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## OVERVIEW

### Federal Law

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) includes an option for states to receive matching federal funds to extend foster care maintenance payments, through federal title IV-E funding, to eligible foster youth ages 18, 19, and 20.

### State Law

To implement this option, Michigan passed the Young Adult Voluntary Foster Care Act (MCL 400.641 - 400.671), which offers 18-, 19- and 20-year-olds who were in state-supervised foster care at the age of 18 or older the option of living in a licensed foster family home, a child caring institution, or an approved setting in which the individual is living independently, until age 21.

### Court Rules

MCR 3.616. Proceeding to Determine Continuation of Voluntary Foster Care Services, implements the judicial action requirements of 2011 PA 225, the Young Adult Voluntary Foster Care Act.

## ELIGIBILITY CRITERIA

Consideration for Young Adult Voluntary Foster Care (YAVFC) is available to youth, who were in out-of-home placement after being referred or committed to the Michigan Department of Health and Human Services (MDHHS) for care and supervision, at the age of 18 years-old. Youth requesting to participate in YAVFC must meet either of the following criteria:

- **Extending** an open foster care case.

The youth is currently receiving foster care services and is at least 18, but less than 21 years-old.

- **Entering/Re-entering** YAVFC after case closure.

The youth exited foster care/YAVFC after reaching 18 years old, but is less than 21 years-old.

**Note:** Youth with a delinquency (DL) court case must have a dual abuse/neglect case to be considered for eligibility.

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**PROGRAM  
REQUIREMENTS**

To qualify for an extension of foster care services and receive foster care maintenance payments the youth must meet one of the following conditions:

- Actively completing high school or a program leading to a general educational development (GED).
- Enrolled at least part-time in a college, university, vocational program, or trade school.
- A youth who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break, is considered enrolled in school.
- A school determines if a student is enrolled in the institution. Once the school no longer considers a youth enrolled, he/she begins the grace period; see Grace Period later in this section.
- Employed in either full- or part-time work or participating in a program that promotes employment (such as Job Corps, Michigan Works!, or another employment skill-building program). Participation must be at least 80 hours per month and may be at one or more places of employment and/or a combination of the above activities.
- Incapable of the above educational or employment activities due to a documented medical condition.
- If eligibility is based on incapacity, the caseworker must assist the youth in applying for Supplemental Security Income (SSI) if applicable; see FOM 902-10, SSI Benefits Application and Determination.

**VERIFICATION OF  
ELIGIBILITY**

Verification of eligibility must be documented in writing and placed in the youth's case record. A completed eligibility verification form documenting that all requirements are met, **must be provided to the caseworker prior to signing the DHS-1297, YAVFC Agreement.** The following verification forms must be used to document eligibility:

- DHS-3380, Verification of Student Information (may also be used to verify vocational training or trade school).
- DHS-38, Verification of Employment (may also be used to verify an alternative to employment).
- DHS-54A, Medical Needs.

### Ongoing Verification of Eligibility

Ongoing verification of eligibility is required at least quarterly, to coincide with the case service plan due date. The appropriate eligibility forms must accompany the updated case service plan. The supervisor must review the forms and verify the youth's eligibility. If the youth does not meet eligibility requirements, the caseworker must follow Reporting Eligibility Changes in this section.

The caseworker must provide the youth with the appropriate eligibility verification form at least 45 calendar days prior to the due date.

The youth must ensure the form is completed and returned to the caseworker by the due date.

**Exception:** The DHS-54A, Medical Needs form, may be submitted on an annual basis if the youth's condition is expected to persist for more than one year, **and** there is a pending application for SSI.

### Reporting Eligibility Changes

#### **Youth**

Youth must report changes that affect eligibility requirements to his/her caseworker within three business days of the change. Failure to report changes timely may affect a youth's eligibility for YAVFC; see FOM 902-21, YAVFC Funding and Payments.

**Note:** It is the caseworker's responsibility to review change reporting requirements with the youth when signing the DHS-1297, YAVFC Agreement.

**Caseworker**

Changes that affect a youth's funding eligibility must be reported by the caseworker to the child welfare funding specialist (CWFS) within three business days.

Changes that must be reported to the CWFS include:

- The date a youth starts a grace period and the date the grace period is scheduled to end.
- A youth's living arrangement; for example, address changes, foster family license changes, child caring institution license changes, return to the biological parent's home, and incarceration.
- Changes in the youth's family composition; for example, the youth has a child, there is a change in custody, or the minor child moves in/out of the youth's home.
- SSI/RSDI starting/stopping.
- Case closure.
- Caseworker change/agency change.

Changes must be reported via the DHS-650-YA, Young Adult Voluntary Foster Care Checklist.

**Grace Period**

A grace period is the period of time after the youth ceases to meet program requirements when eligibility can be re-established without penalty; see FOM 902-21, YAVFC Funding and Payments. Grace periods are to be applied based on the following:

- Youth are allowed a 30-day grace period in which to re-establish eligibility.
- Youth are allowed up to three grace periods per fiscal year.
- A grace period begins the day immediately following the day the youth becomes ineligible, whether or not it is reported timely.
- Within one business day of discovering the youth is no longer meeting the eligibility requirements, the caseworker must

schedule a 90-Day Discharge Planning Meeting; see Family Team Meeting in this item.

- During the grace period it remains the caseworker's responsibility to actively assist the youth in reestablishing the employment, education, or incapacitating medical condition requirements, and to include documentation of these efforts in the service plan.
- YAVFC payments and Medicaid coverage continue during grace period status.

***Exception:*** Payments will not continue if the youth enters a non-reimbursable placement, however, the youth will continue to be eligible for case management services during the grace period; see FOM 902-21, YAVFC Funding and Payments.

A grace period may **not** be used for youth who become ineligible due to one of the following circumstances:

- Reaches his or her 21st birthday.
- Enters military service, excluding the Reserve Officers' Training Corps (ROTC) or a reserve component of the Armed Forces, see Termination of YAVFC in this item.
- Legally adopted.
- Marriage.
- Death.

## YOUNG ADULT VOLUNTARY FOSTER CARE AGREEMENT

The DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, is an agreement that outlines eligibility requirements in the areas of education, employment, living arrangement, residence notification, visitation and case reviews.

### Youth Extending

The option of YAVFC must be discussed during the Semi-Annual Transition Meeting, 90-Day Discharge Planning Meeting, and at

least 30 calendar days prior to the youth's 18th birthday, as a part of a monthly home visit.

Youth must sign a DHS-1297, YAVFC Agreement, before participating in YAVFC. **The youth is not eligible for YAVFC service or payments until the agreement is signed.** The agreement may not be signed until all of the following has occurred:

- The youth reaches 18 years-old.
- Verification of eligibility has been received by the caseworker.
- Family/juvenile court jurisdiction has been dismissed on or after the youth's 18th birthday, and the written court order has been received; see Judicial Determination in this item.
- State wards have been discharged by the superintendent of the Michigan Children's Institute; see FOM 722-15, Case Closing.

The original agreement must be placed in the youth's record and a copy must be given to the youth.

### Youth Entering/ Re-entering

The intake process for youth entering/re-entering YAVFC is as follows:

- Youth requesting to enter YAVFC must be referred to the MDHHS office in the county in which s/he resides.

**Note:** Youth must live in the state of Michigan at the time of entry/re-entry in YAVFC; see Residency Requirements in this item.

- Within three calendar days of a youth's written or verbal request, the case must be opened and assigned to a caseworker.
- Within five business days of case assignment, the caseworker must visit the youth in his/her placement or living arrangement and explain YAVFC requirements.
- If the youth agrees to participate in YAVFC, the caseworker must provide the youth with the appropriate eligibility verification form. The form must be completed and returned

within 10 calendar days. The caseworker must follow-up with the youth to provide any needed assistance; see Verification of Eligibility in this item.

- Upon returning the completed eligibility verification form, the youth must sign the DHS-1297, YAVFC Agreement.

**Note:** Youth are eligible for foster care services and payments on the date the DHS-1297, YAVFC Agreement is signed.

- The original agreement must be placed in the youth's record. Copies of the DHS-1297, YAVFC Agreement, must be:
  - Given to the youth.
  - Filed with the Circuit Court Family Division (CCFD) 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care; see Judicial Determination in this item.

### Court Appointed Guardians

If there is a court order of mental incompetency and there is a court appointed guardian for the youth, the guardian is responsible for signing the DHS-1297, YAVFC Agreement.

### JUDICIAL DETERMINATION

Federal guidelines require a judicial determination that remaining in foster care is in the youth's best interests be made. If the order containing this finding is not signed by the judge or referee within 180 days of the date the youth signed the DHS-1297, YAVFC Agreement, the youth is no longer eligible for the YAVFC Program and the case must be closed.

#### ***Ex-Parte Petition and Attachments***

The following information must be attached to the Circuit Court Family Division (CCFD) 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care:

- DHS-1297, YAVFC Agreement.
- The applicable eligibility verification form(s).
- The most recent USP/PWSP that includes the recommendation to participate in YAVFC.

- Any documentation that supports the youth's efforts and participation in YAVFC.

## Youth Extending

A youth may **not** participate in YAVFC until family/juvenile court jurisdiction is dismissed. The following steps must be completed in order to extend a YAVFC case:

- Once the decision for a youth to participate in YAVFC has been made, the caseworker must request that the court schedule a review hearing for dismissal.
- State wards must be discharged by the superintendent of the Michigan Children's Institute before participating in YAVFC; see FOM 722-15, Case Closing.
- The court must terminate jurisdiction over the youth by dismissing the child abuse/neglect (CA/N) case on or after the youth's 18th birthday.
- The caseworker must obtain a copy of the written court order dismissing the CA/N case.
- As soon as possible, but no later than five business days after receiving a copy of the written court order, the caseworker must have the youth sign the DHS-1297, YAVFC Agreement. **The youth is not eligible for YAVFC until the agreement is signed.**
- The caseworker must file the CCFD 20, Ex-Parte Petition Regarding YAVFC, including all attachments with the court in the county where the youth resides, within 60 calendar days of the youth signing the agreement.

**Note:** If the youth resides in the county where the family/juvenile court jurisdiction is dismissed, the caseworker may bring the completed CCFD 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care, all required attachments, and the youth to the review hearing, so that the DHS-1297, YAVFC Agreement, can be signed and the petition can be filed immediately upon receipt of the written court order dismissing the CA/N case.

**Youth Entering/  
Re-entering**

Within 60 calendar days of the date the DHS-1297, YAVFC Agreement, is signed, the caseworker must file with the court in the county where the youth resides, a CCFD 20, Ex-Parte Petition Regarding YAVFC, including all attachments to initiate the opening of the Voluntary Foster Care (VF) case.

**Ex-Parte Filing  
Delays**

Ex-parte petitions filed more than 60 calendar days after the youth signs the agreement may be accepted by the court, up to but not exceeding the 150<sup>th</sup> day, after the agreement is signed.

**Court  
Responsibility**

Within 21 calendar days of receiving the CCFD 20, Ex-Parte Petition Regarding YAVFC, the court will complete the following steps:

- Establish jurisdiction based on the Young Adult Voluntary Foster Care Ex-Parte Petition and Agreement.
- Make a determination regarding the youth's best interest to be in foster care.
- Serve the MDHHS and the youth with the CCFD 21, Order Regarding Voluntary Foster Care Agreement, which makes the best interest finding.
- Terminate jurisdiction over the youth.

**Note:** A hearing is **not** required for this process, but may be held on the court's own motion or at the request of the youth or the department.

After this process is complete, the department will retain full responsibility of the YAVFC case and reporting requirements to the court will cease.

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**PLACEMENT AND  
LIVING  
ARRANGEMENT  
OPTIONS**

Youth in YAVFC may reside in one the following living arrangements:

- Licensed foster home.
- Licensed child caring institution.
- Licensed adult foster home.
- Approved setting in which the individual is living independently. Placement options may include, but are not limited, to the following:
  - Rental home/apartment setting, with or without roommates.
  - College dormitory.
  - Relative home.
  - Friend/partner home.
  - Host home/supportive adult home.

**Note:** Placement with a legal and/or biological parent, whether or not parental rights have been terminated, is considered an ineligible placement; see FOM 902-21, YAVFC Funding and Payments.

Matters to discuss when assisting youth with living arrangement decisions include but are not limited to the following:

- Safety.
- Level of supervision required.
- Educational/employment opportunities.
- Proximity to support people and services.
- Financial circumstances.
- Cultural considerations.

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**REPORTING  
REQUIREMENTS**

Case plans are required for YAVFC cases. The current DHS-68, Permanent Ward Service Plan (PWSP), must be used for all YAVFC case plans, regardless of prior wardship.

For youth *extending, entering, or re-entering* YAVFC, an initial case plan must be completed within 30 calendar days of the youth signing the DHS-1297, YAVFC Agreement, and at least every 90 calendar days thereafter; see FOM 722-09D, Permanent Ward Service Plan.

**Note:** The initial case plan must be completed on the DHS-68, PWSP.

**CASEWORKER/  
YOUTH VISIT  
REQUIREMENTS****Youth Extending**

The caseworker must continue to meet with the youth in his/her placement at least monthly. These visits are subject to the same documentation requirements as an open foster care case; see FOM 722-06, Case Planning.

**Youth Entering/  
Re-entering**

Within 30 calendar days of the case assignment date, the caseworker must have two face-to-face contacts with the youth; at least one must occur in the placement. The first visit with the youth must take place within five business days from the date the case is assigned to the caseworker and be documented within the social work contacts of the case service plan. The caseworker must continue to visit the youth in his/her placement/living arrangement monthly thereafter; see FOM 722-06, Case Planning.

**DHS-1295, Young  
Adult Monthly Visit  
Report**

The DHS-1295, Young Adult Monthly Visit Report, must be completed with the youth during each home visit. A copy must be given to the youth and the original placed in the case record.

**Youth Residing  
Out-of-State**

Youth participating in YAVFC who reside out-of-state must have an in-person visit once a month with the assigned caseworker unless an interstate compact/out-of-state private agency is providing courtesy supervision.

**RESIDENCY  
REQUIREMENTS**

Youth must live in the state of Michigan in order to file the CCFD 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care.

**County of  
Residence**

The county of residence is the county where the youth has a permanent address or where the youth lives the majority of the time.

***Homeless Youth***

The county where the youth resides the majority of the time may be used as the county of residence. For further clarification of homeless persons; see BEM 220, Homeless Persons.

**INTERSTATE  
COMPACT**

If the receiving state permits the extension of foster care to age 21, that state may provide supervision of the youth participating in YAVFC. If the state will not agree to supervise the case, the sending state has the option to contract with a private agency in the receiving state for courtesy supervision.

**FAMILY TEAM  
MEETING (FTM)  
REQUIREMENTS****Semi-Annual  
Transition Meeting/  
Semi-Annual Case  
Review**

For a youth extending his/her case into Young Adult Voluntary Foster Care, a Semi-Annual Transition Meeting must be completed within 180 days from the date of the previous Semi-Annual Transition Meeting. For youth entering/re-entering, a Semi-Annual Transition Meeting must be held within 30 days of the youth signing the DHS-1297, YAVFC Agreement. Each Semi-Annual Transition Meeting must then be completed within 180 days from the previous. The Semi-Annual Transition Meeting must follow currently established guidelines; see FOM 722-06B, Family Team Meetings.

Areas that must be addressed during the FTM include but are not limited to the following:

- Safety.
- Appropriateness and necessity of the placement.
- Compliance with the case plan.
- Permanency goals.
- Progress toward achieving independence, including whether appropriate and meaningful independent living skill services are being developed.
- Projected date by which the youth may no longer require extended foster care services.

**Note:** A neutral person without case management responsibility such as a permanency resource case manager, supervisor, or program director, must facilitate the FTM.

**90-Day Discharge  
Planning Meeting**

Within one business day of discovering the youth is no longer meeting eligibility requirements, the caseworker must schedule a 90-Day

Discharge Planning Meeting to be held within three business days, see FOM 722-06B, Family Team Meetings.

The 90-Day Discharge Planning Meeting must be held to determine how the youth will regain eligibility or prepare for discharge from foster care. The youth must be informed that his/her case will close if eligibility requirements are not met by the end of the grace period.

## **CHILD OF A FOSTER YOUTH**

Foster care maintenance payments are available for youth who are parents, as well as payment for the youth's child, if that child is living or placed with the youth in the same home or child caring institution. Payments may be made for the child, regardless of the child's wardship status or whether or not the child is under the care and supervision of MDHHS; see FOM 902-21, Youth Parent.

## **MEDICAID**

Youth who are eligible for YAVFC are categorically eligible for Medicaid. The child(ren) of a parent in YAVFC is categorically eligible for Medicaid.

## **TERMINATION OF YOUNG ADULT VOLUNTARY FOSTER CARE**

### **Youth-initiated termination**

Youth may terminate the DHS-1297, YAVFC Agreement, at any time, by notifying the caseworker, in writing, of his/her desire to terminate YAVFC.

### **MDHHS-initiated termination**

MDHHS must terminate the DHS-1297, YAVFC Agreement, if the youth becomes ineligible. Ineligibility for YAVFC occurs when the youth:

- Discontinues his/her educational, vocational, or trade program and does not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period.

- Is no longer employed at least 80 hours per month, and does not meet one of the other eligibility requirements within the 30 calendar day grace period.
- Is no longer deemed incapable due to a medical condition and does not meet one of the other eligibility requirements within the 30 calendar day grace period.
- Refuses to make contact with the caseworker for more than 30 calendar days.
- Is incarcerated for more than 30 calendar days.
- Reaches his or her 21st birthday.
- Enters military service.

***Exception:*** Membership in the Reserve Officers' Training Corps (ROTC) or a reserve component of the Armed Forces, such as Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve does not disqualify a youth for YAVFC, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Is legally adopted.
- Marries.
- Dies.

### Case Closure Process

If the grace period ends and ineligibility continues, the caseworker must initiate case closure within one business day by completing the following steps:

- Notify the youth, either verbally or in writing that a request is being made to close his or her case.
- Submit a DHS-1302, YAVFC Case Closure Request, to the supervisor.
- Obtain the supervisor's signature of approval.

- Send the approved request to one of the following:
  - In a designated county, the county child welfare director.
  - In any other county, the county director.
  - For a PAFC provider, the agency's director.
- If the director approves the case closure, send a DHS-1301, YAVFC Case Closure Notice, to the youth and place a copy in the case file.
- If the director denies the closure, schedule an FTM within one business day of receiving the denial, and conduct the FTM within three business days to determine how the youth will regain eligibility.

## YAVFC RE-ENTRY

Regardless of the reason for a prior YAVFC case closure, the youth may re-enter YAVFC, before the age of 21, as long as the eligibility requirements are met.

Youth requesting to re-enter YAVFC must have a new CCFD 20, Ex-Parte Petition Regarding YAVFC, including all attachments, filed with the court; see Judicial Determination in this item.

Youth must also receive a new initial funding determination; see FOM 902-21, Funding.