



MTL # 0802 – 11202020
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POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization: 0802 Youth Independent Living Program: Ages 17 and Over

This policy is/was effective: 11/16/2020

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # Policy Name: 0801 Youth Independent Living Program
- This policy has been revised. Please see below for the type of revision:
 - This is a significant policy revision. Please review this policy in its entirety.
 - Updated to ADA Format and Updated Policy Number to 0802
 - Updated definitions
 - This policy was updated as there are specific requirements for youth who are 17 and over and to include Court Jurisdiction requirements and information. These requirements have been separated from 0801 Youth Intendent Living Program into this new policy.
 - Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change):
 - A policy form has been revised: (List form, page number and summary of change):

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies> Please check the table of contents on this page for the link to the chapter you are interested in.

802 Youth Independent Living Program: Ages 17 and

Over Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input checked="" type="checkbox"/> This policy supersedes: 0801 Youth Independent Living Program
Date Policy Effective:	11/16/2020
Attorney General Representative Review:	09/08/2020
DCFS Deputy Administrator Approval	11/16/2020
DMG Original Approval	11/16/2020
DMG Approved Revisions	11/16/2020

STATEMENT OF PURPOSE

Policy Statement and Purpose: Child Welfare Agencies have the responsibility to provide foster youth the opportunity to learn the necessary skill sets to allow them to develop into productive and self-sufficient adults prior to leaving foster care. For youth ages seventeen (17) and older, the Independent Living Program (ILP) focuses on ensuring that youth have the knowledge, skills, resources and support required to successfully navigate adulthood independently.

Using a Positive Youth Development framework, youth are the architects of their own Independent Living Plans designed to monitor the development of these skills, and are supported by a secondary Independent Living (IL) worker in achieving their IL Transitional Plan goals. Youth who participate in the IL program will be offered the opportunity to: complete their high school education; engage in career exploration, vocational training, job placement and retention training; and to be provided opportunities to practice daily living skills such as financial literacy or driving instruction. Program participants can be provided specific referrals according to their individual needs.

They may participate in developmentally appropriate activities, that reflect what peers and intact families may experience, as well as be supported in their pursuit high school diploma or equivalent and to further educational or employment goals. The IL program seeks to connect youth who have experienced foster care at fourteen (14) or older with supportive, caring adults to form meaningful relationships that will outlast the youth's time in foster care, and to support youth who have left foster care at age eighteen (18) in their efforts to achieve self-sufficiency through taking increased personal responsibility for the management of their lives as they transition to adulthood.

This policy provides guidance to Nevada's Child Welfare Agencies regarding required IL case management responsibilities for youth ages seventeen (17) and over as they transition out of the child welfare system. These requirements are consistent with Federal and State laws, and other existing Statewide Child Welfare Policies.

AUTHORITY

Federal: [5 USC § 3328](#); [8 USC §§ 1101-1178](#); [8 CFR 204](#); [42 USC § 675](#); [42 USC § 677](#); [42 USC § 1396](#); [45 CFR 1356](#); [Foster Care Independence Act of 1999](#); [Fostering Connections to Success and Increasing Adoptions Act of 2008](#); [Child and Family Services Improvement and Innovation Act](#); [Preventing Sex Trafficking and Strengthening Families Act](#); [Justice for Victims of](#)

[Trafficking Act of 2015; The Family First Prevention Services Act within Division E, Title VII of the Bipartisan Budget Act of 2018](#)

NAC: [NAC 432](#); [NAC 432B.400](#); [NAC 432B.410](#)

NRS: [NRS 422.2717](#); [NRS 432.017](#); [NRS 432.032](#); [NRS 432.033](#); [NRS 432.0395](#); [NRS 432.520](#); [NRS 432.525](#); [NRS 432.530](#); [NRS 432.535](#); [NRS 432.540](#); [NRS 432.545](#); [NRS 432.548](#); [NRS 432.550](#); [NRS 432B.040](#); [NRS 432B.174](#); [NRS 432B.591-595](#).

Other: [Administration for Children and Families, Log No: ACYF-CB-IM-19-03](#); [79th Nevada Legislative Session, Assembly Bill 142](#); [80th Nevada Legislative Session, Assembly Bill 176 & Senate Bill 368](#); [Social Security Administration, Program Operations Manual System \(POMS\) DI 25201.011](#);

DEFINITIONS

For the purposes of this policy, the terms “child” and “youth” may be used interchangeably.

Age-Out: To reach the age of majority while in foster care. In Nevada, this is a youth who is either age 18, or older if the youth has elected to remain in foster care until high school graduation or attainment of equivalent education.

Aged-Out Letter: Used interchangeably with national terms such as “Proof of Former Foster Status” or “Proof of Wardship.” A letter produced by the IL Worker on Child Welfare Agency letterhead which verifies the youth has been involved in the foster care system, and is eligible to receive services under NRS 432.017 Financial Assistance to Foster Youth (FAFFY), the Education and Training Voucher Program (ETV), Medicaid, the Fee Waiver for Nevada Foster Youth, and/or any other services funded by the Chafee Program.

Aged-Out Medicaid: All youth who age out of foster care are covered by Nevada’s Aged-Out Medicaid program. If the youth exited care in another state prior to coming to Nevada, they are eligible to age 21; if the youth exited care in Nevada, they are eligible to age 26.

Agency which Provides Child Welfare Services: In a county whose population is less than 100,000, the agency is a local office of the Division of Child and Family Services; or in a county whose population is 100,000 or more, the agency of the county, which provides or arranges for necessary child welfare services. May also be referred to as “Agency” or “Child Welfare Agency”.

Chafee Program: Abbreviated title for the John H. Chafee Foster Care Program for Successful Transition to Adulthood, the federal foundation of the statewide independent living program. The Chafee Foster Care Independent Living Program assists states and localities in establishing and carrying out programs designed to assist foster youth likely to remain in foster care. Services are available to youth who are 14 or older while currently in foster care and to former foster care youth who aged-out of the foster care system at age 18. Services are also available to youth who were adopted or obtained a guardianship on or after their 16th birthday. Young people who meet the above criteria and have aged-out may continue receiving services until age 21.

Child and Family Team (CFT): A team that is comprised of the youth, maternal and paternal family members, fictive kin, friends, foster parents, legal custodian, community support specialists, agency staff, and other interested people identified by the family and agency who join together to empower, motivate, and strengthen a family, and collaboratively develop a plan of care and protection to achieve child safety, child permanency, and child and family well-being.

Court Jurisdiction: The program that allows youth who have exited foster care to adulthood in Nevada the option of voluntarily remaining under the jurisdiction of the court to receive limited support and case management, and a stipend payment in the amount of the daily rate of foster care provided they demonstrate compliance with NRS 432B.594 & NRS 432B.595. Stipends may be paid directly to youth, or to a service provider.

Education and Training Voucher (ETV): Part of the Chafee Program, ETV provides up to \$5,000 per year of flexible funds to eligible youth who are participating in post-secondary education or training, for a maximum of 5 years or 10 semesters. Eligibility for this national benefit terminates at age 26.

FAFFY: The State of Nevada also provides financial assistance to former foster youth through the passage of NRS 432.017, also known as the Financial Assistance to Former Foster Youth Program (FAFFY). This funding source provides a variety of services and may have special requirements.

Independent Living Agreement: Outlines the Child Welfare Agency's conduct and reporting expectations that a youth must agree to so that they may safely live independently (outside of a licensed foster care placement). An ILA permits the youth to directly receive funds for their living expenses in the same amount as the daily rate of foster care. Funds may be directly paid to the youth, paid to a service provider, or some combination therein.

Independent Living (IL) Services: Services including assessment and referral to appropriate services designed to teach basic life skills and provide opportunities to: enhance a youth's capacity to make appropriate decisions; form meaningful connections with supportive adults; participate in religious, cultural and developmentally appropriate activities that reflect what peers in intact families may experience; and to participate in employment and post-secondary education and training.

Independent Living Transitional Plan (ILTP): The document used to identify both long-term goals and short-term objectives and correlated services to prepare the youth for adulthood, which is completed annually or more frequently. When completed after age 17.5, it is also the written plan that addresses both the federal requirements for transition planning 90 days prior to a youth leaving foster care, along with addressing the goals required by State law for youth who choose to remain under Court Jurisdiction at age 18.

Independent Living (IL) Worker: The Child Welfare Agency caseworker or contracted agency coordinating required case management activities for the IL Program. May provide services to the youth directly, or coordinate referral with other service providers in the youth's community.

Missing Child: A person under the age of 18 years who has run away or is otherwise missing from the lawful care, custody and control of a parent or guardian ([NRS 432.150\(4\)](#)).

Normalcy for Foster Youth Account: A dedicated account that may accept donations or State General Fund revenue to allow youth in foster care to participate in extracurricular, cultural or personal enrichment activities.

Permanency Goal: The hierarchy of permanency goal options that ensure legal and emotional permanency for a child, which are in descending order of priority: 1) Reunification; 2) Adoption; 3) Legal Guardianship; 4) Permanent placement with a fit and willing relative; and 5) Another Planned Permanent Living Arrangement (APPLA). Selection of this goal requires that the child be at least sixteen (16) years old and compelling reasons be documented to the court explaining why permanency goals 1-4 are not an option.

Post-18 Services Agreement: An agreement between the youth who is remaining under Court Jurisdiction at age-out and the child welfare agency providing courtesy supervision for the court. This Post-18 Services Agreement identifies the terms and stipulations of the agreement between the youth, the court, and the child welfare agency for continued compliance with state law. May be adapted from the form template to accommodate individualized youth needs prior to filing with the court.

Post-Secondary Education: Education taking place following graduation from high school or attainment of equivalent education. Term includes participation at community colleges, liberal arts

colleges, universities, vocational schools, trade schools, formal apprenticeships, institutes of technology, or professional school or credentialing institutions. May also include college or university level courses completed concurrently with a youth's secondary education.

Runaway: A child whose whereabouts are currently unknown and who is believed to have left his or her placement voluntarily.

State: An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

Supervisor/Manager: Staff with direct oversight over case-carrying child welfare staff, specialized support staff, or their supervisors.

STANDARDS/PROCEDURES

Youth Eligibility for Independent Living: see attachment 802 FPOE – IL Youth Timelines for flow chart.

1. IL Workers, Supervisors and Managers are responsible for all of the information contained in Statewide Policy *801: Youth Independent Living Program: Ages 14 Through 17*. For as long as a youth remains in the custody of a Child Welfare Agency, that youth remains entitled to the full range of participation in Nevada's Independent Living Program (ILP) as specified in this policy.
2. Youth who left foster care after age eighteen (18) but are under age twenty-one (21), and all youth who exit foster care after the age of sixteen (16) and do not reunify with their parents, are eligible for referral to IL Services under the Chafee program, and includes participation in the ETV program until age 26.
3. Youth who left foster care after age eighteen (18) are entitled to Medicaid coverage under Nevada's Aged-Out Medicaid program to age twenty-one (21) (for youth who aged-out of foster care in another state), or age 26 (for youth who aged-out of foster care in Nevada).
4. Youth who are/were in the custody of a Nevada Child Welfare Agency at age fourteen (14) or older may be eligible for the Nevada System of Higher Education's Foster Youth Fee Waiver, which covers the majority of the course enrollment fees (i.e. the cost of enrolling in classes) for eligible students. The fee waiver can be utilized at any of the seven (7) public degree-granting colleges or universities in Nevada. Youth who are currently, or formerly, involved in the foster care system anywhere nationally may be eligible for support at their campus—regardless of fee waiver eligibility—and should speak to the Foster Youth Fee Waiver representative for their college/university about potential resources. More information about the NSHE Foster Youth Success Initiative, including Foster Youth Fee Waiver eligibility requirements, the contact information for the NSHE Foster Youth Ambassador, and the foster youth-focused representatives at each college/university can be found here: <https://nshe.nevada.edu/initiatives/foster-youth/>. Ensure youth receive information regarding their exit from foster care at case closure (i.e. court order, Aged-Out Letter, etc.).
5. All youth over age fourteen (14) who are residing in Nevada and have foster care experience are eligible to participate in [Nevada LIFE](#) (Leaders In Future Excellence) – Nevada's self-governing statewide youth advisory board.
6. Youth who remain in foster care to age eighteen (18) in Nevada are eligible for FAFFY funding which can be used for the same services as those funded by the Chafee program.
7. Youth who remain in foster care to age eighteen (18) in Nevada are eligible for participation in the Court Jurisdiction program until age twenty-one (21), provided they remain compliant with state law and the terms of their agreement with the court.

Special Considerations for ILTP After Age Seventeen (17)

1. As stated above, all IL care coordination activities required for youth over age fourteen (14) in the custody of a Child Welfare Agency continue throughout the youth's 17th year, if custody is retained, refer to statewide policy [801 Independent Living Program: 14 through 17](#).
2. The IL worker will make concerted efforts to assist the youth in identifying opportunities to participate in activities and experiences that allow them to refine their IL skills in real-life settings, such as job placement, residing in an approved independent living placement, and assuming responsibility for managing their own physical, mental and emotional health, education and recreational planning. It is strongly encouraged that, to the extent possible, the youth is the architect of their ILTP case plan and the chair of their CFT meetings during their last year of foster care prior to aging out. This provides an opportunity to demonstrate self-advocacy and determination at a level typical of an adult and allow for assessment of youth's insight into their own circumstances during this transition. If a youth declines to participate in an element of case planning after being provided sufficient information, the declination should be documented in UNITY and noted on the youth's ILTP.
3. On or before the youth's 17th birthday, the IL worker should consider whether the youth is part of the NYTD Baseline Population as described in Statewide Policy *803 National Youth in Transition Database (NYTD)*. If so, the IL worker should case plan early to ensure timely completion of this required survey no later than forty-five (45) days after the youth's 17th birthday.
4. The youth's Independent Living Transitional Plan (ILTP) will be updated twice in the youth's last year in care: at or following their 17th birthday, and again no less than ninety (90) days prior to exiting foster care. ILTP goals should center less on the initial training and acquisition of independent living skills, and more on encouraging the youth's demonstration of these skills to assess whether further training is needed before the youth can achieve competency in these areas.
5. The IL Supervisor/Manager is encouraged to support a youth-driven case planning process that provides both structured and semi-structured opportunities for a youth to demonstrate and refine IL skills. The Normalcy for Foster Youth Account may be accessed to fund such opportunities if no other appropriate revenue stream exists.
6. The youth should be offered the opportunity to obtain their driver's license, if the team deems it appropriate and has a clear plan to accomplish all of the requirements set forth.
7. If male, the IL worker should review the registration requirements for the Selective Service or assist them in obtaining documentation of their exemption to provide at age eighteen (18). For any youth interested the IL worker will provide the youth with information and referrals regarding military service program. (For more information and for unique circumstances such as a youth who is transgender, visit the Selective Service System information page online: <https://www.sss.gov/Registration-Info/Who-Registration>).
8. Youth should be assisted in completing their taxes, as this information will be required for application for the Federal Application for Student Aid (FAFSA).
9. If they do not have this already, youth should be assisted in creating an email account appropriate for professional communications and employment applications. The IL worker will have a discussion with the youth and assess their understanding of the need for cultural competency when communicating on the internet and through social media.
10. The youth should be assisted in opening a bank account in their own name and provided financial counseling, if this has not already occurred.

11. The youth should be informed of their right to vote, and assisted with voter registration in paper format or online at <https://www.nvsos.gov/sosvoterservices/Registration/Step0.aspx>, if the youth will be eighteen (18) by the next election. If the youth is/was involved in the Juvenile Justice system, has a record of prior felony convictions and wishes to vote, the IL worker should support the youth in contacting their local [County Clerk or Registrar of Voters](#) and assist in the restoration of their voting rights, if eligible. Beginning at age eighteen (18) the IL worker should inform youth they can apply to the court to seal their juvenile delinquency adjudication records pursuant to [NRS 62H.130](#). At age 21, their records are automatically sealed, unless they were adjudicated for certain crimes pursuant to [NRS 62H.150\(6\)](#). Youth should consult with their attorneys appointed to them regarding the procedure.
12. If it is apparent after formal and informal assessment by the IL worker that the youth does not possess the required knowledge, skills and abilities required for a successful transition to adulthood despite adequate service provision and youth participation, the IL worker will address this with the youth as soon as reasonably known and encourage the youth to discuss this with their support system so that appropriate supports can be developed prior to the youth leaving foster care.

Independent Living Agreements (ILAs)

An Independent Living Agreement (ILA) offers a youth who has begun to demonstrate the skills essential to live safely, independently from a caregiver, the opportunity to do so in a community placement. This may occur through living alone, with roommates, in a dorm, or by renting a room from a family. The youth is allotted a monthly subsidy that is the same amount as the basic monthly foster care rate, to pay for their room, board and care.

In order to be eligible to live under an ILA, a youth must be:

1. At least seventeen (17) years of age unless there is a special circumstance with approval from management;
2. Adjudicated into child welfare custody;
3. Able to demonstrate IL competency as determined and documented in UNITY by the Child Welfare Agency sufficient to address each competency listed below. Essential competencies include, but are not limited to:
 - a. Ability to use public transportation.
 - b. Has access to a bank account in their own name and is able to provide a sufficient budget for move-in costs and first month's living expenses until the subsidy payment arrives one month after program entry.
 - c. Must be involved in a full-time educational program or be engaged full-time in a combination of education and employment, to a rate of forty (40) hours per calendar week.
 - d. Demonstrates ability to maintain a Grade Point Average (GPA) of 2.0 or higher.
 - e. The ability to articulate and demonstrate necessary IL skills as determined by the Child Welfare Agency and IL worker.
 - f. Demonstrates responsible behaviors, personal accountability for choices and uses appropriate decision-making skills a majority of the time.
 - g. Able to appropriately identify and differentiate between crisis vs. problem situations, and to request and accept assistance, guidance, and support in response to these situations.

Note: An ILA is not a last-chance placement for a difficult to place youth who is not prepared for the responsibility of living alone. It should only be offered to youth to incentivize the development of these competencies.

4. The IL worker's responsibilities within the ILA include:
 - a. Assessing for a youth's appropriateness for an ILA prior to entering one. If an ILA is requested by the caseworker or another source and the IL worker is not in agreement that the youth possesses the essential competencies sufficient to successfully live safely on an ILA, the IL worker should staff this with their IL Supervisor/Manager, and a CFT should be held on the subject.
 - b. The IL worker, together with the youth, will develop the written ILA that identifies the following:
 - i. Youth's educational program – start date, end date and goals;
 - ii. Youth's responsibilities under the ILA;
 - iii. A monthly budget;
 - iv. Requirements of maintaining an ILA, and the consequences for non-compliance; and
 - v. Target dates for the completion of goals.
 - c. The IL worker, in conjunction with the youth's primary caseworker, must approve the youth's living circumstances and placement setting during the ILA.
 - d. The IL worker will ensure ongoing supervision and guidance to the youth, the youth's wellbeing, compliance with the terms of their ILA, and overall progress toward the achievement of their ILTP goals will be monitored through regular contacts with the youth:
 - i. First three (3) Months – must have contact every other week, with a minimum of one (1) face to face contact per month at the youth's residence.
 - ii. After the first three (3) months the contact expectation reverts back to a minimum of once (1) a month. Additional concerns will be staffed as needed. Frequency of all contacts may be increased at the IL worker's discretion if it appears that the youth is not remaining in compliance with the terms of their ILA.
5. The IL worker will assist the youth in communicating their IL needs, and finding the necessary resources to meet these needs.
6. In the case of youth non-compliance with the ILA, the IL worker will first try to address the issue(s) with the youth to bring them back into compliance with their agreement.
 - a. If the youth continues to remain non-compliant with the terms of their ILA, the IL worker will inform the primary caseworker, the IL Supervisor/Manager, and the youth. The Child Welfare Agency may terminate the agreement immediately and seek alternate placement for the youth to ensure their safety.

90-Day Transitional Meeting Prior to Leaving Foster Care

If a youth is in foster care and has a verified/documented disability, or blindness and appears to meet all of the non-medical eligibility requirements the Child Welfare Agency may file their Supplemental Security Income (SSI) redetermination application up to one hundred eighty (180) days before their foster care eligibility ends due to age. If a youth is currently receiving disability benefits, please coordinate with your team to complete any redetermination or trust fund documents and/or interviews as required by the Social Security Administration (SSA).

Federal Law Requirements:

During the ninety (90) day period before a youth attains the age of majority to age out of foster care, the following topics must be addressed with the youth. This should occur before age eighteen (18).

1. In all cases, regardless of a youth's transition plan, it should be reasonably known by the IL worker and communicated to the IL Supervisor/Manager and other CFT members what will be the youth's intended transition plan at approximately age seventeen (17) years, six (6) months. While the youth may change this plan up to the date they transition from foster care,

- involving the CFT in timely permanency planning may ensure a more successful transition into adulthood as it will allow multiple child welfare system actors to coordinate in support of the youth.
2. As there are several legal documents that may be completed or discussed at the 90-Day Transitional Meeting, the IL worker is required to notify the child's attorney to assist with legal forms. As age eighteen (18) is a known date, the IL worker is encouraged to facilitate scheduling this meeting early to ensure all key members of a youth's CFT are able to attend.
 3. The 90-Day Transitional ILTP will document specific goal setting in the following areas:
 - a. Housing
 - b. Health insurance
 - c. Education and post-secondary education
 - d. Local opportunities for mentors and continuing supportive services
 - e. Workforce supports and employment services
 - f. Health care power of attorney
 - g. Continued plan for communication to complete National Youth in Transition Database surveys, if youth is in a Follow-Up Cohort (Refer to Statewide Policy *0803 National Youth in Transition Database (NYTD)*).
 - h. Youth referral to the Education and Training Voucher (ETV) program, and Nevada's Foster Youth Success Initiative
 - i. Information and support regarding supportive decision-making agreements for youth experiencing a disabling condition, if appropriate.

These should be documented in the ILTP by the IL worker, with the youth's signature and date indicating completion of the document.

Health Care Power of Attorney:

At the 90-Day Transitional Meeting, federal law requires that the IL worker and/or youth's attorney educate the youth regarding the importance of designating someone to make health care treatment decisions on their behalf. This would apply if the youth is unable to make health care treatment decisions and does not have, or wish to appoint, a relative who would otherwise be designated by law to do so.

1. If the youth wants to execute a health care power of attorney, the IL worker will provide the youth the opportunity to do so upon the youth's attaining age eighteen (18) or legal emancipation. Form FPO 0802A: Durable Power of Attorney for Healthcare Decisions has been created as a template for use.
2. The IL worker will maintain a copy of the health care power of attorney form in the youth's case file. The IL worker will ensure the individual designated with the youth's health care power of attorney receives the appropriate documents and that the youth is able to participate in the Nevada Secretary of State's Living Will Lockbox program.

Aged-Out Medicaid:

As part of preparation for the 90-Day Transitional Meeting, the IL worker will assist the youth with the process required to continue their Medicaid eligibility upon exiting the foster care system. Before the youth exits care, the IL worker will ensure the following actions occur:

1. The youth will complete the one-page Aged-Out of Foster Care Medicaid Application, form FPO 0802D.
2. Each jurisdiction will submit the application and a copy of their required eligibility documents following their own internal procedures. A copy of the eligibility documents will be sent to the local Division of Welfare and Supportive Services.

Note: Youth who are pregnant will want to report this information as soon as possible to ensure enrollment in the appropriate category, and to ensure their newborn receives Medicaid access promptly after birth.

3. The IL worker will explain to the youth that to maintain their Medicaid eligibility, they are required to report their address to the Division of Welfare and Supportive Services annually, and to report any of the following as soon as possible:
 - a. Address change.
 - b. Movement to another state.
 - c. Pregnancy/birth of newborn.
 - d. Third-party insurance.
4. Please contact the Independent Living Program Specialist at il@dcfs.nv.gov for inquiries regarding youth who aged out from another state, but are under age twenty-one (21) and may be eligible for Medicaid.

Court Jurisdiction ([NRS 432B.591-NRS 432B.595](#))

Young persons shall have the opportunity to remain under the jurisdiction of the court beyond age eighteen (18) and up to age twenty-one (21). While under Court Jurisdiction, these former foster youth shall be eligible to receive financial support and Independent Living Services to assist them with their transition to self-sufficiency. Court Jurisdiction is to be looked at as a support or safety net for youth as they make this transition. Good-faith efforts must be made by the Child Welfare Agency and/or designee to engage the former foster youth and assist with the transition. Court Jurisdiction is intended to provide former foster youth the opportunity to gain their education and/or vocational skills with minimal hardships

1. The IL worker should communicate with the youth as soon as practical after their 17th birthday about the Court Jurisdiction program, and request that the youth meet with their attorney to ask any questions about Court Jurisdiction prior to the 90-Day Transitional Meeting.
2. If the youth indicates that they do not intend to remain under Court Jurisdiction, the IL worker is to recommend that the court terminate jurisdiction of the child at age eighteen (18). The youth may change their mind at any point before reaching age eighteen (18) and request that the court take jurisdiction when they reach the age of majority; however, the youth must be aware that any changes to their case plan goals beyond the 90-Day Transitional Meeting may contribute to delays in receiving their Court Jurisdiction stipend payments.

Note: The youth may still be eligible for FAFFY funds if they do not remain under Court Jurisdiction.

3. Youth who have entered into an Independent Living Agreement with the Child Welfare Agency prior to age eighteen (18), may request to remain under Court Jurisdiction upon reaching age eighteen (18).
4. A youth may choose to stay in foster care if they are under the age of nineteen (19) and the child is enrolled full-time in high school or enrolled full-time in a secondary school program or vocational program and can reasonably be expected to complete the course of study prior to his or her 19th birthday. They may request that the court take jurisdiction over them after they complete their high school education or equivalency.

Entering Court Jurisdiction:

1. The IL worker will assist the youth in updating their ILTP in advance of the 90-Day Transitional Meeting to reflect the youth's wishes to participate in Court Jurisdiction. Upon

entering Court Jurisdiction, the youth will no longer be under the legal custody of the Child Welfare Agency.

2. In addition to the 90-Day ILTP, the IL worker will assist the youth in completing an agreement with their Child Welfare Agency to continue services.
 - a. For youth in the custody of Clark County Department of Family Services, this is form FPO 0802C: Voluntary Agreement to Continue Court Jurisdiction
 - b. For youth in the custody of the Division of Child and Family Services and the Washoe County Human Services Agency, this is Form FPO 0802B: Post 18 Services Agreement.
 - c. If required, the youth's ILTP and agreement to continue services must be submitted to the court.

Requirements for Continued Compliance with Court Jurisdiction:

All agreements to remain under Court Jurisdiction after age eighteen (18) are required to address the following case planning considerations in writing:

1. The youth saves enough money to pay for their monthly expenses for three (3) months throughout their participation.
2. If the youth has not graduated from high school or obtained a high school education or equivalency (HSE), the youth is to remain enrolled in high school until graduation or a program to obtain a HSE until graduation or completion of the HSE program.
3. If the youth has graduated from high school or obtained an HSE, the youth must:
 - a. Enroll and attend a post-secondary education program at least part-time and maintain satisfactory progress; or
 - b. Enroll and participate in a program or activity designed to promote or remove obstacles to employment; or
 - c. Obtain or actively seek employment, which is at least eighty (80) hours per month. Employment does not include volunteer activities, or those for which a youth will not receive documentation of their earnings sufficient to report as income to the Internal Revenue Service (IRS).
 - d. The youth must obtain and maintain housing.
 - e. The youth must demonstrate adequate income and budgeting skills sufficient to meet monthly expenses.
 - f. The youth must be able to identify an adult who will be available to them to provide support.
 - g. If requested or indicated, the youth has established supportive services to address any mental, physical, or emotional health needs.
 - h. If the youth is not capable of achieving one or more of these goals as written due to disability or temporary circumstance, they must be reasonably adapted to meet the identified needs of the youth, with the agreement of the court.
4. The agreement to remain under Court Jurisdiction must specifically describe:
 - a. What the youth who is remaining under Court Jurisdiction is agreeing to accomplish.
 - b. What the Child Welfare Agency is agreeing to provide.
 - c. Any limitations of the agreement; and,
 - d. Terms for dispute resolution.

This agreement will also have a section for youth to sign if they decide they would like to opt out of continued services.

5. A youth who moves out of state or is living out of state may elect to stay under Court Jurisdiction; their plan will be adjusted based on the needs of the youth. The youth may be

contacted via telephone/video conferencing to meet the quarterly face-to-face contact requirement.

IL Worker Responsibilities to Youth on Court Jurisdiction:

During the time the youth remains under Court Jurisdiction, the IL Worker will:

1. Develop the ILTP and Court Jurisdiction agreement with the youth, obtain signatures, and submit it to the court prior to the youth aging out of foster care.
2. Monitor the youth's progress towards their independent living goals and adjust their plan based on the needs of the youth.
3. Contact the youth by phone or video calling at least once monthly and in-person at least quarterly.
4. Ensure the youth has access to available supports and resources to meet their needs. Ensure the youth meets with someone from the community provider of independent living services and any other community resources that provide adult services for mental health, developmental/intellectual disabilities, or other adult outreach programs, as applicable and available to the individual needs of the youth.
5. Assist the youth in completing any assessments or surveys required by Statewide Polices *0803 National Youth in Transition Database (NYTD)* and [1604 Oversight of Statewide Court Jurisdiction](#) timely.
6. Conduct a meeting with the youth at least thirty (30) days, but not more than forty-five (45) days, before Court Jurisdiction is terminated due to age at age twenty-one (21) to determine if the youth requires any additional guidance.

Exiting Court Jurisdiction:

Once a youth decides to remain under Court Jurisdiction, it can only be terminated under certain circumstances. Once a youth has been terminated from Court Jurisdiction, they are unable to request reinstatement. Youth should speak to their attorney prior to exiting Court Jurisdiction to ensure full understanding of the implications of this decision.

Youth may exit Court Jurisdiction if:

1. The child welfare agency, the youth, and the youth's court-appointed attorney agree to terminate the agreement and jurisdiction.
2. The court determines:
 - a. The youth has achieved the goals of their ILTP and services agreement.
 - i. Youth goals may be renegotiated.
 - b. The circumstances of the youth have changed in such a manner that it is unrealistic for the youth to achieve the goals of their agreement.
 - c. The youth reaches the age of twenty-one (21) years.
 - d. The youth is not making a good-faith effort to achieve the goals of their agreement and has been referred to the court or the youth has been notified of the need for an administrative review from the child welfare agency for termination due to non-compliance.

Termination from Court Jurisdiction Due to Non-Compliance ([NRS 432B.594](#)):

1. If youth has not complied with the goals established in court and/or the requirements of the Court Jurisdiction program for sixty (60) days, consecutive or intermittent, the child welfare agency must send a written notice to the youth and to the youth's court-appointed attorney informing them that the youth has fifteen (15) calendar days in which to request an informal administrative review from the child welfare agency. Should an immediate safety concern exist, such as the youth misusing funds that will cause harm to the youth, the sixty (60) day noncompliance period may be waived. The Agency must then send the written notice informing the youth and their attorney of the fifteen (15) calendar days to request an informal administrative review.
2. The informal administrative review must at minimum include invitations to a meeting with the youth, their court-appointed attorney, and an administrator and/or designee of the child welfare agency to discuss the child welfare agency's concerns regarding the continuation of Court Jurisdiction. A plan of action will be developed at this meeting to address barriers and/or assist youth in establishing goals to get back in compliance and document the plan of action.
3. If the youth and/or their attorney do not attend this meeting without previously requesting to reschedule, their lack of participation will be documented, and the child welfare agency will request termination of Court Jurisdiction. The court will terminate jurisdiction over the youth upon receipt of notice from the child welfare agency.
 - a. If no plan of action was developed Court Jurisdiction can be moved to terminate.
4. If a plan of action is developed, youth may have up to thirty (30) calendar days from the day of the informal administrative review to show progress toward compliance with their updated agreement.
 - a. Once a plan of action was been developed there will be a sixty (60) calendar day probationary period.
 - b. If the youth has made substantial efforts to comply with their agreement, the agreement can be amended or continued as updated out of the administrative review.
 - c. If a youth has made no substantial efforts to comply with the terms of their agreement, the child welfare agency requests termination of jurisdiction due to non-compliance.

Access to Post-Foster Care Services and Resources

In addition to child welfare agency-managed aftercare programs, the adult social services programs in the State (e.g., substance abuse or mental health treatment, services and supports for persons with disabilities, educational services) are available to youth who have aged out of foster care. These programs are available from a variety of public and private agencies in the community, and each program has different eligibility requirements that should be considered based on the youth's needs and other factors. It is important to assist the youth in identifying and understanding how to access these post-foster care services and supports, if needed.

Case Closure Activities

Regardless of whether the youth is exiting care or is remaining under Court Jurisdiction at age 18, the child welfare case in UNITY needs to reflect case closure.

1. If remaining under Court Jurisdiction, the IL Worker should complete legal status change to "Clark/Washoe/State Voluntary >18" and the removal must be end-dated in the legal status window. Once this youth exits Court Jurisdiction, this status is

end-dated and changed to “Aged Out”, unless the term “Court Jurisdiction Termination” is available.

2. If a youth is exiting care to their own custody and not participating in Court Jurisdiction, the removal must be end-dated in the legal status window and the legal status must be changed to “Aged Out” as of the date of exit from care. The case closure activities and UNITY summaries below need to be completed by the IL Worker in either instance.
3. Complete a “IL Closing Summary” UNITY note with youth in preparation of program exit addressing resources, referrals, and their plan for continued maintenance of goals/plan.
4. Complete a Court Jurisdiction outcome survey with the youth if the youth is a participant.
5. Complete a NYTD survey, if the youth is indicated as a member of the Follow-up Population by the ILPS and it is appropriate to survey the youth. The youth’s contact information should be updated in the Person Profile in UNITY. See statewide policy 803 National Youth in Transition Database (NYTD).
6. Ensure that youth has been given their original birth certificate, social security card, State Driver’s License, or Identification card, any medical or educational records they request as well as their aged-out letter, and their final court order. If unavailable, ensure the youth provides an address where their final order and any other documentation can be sent.
7. Ensure referral and connection has been made with the Chafee/FAFFY after-care provider (if different from the IL Worker for the youth until age-out), as all youth who age out of care after eighteen (18) are entitled to Chafee-funded IL services until age twenty-one (21). Youth who age-out in Nevada are entitled to access to FAFFY services until age twenty-one (21).
8. Ensure youth’s application for Aged-Out Medicaid has been submitted to DWSS.
9. Complete closing summary note in UNITY. The summary is to include specific reference to the following domains:
 - a. Discharge status;
 - b. Education status and plan for post-secondary education;
 - c. Employment status;
 - d. Financial status;
 - e. Mental, Physical or Emotional health, and plans to meet ongoing needs (if any);
 - f. Criminal activity and current status within the criminal justice system (if any);
 - g. Substance use and need for further services in this area (if any);
 - h. Family functioning and/or permanent connections;
 - i. Referrals to other services; and,
 - j. Preferred methods of contact into adulthood.

JURISDICTIONAL ACTION

Child Welfare Agency Responsibilities

1. An agency which provides child welfare services is responsible for enforcing the adherence of this policy by their workforce.

2. An agency which provides child welfare services is responsible for providing each new staff person with an orientation to the ILP and their position.
3. An agency which provides child welfare services is responsible for ensuring the participation and performance of their workforce in any Federal or State requests for program data, training, continuous quality improvement activities, and/or participation in state planning efforts relative to the ILP.

IL Supervisor/Manager Responsibilities

1. The supervisors of those staff engaged in the ILP, and the managers of those supervisors are responsible for monitoring and enforcing the adherence of this policy by their direct and indirect reports through:
 - a. Ongoing daily monitoring of IL programming, staff and youth clients.
 - b. Conducting routine supervision activities designed to monitor staff performance to policy requirements, to coach staff in support of their ongoing professional development, to monitor youth outcomes, and to provide timely information and support to IL Workers experiencing difficulties in a particular case circumstance.
 - c. Conducting routine continuous quality improvement activities designed to improve programmatic performance and services to youth.

FAMILY PROGRAMS OFFICE RESPONSIBILITIES

The Family Programs Office (FPO) is responsible for training IL staff as required by state law or regulation. Additionally, FPO is responsible for providing information relative for federal and state plan compliance with providing outcome data to support continuous quality improvement activities designed to improve the quality of programming and services offered to youth.

POLICY CROSS REFERENCE

Policies: [0201 Intra-State Courtesy Supervision](#)
[0204 Case Planning](#)
[0210 Reporting, Locating and Responding to Missing Children](#)
[0213 Visitation Policy](#)
[0214 Commercial Sexual Exploitation of Children \(CSEC\)](#)
[0701 ICPC](#)
[801 Youth Independent Living Program: Ages 14 Through 17](#)
[803 National Youth in Transition Database \(NYTD\)](#)
[1011 Reasonable and Prudent Parent Standard/Normalcy](#)
[1402 Training Policy](#)
[1604 Oversight of Statewide Court Jurisdiction Policy](#)

History and Updates: This policy was taken out of the 801 policy to address youth ages 17 and older, effective 11/16/2020.

ATTACHMENTS

FPO 0802A – Durable Power of Attorney for Health Care Decisions
FPO 0802B – Post-18 Services Agreement (DCFS and WCHSA)
FPO 0802C – Voluntary Agreement to Continue Court Jurisdiction (CCDFS)
FPO 0802D – Aged Out Medicaid Application