

SENATE No. 40

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Concerning Foster Youth Who Remain in the Care of the Department of Children and Families after They Attain Eighteen Years of Age.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	Worcester and Middlesex
Susan C. Tucker	Second Essex and Middlesex
Ellen Story	3rd Hampshire
John D. Keenan	7th Essex
Martha M. Walz	8th Suffolk
Elizabeth Poirier	14th Bristol
Robert A. O'Leary	Cape and Islands
Jennifer M. Callahan	18th Worcester
Karen E. Spilka	Second Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
Thomas P. Conroy	13th Middlesex
Cynthia Stone Creem	First Middlesex and Norfolk
Peter J. Koutoujian	10th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT CONCERNING FOSTER YOUTH WHO REMAIN IN THE CARE OF THE DEPARTMENT OF CHILDREN AND FAMILIES AFTER THEY ATTAIN EIGHTEEN YEARS OF AGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, there exists in the Commonwealth a continuing need to provide support and care to foster youth
2 between the ages of eighteen and twenty-two in order to ensure their successful entry into adulthood; and

3 Whereas, the Federal Government gave states the option of seeking federal reimbursement to assist in
4 supporting this population in the Fostering Connections to Success and Increasing Adoptions Act of
5 2008; and

6 Whereas, in order to qualify for these federal funds certain technical amendments must be made to the
7 General Laws;

8 Now, be it enacted by the Senate and House of Representatives in General Court assembled, and by the
9 authority of the same, as follows:

10 SECTION 1. Section 23 of chapter 119 of the General Laws, as most recently amended by chapter 176 of
11 the acts of 2008, is hereby amended by striking out subsection (f) and inserting in place thereof the
12 following subsection:-

13 (f) Notwithstanding anything in section 26 of this chapter to the contrary, the department shall continue
14 its responsibility as provided in this section for any person who has attained the age of 18 and is under 22
15 years of age and who is (1) completing secondary education or a program leading to an equivalent
16 credential; (2) enrolled in an institution which provides post-secondary or vocational education; (3)
17 participating in a program or activity designed to promote, or to remove barriers to, employment; (4)
18 employed at least 80 hours per month; or (5) incapable of doing any of the activities described in
19 subclauses (1) through (4) due to a medical condition, which incapability is supported by regularly updated
20 information in the case plan of the child, provided, however, that the department's continued
21 responsibility for persons who have attained the age of 18 is contingent upon the express written consent
22 of the person.

23 Notwithstanding any other provision of law, the juvenile court shall retain jurisdiction under this
24 chapter for persons in the continued care of the department pursuant to this subsection, including for the
25 purpose of permanency reviews as set forth in section 29B of this chapter.

26 If a child elects to leave the care of the department when he or she attains the age of 18, then
27 during the 90-day period immediately prior to the date on which a child will attain 18 years of age,
28 whether during that period foster care maintenance payments are being made on the child's behalf or the
29 child is receiving benefits or services under section 477 of the Social Security Act (42 U.S.C. § 677), the
30 department shall provide the child with assistance and support in developing a transition plan that is
31 personalized at the direction of the child, includes specific options on housing, health insurance,
32 education, local opportunities for mentors and continuing support services, and work force supports and
33 employment services, and is as detailed as the child may elect. The juvenile court shall retain jurisdiction
34 until it finds, after a hearing at which the child is present, that a satisfactory transition plan has been
35 provided for the child.

36 If a child remains under the care of the department upon attaining the age of 18 as provided in
37 this subsection, then during the 90-day period immediately prior to the date on which the child leaves the
38 care of the department, or the child's 22nd birthday, whichever comes first, the department shall provide
39 the child with assistance and support in developing a transition plan that is personalized at the direction of
40 the child, includes specific options on housing, health insurance, education, local opportunities for
41 mentors and continuing support services, and work force supports and employment services, and is as
42 detailed as the child may elect. The juvenile court shall retain jurisdiction until it finds, after a hearing at
43 which the child is present, that a satisfactory transition plan has been provided for the child.

44 If a person who has attained the age of 18 leaves the care of the department but requests, before
45 reaching the age of 22, that the department re-open the person's case, the department shall make every
46 reasonable attempt to provide a program of support which is acceptable to the person and which permits
47 the department to renew its responsibility.

48 Nothing in this subsection shall be construed to provide legal custody of a person who has
49 attained the age of 18 to the department or to otherwise abrogate any other rights that a person who has
50 attained the age of 18 may have under law by dint of their age.

51 The department shall report annually to the child advocate, chairs of the joint committee on
52 children, families and persons with disabilities and the senate and house committees on ways and means
53 on the numbers of persons it serves and declines to serve under this subsection.

54 SECTION 2. This act shall take effect on October 1, 2010.