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Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.10 Youth Transitional Services

Authority: Family Law Article, §§1-101, 5-501—5-503, 5-524—5-525, 5-527—5-528, and 5-531—5-532; [5-533, and 5-560 et seq.] Courts and Judicial Proceedings Article, §3-801 et seq.; Annotated Code of Maryland
Agency Note: Federal [Regulatory] Reference: *Fostering Connection Act of 2008, PL110-35* [42 U.S.C. §620 et seq. and §670et seq. 45 CFR 1355—1357]

Notice of Proposed Action

[14-021-P]

The Secretary of Human Resources proposes to amend Regulations .02, .03, and .12, and repeal existing Regulation .13 under **COMAR 07.02.10 Youth Transitional Services**.

Statement of Purpose

The purpose of this action is to repeal and amend current regulations that provide details and procedures for enhanced aftercare services and independent living aftercare services. Senate Bill 86, Voluntary Placement for Former Children in Need of Assistance, passed during the 2013 Legislative session, changed the current practice of working with youth receiving enhanced aftercare services. New regulations have been submitted to incorporate the Senate Bill 86 changes and the new regulations will be placed in 07.02.11 Out of Home Placement Program. The new regulations will allow former Maryland foster youth that were in foster care at 18 years old to re-enter foster care through a voluntary placement agreement. In addition, amendments are required to the current independent living aftercare services regulation. The current regulation requires adding the language found in Fostering Connections Act PL 110-351 allowing youth over the age of 18 to receive independent living after care services if the youth exited foster care to guardianship or adoption after the age of 16.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 W. Saratoga St., Room 265, Baltimore, MD 21201, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637. Comments will be accepted through February 24, 2014. A public hearing has not been scheduled.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)

(2) "Agency" means an organization licensed to provide [youth] transitional services to youth.

(3)—(8) (text unchanged)

(9) "Independent living aftercare" means services provided to a former foster care youth who was in out-of-home placement on their 18th birthday but has not attained the age of 21 *or who after attaining 16 years of age, left foster care for kinship guardianship or adoption.*

[(10)] "Enhanced aftercare" means services including but not limited to placement assistance provided to former Maryland foster youth ages 18 to 21 who were in out-of-home placement on their 18th birthday.]

[(11)] (19) "State Independent Living Coordinator" means the individual who administers the Statewide services.

[(12)] (10)—[(15)] (13) (text unchanged)

[(16)] (14) "Provider agency" means [the] a licensed child placement agency.

[(17)] (15)—[(20)] (18) (text unchanged)

[(21)] (20)—[(23)] (22) (text unchanged)

.03 Eligibility.

A. To be eligible for youth transitional services, a youth shall be[:

(1) *age 14 to 21 years old [or older], committed to a local department or in out-of-home placement pursuant to a voluntary placement agreement[; or].*

[(2)] Age 18 to 21 years old, and:

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

(b) Enrolled in an institution which provides post-secondary or vocational training;

(c) Participating in a program or activity designed to promote or remove barriers to unemployment;

(d) Employed at least 80 hours per month; or

(e) Incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.]

B. Youth 14 to 21 years old [committed to a local department] are eligible for age appropriate youth transitional services, regardless of the type of placement or permanency plan.

[C. To be eligible for enhanced aftercare services or independent living aftercare, the former foster youth shall be:

(1) *Age 18 to 21 years old; and*

(2) *Discharged from out-of-home placement after attaining the age of at least 18.]*

.12 Independent Living Aftercare Services.

A. Independent living aftercare services are available on a voluntary basis to youth 18 to 21 years old who were in out-of-home placement on their 18th birthday *or after attaining the age of 16 exited to kinship guardianship or adoption.*

B. Independent living aftercare goals are designed to complement the efforts of former foster care recipients between 18 to 21 years old [in their effort] to achieve self-sufficiency by providing:

(1) — (7) (text unchanged)

C. Youth are eligible to participate in independent living aftercare services if they:

(1) [Exited out-of-home placement after their 18th birthday, but have not attained the age of 21] *Are 18 to 21 years of age; and*

(a) *Have exited from out-of-home placement after attaining the age of at least 18; or*

(b) *After attaining the age of 16 exited to kinship guardianship or adoption.*

(2) *Participate in the development of a service agreement and sign and comply with its terms; and*

(3) *Need continued help in making the transition to self-sufficiency.*

D. (text unchanged)

E. Youth *age 18 to 21 years old* receiving independent living aftercare services may be provided assistance with room and board that may include:

(1) — (2) (text unchanged)

F. All Maryland foster youth *who were in foster care at 18 years old* are eligible to continue to receive medical assistance up to [21] 26 years old in the foster care category [if they were in out-of-home care at 18 years old].

G. Services may be provided for up to 180 days.

(1) (text unchanged).

[(2)] Services may be discontinued for youth that fail to comply with the terms of the service agreement.]

[(3)] (2) Youth may reapply for services up to 21 years old.

H. *Services may be discontinued if the youth:*

(1) *Fails to comply with terms of the service agreement; or*

(2) *Marries; or*

(3) *Enters military service.*

