

# Act 91: Pennsylvania's Law on Extending and Re- entering Foster Care

VIDEO DISCUSSION GUIDE FOR YOUTH

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## *Preparing for the discussion*

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This guide aims to help child welfare professionals, foster parents, advocates, peer leaders and others who work with older youth in foster care facilitate a conversation about planning for the transition to adulthood and whether to remain in foster care after age 18.

This discussion guide is to be used with Juvenile Law Center's Act 91 extension of care and re-entry videos, available here:

- Extension of Care: <https://www.youtube.com/watch?v=m8lHWpPy7L8>
- Re-entry: <https://www.youtube.com/watch?v=ydsjDCXvyBI>

Due to the personal nature of this conversation and to help facilitate discussion, we recommend the following:

### **Time**

We recommend setting aside at least one hour for this discussion. Showing the videos will take approximately 7 minutes.

### **Setting the tone for the discussion**

Let youth know the following expectations for the discussion:

- Different perspectives and experiences are appreciated and need to be respected.
- Youth should only share what they feel comfortable sharing.
- Youth can always approach facilitators one-on-one if they would like to explore their choices further.

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## Co-facilitating with youth advocates

We recommend that these discussions be co-facilitated with current and former foster youth. Peers are extremely effective in conveying this important information and bring a valuable perspective. If you need assistance in reaching out to youth advocates in your area, please contact Kacey Mordecai at Juvenile Law Center at [kmordecai@jlc.org](mailto:kmordecai@jlc.org).

If you have identified youth advocates to co-facilitate with you, you should plan to prepare with them beforehand so they can actively participate in the discussion.

## Showing the video

Please use the links above to show the video. If you do not have internet access, contact Chelsea Lewis at Juvenile Law Center at 215-625-0551. We will help you get a copy of the video to download to your computer or flash drive in advance of your discussion.

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### *Goals for the discussion*

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- Establish trust between the facilitator and the youth to allow the youth to have an effective discussion about his or her decision to remain in foster care past age 18.
- Youth should think critically about what the decision to remain in foster care entails, including:
  - A team of professionals to help them plan for their future
  - Housing and means to support themselves while they pursue their educational or career goals.
- Youth should identify what their reality will be like if they do decide to leave foster care, including how they plan to accomplish their goals and what supports they will be able to make use of.
- Youth should think about and be able to identify supportive adults who will be there for them after they leave the system and come up with strategies for developing these connections.
- If youth have decided whether they would like to remain in foster care past age 18 or not, youth should leave the discussion with concrete next steps, self-advocacy strategies, and resources to pursue their choice.

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- Youth should practice how they want to talk to a member of their team about extension of care.
- Youth should identify any questions they have about extension of care or re-entry they still need answered.

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## *Facilitated discussion*

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Below are topics and suggested questions for facilitators.

### **Life at age 18**

The video starts with youth thinking about their lives and goals at age 18.

- Do you relate to any of the youth?
- Which youth and why?

One of the youth says: "There were a lot of times where I didn't have control and I was looking forward to having areas where I did have control."

- Do you often feel like you do not have control?
- What would help you feel like you have more control while you are in the system?

Let's talk about how the decision whether to remain in foster care fits into your goals.

- How do you feel about turning 18 and becoming an adult?
  - Are you scared? Excited? Confused?
- How do you think that your life would change if you choose not to remain in the system after age 18?
- What do you see yourself doing at age 18?
  - Does this fit within the Act 91 activity criteria?
  - Where do you want to live?
  - How will you support yourself?
- Who are the adults that are in your life at age 18?

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- How will you meet your health care needs?
- Who will you talk to when you have an issue or a conflict or need help figuring something out?

**Given some of the activities and things you mentioned that you want to do when you turn age 18:**

- How can staying in foster care help you achieve those goals or meet those needs?
- How will you achieve those goals and meet those needs if you leave foster care?

## Statistics about youth in foster care

The video presents some facts about the negative outcomes youth in foster care may face when compared with their peers.

- How do these statistics make you feel?
- Do you know anyone that has been in these situations?

## Staying in foster care past age 18

The youth in the video talk about what staying in foster care really looks like after age 18. They talk about where a youth would live and how they are treated.

- Was anything surprising to you?
- Are there other questions you have that the video did not address?
- Are there things about being in foster care that you like?
- Are there things you don't like?
- Does your experience in foster care influence your decision?
- How can some of the things that you don't like be improved? Does anyone in the room have examples of a time you tried to improve a situation while in foster care?
- Does anyone have an example of how you were treated like an adult?
- If you have a problem, how do you handle it? Who do you turn to?

## Resumption of jurisdiction or "re-entry"

The video talks about youths' struggles after they aged out of foster care and how the law offers a "safety net" for youth who choose to return to foster care.

- Think back on your experience after aging out.
  - What did you like about being on your own?
  - What was hard or challenging about being on your own?
- Would re-entering foster care help you with some of the things you found difficult or didn't like? Do you have a support system?
- Do you know anyone who would have benefitted from re-entry? How would it have helped them?

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If youth would like more information on re-entry, they can check out the youth-focused resources available at:

<http://www.jlc.org/fosteringconnections/resourcesforyouth>.

## Self-advocacy and Act 91

Facilitators may use some of the discussion time to see if youth would like to practice how they would talk to a member of their team about extension of care, and any questions they want to ask team members.

**If you want to stay in foster care past age 18, what steps should you take to make sure this happens?**

- Who should you talk to?
- What would you say?
- How would you make sure you are eligible?

**If you are not sure about what decision to make, what steps should you take?**

- Who should you talk to?
- What would you say?

**If you decide to leave foster care at age 18 or older, what should you do to make sure you have a good discharge plan?**

- If you decided to leave foster care, what is your plan? What resources or benefits would you make use of?
- Do you know that you are eligible for certain benefits like Chafee education training grants and room and board assistance even if you leave foster care? (For youth who are/were in foster care at age 16 and older)

Facilitators should make sure to ask whether youth have any outstanding questions about extension of care or re-entry and how the facilitator can help the youth with his or her decision to remain in foster care.

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## *Background Information for Facilitators*

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Here is a quick overview of Act 91, some points for facilitators to emphasize when they are speaking with youth, and some fast facts about how the decision to remain in foster care past age 18 may affect outcomes for youth who have been in foster care. If you have any questions or would like more information about the facts listed here, please contact Kacey Mordecai at Juvenile Law Center at [kmordecai@jlc.org](mailto:kmordecai@jlc.org).

### **Act 91 Overview**

Under Act 91, youth are eligible to remain in foster care if they are under 21 and they aged out of foster care within 90 days of turning age 18 or after 18. Beyond the age out requirement, youth who chose to remain in foster care must also meet one of Act 91's activity criteria.

#### **Youth must be doing one of the following:**

- Completing secondary education or an equivalent credential;
- Enrolled in an institution that provides post-secondary or vocational education;
- Participating in a program actively designed to promote or remove barriers to employment;
- Employed for at least 80 hours per month; or
- Incapable of doing any of the activities described above due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child.

If youth do make the decision to leave foster care, Act 91 allows them the option to choose to come back into foster care and resume dependency jurisdiction, often called "re-entry." Youth may re-enter foster care if they aged out at age 17 years

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and 9 months or older, are under 21, and they meet one of the Act 91 activity criteria described above.

For more information and further resources, consult <https://www.jlc.org/fosteringconnections>.

## Points for Facilitators to Emphasize

1. **Youth have flexible options to achieve their personal and professional goals under Act 91.** Act 91's activity criteria are designed to offer youth more flexibility to plan the activities, training, and support they want to help prepare them for adulthood. **Youth only need to satisfy one of the criteria and can switch between them.** It is recommended that youth have a primary and back-up criteria for eligibility in the event they change their mind or discover new opportunities.
2. **Youth with disabilities and behavioral or other health conditions are also eligible for Act 91.** Youth who have a medical or behavioral health condition that prevents them from engaging in any of the Act 91 activity criteria, can still remain in foster care through the exception: when youth are “incapable of doing any of the activities described above due to a medical or behavioral health condition, which is supported by regularly updated information in the child’s permanency plan.” Youth who are eligible for extended care under this category should still receive all educational, vocational, treatment, and permanency services so that they get the preparation they need for adulthood.
3. **Youth who age out of foster care and opt out of extended care are eligible for aftercare services and health insurance in certain situations.** Youth who were discharged from foster care at age 16 are eligible for Chafee IL aftercare services. This also includes the Chafee Education and Training Grant, which can be used to pay for post-secondary education and training. Youth who were discharged from foster care at age 18 or older are eligible for Chafee room and board assistance - funds that can be used to help older youth secure housing after aging out. Youth who were in foster care at age 18 or older are eligible for Medicaid until age 26 regardless of their income. Also, please note that youth who left foster care before age 18 may still be eligible for Medicaid now that Pennsylvania has Medicaid expansion.
4. **Re-entry remains an option for youth until age 21.** Some youth will decide to leave foster care at age 18 even if they are not ready to be on their own, and even after you have had many discussion with them. Making sure they know about aftercare services and the option to re-enter foster care heighten the odds that they will both stay connected with the agency and consider re-entering if needed. Some youth will need time on their own to understand to value of remaining in foster care. That is exactly why re-entry was included in Act 91.

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5. **Youth over 18 who choose to remain in foster care under Act 91 should have their status as an adult respected.** Like many youth who remain in the home and rely on the care of their parents, an 18-year-old who chooses to remain in foster care retains all the legal rights of an adult. The majority of older youth should be placed in settings that are family-like, facilitate the acquisition of independent living skills, and contribute to the development of supportive adult connections. Youth may also be placed in supervised independent living settings that allow both independent skill-building and continued adult support, if available.

### Quick Facts: The Benefits of Youth Remaining in Foster Care until Age 21

1. **More than 800 youth age 18 - 21 age out of the child welfare system in Pennsylvania each year without having a permanent family.**<sup>1</sup> These youth often abruptly lose the financial, educational and social resources they relied on while in the system, leaving them increasingly vulnerable to negative outcomes. Youth who choose to remain in foster care past age 18 youth have access to all the services that the child welfare agency can provide and any services that the court orders. Youth will receive placement, case management, health insurance, court reviews where they can speak to a judge, and will be appointed an attorney to help them navigate the legal aspects of their case.
2. **Youth who age out of the foster care experience poor outcomes at a much higher rate than the general population.** According to a national study<sup>2</sup> examining the transition to adulthood of young people aging out of foster care, approximately:
  - 20% will become homeless after age 18
  - 58% graduate high school by age 19
  - 71% percent of women were pregnant by 21

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<sup>1</sup> Kids Count, Youth Aging Out to a Non-Family Setting, <http://datacenter.kidscount.org/data/tables/5101-foster-care--youth-ages-18-20-aging-out-to-a-non-family-setting?loc=40&loct=2#detailed/2/any/false/1473,1472,1467,1471,1466/any/11538>

<sup>2</sup> Jim Casey Youth Opportunities Initiative, Aging Out, <http://www.jimcaseyyouth.org/about/aging-out>

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- 50% were employed by age 24
  - 3% will earn a college degree by 25
  - 25% will be involved in the justice system within 2 years of leaving the foster care system
3. **The financial benefits of extending foster care - both for individual youth and for society - outweigh costs to government by a factor of approximately 2 to 1.**<sup>3</sup> It is cheaper to have youth remain in foster care until age 21 when comparing the average per-day cost of caring for young people beyond their 18th birthday to the offset in avoiding expenditures on public assistance due to youth remaining in the system longer and achieving better outcomes. Moreover, this analysis does not consider supplementary benefits of extended care to youth in foster care and society at large. For example, youth who choose to remain in foster care will likely have substantial increase in lifetime earnings with higher educational attainment.

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<sup>3</sup> Chapin Hall Issue Brief, Extending Foster Care to Age 21: Weighing the Costs to Government against Benefits to Youth,  
[http://www.chapinhall.org/sites/default/files/publications/Issue\\_Brief%2006\\_23\\_09.pdf](http://www.chapinhall.org/sites/default/files/publications/Issue_Brief%2006_23_09.pdf).