction over the juvenile until twenty-one (21) years
32 of age so long as the juvenile is ~~engaged in a course of instruction or~~
33 ~~treatment;~~

34 (1) Completing secondary education or a
35 program leading to an equivalent credential;

36 (2) Enrolled in an institution providing



1 post-secondary or vocational education;

2 (3) Participating in a program or
 3 activity designed to promote or remove barriers to employment;

4 (4) ~~or is working~~ Employed for at least
 5 eighty (80) hours a ~~per~~ month; or

6 (5) Incapable of completing school or
 7 work requirements due to a documented medical condition ~~toward gaining self-~~
 8 sufficiency.

9 (b) The court shall retain jurisdiction only
 10 if the juvenile ~~remains or has a viable plan to remain in instruction or~~
 11 ~~treatment, or is working at least eighty (80) hours a month toward gaining~~
 12 ~~self-sufficiency~~ meets the requirements of subdivision (a)(1)(B)(i)(a) of
 13 this section or has a viable plan to meet the requirements.

14 (c) The court shall discontinue jurisdiction
 15 only after a hearing to determine whether:

16 (1) The juvenile;

17 (A) ~~knowingly~~ Knowingly and
 18 voluntarily is requesting to leave care;

19 (B) ~~or the juvenile has~~ Has failed
 20 to be engaged in or have a viable plan to participate in a course of
 21 instruction or treatment or is not working at least eighty (80) hours per
 22 month toward gaining self-sufficiency ~~meet~~ the requirements of subdivision
 23 (a)(1)(B)(i)(a) of this section; or

24 (C) Does not have a viable plan to
 25 meet the requirements; and

26 (2) The Department of Human Services has
 27 fully complied with §§ 9-27-363 and 9-28-114; or

28 (ii) A juvenile may contact his or her attorney ad
 29 litem to petition the court to return to the court's jurisdiction to receive
 30 ~~independent living or~~ transitional services if the juvenile:

31 (a) Was adjudicated dependent or dependent-
 32 neglected;

33 (b) Was in foster care at eighteen (18) years
 34 of age; and

35 (c) Left foster care but desires to submit to
 36 the jurisdiction of the court before reaching twenty-one (21) years of age to

1 benefit from ~~independent living or~~ transitional services; ~~or~~
2 ~~(d) Left foster care and decides to submit to~~
3 ~~the jurisdiction of the court and return to foster care to receive~~
4 ~~transitional services;~~

5
6 SECTION 2. Arkansas Code § 9-27-363(b)(2), concerning foster youth
7 transitions under the Arkansas Juvenile Code of 1989, is amended to read as
8 follows:

9 (2) The plan shall include without limitation written
10 information and confirmation concerning:

11 (A) ~~The juvenile's right to stay in foster care after~~
12 ~~reaching eighteen (18) years of age for education, treatment, or work and~~
13 ~~specific programs and services, A description of the programs and services~~
14 ~~which will help the juvenile prepare for transition from foster care to a~~
15 ~~successful adulthood, including without limitation the John H. Chafee Foster~~
16 ~~Care Program for Successful Transition to Adulthood and other transitional~~
17 ~~services; and~~

18 (B) The right of the juvenile to remain in extended foster
19 care after reaching eighteen (18) years of age if the juvenile is:

20 (i) Completing secondary education or a program
21 leading to an equivalent credential;

22 (ii) Enrolled in an institution providing post-
23 secondary or vocational education;

24 (iii) Participating in a program or activity
25 designed to promote or remove barriers to employment;

26 (iv) Employed for at least eighty (80) hours per
27 month; or

28 (v) Incapable of performing the activities described
29 in subdivisions (b)(2)(B)(i)-(iv) of this section due to a documented medical
30 condition; and

31 (C) The juvenile's case, including his or her biological
32 family, foster care placement history, tribal information, if applicable, and
33 the whereabouts of siblings, if any, unless a court determines that release
34 of information pertaining to a sibling would jeopardize the safety or welfare
35 of the sibling.

36

1 SECTION 3. Arkansas Code § 9-28-114(e), concerning foster youth
2 transition, is amended to read as follows:

3 (e)(1) If a juvenile does not have the capacity to successfully
4 transition into adulthood without the assistance of the ~~Adult Protective~~
5 ~~Services Unit of the Department of Human Services~~ Office of Public Guardian
6 for Adults, the Division of Children and Family Services shall make a
7 referral to the ~~unit~~ office no later than six (6) months before the juvenile
8 reaches eighteen (18) years of age or upon entering foster care, whichever
9 occurs later.

10 (2) A representative from the ~~unit~~ office shall attend and
11 participate in the transitional youth staffing, and information shall be
12 provided to all of the parties about what services are available and how to
13 access services for the youth after reaching the age of majority.
14

15 SECTION 4. Arkansas Code § 9-28-114, concerning foster youth
16 transition, is amended to add an additional subsection to read as follows:

17 (j) Nothing in this subchapter prohibits a child in the custody of the
18 department from sharing at his or her discretion information concerning his
19 or her experience with the department after consultation with his or her
20 assigned attorney ad litem.
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25 /s/Barker
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28 **APPROVED: 3/10/21**
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1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H3/31/21

A Bill

HOUSE BILL 1736

5 By: Representative Furman
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE RIGHT OF A
10 JUVENILE TO REMAIN IN FOSTER CARE AFTER REACHING THE
11 AGE OF MAJORITY; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING THE RIGHT OF
16 A JUVENILE TO REMAIN IN FOSTER CARE AFTER
17 REACHING THE AGE OF MAJORITY.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 9-27-306(a)(1)(B)(ii), concerning the
23 jurisdiction of the court under the Arkansas Juvenile Code of 1989, is
24 amended to read as follows:

25 (ii) A juvenile may contact his or her attorney ad
26 litem to petition the court to return to the court's jurisdiction ~~to receive~~
27 ~~independent living or transitional services~~ if the juvenile:

28 (a) Was adjudicated dependent or dependent-
29 neglected;

30 (b) Was in foster care at eighteen (18) years
31 of age; and

32 (c) Left foster care but desires to submit to
33 the jurisdiction of the court before reaching twenty-one (21) years of age to
34 benefit from ~~independent living or transitional services~~ extended foster
35 care; ~~or~~

36 ~~(d) Left foster care and decides to submit to~~



1 ~~the jurisdiction of the court and return to foster care to receive~~
2 ~~transitional services;~~

3
4 SECTION 2. Arkansas Code § 9-27-306(f), concerning the jurisdiction of
5 the court under the Arkansas Juvenile Code of 1989, is amended to read as
6 follows:

7 (f) If a juvenile over eighteen (18) years of age who is allowed to
8 reenter extended foster care fails to be engaged in or have a viable plan to
9 ~~participate in a course of instruction or treatment or is not working at~~
10 ~~least eighty (80) hours per month toward gaining self-sufficiency~~ meet the
11 requirements in subdivision (a)(1)(B)(i)(a) of this section or have a viable
12 plan to meet the requirements of subdivision (a)(1)(B)(i)(a) of this section
13 for more than sixty (60) days, the department may file a motion to terminate
14 the jurisdiction of the court and discharge the juvenile from foster care.

15
16 SECTION 3. Arkansas Code § 9-27-337(a), concerning required six-month
17 reviews of dependency-neglect or families in need of services cases, is
18 amended to add an additional subdivision to read as follows:

19 (3) A six-month review hearing shall not be required for a
20 juvenile who:

21 (A) Is over eighteen (18) years of age; and

22 (B) Has elected to remain in extended foster care or to
23 return to extended foster care under § 9-27-306(a)(1)(B)(ii).

24
25 SECTION 4. Arkansas Code § 9-27-363(b)(2), concerning foster youth
26 transition under the Arkansas Juvenile Code of 1989, is amended to read as
27 follows:

28 (2) The plan shall include without limitation written
29 information and confirmation concerning:

30 (A) The juvenile's right to stay in foster care after
31 reaching eighteen (18) years of age for education, treatment, or work and
32 specific programs and services, including without limitation the John H.
33 Chafee Foster Care Program for Successful Transition to Adulthood ~~and other~~
34 ~~transitional services; and~~

35 (B) The juvenile's right to remain in extended foster care
36 after reaching eighteen (18) years of age if the juvenile:

1 (i) Is completing secondary education or a program
2 leading to an equivalent credential;

3 (ii) Is enrolled in an institution that provides
4 post-secondary or vocational education;

5 (iii) Is participating in a program or activity
6 designed to promote or remove barriers to employment;

7 (iv) Is employed for at least eighty (80) hours per
8 month;

9 (v) Has a viable plan to meet the requirements of
10 subdivisions (b)(2)(B)(i)-(iv) of this section; or

11 (vi) Is incapable of doing one (1) or more of the
12 activities listed in subdivisions (b)(2)(B)(i)-(v) of this section due to a
13 medical condition, which incapability is supported by regularly updated
14 information in the case plan of the juvenile; and

15 (C) The juvenile's case, including his or her biological
16 family, foster care placement history, tribal information, if applicable, and
17 the whereabouts of siblings, if any, unless a court determines that release
18 of information pertaining to a sibling would jeopardize the safety or welfare
19 of the sibling.

20
21 SECTION 5. Arkansas Code § 9-28-114(a)(3), concerning foster youth
22 transition, is amended to add additional subdivisions to read as follows:

23 (F) Offer an extended foster care program that provides:

24 (i) Case management services and supports; and

25 (ii) Financial assistance with room and board costs

26 for a juvenile who:

27 (a) Was adjudicated dependent or dependent-
28 neglected;

29 (b) Was in foster care at eighteen (18) years
30 of age but is not yet twenty-one (21) years of age or such other age as may
31 be required under federal law;

32 (c) Wishes to participate in extended foster
33 care to benefit from the program; and

34 d) Either:

35 (1) Is completing secondary education or
36 a program leading to an equivalent credential;

1 (2) Is enrolled in an institution that
2 provides post-secondary or vocational education;

3 (3) Is participating in a program or
4 activity designed to promote or remove barriers to employment;

5 (4) Is employed for at least eighty
6 (80)hours per month;

7 (5) Has a viable plan to meet the
8 requirements of subdivisions (a)(3)(F)(ii)(d)(1)-(4) of this section; or

9 (6) Incapable of doing any of the
10 activities listed in subdivisions (a)(3)(F)(ii)(d)(1)-(5) of this section due
11 to a medical condition, which incapability is supported by regularly updated
12 information in the case plan of the juvenile;

13 (G)(i) Allow a juvenile described in subdivisions
14 (a)(3)(F)(ii)(a)-(d) of this section who left foster care to reenter the
15 extended foster care program if the juvenile submits a request in writing or
16 in person to the department for his or her return to foster care.

17 (ii) The department may discharge a juvenile from
18 extended foster care program if the juvenile:

19 (a) Is over eighteen (18) years of age;

20 (b) Reenters extended foster care after having
21 his or her request to reenter foster care approved; and

22 (c) Fails to engage in or have a viable plan
23 to meet the requirements listed in subdivision (a)(3)(F)(ii)(d) of this
24 section or have a viable plan to meet the requirements listed in subdivision
25 (a)(3)(F)(ii)(d) of this section for more than sixty (60) days; and

26 (H) Recognize that participation in extended foster care
27 does not impede or otherwise alter any right afforded to the youth by virtue
28 of his or her age of majority including without limitation the right to
29 consent to medical treatment or enter into contracts.

30
31 SECTION 6. Arkansas Code § 9-28-114(b)(2)(A), concerning foster youth
32 transition, is amended to read as follows:

33 (A) The juvenile's right to stay in extended foster care
34 after reaching eighteen (18) years of age ~~for education, treatment, or work~~
35 ~~and specific~~ in order to participate in specific transitional programs and
36 services, including without limitation the John H. Chafee Foster Care Program

1 for Successful Transition to Adulthood ~~and other transitional services~~; and

2
3 /s/Furman

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6 **APPROVED: 4/20/21**

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