

CASE TIMEFRAMES

- If the youth is under 16, independent living services should be provided when the agency deems such services appropriate. In making this determination, the agency is required to consider the likelihood the youth will remain in agency custody until age 18.
[Ohio Adm.Code 5101:2-42-19(C)]
- If the youth is 16 years of age or older and is in agency custody, ensure that the agency has completed a life skills assessment of the youth. The assessment must include an evaluation of the strengths and weaknesses of the youth, and must be completed no later than 60 days after the youth’s 16th birthday or 60 days after the youth enters agency custody. [R.C. 2151.82]; [Ohio Adm.Code 5101:2-42-19(C)]
- A review should be scheduled at least 90 days prior to the emancipation date to review the details of the final transition plan that should be completed before the emancipation date.
[42 U.S.C. 675(5)(H)]; [Ohio Adm.Code 5101:2-42-19(J)]
- Ensure that the agency has consulted with the youth to develop a written independent living plan within 30 days of the completion of the life skills assessment. The plan must include input from the youth, the caregiver, and other significant individuals in the youth’s life.
[R.C. 2151.83]; [Ohio Adm.Code 5101:2-42-19(E)]

 If the youth is nearing his or her 16th birthday at the time of the hearing, address the upcoming need to complete a life skills assessment of the youth and provide the youth with independent living services.

 The court may order the agency to complete a life skills assessment and/or provide independent living services for the youth if the court deems such services are necessary and are in the best interest of the youth.
[R.C. 2151.417(A)]

YOUTH INVOLVEMENT IN HEARINGS

- Ensure that the youth has been given notice of all hearings, including review hearings.
[R.C. 2151.35(C)]; [R.C. 2151.417(F)]; [Juv.R. 2(Y)]

 If the youth is not present, inquire of the agency as to why the youth is not there. Inquire as to efforts that were made to locate the youth. Consider continuing the hearing until a time and date the youth can attend.

 The court should make every effort to ensure that the youth is able to attend hearings. For example, schedule hearings after the school day end and if transportation is needed, discuss who will be responsible for transporting the youth to court.

- The court is to consult with the youth directly.
[42 U.S.C. 675(5)(C)]; [R.C. 2151.417(F)]
- Engage the youth in the hearing by asking the youth pertinent questions on topics such as services the youth still needs, the youth’s case plan, and the youth’s educational or vocational plans. (See Helping Youth Transition from Foster Care to Adulthood: A Judicial Bench Booklet with Topical Checklists for Hearings Involving Youth Ages 13-18)

 The American Bar Association recommends that the youth attend hearings in order to facilitate the youth’s meaningful participation in the hearings, which has been shown to improve case outcomes. (See Standard D-5 and accompanying commentary, Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases)

 At all permanency hearings, including hearings regarding transitioning the youth from foster care to independent living, the court must consult with the youth in an age-appropriate manner regarding any proposed permanency plan or transition plan. [42 U.S.C. 675(5)(C)]; [R.C. 2151.417(F)]

HEARING PROCEDURE

Inquire about the results of the life skills assessment. Inquire the skills necessary for the youth to develop in order to successfully transition into adulthood.

REQUIREMENTS WITH FEDERAL FISCAL IMPLICATIONS [Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 675]

- ❑ Ensure that the agency is providing independent living services for youth aged 16 and older. Such services shall be based on the results of the life skills assessment. [42 U.S.C. 675(1)(D)]; [R.C. 2151.82]
- ❑ Independent living services may include the following:
 - ❑ Providing housing;
 - ❑ Teaching decision-making skills;
 - ❑ Teaching daily living skills such as securing and maintaining a residence, money management, utilization of community services and systems, personal health care, hygiene and safety, and time management;
 - ❑ Assisting in obtaining education, training, and employment skills;
 - ❑ Academic support, including tutoring, GED preparation, preparation for college entrance exams, college counseling, and assistance applying for financial aid and scholarships; and
 - ❑ Assisting in developing positive adult relationships and community supports. [R.C. 2151.81]; [Ohio Adm.Code 5101:2-42-19(D)]
- ❑ Ensure that independent living services are documented in the youth's case plan. [R.C. 2151.82]
- ❑ Ensure that each youth 16 or older receives a copy of any consumer report pertaining to that youth each year until the youth exits foster care. [42 U.S.C. 675(5)(1)]

DISCHARGE OF YOUTH UPON 18th BIRTHDAY

[R.C. 2151.83(A)]; [Ohio Adm.Code 5101:2-42-19.2]

HEARING PROCEDURE

- ❑ A hearing should be set upon the agency timely filing a motion or sua sponte at the conclusion of a prior review hearing. The motion should either:
 - ❑ request the court to extend the agency's custody of a child who is expected to remain in foster care beyond the age of 18;
- OR**
- ❑ terminate the agency's custody of a child upon turning 18.
- ❑ Inform the youth that he or she has the right to request to continue independent living services until age 21. [R.C. 2151.81 and 2151.83(A)]
- ❑ If the youth has requested independent living services to continue until age 21, ensure that the agency has worked with the youth to prepare a written agreement that obligates the agency to provide specified services and sets forth the responsibilities of the youth regarding such services. [R.C. 2151.81 and 2151.83(A)]; [Ohio Adm.Code 5101:2-42-19.2(A)-(B)]

REQUIREMENTS WITH FEDERAL FISCAL IMPLICATIONS

[Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 675]

- ❑ Ensure that the agency has worked with the youth to complete a personalized and detailed transition plan at least ninety days prior to the youth's emancipation. [42 U.S.C. 675(5)(H)]; [Ohio Adm.Code 5101:2-42-19(J)]

The plan MUST include:

- ❑ Information regarding the youth's right to receive independent living services until age 21.
- ❑ Specific options on the following topics:
 - ❑ Obtainment and payment for housing;
 - ❑ Budget for necessary living expenses;
 - ❑ Health care and insurance;
 - ❑ Legal matters;
 - ❑ Secondary and post-secondary education and training;
 - ❑ Local opportunities for mentors and continuing support services;
 - ❑ Workforce supports and employment services;
 - ❑ Obtain a credit report; and
 - ❑ Information on existing benefits the youth receives, such as social security, and instruction on how the youth can apply for continuation of those benefits.
- ❑ Information regarding the importance of the youth designating a person to make health care treatment decisions for the youth if the youth is unable to make such decisions
- ❑ The option for the youth to execute a health care power of attorney (or other similar document recognized by Ohio law). [42 U.S.C. 675(5)(H)]

- ❑ Inquire about whether the youth intends to re-engage with family, parents, and/or siblings, and if so, how to do so in a healthy way.
- ❑ Inquire if the youth has prepared or has been provided a written list of scheduled appointments with medical, educational, mental health or other service providers.

NOTE

If there are gaps or changes to the transition plan, another review should be scheduled.

- ❑ Ensure that the agency has coordinated with the appropriate agencies to provide the youth with the following documents:
 - ❑ Original birth certificate;
 - ❑ Original social security card;
 - ❑ A current state identification card;
 - ❑ A copy of the youth's health and education records; and
 - ❑ A letter verifying that the youth emancipated from agency custody. [Ohio Adm.Code 5101:2-42-19(K)-(L)]