

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Ms. 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:

Ms. Flanagan

DISTRICT/ADDRESS:

Worcester and 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  
2 youth between the ages of eighteen and twenty-two in order to ensure their successful entry into  
3 adulthood; and

4 Whereas, the Federal Government gave states the option of seeking federal reimbursement to assist in  
5 supporting this population in the Fostering Connections to Success and Increasing Adoptions Act of  
6 2008; and

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

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

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

14 (f) Notwithstanding anything in section 26 of this chapter to the contrary, the department shall  
15 continue its responsibility as provided in this section for any person who has attained the age of 18 and  
16 is under 22 years of age and who is (1) completing secondary education or a program leading to an  
17 equivalent credential; (2) enrolled in an institution which provides post-secondary or vocational  
18 education; (3) participating in a program or activity designed to promote, or to remove barriers to,  
19 employment; (4) employed at least 80 hours per month; or (5) incapable of doing any of the activities

20 described in subclauses (1) through (4) due to a medical condition, which incapability is supported by  
21 regularly updated information in the case plan of the child, provided, however, that the department's  
22 continued responsibility for persons who have attained the age of 18 is contingent upon the express  
23 written consent of the person.

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

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

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

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

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

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

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