



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: January 28, 2022

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: **House Bill No. 271 Services for Young Adults Aging Out of Foster Care**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 271, which proposes to revise existing portions of the Delaware Code pertaining to the services provided by the Department of Services for Children, Youth & Families (DSCYF) and its Division of Family Services (DFS) to young adults aging out of foster care. Council **endorses** this legislation to expand the availability of support for young adults exiting foster care permanently.

House Bill No. 271 proposes two revisions to existing law. First, the proposed revisions would add the words "transitional and" in multiple places where "independent living services" are referenced. According to the bill's synopsis, this change would be consistent with how services are referred to by DFS (the bill's synopsis points out that "DFS recently changed the name of the Independent Living Program to the 'Transitional and Independent Living Program'") and to better describe the services that DFS provides for this population.

Second, the bill proposes to extend eligibility for transitional and independent living services through age 23. This is a more substantial and impactful revision. The federal government issued a moratorium on youth aging out of foster care and provided additional funding to states to support eligible young adults up to age 27 who had been in foster care after the age of 14 in response to the COVID-19 pandemic, as part of legislation passed in 2020. According to the synopsis of HB 271, DFS Director of Delaware issued a mandatory directive expanding eligibility for transitional and independent living services to age 27 because of this funding. The federal relief measures lapsed at the end of September 2021. Although there have been some

attempts to enact new legislation in Congress to extend relief (see H.R.5661 - Continued State Flexibility To Assist Older Foster Youth Act, which was passed by the U.S. House of Representatives in October but has yet to be considered by the U.S. Senate), currently there is nothing in place at the federal level. When the first DFS mandatory directive ended in October 2021 after federal relief expired, DFS issued a new mandatory directive to continue to extend eligibility for young adults up to age 23, “because of the success observed on behalf of youth” with extended eligibility. As the more recent directive will expire in September 2022, the proposed legislation would permanently extend eligibility for transitional and independent living services through age 23.

Children and youth with disabilities and complex medical needs who encounter the child welfare system may be disproportionately likely to be placed in foster care, according to the Child Trends report *Children and Youth with Special Health Care Needs in Foster Care*, released in December 2020 (available at https://www.childtrends.org/wp-content/uploads/2020/12/CYSHCN_ChildTrends_Dec20-2.pdf). This same report cites to data indicating that 63% of the children and youth in foster care in Delaware have special health care needs (which are defined include intellectual disabilities, physical disabilities, and emotional disabilities, as well as “other medically diagnosed condition[s] requiring care” such as chronic illnesses) which is among one of the highest percentages nationally.

In addition to legislation that Governor Carney signed into law in October 2021 which guarantees tuition support to youth aging out of foster care accepted to a state university (see HB 123, now codified at 14 Del. C. § 3414A, et seq.), the effect of this bill would be expanded options for financial support and longer-term stability for this population. Council supports this legislation, as it will undoubtedly affect young adults with disabilities.

Thank you in advance for your time and consideration of our endorsement and observations. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions.