

Older Youth Provisions of the Consolidated Appropriations Act - Supporting Foster Youth and Families Through the Pandemic

On December 27, 2020, the Consolidated Appropriations Act of 2021 became law. The law contains the provisions of HR 7947, the Supporting Foster Youth and Families through the Pandemic Act, and provides significant assistance to young people with experience in foster care during the pandemic by:

1. **Increasing the allocation of Chafee funds by \$400 million**, including at least \$50 million for Education and Training Vouchers (ETV). State matching requirements are removed.
2. **Expanding Chafee Program Eligibility and Flexibility** by increasing the age of eligibility for Chafee services and ETV through a young person's 26th year and providing several flexibilities to the Chafee and ETV program.
3. **Making continued placement and services available to youth** ages 18 until reaching age 22 by prohibiting states from terminating foster care placement and services due to age.
4. **Requiring that states provide reentry** into foster care to youth who aged out during the pandemic and are under age 22. The law defines the time pandemic as lasting from April 1, 2020 until September 30, 2021.
5. **Allowing states to draw down IV-E funds for youth until age 22** for the purpose of continuing foster care services and providing re-entry.
6. **Allowing young people to retain IV-E eligibility** even if they are not able to meet the participation requirements (school and work) for extended foster care and reentry.

Below is a detailed summary of the provisions:

Chafee Provisions

1. **Increase in Chafee funds by \$400 million.**
 - a. At least 50 million of this amount must be allocated to Education and Training Vouchers (ETV).
 - b. At least \$500,000 of this amount must be reserved to provide Technical Assistance to states related to implementing a drivers and transportation program for youth in foster care.
 - c. Chafee funds can be used for all purposes currently allowed by the Chafee Act, including direct financial assistance, meeting basic needs, housing, education, and employment support, for example.
 - d. The law specifically mentions that Chafee funds can be used for costs related to obtaining a driver's license and driving (such as vehicle, insurance costs, driver's education class and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an auto-mobile).
 - e. Funds will be distributed to the states.
 - f. No state match is required for this increase allocation of Chafee funds.
2. **Expansion of Chafee Eligibility and Program Flexibility**
 - a. Young people are Chafee eligible through their 26th year.
 - b. States can exceed the 30% cap on room and board and serve young people between ages 18 and 27 who experienced foster care at 14 years of age or older.
 - c. These provisions are in effect until September 30, 2021.
3. **Education and Training Vouchers (ETV)**
 - a. The maximum ETV award per youth is raised to \$12,000 through September 30, 2022.
 - b. The enrollment and satisfactory academic progress requirements (SAP) for ETV is waived for young people who are unable to do so due to the pandemic until September 30, 2021.

- c. ETV funds can be used for maintaining training and postsecondary education, including less than full-time matriculation costs or other expenses that are not part of the cost of attendance but would help support youth in remaining enrolled until September 30, 2021.

Continuation of Foster Care Placement and Services and Reentry

1. Continuation of Placement and Services and Funding of Extended Care (Moratorium)

- a. A state cannot require a child to leave foster care due to age.
- b. A young person can retain Title IV-E eligibility until age 22.
- c. A young person can retain Title IV-E eligibility even if they are unable to meet the participation requirements (school, work, etc) due to the pandemic.
- d. A state must make reasonable efforts to determine IV-E eligibility of youth receiving continued services.
- e. A state can use a portion of the increased Chafee allocation to pay the cost of continued services for youth who are not Title IV-E eligible for costs incurred after the enactment of the law.
- f. This provision is effective until September 30, 2021.

2. Re-Entry into Foster Care

- a. States must allow youth who left foster care due to age during the pandemic to re-enter foster care up until turning age 22.
- b. States must provide notice about the option to re-enter to youth who left foster care during the pandemic and conduct a public awareness campaign about the option to voluntarily re-enter foster care.
- c. A young person who reenters foster care can retain Title IV-E eligibility until age 22.
- g. A young person who reenters foster care can retain Title IV-E even if they are unable to meet the participation requirements (school, work, etc) due to the pandemic.
- h. A state must make reasonable efforts to determine IV-E eligibility of youth who reenter foster care.
- i. A state can use a portion of the increased Chafee allocation to pay the cost of reentry and continued services for youth who are not Title IV-E eligible for costs incurred after the enactment of the law.
- j. This provision is effective until September 30, 2021.

3. Continued Obligations to Young People In Foster Care

- a. The state must continue to ensure the safety, permanency and well-being needs of young people who receive continued placement and services and reenter foster care.
- b. The state must continue to work with young people to develop and finalize transition plans consistent with the law, including identifying supportive connections for the youth.
- c. A state can use a portion of the increased Chafee allocation to pay the cost of meeting the continued obligations to youth people mentioned directly above for young people who are not Title IV-E eligible as long as those costs were incurred after the enactment of the law
- d. This provision is effective until September 30, 2021.

The text of the full Consolidated Appropriations Act can be found here:

<https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-116HR133SA-RCP-116-68.pdf>