



April 8, 2020

The Honorable Larry Hogan, Chair  
National Governors Association  
444 N. Capitol St., NW, Ste. 267  
Washington, D.C. 20001

Dear Governor Hogan,

We write on behalf of foster youth, alumni of state care, and our allies to thank you for the swift and unprecedented measures that you and your fellow members of the National Governors Association (NGA) have taken to ensure the health and safety of people throughout the U.S. Certainly, former foster children have an intimate understanding of the gravity, the consequences, and the adjustments that must be made when states intervene in private life to ensure the protection and safety of citizens. It takes an extraordinary amount of courage to act on these difficult decisions in times of crisis and we are grateful for the steadfast leadership that you all have shown.

Moving forward, we ask you to be proactive and anticipate the considerable hardship that this protracted COVID-19 response, while necessary, will levy upon our 437,283<sup>i</sup> “brothers and sisters” in foster care. Specifically, we write to draw your attention to the unique challenges of the **17,103<sup>ii</sup> young adults in the U.S. who are due to emancipate from state care this year.**

We urge NGA members to join your esteemed colleague, **Gov. Pritzker, and Acting Director, Marc Smith, of the Illinois Department of Children & Families**, who have answered our call to protect vulnerable youth. Gov. Pritzker and Director Smith have exercised the considerable regulatory authority available to state leaders to suspend emancipations from foster care and to tap the John H. Chafee Foster Care Program for Successful Transition to Adulthood (“Chafee”) to prevent homelessness and economic insecurity for all former foster youth who are displaced, disconnected, and desperate but do not have families to turn to for help and comfort during this great economic upheaval.

Attached please find a copy of the letter that Foster Care Alumni of America, Illinois Chapter submitted to Gov. Pritzker on March 27, 2020. We have also attached a copy of the rapid response from the Illinois DCFS which arrived within one indicating that the Department enacted all the recommendations we requested to keep older foster youth safe.

Given the immediacy of the economic peril facing older youth and former wards of state care nationwide, we offer recommendations that fall **within the existing regulatory authority of state executives. We hope that you and your peers will consider enacting the following recommendations with the same expediency as Gov. Pritzker and Director Smith of Illinois:**

**SUSPEND EMANCIPATION PROCEEDINGS FOR ALL YOUTH FACING RELEASE FROM STATE CARE FOR SIX MONTHS.**

Nearly 1,400 youth nationwide face emancipation from foster care each month. It is unconscionable and inhumane to release young adults under these conditions of international unrest and uncertainty. Governors have the latitude to instruct their state child welfare commissioners and courts to allow youth to remain under the care of the state and county foster care systems even beyond the age of 21 in order to protect them during these dangerous and confusing circumstances. It may also be necessary to **temporarily waive licensing provisions which prohibit older youth from occupying certain out-of-home placement settings.**

**ALLOW STREAMLINED RE-ENTRY FOR FORMER FOSTER YOUTH YOUNGER THAN 21.**

You may have read the recent news coverage of young people returning to their foster homes when their college dorms or other housing facilities close due to COVID-19. When these youth arrive back in foster care placements, states must adjudicate them back into the foster care system expeditiously. When states re-open cases for youth over the age of 18, states may draw down reimbursements for the cost of care. According to the Government Accountability Office (GAO), states that have closed the original foster care case when a young person returns to foster care for help after the age of 18, a state may reopen the case and base the title IV-E eligibility determination on the youth's income (rather than their parents' income) at the time of re-entry into the foster care system<sup>iii</sup>. Thus, states can receive federal reimbursement for care and custody of these young people.

### **EXTEND CHAFEE SERVICES AND HOUSING THROUGH THE AGE OF 23**

Governors must remind their state child welfare directors that all states have the latitude to provide access to the full complement of Chafee services to former foster youth through the age of 23. Among the former foster youth who successfully gain access to higher education, 10,000 former foster youth who live in on-campus housing<sup>iv</sup> and are at risk of homelessness as colleges increasingly de-populate dorms to accommodate social distancing and staff safety. Still more youth will be displaced from work and unable to make pay their rent temporarily. Alone and facing this crisis, youth nationwide are already reporting through a COVID-19 survey by FosterClub just last week that they are already suffering from housing, job, and food insecurity at staggering rates:

- 28% described their home as having a food crisis or being very low on food
- 39% indicated that they had been forced to move or fear being forced to move
- 27% had been laid off and another 40% had their hours severely cut
- 33% have less than a week's worth of cash on hand
- 23% said they wished they had more people to help them through the crisis

Chafee is an invaluable, available tool to meet this range of needs through the age of 23.

According to Section 303(a)(2)(C)(ii) of the Family First Prevention Services Act nearly all states are eligible to elect to serve former foster youth through the age of 23:

If the State has elected under section 475(8)(B) to extend eligibility for foster care to all children who have not attained 21 years of age, **or if the Secretary determines that the State agency responsible for administering the State plans under this part and part B uses State funds or any other funds not provided under this part to provide services and assistance for youths who have aged out of foster care that are comparable to the services and assistance the youths would receive if the State had made such an election, the certification required under clause (i) may provide that the State will provide assistance and services to youths who have aged out of foster care and have not attained 23 years of age.**

### **ACCESS "ON DEMAND" HOUSING CHOICE VOUCHERS FOR OLDER FOSTER YOUTH THROUGH HUD'S FUP AND FYI INITIATIVE**

Encourage child welfare leaders to understand how HUD's new Foster Youth to Independence Initiative "FYI" and the Family Unification Program "FUP" Vouchers interact with existing child welfare resources for emergency and transitional housing. While FYI and FUP are not intended to be as emergency housing solutions, they are important tools for communities to consider as they respond to COVID-19.

As child welfare professionals tap Chafee funds to ensure that emergency and intermediate housing plans are in place to prevent homelessness during this nationwide crisis, intermediate housing plans and permanent housing can be secured through referrals to FYI and FUP. These resources can only be accessed from HUD through local-level partnerships between your public child welfare and housing authority directors. We urge states to move quickly to build these cross-systems partnerships and to ensure that all state independent living coordinators are trained on how to coordinate with their local public housing authority and other housing professionals in their communities, including landlords.

### **CREATE OPPORTUNITIES FOR CONNECTEDNESS IN THIS TIME OF SOCIAL DISTANCING & ISOLATION**

It is also important to consider that during this time of crisis, youth who are displaced from the community within their school and dorm may feel isolated. Child welfare agencies can use Chafee funds to make sure that child welfare offers access to cell phones, telehealth professionals, mental healthcare professionals, or mentors to ensure ongoing social

connections. Chafee is designed to be nimble enough to allow for the purchase of any and all equipment that a young person might need to remain connected to siblings, case managers, fictive kin, or whomever it is that can help them avoid social isolation as we all practice social distancing.

We also recommend that state child welfare leaders put into place a temporary prohibition of withholding cell phone privileges from youth in out-of-home care. Youth must have access to cell phones to reach out to emotional supports.

#### **EASE ACCESS TO WORK SUPPORTS FOR ALL YOUTH IN NEED OF RE-EMPLOYMENT**

Finally, an important tool available to states during this time of unprecedented economic dislocation is the Workforce Innovations and Opportunities Act (WIOA). However, youth are served through WIOA in two categories, “in school” and “out of school” – categories which are often in conflict with foster care eligibility. This separation is so cumbersome and problematic that several states including, Delaware, Georgia, Illinois, Indiana, Kansas, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, Northern Mariana Islands, Ohio, Puerto Rico, South Dakota, Tennessee, Texas, Virginia and Wyoming have already requested waivers from these distinctions<sup>v</sup>. We urge all NGA members to request waivers from the Department of Labor Education and Training Administration to eliminate the regulatory categories under Section 129(a)(4)(A) and 20 CFR 681.410. All youth must be encouraged to participate in employment and re-employment services through WIOA education and training providers.

Again, please accept our deepest appreciation for all you and your fellow NGA members are doing to keep all of us safe and encourage all of us to do what it takes to control the spread of this deadly disease. We are indebted to you for your tireless efforts to protect our most vulnerable brothers and sisters. If you have any questions about these recommendations please feel free to contact April Curtis at [april@fostercarealumni.org](mailto:april@fostercarealumni.org) Ruth White at [rwhite@nchcw.org](mailto:rwhite@nchcw.org).

With admiration and appreciation,



April Michelle Rivera-Curtis  
President  
Foster Care Alumni of America



Ruth White  
Executive Director  
National Center for Housing and Child Welfare

Enc: March 27, 2020 FCAA Illinois letter to Gov. Pritzker  
April 6, 2020 Letter from Dir. Smith to FCAA Illinois

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<sup>i</sup> Adoption and Foster Care Analysis and Reporting System. (2017). Washington, D.C.: U.S. Dept. of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau.

<sup>ii</sup> Ibid.

<sup>iii</sup> Government Accountability Office. (2019). “FOSTER CARE: States with Approval to Extend Care Provide Independent Living Options for Youth up to Age 21. Report to the Subcommittee on Worker and Family Support, Committee on Ways and Means, House of Representatives”

<sup>iv</sup> National Center for Housing & Child Welfare. (2020). Foster youth in higher education rely heavily on on-campus housing. [www.nchcw.org](http://www.nchcw.org)

<sup>v</sup> U.S. Department of Labor Employment Training Administration (2020). Approved WIOA Waivers by Waiver Type Updated January 13, 2020.

[https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Waivers\\_Granted\\_as\\_of\\_January\\_13\\_2020.pdf](https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Waivers_Granted_as_of_January_13_2020.pdf)