

TITLE 465 DEPARTMENT OF CHILD SERVICES

Proposed Rule LSA Document # #22-246

Amends 465 IAC 2-14-6 to correct the name of federal program. Amends 465 IAC 2-14-9 concerning the minimum age of definition. Amends 465 IAC 2-14-10 concerning the minimum age of eligibility. Amends 465 IAC 2-14-14 concerning the maximum age of eligibility under section (b)(1). Amends 465 IAC 2-15.1-7 to add language tracking statutory definition. Amends 465 IAC 2-15.1-9 concerning the age eligibility requirements under (3)(B). Amends 465 IAC 2-15.1-14 concerning the maximum age eligibility under (b). Amends 465 IAC 2-15.1-18 concerning the maximum age range. Effective 30 days after filing with the publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Business

465 IAC 2-14-6; 465 IAC 2-14-9; 465 IAC 2-14-10; 465 IAC 2-14-14; 465 IAC 2-15.1-7; 465 IAC 2-15.1-9; 465 IAC 2-15.1-14; 465 IAC 2-15.1-18

SECTION 1. 465 IAC 2-14-6 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-14-6 "Successful adulthood services" defined

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-9-2-123.5; IC 31-25-2-21

Sec. 6. (a) "Successful adulthood services" has the meaning set forth in IC 31-9-2-123.5.

(b) "Successful adulthood services" shall include:

- (1) a comprehensive, written, independent living assessment of the youth's strengths and needs required to enable the youth to be self-supporting and to live independently in a self-sufficient manner; and
- (2) all services needed to implement a transitional services plan for the eligible youth.

(c) "Successful adulthood services" may include any of the following kinds of services that are intended to prepare the youth for self support and living arrangements that are self-sufficient and not subject to supervision by another individual or institution:

- (1) Arrangements for and management of a transitional living placement for a youth who is seventeen (17) years and six (6) months of age or older, if appropriate.
- (2) Activities of daily living and social skills training.
- (3) Opportunities for social, cultural, recreational, or spiritual activities that are designed to expand life experiences in a manner appropriate to the youth's cultural heritage and needs and any other special needs.
- (4) Matching of a youth on a voluntary basis with caring adults to act as mentors and assist the youth to establish lifelong connections with caring adults.
- (5) Any other services that are eligible for federal financial assistance through the John H. Chafee Foster Care Independence Program **Program for Successful Transition to Adulthood**, 42 U.S.C. 677.

(Department of Child Services; 465 IAC 2-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

SECTION 2. 465 IAC 2-14-9 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-14-9 "Youth" defined

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-25-2-21

Sec. 9. "Youth" means an individual who is ~~fifteen (15)~~ **fourteen (14)** years of age or older, and less than twenty-one (21) years of age, unless otherwise specified in the applicable section of this rule. *(Department of Child Services; 465 IAC 2-14-9; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; readopted filed Oct 31, 2016, 4:01 p.m.: 20161130-IR-465160382RFA)*

SECTION 3. 465 IAC 2-14-10 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-14-10 Requirements for development and completion of successful adulthood and transitional services plans

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-25-2-21; IC 31-28-5.8

Sec. 10. (a) If an individual who may become an eligible youth is in foster care at the time the youth becomes ~~fifteen (15) years and six (6) months~~ **fourteen (14) years** of age, the department, through the assigned case manager or contracted successful adulthood services provider, may develop, in conjunction with the youth, a plan for successful adulthood services. If feasible and requested by the youth, the plan should be completed within thirty (30) days after the start of development of the plan. The plan may include any successful adulthood services described in section 6(c) of this rule. The plan may, but is not required to, contain any or all of the elements of a transitional services plan, as defined in section 8 of this rule.

(b) If a transitional services plan for an eligible youth: was developed as provided in subsection (a); and

(1) was developed as provided in subsection (a); and

(2) is in effect ninety (90) days before the youth's eighteenth birthday;

the department will, during the ninety (90) day period immediately before the date on which the youth will attain eighteen (18) years of age, ensure that the existing plan is reviewed, revised, and updated for purposes of implementation after the youth becomes eighteen (18) years of age.

(c) If a transitional services plan:

(1) was not developed under subsection (a); or

(2) is not in effect on the date ninety (90) days before an eligible youth's eighteenth birthday;

the department will, during the ninety (90) day period immediately before the date on which the youth will attain eighteen (18) years of age, develop or ensure the development of an appropriate transitional services plan that will be approved for implementation beginning at the time the youth becomes eighteen (18) years of age, or at any later time as specified in the plan.

(d) If an eligible youth:

(1) is receiving collaborative care under IC 31-28-5.8 and 465 IAC 2-15.1; and

(2) does not have an approved transitional services plan in effect at the time the voluntary collaborative care agreement under 465 IAC 2-15.1-10 is fully executed; the department will develop an appropriate transitional services plan for the youth within sixty (60) days of the date of execution of the agreement, unless the time for completion of the plan is extended by the director's designee. *(Department of Child Services; 465 IAC 2-14-10; fil ; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

SECTION 4. 465 IAC 2-14-14 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-14-14 Voluntary transition services

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-25-2-7; IC 31-34; IC 31-37

Sec. 14. (a) This section applies to a youth who is:

- (1) not an eligible youth; and
- (2) eligible for voluntary transition services under subsection (b).

(b) The following youth are eligible for voluntary transition services provided through the department, under the Chafee Foster Care Independence Program, 42 U.S.C. 677:

(1) A youth between eighteen (18) and ~~twenty-one (21)~~ **twenty-three (23)** years of age who:

- (A) is not currently receiving foster care;
- (B) formerly received foster care after sixteen (16) years of age for a period of at least six (6) months;
- (C) at the time of receiving foster care was either:
 - (i) under wardship or court-ordered supervision of the department pursuant to a dispositional decree in a child in need of services case under IC 31-34;
 - (ii) under court-ordered supervision of a county probation office, or under wardship of a person or shelter care facility, pursuant to a dispositional decree in a juvenile delinquency case under IC 31-37; or
 - (iii) in custody or under court-ordered supervision of an agency in another state based on a child abuse or neglect determination or juvenile delinquency adjudication; and
- (D) had a case plan while receiving foster care that identified a need for successful adulthood services.

(2) A youth between sixteen (16) and ~~twenty-one (21)~~ **twenty-three (23)** years of age who:

- (A) formerly received foster care for a period of at least six (6) months;
- (B) was receiving foster care at the date the youth became sixteen (16) years of age;
- (C) at the time of receiving foster care was either:
 - (i) under wardship or court-ordered supervision of the department pursuant to a dispositional decree in a child in need of services case under IC 31-34; or
 - (ii) under court-ordered supervision of a county probation office or wardship of a person or shelter care facility, pursuant to a

dispositional decree in a juvenile delinquency case under IC 31-37;
and

(D) at the time foster care ended was legally adopted or placed under legal guardianship.

(c) The department will make available to a youth described in this section appropriate successful adulthood services, as described in section 6(c) of this rule, based on the terms and provisions of a voluntary transition services agreement among the department, the youth, and one (1) or more appropriate service providers.

(d) The service provider will require that all youth receiving successful adulthood services under a voluntary transition services agreement participate directly in the design of program activities and accept personal responsibility for meeting the independent living goals of the program.

(e) The department will ensure that all youth receiving services under a successful adulthood voluntary transition services agreement are referred for an appropriate life skills assessment and complete the assessment within thirty (30) days after the referral.

(f) A voluntary transition services agreement may include any of the services and subjects that would be required in a transitional services plan for an eligible youth, as determined by mutual agreement between the department and the youth.

(g) A voluntary transition services agreement shall include appropriate provisions for the time period during which services will be provided, including conditions for termination or reinstatement of services, based on applicable department policy. Services for which the department provides financial assistance may not extend beyond the date of the youth's ~~twenty-first~~ **twenty-third** birthday.

(h) All services provided under a voluntary transition services agreement as described in this section shall conform to the applicable service standards approved by the department for the Chafee Foster Care Independence Program under 42 U.S.C. 677, that are in effect during the time the services are provided. (*Department of Child Services; 465 IAC 2-14-14; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA*)

SECTION 5. 465 IAC 2-15.1-7 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-15.1-7 "Older youth" defined

Authority: IC 31-28-5.8-9

Affected: IC 31-28-5.8; IC 31-34; IC 31-37

Sec. 7. "Older youth" means an individual who:

(1) ~~is at least eighteen (18) and less than twenty (20) years of age~~ meets the definition of "older youth" as defined in IC 31-28-5.8-4; and

(2) received foster care on the day the individual turned eighteen (18) years of age:

(A) under wardship of the department, a person, or a shelter care facility, or under supervision of the department or a county probation office; and

(B) in accordance with a court order in a pending child in need of services case under IC 31-34 or juvenile delinquency case under IC 31-37.

(*Department of Child Services; 465 IAC 2-15.1-7; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA*)

SECTION 6. 465 IAC 2-15.1-9 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-15.1-9 "Reentry youth" defined

Authority: IC 31-28-5.8-9

Affected: IC 31-28-5.8

Sec. 9. "Reentry youth" means an older youth who:

- (1) meets the eligibility requirements in section 11 of this rule;
- (2) expresses a desire to enter or reenter the collaborative care program; and
- (3) meets one (1) of the following conditions:
 - (A) The older youth's child in need of services or juvenile delinquency or juvenile status case closed on or after the date the youth attained eighteen (18) years of age, and the older youth did not immediately enter into a collaborative care agreement upon that case closure.
 - (B) The older youth's collaborative care case opened and closed prior to attainment of ~~twenty (20)~~ **twenty-one (21)** years of age, and the older youth executes a second or subsequent voluntary collaborative care agreement.

(Department of Child Services; 465 IAC 2-15.1-9; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

SECTION 5. 465 IAC 2-15.1-14 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-15.1-14 Termination of the voluntary collaborative care agreement

Authority: IC 31-28-5.8-9

Affected: IC 31-28-5.8

Sec. 14. (a) The older youth may terminate the voluntary collaborative care agreement prior to the expiration of the voluntary collaborative care agreement for any reason, by:

(1) notifying the department in writing that the older youth desires to withdraw from the collaborative care program; or

(2) signing a form provided by the department that will indicate to the court that the department and the youth agree to terminate the voluntary collaborative care agreement.

(b) The department may terminate the voluntary collaborative care agreement before the youth turns ~~twenty (20)~~ **twenty-one (21)** years of age, in accordance with the procedure specified in this section, for any of the following reasons:

(1) The older youth indicates in writing a desire to withdraw from the collaborative care program.

(2) The older youth fails to maintain eligibility for the collaborative care program.

(3) The older youth fails to submit documentation to support eligibility, including, but not limited to, report cards or pay stubs, at least quarterly.

(4) The older youth fails to report changes that may affect eligibility to the department by the end of the business day following the change.

(5) The older youth fails to comply with his or her case plan.

(6) The older youth violates any written standards of conduct specified by the VCCA, this rule, or the host home agreement.

(7) The older youth moves out of the state of Indiana.

(8) The older youth moves from approved collaborative care placement without notifying DCS.

(9) The older youth fails to meet, face-to-face, with assigned department personnel on at least a monthly basis.

(10) A court does not approve the voluntary collaborative care agreement within one hundred eighty (180) days.

(c) When the department determines that it will terminate the voluntary collaborative care agreement without the concurrence of the older youth, the department will provide the youth with written notice of the termination, which shall include, at a minimum, the following:

(1) Notice of the reasons for termination.

(2) Notice of the ability to request a court hearing regarding the cause of the termination of the voluntary collaborative care agreement, pursuant to IC 31-28-5.8-8(b).

(Department of Child Services; 465 IAC 2-15.1-14; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

SECTION 5. 465 IAC 2-15.1-18 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-15.1-18 Reentry into collaborative care program

Authority: IC 31-28-5.8-9

Affected: IC 31-28-5.8

Sec. 18. (a) An older youth whose participation in the collaborative care program terminates prior to the attainment of ~~twenty (20)~~ **twenty-one (21)** years of age and who wants to reenter the collaborative care program may do so as long as the older youth meets the eligibility requirements as set out in section 10 of this rule.

(b) The department shall make reasonable efforts to notify each older youth who leaves the program prior to ~~twenty (20)~~ **twenty-one (21)** years of age and who would otherwise be eligible for reentry into the collaborative care program of the process available for the youth to apply to reenter into collaborative care, in writing, at the time the older youth leaves the program.

(Department of Child Services; 465 IAC 2-15.1-18; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)