SENATE DOCKET, NO. FILED ON: 1/12/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Ms. Flanagan**

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*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.

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PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Ms. Flanagan | Worcester and Middlesex |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

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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:*

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

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

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

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

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

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

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

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

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

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

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

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

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