

Serving Teens Transitioning Into Adulthood

**The
Condensed
Version**

The Basics . . .

CONTRACTUAL AGREEMENT
FOR RESIDENTIAL SUPPORT (CARS)

NC LINKS

EDUCATION

EMPLOYMENT

HOUSING

HEALTH CARE

IMMIGRATION OPTIONS

Contractual Agreement For Continuing Residential Support (CARS)

Voluntary request made by young person to remain in placement responsibility of local DSS and also receive foster care services beyond the age of 18.

Youth must be enrolled in a full-time program of academic or vocational training, or accepted for full-time enrollment for the next term in an academic or vocation program in order for foster care assistance payments to be paid on child's behalf.

The CARS agreement automatically ends on 21st birthday.

NC LINKS

NC LINKS is North Carolina's independent living program for older teens and young adults who are or have been in the foster care system.

NC LINKS is funded by federal funds (Chafee Foster Care Independence Act), matched with state dollars and state in-kind match.

Direct NC LINKS questions to the State Program Coordinator at 919-733-2580.

Taking Some of the Mystery Out of NC LINKS

Eligibility:

- Youth and young adults ages 13 to 21 who are or were in foster care as teens are eligible for LINKS services and resources. These youth/young adults may be currently in care, be discharged, be married, adopted, or emancipated and still remain eligible. Youth should demonstrate a willingness to do their part in achieving independence and take an active role in planning for their future.

Exceptions:

- Federal funds cannot be used to provide services to illegal or undocumented aliens.
- To use Title IV-E funds, child cannot have resources of \$10,000 or more.

The Reality of NC LINKS

- Counties are required to provide LINKS services to teens in care 16-21 and to young adults who aged out of foster care at 18.
- Counties are strongly encouraged to provide LINKS services to younger teens 13-15 and to young adults who were discharged prior to 18 and are requesting services.
- Counties may opt to provide services to youth discharged before age 18.

What LINKS Can do for Youth

- A county LINKS liaison acts as a coach, advocate, and mentor to help the youth travel their own journey.
- Ensure activities are available to expose youth to real-life experiences
- Use designated funds to increase likelihood of desired outcomes

LINKS Housing Funds

- Each year funds may be available for rent deposits, rent, or down payments on dwellings.
- This money is only available to youth who were living in foster care, a relative placement, or another court approved family placement that was not the removal home on their 18th birthday. However, the young person must not yet be 21 yrs. old.

LINKS Transitional Funds

- Each year money may be available to assist youth between the ages of 13 and 20, but young people must show a willingness to do their part in achieving independence and take an active role in personal planning for the future. Funds can be used in reaching one or more of these outcomes: 1) economic self-sufficiency; 2) safe and stable housing (except for rent, rent deposits, etc., which can be obtained by using Housing Funds listed under the HOUSING category of this resource guide); 3) academic or vocational achievement; 4) connections to a personal support network; 5) postponed parenthood; 6) avoidance of high risk behaviors and/or 7) access to needed health care not covered by Medicaid or public health insurance.
- The county agency must pay for the item or service and request reimbursement. If a third party pays, this should be arranged through DSS in advance. The Division can only reimburse county Departments of Social Services.

Education Legislation

- McKinney-Vento Act
- No Child Left Behind
- Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act
- Education Training Voucher (ETV)
- Child Welfare Postsecondary Support Program
- N.C. Tuition Waiver

McKinney-Vento Act

- This law guarantees homeless children and youth are able to obtain a free and appropriate education by removing typical obstacles (ex.—residency, immunization records, school records, guardianship requirements, lack of transportation) that might normally impede enrollment or access to school.
- Eligible children include those who do not have a fixed, regular, and adequate nighttime residence, and this also encompasses young people awaiting foster care placement.
- To ensure enrollment the youth or his/her advocate should contact the school district's designated McKinney-Vento liaison.

No Child Left Behind (NCLB)

- Any young person attending a school that has been identified as “in need of improvement” for at least two consecutive years has the option to attend a better performing public school with transportation provided at the school’s expense.
- If a child has been the victim of a crime in school or he/she attends a school designated as “persistently dangerous” then the child has a right to transfer to a safer school.
- Students of a school designated as “in need of improvement” for three out of the four previous years must be offered supplemental education services, outside of school hours at the school’s expense.

Individuals with Disabilities Education Act (IDEA)

- This law provides that all children with disabilities that impact their ability to make educational progress have a right to a free appropriate public education in the least restrictive environment appropriate to the child's needs. To the extent possible, children with disabilities should receive instruction with their non-disabled peers to the maximum extent possible.
- If a child appears to have problems in school with attention, reading/math, socialization, coordination, or even a family history of such issues then the child's legal decision maker may request an evaluation from the school. The school must comply with the request or explain why an evaluation is not necessary through a hearing. If legal guardians disagree with the evaluation outcome then they may request a second independent evaluation at the school's expense.
- If a child is eligible for services then a individualized education program (IEP) must be created and reviewed by parents at least once per year to address any services or special education needed by the child.
- By age 14, an IEP must include the instruction needed to assist the youth prepare for transition from a school setting to a work and community setting. By age 16, the IEP must state what transition services the child needs, and specify interagency responsibilities or needed linkages. If the child has continuing education needs then services may continue through 21 yrs of age.

Section 504 of the Rehabilitation Act

- While not just relating to education, this law does prohibit discrimination against individuals with disabilities in any program receiving federal funding, and this can include schools. Possible services and accommodations under Section 504 might include things such as tutoring, the use of a computer or other devices, and additional time on assignments.
- All children receiving services under IDEA are also eligible for Section 504 assistance. In addition, children who do not qualify for services under IDEA may still be eligible for special educational accommodations under Section 504 if their disability limits at least one major life activity.
- Since Section 504 applies to institutions of higher learning that receive federal funding, students eligible for services in high school may also be eligible for services when pursuing higher education. Students and/or their guardian should bring this to the attention of the institution.

Education Training Voucher (ETV)

The Education Training Voucher Program, is a service provided through the Department of Social Services, LINKS Program, and it offers assistance to youth who are discharged from DSS custody after age 17 and youth who are adopted from foster care after age 16 to enable them to attend colleges, universities, and vocational training institutions.

Students may receive up to \$5,000 a year for four years as they pursue higher education. These funds may be used for tuition, books, equipment, student health insurance, current year loan repayment, transportation, qualified living expenses, and child care.

Students apply online by visiting <http://www.statevoucher.org>

Child Welfare Postsecondary Support Program

This program is intended to meet the post-secondary educational needs of foster youth aging out of the foster care system and also children with special needs who are adopted from foster care after age 12. The program provides tuition, fees, room and board, and books to all eligible children that attend public institutions of higher education (universities and community colleges) in North Carolina.

N.C. Tuition Waiver

§ 115B-2.

- Any child, if the child (i) is at least 17 years old but not yet 23 years old, (ii) is a ward of North Carolina or was a ward of the State at the time the child reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for services under the Chaffee Education and Training Vouchers Program; but the waiver shall only be to the extent that there is any tuition still payable after receipt of other financial aid received by the student.
- Persons eligible for the tuition waiver under subsection (a) of this section must meet admission and other standards considered appropriate by the educational institution. In addition, the constituent institutions of The University of North Carolina shall accept these persons only on a space available basis.

Employment Resources

- Workforce Investment Act of 1998
- National Apprenticeship Act of 1937
- N.C. Vocational Rehabilitation
- Legal Rights of Working Youth

Workforce Investment Act of 1998

Eligible Youth:

14-21 years of age, low income, AND at least one of the following: foster child, homeless, or runaway, deficient in basic literacy skills, pregnant or parenting, offender, individual who requires assistance to complete an educational program, or to secure and hold employment (including a youth with a disability)

Possible Services:

summer employment opportunities, work experiences, occupational skill training, leadership development opportunities, adult mentoring, comprehensive guidance and counseling, tutoring, and study skills.

For questions about your local WIA representative or local programs contact the N.C. Department of Commerce at 1-800-562-6333.

National Apprenticeship Act of 1937

A registered apprenticeship is available in more than 900 different occupations. A youth at least 18yrs old, with a GED or high school diploma, may be able to establish an apprenticeship that will give the youth skilled supervision for a pre-determined length of time. In addition to on-the-job training there will be an in-class training portion. All the requirements and expected skills will be outlined in an agreement between the employer and the apprentice. Initial wages, as well as subsequent raises, will also be listed in the agreement. At the completion of the apprenticeship, the apprentice will receive a certificate, and essentially he or she will have attained “journey-worker” status.

Additional information about North Carolina’s apprenticeship program can often be obtained from guidance counselors at local high schools or community colleges. You can also contact your local Apprenticeship Representative through the N.C. Department of Labor at <http://www.nclabor.com/appren/offices.htm>

N.C. Vocational Rehabilitation

N.C. Vocational Rehabilitation provides counseling, training, education, medical assistance, transportation, and other support services to persons with physical, learning, mental, or emotional disabilities in order to help them become independent and job-ready.

For more information about these services as they apply to employment of young people contact this agency at 919-855-3672.

Legal Rights of Working Youth

In N.C. you must complete a youth work permit, for each job, to be eligible for employment if you are under the age of 18. The permit can be completed online at http://www.nclabor.com/wh/youth_instructions.htm, and you can also obtain more information about work related questions that you may have by searching the website or calling 1-800-NC-LABOR.

For youth under the age of 18, there are unique rights as a worker and by visiting <http://www.youthrules.dol.gov> you can find more information about limits on working and acceptable jobs.

Housing Resources

- Housing Choice Vouchers (Section 8)
 - Three major requirements:
 - 18 years old or older
 - Employed or have a steady stream of income
 - Income cannot exceed 80% of median income of area
 - The recipient pays 1/3 of his or her salary for rent
 - Anyone who will benefit from the voucher should be listed on the application and should be family.
- Housing Funds (refer back to LINKS info.)
- Some areas may have facilities established for “homeless” youth, which normally can include youth who aged out of foster care without a permanent residence in place. These housing programs or shelters may be specifically for ages 16-21, include supportive services, and may receive funding as a result of the Runaway and Homeless Youth Act and/or the McKinney-Vento Act.

Housing Resources cont.

- Some areas may have Section 811 housing funded through Housing and Urban Development. This housing allows people with disabilities to live as independently as possible in rental housing that offers supportive services. In order to be eligible, a household which may consist of a single qualified person must be very low-income (within 50 percent of the median income for the area) and at least one member must be 18 years old or older and have a disability, such as a physical or developmental disability or chronic mental illness.
- Youth may also meet eligibility requirements to receive assistance for emergency housing or utilities costs, and heating/cooling expenses through their local DSS or certain local nonprofit organizations.

Health

Health Check (Medicaid) for youth aging out of foster care

The Division of Medical Assistance, within the Department of Health and Human Services, shall provide Medicaid coverage to foster care adolescents ages 18, 19, and 20 without regard to the adolescent's assets, resources, or income levels. In order to be eligible, the young person should have been in foster care under the responsibility of the state on his or her 18th birthday.

Health cont.

Health Check (Medicaid) for youth NOT aging out of foster care

- Up until a youth's 21st birthday he/she may be eligible for Medicaid if the person is a citizen/qualified alien, N.C. resident, with resources less than \$3,000, and a gross monthly income less than \$362 (for a family size of one and living independently).
- Earned income of a child under 21 who is a full-time student, or who is a part-time student but is not employed full time, is not counted.
- Children with special needs who are adopted under state adoption agreements have Medicaid eligibility determined without the adoptive parents' income.
- If the youth is ineligible due to excessive income, they may become eligible by meeting a Medicaid deductible.

Health cont.

N.C. Health Choice for youth NOT aging out of foster care

- When a young person completes the application for Medicaid, he/she may be completely ineligible, but he/she may be eligible for N.C. Health Choice. This program has similar eligibility requirements but allows for a higher applicant income. In addition, this program only offers coverage for children over 6 and up through the 19th birthday.
- Under this plan, the youth may be required to pay an annual enrollment fee and copays for prescription drugs and certain medical visits.

Most Medicaid questions should be directed to your local DSS, but if you have questions about policies or a particular person you believe should be eligible, contact a Medicaid Eligibility Policy Consultant at 919-855-4000.

Special Immigrant Juvenile Status (SIJS)

- An avenue for certain abused, abandoned, or neglected undocumented children in the juvenile court system to become lawful permanent residents (LPR or “green card” holders) who may later apply to become a US citizen
- Prevents immigration issues for an adopted child
- Note: just because a US citizen adopts an undocumented child does not mean the child automatically has citizenship or is even a LPR

Requirements for SIJS

1. Under the jurisdiction of a juvenile court
 - **Jurisdiction must continue through application**
2. Dependent on a juvenile court or placed in the custody of a state agency (DSS)
3. Eligible for “long-term foster care” due to abuse, neglect, or abandonment
 - **Reunification NOT the permanent plan**
4. Juvenile court must make findings showing that it is not in the child’s best interest to be returned to his or her home country in an order before the child can petition for SIJS
5. Under 21 and unmarried

Other Immigration Options

- Violence Against Women Act (VAWA)
 - Does not require a juvenile court order
 - Child has an abusive citizen or LPR parent
- U Non-Immigrant Visa
 - Allows for undocumented children who have been victims of serious crimes who cooperate with law enforcement to possibly obtain LPR.
- T Non-Immigrant Visa
 - Allows for undocumented children who have been victims of trafficking in persons to possibly obtain LPR

Conclusion

This has been an introduction to some of the legislation and programs relevant to work with teen clients. For additional information or resources you can consult with the agencies listed in previous slides, your local Department of Social Services, or your local Guardian ad Litem office.

This guide was developed by the North Carolina Guardian ad Litem Program with valuable input from teens living in foster care and a variety of youth-serving agencies.