

# FAQ for the Older Youth Provisions of DIVISION X of the Consolidated Appropriations Act, Supporting Foster Youth and Families Through the Pandemic Act

*This FAQ was developed by the group of advocates identified at the bottom of this document. It does not represent the opinions of the Children’s Bureau or any governmental agency. We developed the FAQ based on legal research and our best thinking to support states in implementing the new federal law.*

*If you would like to submit a question for the FAQ, please email your question to [oypr@fosterclub.com](mailto:oypr@fosterclub.com).*

## Table of Contents

<b>Basics of the Law</b>	<b>2</b>
<b>Chafee Funding and Program Changes</b>	<b>3</b>
Funding Increase	3
Expansion of Eligibility and Program Flexibility	3
Use of Chafee Increase	5
Timeline For Spending Chafee Funds	9
<b>Education and Training Voucher</b>	<b>10</b>
<b>Preventing Youth from Aging Out and Re-entry</b>	<b>11</b>
Application of and Basics of the Law	11
Re-Entry	13
Ongoing Obligations and Additional Funding Provisions	14

## I. Basics of the Law

### 1. What is the Consolidated Appropriations Act of 2021?

The Consolidated Appropriations Act, 2021 (H.R. 133) is a \$2.3 trillion spending bill that combines \$900 billion in stimulus relief for the COVID-19 pandemic with a \$1.4 trillion omnibus spending bill for the 2021 federal fiscal year. The full law can be found here: <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf>

### 2. Where do you find the older youth child welfare specific sections of the law?

Division X of the law contains HR 7947, Supporting Foster Youth and Families through the Pandemic Act. It can be found at page 1228 in the following electronic document:

<https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf> HR 7947 includes the older youth provisions discussed in this FAQ in addition to several other provisions that are related to child welfare.

### 3. When do the provisions of Division X become law?

The provisions of Division X became law on December 27, 2020.

### 4. How long are the provisions of the law in effect?

This is a law that provides a response to the immediate needs presented by the COVID-19 public health emergency. **Most** provisions are in effect until September 30, 2021.

### 5. How does the law define the “COVID-19 Public Health Emergency”?

The law defines the COVID-19 Public Health Emergency as the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act, entitled “Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus”. Sec. 2 (1)<sup>1</sup>. HHS Secretary Alex M. Azar first declared the existence of a public health emergency on January 27, 2020. The declaration was most recently renewed on January 21, 2021. The declaration can be found here: <https://www.phe.gov/emergency/news/healthactions/phe/Pages/covid19-07Jan2021.aspx>

### 6. How does the law define the “COVID-19 Public Health Emergency Period”?

The law defines this as the period beginning on April 1, 2020 and ending with September 30, 2021. Sec 2 (2)

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<sup>1</sup> In this FAQ we will note the sections and subsections of Division X when they are relevant to an answer.

## II. Chafee Funding and Program Changes

### A. Funding Increase

#### 1. By how much were Chafee funds increased by?

The law increased the Chafee allocation by \$400 million for fiscal year 2021, which ends on September 30, 2021. Of the \$400 million, the law states that at least \$50 million must be used for Education and Training Vouchers (ETV). See more about the ETV changes below. Sec. 3 (a)(1). In addition, under existing law, 1.5% of federal funds authorized for the Chafee program are reserved for evaluation.

#### 2. How much will each state get?

ACF has not yet determined the specific allocation amounts. Under existing law, states are allocated Chafee funds based on the state's foster care ratio, which is the number of children in foster care in the state in the most recent fiscal year in relation to the number of children in foster care in all states. [42 U.S.C.A § 677 \(c\)](#). The Chafee supplemental allocation should be an increase consistent with this ratio.

We hope that states, territories and tribes that have small populations and are receiving \$500,000 will also receive a proportionate increase. This chart provides an estimate of increased allocation if all states and tribes are increased at their ratio:

[https://docs.google.com/spreadsheets/d/1\\_tb5kvH03xDgLbbfLR8WMB9PrCQHESnoJoaGR-aELPc/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1_tb5kvH03xDgLbbfLR8WMB9PrCQHESnoJoaGR-aELPc/edit?usp=sharing). **Please note that this is an estimate and is not a list of official allocations.**

#### 3. How much of the Chafee funds can be used for Education and Training Vouchers (ETV)?

The law states that the Children's Bureau must use at least \$50 million of the \$400 million allocation for ETVs. Sec. 3 (a)(2). We do not know yet if they will allocate precisely \$50 million or more than this amount to the states or whether states will have flexibility in determining how much of their allocation can be used for ETV, within the federal minimums.

#### 4. Is there a state match for the Chafee fund increase?

No. There is no state match. Sec 3 (a)(4).

#### 5. Will states need to submit a plan to receive their increased Chafee allocation?

At this time, we believe that states will **not** be required to submit a plan to receive their increased Chafee allocation.

### B. Expansion of Eligibility and Program Flexibility

#### 1. Who is the eligible population who can be served through the Chafee fund increase?

The age of eligibility for Chafee services under the new law is until a young person turns age 27. That means that states can continue to provide Chafee services to their Chafee-eligible youth through a young person's 26th year. Sec 3 (b).

States have some flexibility regarding who they serve with Chafee services under existing federal law, the John H. Chafee Foster Care Program for Successful Transition to Adulthood, 42 U.S.C. § 677. Eligible young people include:

- Youth who have experienced foster care at age 14 or older.
- Youth who age out and are under age 21, or age 23 if the state has opted to extend Chafee services under the Family First Prevention Services Act.
- Youth who were adopted or entered guardianship at age 16 or older and are under age 21, or age 23 if the state has opted to extend Chafee services under the Family First Prevention Services Act.

[42 U.S.C.A § 677\(a\)](#).

Note that pursuant to Family First Prevention Services Act, states already have the option to extend eligibility for Chafee aftercare to age 23 and to age 26 for ETV.

**2. Do states have to serve young people with Chafee services through their 26th year under the new law?**

The Consolidated Appropriations Act does provide states the option to extend the age of Chafee eligibility to young people rather than mandating it. The law states that young people “may be eligible for services and assistance under [the Chafee Act] until the child attains 27 years of age.” Sec. 3 (b).

However, we believe that the intent of the law is that all states provide Chafee services to young people in need during the pandemic through age 26. This age reflects the acknowledgement that the transition to adulthood lasts until a young person’s mid-20s, and that large numbers of young people who have experience in foster care and are in their mid- to late-20s are struggling during the pandemic, have a great need for support, and do not have easy access to support services. Many of these young people do not have the same support networks as their peers without child welfare experience. The increase in the Chafee allocation will allow states to provide services to youth in this age group.

**3. If state law defines Chafee eligible youth a certain way that is different than this new law, how can states provide services to this larger eligibility group?**

The federal law is expanding the group of youth who are eligible for Chafee services. That is, the federal law provides states the opportunity to serve a broader group of young people than they currently serve so that states can be as responsive as possible during the pandemic.

**4. Does the state have to provide Chafee services for youth who were in foster care in other states?**

Yes. Consistent with current law, all states are obligated to provide Chafee aftercare services to Chafee-eligible youth who reside in their state and aged out of foster care in another state. The Children’s Bureau has stated that 42 U.S.C. § 677 (b)(3)(A): “requires States to certify that they will provide assistance and federally-funded Chafee Program services to youth who have aged out of foster care and have not attained 21 years of age (or 23 as applicable). It is irrelevant where the youth ‘aged out’ of foster care. The State in which the youth resides is responsible for services if the State provides the services needed by the youth.” [Child Welfare Policy Manual, Independent Living](#), 3.1 F, Question 3 (January 18, 2021). Under the new law, this obligation would continue.

### **5. Does the law remove the 30% cap on Chafee funds for housing?**

Yes. The law gives states the authority to spend more than 30% of its Chafee funds for housing. States can elect to do this without asking for a waiver from the Children’s Bureau. Sec 3 (d)(3)(A) (“a State may use...more than 30 percent of the amounts paid to the State from its allotment under section 477(c)(1) of such Act for a fiscal year, for room or board payments...”)

### **6. Who is eligible for room and board assistance?**

Room and board may be provided to young people who are between the ages of 18 and 27 and who have experienced foster care at 14 years of age or older. Sec. 3 (d)(3)(B).

## **C. Use of Chafee Increase**

### **1. What can states use the Chafee fund increase for?**

Chafee funds can be used for all the purposes outlined in current law. See e.g., [42 U.S.C. § 677](#) (a)(1) & (4) (“transitional services such as assistance in obtaining a high school diploma and post-secondary education, career exploration, vocational training, job placement and retention, training and opportunities to practice daily living skills (such as financial literacy training and driving instruction), substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention”); “financial, housing, counseling, employment, education, and other appropriate support and services”)

Chafee funds are very flexible. States can provide an array of support services, staffing, material support, and direct financial assistance. Because this law was passed to provide aid to young people to address their needs during the pandemic, spending should be targeted at meeting the needs that young people have identified as most urgent. Specifically, provision of direct financial assistance to young people was the main intent of the Chafee increase. Young people also identified a great need for funds and support related to:

- housing;
- food;
- technology, and internet access; and
- help with navigating community-based and government services.

### **2. How do states find out what young people need?**

States can directly engage with youth through text or email as well as convening virtual focus groups. States can also benefit from the following polls and research that have been produced during the pandemic, which show clear trends in need across the country.

#### **i. FosterClub Polls**

##### [Poll 1: May 13, 2020](#)

Of the young people polled:

- Over half have lost employment and income.
- Nearly 1 in 5 report having run out of food.
- 43 percent lack stable housing and have a fear of homelessness.
- More than half lack contact with a trusted adult who can support them.

[Poll 2: Dec 22, 2020](#)

Of the young people polled, the following information was reported:

- **Housing Stability**
  - Forty-three percent of respondents were forced to move because of COVID-19.
  - 29 percent reported they have found stable housing now and 14 percent have still not found stable housing.
  - Many young people in this age group indicated that their housing was tied to their schooling, and worried where they will go if school shuts down again.
  - Approximately 31 percent of those still in foster care were told they can stay in their current placement compared with 3 percent of those no longer in care.
- **COVID-19 Status and Perceived Risks**
  - Approximately 67 percent of the 474 poll respondents had been tested for COVID-19, with 13 percent reporting they had tested positive for COVID-19 since the pandemic began.
  - Approximately 57 percent of the respondents reported being extremely worried that someone they care about would catch COVID-19.
- **Employment**
  - Approximately 66 percent reported that they were employed before the virus, compared with 45 percent having employment (full or part-time) now.
  - Only half of those who applied for unemployment received it.
- **Education**
  - Young people reported having difficulty focusing, challenges with virtual learning, and lack of access to computers or reliable WiFi.
  - Some reported they needed to suspend their education plans in order to make money for necessities.
- **Stimulus Checks**
  - Just over half of the respondents said they received the stimulus check.
- **Food Insecurity**
  - Nearly 1 in 5 young people, or 19 percent of those questioned, reported they have run out of food.
- **Guidance from Adults**
  - Nearly one in 5 youth reported that they are entirely on their own, lacking connections that might help them endure this pandemic.

ii. **Field Center Survey:** [The Experiences of Older Youth In & Aged Out of Foster Care During COVID-19](#) (University of Pennsylvania September 2020.)

Of the young people surveyed:

- 55 percent were food insecure.
- Almost 50 percent saw a negative impact on employment.
- About 50 percent reported housing instability or homelessness.

- Almost 3 out of 4 experienced financial stresses. 2/3 saw major negative impacts on their education.

### iii. **Think of Us COVID-19 Data Reports**

Check out Think of Us' COVID-19 Impact on Current and Former Foster Youth Data Report here: <https://www.thinkof-us.org/covid19-impact-on-current-and-former-foster-youth>

## 7. What are some examples of how the increase in Chafee funds could be used?

Here are some examples of how funds could be used:

### **A. Convening Young People to Plan and Oversee Implementation**

States can use funds to compensate young people to be part of planning, oversight, and outreach activities. Many youth-led groups already exist in most states. Engaging these existing groups and using the data and research we have about the needs of young people will ensure that implementation is informed by young people.

### **B. Direct Financial Assistance**

Young people can be provided direct financial assistance similar to how stimulus payments are being provided. It is recommended that the majority of funds allocated under this law should be used for direct financial assistance, given the purpose of the law to meet the immediate needs of young people during the pandemic and recovery. See below for more details on how to develop a program.

### **C. Workforce Enhancements to Carry out the Law**

Funds can be used to ensure that outreach, notification, casework, and service and resource navigation is provided to young people pursuant to the requirements of the law. States should consider contracting with existing organizations that can quickly engage and provide services to young people in the timeline provided in the law, and should give priority to organizations that employ or will hire young people with experience in foster care. A significant need raised by young people during the pandemic has been access to coaching and resource navigation. Providing resource/service navigators, especially through the hiring of young people with experience in foster care, is recommended to aid in implementation of the law and to assist young people in accessing community resources and available pandemic assistance.

### **D. Costs to Implement Extended Services and Re-entry**

The requirement to continue service provisions to young people who would otherwise exit care due to age and to provide re-entry to youth who have already left care applies to all states and territories, including those with or without extended foster care and regardless of whether the extended foster care system uses IV-E funds or not. It is the expectation that states will use IV-E funds for all young people to the maximum extent possible to ensure that the funds distributed through the new law can reach as many young people in need as possible. However, the newly allocated Chafee funds can be used to fund the cost of continued services and re-entry for youth who are not IV-E eligible. See more below.

### **E. Purchasing or Providing Funds to Meet Specific Needs**

States may make expenditures that serve the goals of the law to meet the immediate needs of young people. Many of these expenses are already part of the state's Independent Living programs and could be expanded. For example, states could develop or expand a rental assistance program to meet housing needs and/or purchase goods like food, household supplies, and technology and provide them to young people.

#### **F. Driving and Transportation Assistance**

Transportation continues to be a challenge for young people and funds can be used to address these needs. In addition, the law specifically states that up to \$4000 can be used per youth for young people ages 15 and older 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 insurance, and assistance in purchasing an automobile. Sec 3. (d)(4).

#### **G. Education and Training Vouchers**

Funds can be used to increase the maximum ETV allocation per youth from \$5,000 to \$12,000 and to issue new awards. In addition, 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.

### **8. Can states use the funds for costs related to getting a driver's license and driving?**

Yes. The law specifically mentions that funds may be used to provide driving assistance to Chafee-eligible youth who have attained 15 years of age. Funds can be used for costs related to "obtaining a driver's license and driving lawfully in a State (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 automobile." Sec 3 (d)(4). States can provide young people up to \$4000 per year for this purpose. Sec 3. (d)(4).

### **9. The law mentions that the Children's Bureau must reserve at least \$500,000 to provide technical assistance to states related to implementing a drivers and transportation program for youth in foster care. How can states access those funds or technical assistance?**

We are waiting for guidance on this provision, but encourage states to make requests for TA on this issue to the Children's Bureau.

### **10. Do states need to document how each expense made on behalf of or for a youth is related to the pandemic?**

The law does not provide specific information on this. As states develop their plans for the use of funds, they should develop systems to document how funds are being used. However, the new law has prioritized getting aid out to young people quickly. The law states that the Children's Bureau "may not require any State to provide proof of a direct connection to the pandemic if doing so would be administratively burdensome or would otherwise delay or impede the ability of the State to serve foster youth." Sec 3 (c). It is recommended that states follow suit in how they administer the program with respect to young people. States should not require burdensome documentation of need or condition use of funds on specific usages. Documenting need is not necessary, but when required by a state, documenting through self attestation or documentation in a case plan are appropriate methods.



## D. Timeline For Spending Chafee Funds

### 1. How long do states have to spend the increase in Chafee allocation under the new law?

We are awaiting clarification on this from the Children's Bureau on whether states must expend the increased allocation by the end of FY 2021 or FY 2022.

Most of the provisions of the new law expire on September 30, 2021. The new law states that the increased appropriations are for fiscal year 2021. Sec 3 (a)(1) ("there are appropriated \$400,000,000 for fiscal year 2021"). However, states are given two years to spend their typical Chafee allocation. 42 U.S.C. § 677 (d)(3) ("payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.") We encourage states to begin planning and focus on meeting the immediate needs of young people during the pandemic as we await clarification.

### 2. Is the timeline different for expending ETV funds?

The timeline for expending ETV funds will be the same as for the increased Chafee allocation.

However, the law does allow states to increase the individual award maximum to \$12,000 until the end of FY 2022. Sec 3. (a)(5).

### III. Education and Training Voucher

#### 1. How much is the increase in the ETV allocation to states?

The new law requires ACF to use at least \$50 million of the \$400 million Chafee allocation for ETV. Sec. 3 (a)(2).

#### 2. Has the maximum ETV award been increased under the new law?

Yes. For FY 2021 and 2022, the maximum ETV award is increased to \$12,000 per young person. However, the increase in fund allocation is only through FY 2021. Sec. 3 (a)(5).

#### 3. Can ETV funds be used for costs related to attendance at less than full time status?

Yes. ETV funds can be used for costs related to attending and remaining enrolled in programs that are less than full time, including training and certification programs at eligible institutions. Sec. 3(d)(2).

#### 4. Can ETV funds be used for costs that are not included in the Cost of Attendance?

Yes. ETV funds can be used for expenses that are not part of the cost of attendance but would help support youth in remaining enrolled. Sec. 3 (d)(2). The costs included in the Cost of Attendance (COA) are fairly broad. Examples of expenses that may not be included or are difficult to include are: laptop purchase, relocation expenses, child care, monthly internet, and car insurance. Moreover, some states limit what costs ETV can be used for.

This law should reinforce for states that all costs allowable under COA rules should be funded by ETV. This includes, but is not limited to, tuition, room and board, books, supplies, transportation (including the costs of maintaining a vehicle), disability related expenses, and miscellaneous personal expenses. COA rules also allow for financial aid to be used for dependent care.

#### 5. What other flexibilities were provided to the ETV program?

States can waive the following two requirements for ETV eligibility when they cannot be met due to factors related to the pandemic:

- Enrollment
- Making satisfactory progress towards completion (SAP)

Sec. 3(d).

#### 6. Will states need to document that the failure to meet SAP is related to the pandemic?

The law does not provide detail on this. It is recommended that states develop a simple policy that allows for documentation of the challenges that the youth is facing in meeting the requirement, such as self-attestation, without requiring external sources of verification that may be burdensome.

## IV. Preventing Youth from Aging Out and Re-entry

### A. Application of and Basics of the Law

#### 1. How does the law impact young people who age out during the pandemic or are aging out?

**For young people who age out under state law after the enactment of the law on December 27, 2020**, states must continue to provide placement and services for youth in foster care in their states even if the youth reaches the maximum age when foster care ends under state law. Sec. 4 (a) (“A State operating a program under part E of title IV of the Social Security Act may not require a child who is in foster care under the responsibility of the State to leave foster care solely by reason of the child’s age.”)

**For young people who have aged out under state law beginning on or after January 27, 2020**, states must provide notification and a process for re-entry. See more on re-entry below.

#### 2. Does the requirement to provide extended services and re-entry apply to all states, tribes, and territories?

Yes. The law applies to all states that have a IV-E plan for foster care. Sec. 4 (a)(“A State operating a program under part E of title IV of the Social Security Act”). This includes states that do not have extended foster care at all and states that have state-only funded extended foster care.

#### 3. Can states draw down IV-E maintenance payments for the cost of providing continued placement and services even if the young person has turned 21?

Yes. The new law allows IV-E reimbursement for otherwise eligible young people who reach age 21. Specifically, the law states that a young person cannot be found ineligible for IV-E funds due to age. Sec. 4 (a) (“A child may not be found ineligible for foster care maintenance payments under section 472 of such Act solely due to the age of the child...”)

#### 4. Can states with state-only extended care programs or no extended foster care program draw down IV-E funds for extended care during the term of the law?

We are waiting for guidance from the Children’s Bureau on this question. We hope that federal guidance will clarify that states that currently do not have IV-E plans for extended foster care will be allowed to draw down IV-E funds for the period when the law is in effect. The new law is time limited and temporarily requires that states continue foster care services to young people. Through this mandate, we hope the law serves to temporarily amend the state’s IV-E plan to allow states to draw down IV-E funds for young people who are otherwise IV-E eligible. If that is not the case, states are permitted to use their Chafee increase to pay for the cost of implementing the extended services and re-entry provisions.

**5. If a youth is eligible for extended services or re-entry and also for Chafee services such as housing, can they elect to take either one? (Can a youth opt to receive Chafee services and not re-enter or extend care?)**

We are waiting for guidance from the Children’s Bureau on this question, but we believe that the answer is yes. While we believe the law requires the child welfare agency to provide extended services or re-entry to eligible youth, we believe that extending services or re-entry is an option available to a youth to take voluntarily. If a youth wants to extend services or reenter, the state must allow them to do so. If they do not want to take those options, they can receive an array of Chafee services, including housing. The law permits young people to elect various ways to get assistance during the pandemic.

**6. If a state enacted a moratorium on aging out prior to the enactment of the federal law, can it seek IV-E reimbursement for eligible young people?**

We are waiting for guidance from the Children’s Bureau on this question, but we believe IV-E reimbursement (distinct from Chafee funds) may be available for youth who aged out prior to the enactment of the law. The law states that a child may not be found ineligible for foster care maintenance payments “due to the age of the child or the failure to meet a condition of 475(8)(B)(iv) *before October 1, 2021*” and defines the period of the COVID-19 public health crisis as from January 27, 2020 to September 30, 2021. Taken together, this may result in states that implemented a moratorium being able to draw down IV-E for young people who were subject to a state moratorium prior to the enactment of the federal law.

**7. Is there a state match for the IV-E funds that are used for extended services and re-entry?**

Yes. The law made no changes to the state match that is made for foster care maintenance under the state FMAP rate. However, the 6.2% FMAP increase from the CARES Act is still in place and would apply.

**8. Does the law require continued court jurisdiction to provide continued services?**

The law requires that the child welfare agency cannot terminate foster care services to a young person based on age. Even if state law does not provide continued jurisdiction of a youth at age 18 or 21, the child welfare agency still must provide foster care services.

**9. What are mechanisms by which a child welfare agency can provide continued services if there is not court jurisdiction?**

Child welfare agencies can enter into a voluntary agreement for placement and services with the young person who is age 18 or older and can continue to use case and transition plans to guide service delivery.

**11. Do young people need to meet the participation requirements for extended foster care during the pandemic to be IV-E eligible?**

No. The law waives these requirements for IV-E eligibility and specifically states that a youth cannot be found ineligible for IV-E funds due to a failure to meet the participation requirements (school and work). Sec. 4(a)(“A child may not be found ineligible for foster care maintenance payments under section 472 of such Act solely due to the age of the child or the failure of the child to meet a condition of section 475(8)(B)(iv) of such Act before October 1, 2021.”)

**12. Do states need to ask ACF to waive the participation (school and work) requirements?**

No. The law states that the participation requirements are irrelevant to IV-E eligibility during the pandemic.

**13. Do states need to document that youth cannot meet the school and work requirements due to the pandemic?**

This is not a requirement in the new law.

## B. Re-Entry

**14. What provisions does the law make for re-entry into foster care?**

The law requires that states permit any youth who left foster care due to age during the COVID-19 public health emergency to voluntarily re-enter foster care and facilitate re-entry into foster care. Sec. 4 (b). (The state “shall” permit and facilitate re-entry.)

**15. Does the re-entry requirement apply to states that do not have extended foster care?**

Yes. The law specifically states that this provision applies to all states and territories that have IV-E plans regardless of whether they have taken the option to provide IV-E extended foster care. Sec. 4 (b)(The law applies to all “State[s] operating a program under the State plan approved under part E of title IV of the Social Security Act (and without regard to whether the State has exercised the option provided by section 475(8)(B) of such Act to extend assistance under such part to older children.)”)

**16. Who is eligible to re-enter?**

Youth who left care due to age “during the COVID-19 public health emergency,” which the law defines as between January 27, 2020 and September 30, 2021, are eligible to re-enter. Sec. 4 (b).

**17. Is there a notification and public awareness requirement for the re entry provision?**

The state must provide notice of the option to re-enter to each youth who was formally discharged from foster care during the COVID-19 public health emergency , which is defined in the law as from January 27, 2020 until September 30, 2021)

The state also must conduct a public awareness campaign about the option to voluntarily re-enter foster care for youth who have not attained 22 years of age, who aged out of foster care in fiscal year 2020 or fiscal year 2021, and who are otherwise eligible to return to foster care. Sec. 4(b).

**18. What must a state do to provide re-entry?**

In addition to notifying youth, states must develop a process for and facilitate re-entry for eligible young people that is easy for young people to access and is able to respond quickly to their needs.

**19. Are there examples of effective and youth friendly re-entry procedures?**

Yes. Because eligibility for extended services and re-entry only requires verification of former foster care status and age (the participation elements are not necessary for IV-E reimbursement), the re-entry process should be easy to operationalize. Here are few examples to consider:

- Identify point people at the agency to receive and process re-entry requests. Use individuals with lived experience in foster care if possible.

- Identify resource navigation and support people that young people seeking re-entry can receive support from.
- Use voluntary placement agreements to expedite access to services and placements.
- Identify appropriate placements in the current network, including the flexible “supervised setting in which an individual lives independently.”
- Develop a program to provide funds for a living arrangement along with supportive services as an option. (Many agencies will already have something in place through supervised independent living programs or Chafee room and board programs).

**20. What should states do if they face delays in getting into courts to re-enter a young person into care?**

States can use voluntary placement and/or service agreements to avoid court delays. States can also provide Chafee funds to meet immediate needs of young people if there is any delay in the re-entry process.

**21. What should a state do to provide re-entry if it does not have extended foster care or continued jurisdiction?**

It is recommended that states develop agreements for services and supports that the young person enter into with the child welfare agency. The agreement would simply outline the supports, placement, and services to be provided.

**22. Can states draw down IV-E funds for young people who re-enter foster care?**

Yes. “A child who re-enters care during the COVID–19 public health emergency period may not be found ineligible for foster care maintenance payments under section 472 of the Social Security Act solely due to age” or for a failure to meet the participation requirements. Sec. 4 (d)(2)(D).

Please note that this section of the law references the COVID–19 public health emergency *period*, which is defined at April 1, 2020-September 30, 2021.

## C. Ongoing Obligations and Additional Funding Provisions

**23. Do the federal law requirements for permanency and transition planning apply to young people who extend care and re-enter pursuant to the new law?**

Yes. The law requires that the safety, well-being, and permanency needs continue to be met for youth who continue placement and services or re-enter foster care. The law also requires that the obligation to transition plan and connect youth with supportive adults continue. Sec. 4(c).

**24. Do states have an obligation to determine IV-E eligibility for youth in extended care or who re-enter pursuant to the new law?**

Yes. The law requires that a state shall make reasonable efforts to ensure eligibility for foster care maintenance payments under section 672 of the Social Security Act. Sec 4 (d)(1)(C). As a reminder, states can redetermine a youth’s IV-E eligibility based on their own income at age 18.

**25. Can the increase in Chafee funds be used to pay for costs of extended services, re-entry, and meeting ongoing obligations to youth in foster care for youth who are not IV-E eligible?**

Yes. The law allows states to use the increase in Chafee funds provided to states under this law to meet costs incurred to implement the requirements to continue services, provide re-entry, and continue to meet existing obligations. There are two exceptions to this provision:

- Chafee funds cannot be used for costs incurred before the enactment of the law on December 27, 2020.
- Chafee funds cannot be used for the cost of implementing the obligations in Sec 4. for youth who are IV-E eligible.

Sec 4 (d)(2).

**This FAQ is a product of the organizations listed below. Please feel free to send feedback of questions to: [oypr@fosterclub.com](mailto:oypr@fosterclub.com)**

**ACTION Ohio**  
**Children’s Advocacy Institute**  
**Children’s Law Center of California**  
**Children’s Rights**  
**Child Welfare League of America**  
**First Focus Campaign for Children**  
**Foster Care Alumni of America**  
**FosterClub**  
**John Burton Advocates for Youth**  
**Juvenile Law Center**  
**National Association of Counsel for Children**  
**National Center for Housing and Child Welfare**  
**National Foster Youth Institute**  
**OHIO YAB (Overcoming Hurdles in Ohio Youth Advisory Board)**  
**Think of Us**  
**Youth Law Center**  
**Youth Villages**