



**STATE STATUTES**  
CURRENT THROUGH MARCH 2022

# Extension of Foster Care Beyond Age 18

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Young people leaving foster care are often at different levels of development in their transition to adulthood. With the growing recognition that most young people are not fully prepared for self-sufficiency by age 18, States offer a variety of programs, including foster care, to this population.

The Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) amended the title IV-E foster care program to give States the option of allowing youth to remain in foster care after reaching age 18, provided they have not yet reached ages 19, 20, or 21, as the State may elect. The conditions for continued title IV-E foster care payments apply to youth over age 18 and require the youth to be completing secondary school (or the equivalent), enrolled in postsecondary or vocational school, participating in a program or activity that promotes or removes barriers to employment,

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employed 80 hours a month, or incapable of school and/or work requirements due to a documented medical condition.<sup>1</sup> The act also amended the definition of a child care institution in 42 U.S.C. § 672(c)(2) to include a supervised setting in which an individual who has reached age 18 is living independently.

States also extend foster care services and supports to youth in their foster care system after age 18. State-funded extended foster care programs are not required to meet the requirements of the Federal extended foster care program, but many follow the school and work requirements of the Federal program.

## **AVAILABILITY OF FOSTER CARE BEYOND AGE 18**

In approximately 48 States, the District of Columbia, and American Samoa, youth who are in out-of-home care at the time they reach their 18th birthday are allowed to extend that placement and continue receiving services from the social services agency.<sup>2</sup> In most cases, youth may remain under agency supervision until age 21—in situations that can include foster care, a supervised independent living arrangement, or the provision of transitional living services— while they continue working on educational or vocational

goals and further develop their independent living skills and transition to independence.<sup>3</sup>

In 33 States, youth who leave foster care when they reach age 18 may request, at any time prior to their 21st birthday (or as otherwise specified in State law), to return to foster care (which may be in the form of a supervised independent living situation or a resumption of transitional living services).<sup>4</sup> A return to foster care is permitted when a youth has attempted to live independently but now needs continued assistance and support. In these States, youth can return to care and/or supervision to pursue educational or job training goals, to ensure their personal safety, or to further develop the skills needed to achieve self-sufficiency.

## **REQUIREMENTS FOR REMAINING IN PLACEMENT**

Youth who elect to remain in or return to foster care are required to meet specific eligibility requirements that are articulated in Federal and State law, regulation, or policy. In most cases, youth also need to work actively with their caseworkers to develop and implement case plans that help them reach their education and career goals and work toward self-sufficiency.

<sup>1</sup> See 42 U.S.C. § 675(8)(B)(iv) (2018).

<sup>2</sup> The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current through March 2022. The following States allow an extension of foster care up to age 21, except as noted: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii (to age 19 or age 20 for a youth still in high school who is receiving special education services), Idaho, Illinois, Indiana, Iowa (to age 22), Kansas, Kentucky, Louisiana (to age 26 for youth receiving services through the John H. Chafee Foster Care Program for Successful Transition to Adulthood program), Maine, Maryland, Massachusetts (to age 22), Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire (to age 23), New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont (to age 22), Virginia, Washington, West Virginia (to age 23), Wisconsin, and Wyoming. Oregon and Utah do not offer continued foster care and supervision but do provide support services to former foster youth to age 21.

<sup>3</sup> The sources of funding for these programs, whether Federal or State, are not identified in the statutes and regulations reviewed.

<sup>4</sup> The following States permit a return to foster care: Alabama, Alaska, Arizona, Arkansas, California, Connecticut (to age 23), Delaware, Florida, Georgia, Illinois, Indiana, Iowa (to age 22), Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont (up to age 22), Virginia, Washington, West Virginia, and Wisconsin.

In 23 States and the District of Columbia, the eligibility requirements in State law include at least one of the following:<sup>5</sup>

- The youth is working to complete a high school diploma or an equivalent credential.
- The youth is enrolled in a postsecondary or vocational program.
- The youth is participating in a program designed to remove barriers to employment.
- The youth is employed for at least 80 hours per month.
- The youth is incapable of any of the activities listed above due to a documented medical condition.

State laws in Vermont require youth who are receiving services to be engaged in 40 "productive hours" per week, which includes time devoted to any combination of classes, study, work, internships, volunteer work, training, apprenticeships, or treatment activities.

## PLACEMENT AGREEMENTS

Extension or return to foster care may be accomplished through a court order, although it is usually accomplished through a written agreement between the youth and the department that it is voluntary on the part of the youth. In 27 States, a youth who requests extended foster care services must enter a specific, written voluntary placement agreement with the child welfare agency that will be providing the services.<sup>6</sup> In 24 States and

the District of Columbia, the youth must agree to work with the agency to develop a written service plan.<sup>7</sup> In 25 States, the District of Columbia, and American Samoa, placement agreements and service plans are subject to court review.<sup>8</sup>

The voluntary placement agreement or service plan serves as a contract between the agency and the youth. The agreement specifies the services and resources that will be provided to the youth, the responsibilities of the youth regarding the services, and the consequences for failing to meet those responsibilities. The service plan is designed to reflect the youth's strengths, needs, and circumstances and to promote their successful transition to independent adult living and emotional and economic self-sufficiency. The plan should be developed in partnership with the youth and other persons who are significant to the youth and be a mutual agreement between the youth and program staff.

Elements that often are addressed in the plan include the following:

- Specific measurable goals
- Items that are appropriate for the individual youth, particularly with regard to the following:
  - The youth's education, including postsecondary education
  - The youth's employment and vocational training
  - Personal and emotional support for the youth

<sup>5</sup> Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Indiana, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, North Carolina, North Dakota, Pennsylvania, Rhode Island, Tennessee, Texas, Washington, and West Virginia

<sup>6</sup> Alaska, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Rhode Island, Vermont, Virginia, Washington, West Virginia, and Wisconsin

<sup>7</sup> Alabama, Arizona, Arkansas, Colorado, Delaware, Hawaii, Kansas, Kentucky, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia

<sup>8</sup> Alabama, Alaska, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Texas, Washington, Wisconsin, and Wyoming

In the agreement, the youth has certain responsibilities to working toward meeting the goals and objectives of their service plan and working on becoming semi-independent and self-sufficient. The department has the responsibility to provide the youth with assistance in meeting those goals and objectives.

## TRANSITION SUPPORTS PROVIDED

States offer an array of services and resources designed to support youth in extended foster care as they work toward self-sufficiency. The services and resources provided are intended to help youth achieve their service plan goals and may include any of the following:

- Academic support, including tutoring, study skills training, literacy training, and help accessing educational resources<sup>9</sup>
- Career preparation, including the following:
  - Vocational and career assessment
  - Job-seeking and job-placement support
- Budgeting, financial management, and consumer-skills training and support
- Housing education and home-management skills, including homemaker skills and basic home maintenance
- Health education, including on topics such as family planning, sex education, healthy relationships, parenting, risk prevention, and substance use prevention
- Transitional housing, such as group homes, foster homes, or subsidized apartments, with gradually decreasing levels of supervision

- Mentoring and counseling
- Referrals to community supports
- Short-term financial assistance
- Assistance obtaining a driver's license
- Room and board financial assistance, including rent deposits, utilities, and other household start-up expenses
- Developing and maintaining relationships with individuals who are important to the youth
- Assistance accessing the youth's credit report and resolving any inconsistencies<sup>10</sup>
- Assistance enrolling in Medicaid or other State-sponsored medical insurance coverage<sup>11</sup>
- Assistance designating another person to make health-care decisions on behalf of the youth and executing a health-care power-of-attorney

Before a youth exits care, the agency also must ensure the youth has essential personal documents in their possession, including their birth certificate, Social Security card, driver's license or State-issued identification card, and copies of all health and education records in the agency's possession. In 19 States and the District of Columbia, the agency also must provide the youth with a letter or other official documentation that verifies the youth's placement in out-of-home care.<sup>12</sup>

<sup>9</sup> For a detailed description of the academic supports provided to youth who have been in foster care, including support for postsecondary education, see the Child Welfare Information Gateway publication [Educational Supports for Youth in Foster Care](#).

<sup>10</sup> The Child and Family Services Improvement and Innovation Act (P.L. 112-34), enacted in September 2011, amended title IV-E to provide this credit support for foster youth who are age 16 and older. See 42 U.S.C. § 675(5)(I).

<sup>11</sup> For more information on the eligibility of older youth in or formerly in foster care to receive Medicaid or other health-care coverage, see Information Gateway's [Health-Care Coverage for Youth in Foster Care—and After](#).

<sup>12</sup> California, Colorado, Connecticut, Delaware, Florida, Georgia, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Rhode Island, Utah, Washington, and West Virginia

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

**SUGGESTED CITATION:**

Child Welfare Information Gateway. (2022). *Extension of foster care beyond age 18*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/extensionfc/>



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau



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