

110 CMR 23.00: SERVICES FOR YOUNG ADULTS

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23.01: Introduction to Services for Young Adults

The Department is committed to assisting older adolescents and young adults in their transition to independence and self-sufficiency. Services for young adults assist individuals transitioning from foster care to young adulthood. These services are provided under conditions agreed upon by both the Department and the young adult, and based upon the availability of resources. The Department will collaborate with the young adult to develop a plan for services that are individualized in accordance with a shared understanding of the young adult's needs. The Department will make reasonable efforts to provide an array of supports typically needed by young adults.

23.02: Duration of Services

- (1) The Department only provides services to young adults up to 22 years of age. The Department may continue services to young adults until 23 years of age if the individual demonstrates that without the provided services the individual will not complete an Associate's or higher degree program.
- (2) To the extent that another state agency, including but not limited to, the Department of Mental Health (DMH) or the Department of Developmental Services (DDS), is primarily responsible for such person, the Department may terminate services prior to the young adult's 22nd birthday.

23.03: Eligibility

For a young adult to receive services from the Department beyond 18 years of age, the young adult must meet one of the age criteria listed in 110 CMR 23.03(1), and one of the criteria for either state-supported services listed below in 110 CMR 23.03(2)(a), or Title IV-E supported services listed in 110 CMR 23.03(2)(b).

(1) Age Criteria.

- (a) For a young adult to receive state-supported services beyond 18 years of age, the young adult must be:
 1. in the care or custody of the Department at 18 years of age and continue under the responsibility of the Department after 18 years of age pursuant to a voluntary placement agreement with the Department;
 2. in the care or custody of the Department at 18 years of age or continued under the Department's responsibility after 18 years of age, and after termination at 18 years of age or older, later seeks Department services prior to 22 years of age; or
 3. a consumer in an open case with the Department at 18 years of age or older.
- (b) For a young adult to receive Title IV-E supported services beyond 18 years of age, the young adult must be:
 1. the care or custody of the Department at 18 years of age and continues under the responsibility of the Department after 18 years of age; or
 2. the care or custody of the Department at 18 years of age or continued under the Department's responsibility after 18 years of age, and after termination at 18 years of age or older, later seeks Department services prior to 21 years of age.

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(2) Participation.

- (a) A young adult is eligible for state-supported services when the young adult is:
 - 1. enrolled in secondary education or a program leading to a GED;
 - 2. enrolled in a post-secondary or vocational education program or trade school;
 - 3. participating in a program or activity designed to promote, or remove barriers to employment;
 - 4. employed for at least 80 hours per month;
 - 5. incapable of doing any of the education or employment activities listed in 110 CMR 23.03(2)(a)1. through 4. due to a medical condition;
 - 6. participating in another program or plan which promotes specific educational or rehabilitative programs; or
 - 7. participating in another program which promotes and supports the youth in fully developing and fulfilling the youth's potential to be a participating citizen of the commonwealth.
- (b) A young adult is eligible for Title IV-E-supported services when the young adult is:
 - 1. completing secondary education or a program leading to a GED;
 - 2. enrolled in a post-secondary or vocational education program or trade school;
 - 3. participating in a program or activity designed to promote, or remove barriers to employment;
 - 4. employed for at least 80 hours per month; or
 - 5. incapable of doing any of the above education or employment activities listed in 110 CMR 23.03(2)(b)1. through 4. due to a medical condition.

In addition to the criteria in 110 CMR 23.03(2)(b)1. through 5., for a young adult to be eligible for Title IV-E supported services the eligibility criteria set forth in 42 USC § 672 must be met.

23.04: Verification/Documentation

The young adult will be required to provide periodic documentation that they meet one of the criteria listed in 110 CMR 23.03. The Department will utilize the documentation, and other sources, to verify a young adult's Title IV-E eligibility a minimum of twice per year.

23.05: Substitute Care Services

- (1) Young adults who remain in placement with the Department are to live in either a:
 - (a) Department licensed foster home;
 - (b) Department contracted placement such as a foster home, IFC home, congregate care facility, teen living program, independent living program;
 - (c) another supervised independent living setting, such as a dorm, an apartment, a friend or relative's home;
 - (d) another setting where the young adult is living and/or renting space; or
 - (e) upon approval of the Area Director and the Assistant Commissioner over Adolescent Services, another living environment.
- (2) The Department may make care and maintenance payments directly to the contracted placement or may make young adult support payments directly to the young adult. The Department's continued responsibility for such persons is contingent upon the express written consent of the person or their guardian unless:
 - (a) before reaching 18 years of age, the person had an intellectual disability and was declared mentally incompetent under M.G.L. c. 119, § 23(a)(3) while under the responsibility of the Department; or
 - (b) the person is under the responsibility of the Department pursuant to M.G.L. c. 190B, § 5-305.

23.06: Young Adult Support Payments

- (1) The Department may make young adult support payments when the young adult:
 - (a) demonstrates responsibility and compliance with the agreements made with the Department as set forth in the voluntary placement agreement and the action plan and in monthly meetings with their Department social worker;

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(b) is living in a supervised independent living setting that does not have any household member who would, in the judgment of the Department, pose a threat to the young adult's safety. In determining whether the supervised independent living setting meets this standard, the Department may consider factors including, but not limited to, the following which may indicate unsuitability:

1. an individual residing in the home whose child is in the custody of a child welfare agency as the result of a protective child welfare proceeding;
2. active substance misuse; and
3. domestic violence occurring in the home;

(c) agrees to monthly visits with the Department social worker, or for young adults living out of state, agrees to monthly visits conducted virtually by the Department social worker or with a social worker from the state in which they are living;

(d) agrees to visit with the Department social worker in the supervised independent living setting as needed, in order for the Department to assess the safety of the supervised independent living setting; and

(e) agrees to use the young adult support payments for housing, food and other living expenses.

(2) A supervised independent living setting may not include a setting where the Department is currently paying a foster family, contracted foster care provider, congregate care provider, or adoptive parent or guardian a subsidy for the cost of the young adult's care and maintenance.

(3) The amount of the young adult support payment shall be equivalent to the foster care daily rate. Payments may be suspended or terminated if the Department determines there are significant changes in the young adult's circumstances or the young adult's ability to manage the payments.

(4) The Area Director must approve the initiation, suspension or termination of young adult support payments.

23.07: Discharge Support Services

The Department may provide discharge financial support to young adults who are transitioning to living independently as adults. Discharge support payments may include payments toward first and last months rent, security deposit, essential household items, or other related needs. These services are subject to the limitation of funding received from the federal government.

(1) Eligibility. A young adult is eligible for discharge financial support if the young adult is:

- (a) under the care and responsibility of the Department;
- (b) between 18 and 21 years of age;
- (c) within three months prior to discharge from a Department placement or is planning to live independently as an adult;
- (d) making progress toward development of life skills as specified in the young adult's action plan;
- (e) willing to participate in the discharge planning process; and
- (f) able to afford the ongoing cost of the apartment or other living arrangement after the discharge support payments have been provided.

(2) Application. In order to receive discharge financial support, the Department's social worker assigned to the young adult's case must apply prior to the young adult's anticipated discharge from placement, for discharge support funding from the Department's Adolescent Support Services Unit.

(3) Decision. The Department's Adolescent Support Services Unit will notify the young adult's social worker of the outcome of the application and the process for payments. The young adult's social worker will notify the young adult of the outcome.

23.08: Denial, Reduction, or Termination of Services

(1) Young adult support services may continue until 22 years of age as long as the young adult continues to meet one of the criteria listed in 110 CMR 23.03, regularly meets with their Department Social Worker, and cooperates with other reasonable requests made by the Department. The young adult's continued participation in such Department services must be under conditions agreed upon by both the Department and the young adult.

(2) The Department shall begin transition planning with each child at least one year prior to turning 18 years of age or at least 90 days prior to the end of services if the child becomes known to the Department after turning 17 years of age. The transition plan must be personalized at the direction of the young adult, be as detailed as they choose and include specific options regarding housing, health insurance, education, local opportunities for a mentor or continuing support services, work force supports and employment services, and information about the importance of a health care proxy. The Department will provide the young adult with the documents/information required by 42 USC § 675(5)(I).

(3) The Department may deny, reduce or terminate any or all services, including young adult support payments, to the young adult if the young adult does not meet one of the criteria in 110 CMR 23.03, does not meet regularly with the Department social worker, does not live in a placement or approved supervised independent living setting, or otherwise does follow the action plan or voluntary placement agreement.

(4) If the Department decides to deny, reduce or terminate young adult support services, it shall do so in writing at least 30 days prior to the agency action and must state the reasons for the denial, reduction or termination. In a situation where the agency is terminating all services the Department must complete the transition planning with the young adult as required by 110 CMR 23.08(2). The process to deny, reduce or terminate young adult support services is governed by 110 CMR 8.00: *Service Denial, Reduction, or Termination*.

(5) Any young adult aggrieved by the denial, reduction, or termination of young adult support services may request a fair hearing on the matter up to 22 years of age, pursuant to 110 CMR 10.00: Fair Hearings and Grievances. If the request for a fair hearing is made within 30 days of notice of the reduction or termination of young adult support services, the services shall continue pending the outcome of the fair hearing.

(6) If the Department determines that young adult support payments have been obtained fraudulently or by a young adult who had reason to know that they did not meet the eligibility criteria for young adult support payments, the Department has the right to seek repayment of the funds.

REGULATORY AUTHORITY:

110 CMR 23.00: M.G.L. c. 18B, §§ 3 and 7; M.G.L. c. 30A; M.G.L. c. 119, § 37.