

POST -18 REPRESENTATION

Judge Vincent Crawford
DeKalb County Juvenile Court

What is the age ? O.C.G.A. 15-11-2 (C) & (D)

- ▣ Under the age of 22 and in care of DFACS
- ▣ Or
- ▣ Under the age of 23 and eligible for and receiving ILP services through DFACS
 - (Caveat- The youth must be in care for a least 6 months you can include previous time in care)

What's the difference?

Surviving
Without
a Plan



Living
With
a Plan

What does survival look like in Georgia ?

- ▣ 20 % maximum of kids leaving care with a High School Diploma
- ▣ 1 in 4 will become homeless
- ▣ 3% will graduate from College
- ▣ Almost ½ will be arrested before 19th birthday
- ▣ 49 % will be expecting mother by 19th birthday (meaning more deprivation cases)
- ▣ Less 19 % will be self-supporting

“If you fail to plan then Plan to fail”

State Law Provisions: HB 1085

- ▣ Transition plan for youth aging-out
 - DFCS, with involvement of other representatives of the child as appropriate, must assist and support the youth in developing a Written transition plan in the 90 day period immediately prior to the date the child turns 18
 - ▣ Case plan requirement
 - ▣ Personalized at the direction of the child and as detailed as the child may elect
 - ▣ Includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services
 - ▣ An order showing child was in care.

Post Transition Youth Protocol

Pursuant to O.C.G.A. 15-11-2 (10) and 15-11-10 (1) (G)

- ▣ **PROTOCOL**
- ▣ A Motion for Judicial Review Post Age 18 should be filed in conjunction with the youth's scheduled Exit Review hearing. (See *Motion, Request for Review Post 18 form*)
- ▣ A Scheduling Order for three consecutive review hearings (to be held at six month intervals) should be submitted with the above referenced motion. (See *Order, Post 18 Review Form*)
- ▣ Whenever possible, the court should consider the motion and issue said scheduling order, including specific hearing dates, at the youth's final Exit Review hearing.
- ▣ It is recommended that the Court detail specific issues/ areas of concerns/ commitments by the Department to provide specific resources to be addressed at the Post 18 Judicial Review hearing; (An alternative order that contains a "checklist" of options is included for your consideration. (See *Order, Post 18 Review, Detailed Review Schedule, Form*)
- ▣ All parties, including the youth, should be provided with written notice of the upcoming hearing dates and copies of the executed order at the Exit Review Hearing.
- ▣ At each review the Court shall consider the status reports made by the parties; provide notice to all parties of the next previously scheduled hearing date and detail any specific matters to be addressed prior to or at the next hearing.
- ▣ At the Third Judicial Review hearing, the court should determine whether future review hearings are warranted.

Dekalb County Juvenile Court

Post-Transition Attorney Representation

- ▣ **Client Representation**: Representation continues after Youth turns 18 in Post-18 Review Hearings, and only if the Youth is receiving ILP services. The youth has remained in care or opted out of care. (How to make transition from CA to GAL)
- ▣ **Client Representation (Advocacy)**:
 - PTA identifies needs of Youth using Post-Transitioned Youth Checklist.
 - PTA will meet face-to-face with Youth to determine Youth's needs.
 - PTA will also consult Youth's education and medical records, mental health records, WTLP, Casey Life Skills Assessment, Transition Plan, and any other documentation that may be reasonably relied upon to identify Youth's specific needs.
 - Prepare, update and submit Post Transitioned Youth Report at Initial 6-month Post-18 Review and Final Post-18 Review.
 - Meet with clients on a quarterly basis, face-to-face (every three (3) months). Quarterly meetings should be scheduled within two (2) weeks of Review hearings.
 - PTA will go over WTLP with Youth at each meeting to determine Youth's progress.
 - PTA will assist Youth by referring Youth to issue-specific resources.
 - PTA will collaborate with Youth's Education Advocate and DFCS ILP Case Worker to assist Youth in education, scholarship, job, and other program and financial searches and applications as needs are identified.
 - PTA will assist in getting administered Casey Life Skills Assessment, or other equivalent Life Skills Assessment, if assessment has not been administered by DFCS, in order to identify needs of Youth.
 - Youth's progress will be discussed with Education Advocate, DFCS ILP Case Manager, ILP Supervisor, Court, and other members of Youth's Transition Team.
 - PTA will request Review Hearings to modify WTLP as needed.

Preparing for the Hearing

Check List

Written Transitional Living Plan should have

5 measurable outcomes

- ▣ **Education:** Youth acquire sufficient education, training, and opportunities that provide them with choices to pursue post-secondary education.
- ▣ **Employment:** Youth generate a sufficient income to support themselves by obtaining and retaining steady age-appropriate employment leading to a viable career path.
- ▣ **Housing:** Youth have access to safe, stable, appropriate, affordable housing in the community that is near public transportation, work or school.
- ▣ **Health:** Youth have sufficient and affordable health insurance for mental, physical and dental needs.
- ▣ **Permanency/Supportive Relationships:** Youth have in place supportive relationships that are able to assist them with accessing services in the community to help achieve their personal goals and support their efforts to contribute to civic life.

Vital Records

Prior to the 90 Day hearing every child should have;

- ▣ A copy of their Birth Certificate
- ▣ Social Security Card
- ▣ State Issued ID
- ▣ Credit Report (DFACS order clearing credit)

EDUCATION

"High School Diploma/GED/College"



Education

- ❑ Collaborate with school, attend educational meetings
- ❑ Obtain educational records
- ❑ Determine graduation status
- ❑ Identify further education options/plans for youth
- ❑ Ensure college entrance exams are completed (SAT, ACT, etc.)
- ❑ Assist youth in identifying and applying for scholarships/grants
- ❑ Utilize ILP supports (Post Secondary Education Financial Support)

EMPLOYMENT



Employment

- ❑ Assist youth in accessing job-readiness opportunities (resume preparation, interviewing skills)
- ❑ Completion of a vocational assessment for youth questioning what kind of training or job skills they should pursue
- ❑ Assist youth with accessing internship or volunteer programs
- ❑ Assist youth in applying for Teenwork
- ❑ Utilize ILP supports (Emergency Financial Assistance for uniform costs and for transportation costs- youth may need Marta card to secure transportation to attend work, etc.)

HEALTH

“Get medical coverage”



Health (Medical & Mental)

- ❑ Ensure youth is receiving Chafee Medicaid
- ❑ Ensure youth is receiving routine annual physical and dental exams (GYN exams and access to birth control for females)
- ❑ Ensure any follow-up medical needs are met
- ❑ Has access to adequate medical care & plan for medical management in the event that relationship with DFCS ends.
- ❑ Obtain medical records when needed
- ❑ Ensure any chronic/on-going medical/mental health concern is being addressed/continuity of care
- ❑ Assess whether youth taking prescription medication can manage it independently and has access/ability to ensure refills are obtained as needed
- ❑ Make appropriate referrals for SSI and/or adult mental health services
- ❑ Collaborate with youth to ensure that youth: (1) understands prescribed medication regimen; (2) knows the purpose for each medication; (3) considers whether the medication is beneficial; (4) reports the effects of the medication

Housing



Housing & Placement

- ❑ Explore housing/ placement options
- ❑ Utilize Transitional Living Supportive Services / Group Home
- ❑ Explore Section 8 options
- ❑ Ensure youth understands basic rights and responsibilities of tenant/landlord (basic sections of lease, legitimate reasons for eviction, how to terminate lease, etc.)
- ❑ Help youth establish a permanent mailing address
- ❑ Advocate for continuity in placement and in the least restrictive environment

Miscellaneous Issues

- ❑ Pursuant to The Child and Family Services Improvement and Innovation Act, P.L. 112-34, 42 U.S.C. 675 (5)(I), ensure that youth receives copy of credit report and that any inaccuracies are resolved
- ❑ Assist youth with expungement or sealing of delinquency records
- ❑ Address teen parenting issues
 - Childcare
 - Health insurance for child
 - Help ensure youth's right to be placed in setting that is appropriate for raising a child
 - Identify parenting classes for youth
 - Ensure that youth is not forced to sign a voluntary placement agreement
 - Discuss issues such as child support and legitimization

Judicial Reviews



Permanency Hearing ?

- ❑ **Permanency Hearings:** The Code provides that a permanency hearing may be held at the time of a custody extension.
- ❑ **Reasonable Efforts:** At the permanency hearing the if the Court finds that the department cannot find a suitable living arrangement, the department can offer "another permanent living arrangement" (ie, long term foster care to transition into independent living)
- ❑ **Clear and Convincing Evidence:** There is a presumption that reunification services should not be provided if the court finds by "Clear and Convincing evidence" that another permanent planned living arrangement is acceptable. (WTLF)
- ❑ The WTLF and accompanying Case Plan Goals and Steps must be included in the Case Review process as mandated by Federal regulations. The WTLF, based on an assessment, must be developed and signed by the youth, SSCM and II Coordinator. See WTLF Policy 1007.10.
- ❑ The SSCM, with input from the youth is responsible for updating the WTLF and with input from the II.C. All amendments to court ordered case plans must be submitted to the court for review and approval.
- ❑ Aftercare youth are entitled to six month reviews. FCM 1012.5

Notice of Hearing O.C.G.A. 15-11-109

- ❑ DFCS shall give written notice of hearing include date, time and place
- ❑ Purpose of the review or hearing
- ❑ Youth right to be heard, care giver, foster parent, any pre-adoptive parent or any relative providing care.
- ❑ Notice must be 72 hours before hearing

(Notice of the hearing should be given to legal custodian, foster parent, pre-adoptive parent or relative caring for the child. They are not a party to the action but just entitled to notice)

Post 18 Court Reviews

- ❑ Youth continues to be Dependent – I Care
- ❑ Youth Independent – ILP services only
- ❑ Existing WTLF is still in the Youth's best interest ?
- ❑ The Progress of Youth in receiving services ?
 - Employment
 - Education
 - ILP Services
 - Medical/Counseling services
- ❑ Any recommended changes
- ❑ Current services provided and compliance
- ❑ Visitation with siblings or parents
- ❑ Current placement appropriate



Questions ?