



832 Folsom Street, Suite 700
San Francisco, CA 94107
Phone: 415-543-3379
Fax: 415-956-9022
www.ylc.org

March 26, 2020

Commissioner Elizabeth Darling
Associate Commissioner Jerry Milner
Administration on Children, Youth and Families
U.S. Department of Health and Human Services

Dear Commissioner Darling and Associate Commissioner Milner,

I wanted to share an additional follow-up from to our conversation last week about actions the Administration should consider when addressing the COVID-19 crisis on the child welfare system, specifically as it relates to the unique needs of older youth in care, including transition aged-aged youth. These actions and recommendations were identified by a group of partners with a specific interest in these youth, including the Children’s Defense Fund, Center for the Study of Social Policy, FosterClub, Juvenile Law Center, and the Youth Law Center.

First, we’d like to thank you for the interest and concern you have already shown in meeting the needs of transition-aged youth during the COVID-19 crisis. We agree with you that older youth and transition-aged youth are particularly vulnerable to placement instability, unnecessary placement in congregate settings, disruptions to their education and employment, social isolation, and attacks on their health and safety during the current national emergency. During a time when many are able to rely on their families for support, youth in foster care must rely on the child welfare system to ensure their safety, health, and well-being. To support these youth, it is critical that youth are placed in family-like settings (rather than congregate care) and have access to critical supports – including stable housing and their caseworkers and other providers – and are able to maintain their ability to remain in foster care and re-entry if they so choose. Below include key administrative opportunities to promote stability, health, safety, and well-being during the COVID-19 national emergency.

We write to ask that you take the actions and recommendations listed below (also copied and included in a Word document attached) to help ensure the safety and well-being of young people in this time of crisis. We believe these actions are consistent with existing law and guidance, but ask that you provide specific direction to the states so that more young people can be provided meaningful support and assistance during a time when many are not safe, do not have their basic needs met, and are isolated from support systems.

We are available to provide additional information and suggestions to support any action you decide to take.

Many thanks,

Stefanie Sprow and Steven Olender (Children’s Defense Fund)
Alex Citrin (Center for the Study of Social Policy)
Celeste Bodner and Angel Petite (FosterClub)
Jennifer Pokempner (Juvenile Law Center)
Jennifer Rodriguez (Youth Law Center)

Administrative Requests for the Administration for Children and Families

Older youth, including transition-aged youth, in foster care are particularly vulnerable to placement instability, unnecessary placement in congregate settings, disruptions to their education and employment, social isolation, and attacks on their health and safety during the current national emergency. During a time when many are able to rely on their families for support, youth in foster care must rely on the child welfare system to ensure their safety, health, and well-being. To support these youth, it is critical that youth are placed in family-like settings (rather than congregate care) and have access to critical supports – including stable housing and their caseworkers and other providers – and are able to maintain their ability to remain in foster care and re-entry if they so choose. Below include key administrative opportunities to promote stability, health, safety, and well-being during the COVID-19 national emergency.

1. Keep young people connected to services and housed during this health crisis by:
 - a. Suspending participation requirements related to extended foster care eligibility;
 - b. Prohibiting states from discharging youth age 18 and older who are in extended foster care unless the youth expressly requests to discharge and it is to a safe setting;
 - c. Encouraging states that have extended foster care to provide re-entry; and
 - d. Encouraging states that provide re-entry to develop expedited processes, including through voluntary placements that do not require court approval.
2. Help meet the immediate needs of young people for housing, food, and other material support by:
 - a. Directing states to develop mechanisms to release funds quickly and in real-time directly to youth, including, but not limited to Title IV-E funds for youth in extended foster care for placement and supports, Chafee funds for an array of supports, and any additional funds allocated for emergency or urgent needs; and
 - b. Providing states and county examples of best practices that allow for expedited release of funds.
3. Ensure that youth are connected to vital resources, people, and assistance in this time of crisis by:
 - a. Directing states to develop and implement guidance for workers to increase frequency of virtual visitation and revise case plans to be responsive to the youth's current housing, education, employment, health, and well-being needs;
 - b. Directing states to develop immediate plans for ensuring that all youth have access to both internet and smartphones and/or computers, to allow for contact with agency personnel and service providers, telemedicine, educational programming, employment, food, and family and social connections; and
 - c. Encouraging states to coordinate with local private and public utility companies, educational agencies, and other community agencies to leverage resources to ensure youth are able to access the internet for connecting to school, work, and family.
4. Direct states to develop a plan for increased supports and financial resources for expectant and parenting youth to ensure appropriate health care for the parent and child (including prenatal care) and support for the adolescent's and child's healthy development and well-being.
5. Direct states to develop targeted approaches to support youth in family-based settings and reduce/eliminate the use of congregate care and placement in emergency shelters to protect the health and safety of youth, including by:

- a. Encouraging states to expedite reunification for cases where reunification is the plan and re-evaluating cases where it could be the plan;
- b. Investing in enhanced supports for kinship and resource family settings, such as increased financial support, funding for peer support programs, and increased respite capacity;
- c. Directing states to implement targeted recruitment and retention strategies for resource families and kin that can support older youth, such as investing increased resources in family finding and child specific recruitment to locate resources;
- d. Encouraging states to elect the option to waive all non-safety licensing requirements for kinship resources;
- e. Directing states to implement strategies to reduce new entries into group care and emergency shelters;
- f. Prohibiting the creation of group settings to address placement needs of youth who have or have been exposed to COVID-19; and
- g. Prohibiting states from waiving key licensing requirements for facilities related to health, safety, restrictive practices, personal rights, and processes for addressing complaints.