

Child Welfare Policy Manual

Questions & Answers

3.1F INDEPENDENT LIVING, Certifications and Requirements, Objective Eligibility Criteria

1. Question: What are the program eligibility requirements for programs and services provided by the State/Tribe?

Answer: The State/Tribe determines, within the purposes defined in the statute at section 477(a) of the Social Security Act (the Act), the assistance and services that will be made available to all youth whom the State/Tribe defines as eligible for the program.

In defining the program eligibility requirements, the State/Tribe is required:

- 1) to ensure that the programs serve youth of various ages and at various stages of achieving independence (section 477(b)(2)(C) of the Act);
- 2) to use objective criteria for determining eligibility for benefits and services under the programs (section 477(b)(2)(E) of the Act); and
- 3) to ensure fair and equitable treatment of benefit recipients (section 477(b)(2)(E) of the Act).

The Department supports positive youth development, which values youth and an individual youth's involvement in planning his/her activities and goals. Furthermore, we view independent living as part of the developmental process critical to the well-being of all children and youth. States/Tribes are expected to develop or locate services and training that are appropriate to the individual's age, circumstances and developmental needs.

- **Source/Date:** Questions and Answers on the Chafee Foster Care Independence Program; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477(a), (b), and (j)

2. Question: If a foster care youth is placed in another State, which State is responsible for providing the funding for Chafee Program services?

Answer: The sending State is responsible for foster care maintenance payments, case planning, including a written description of the programs and services which will help a child 14 or over prepare for the transition from foster care to independence, as required by section 475(1)(D) of the Social Security Act (the Act) and a case review system as required by

section 475(5)(C) of the Act. The sending State must also fund the identified independent living services for foster care youth ages 14-18 because the sending state has placement and care responsibility for the youth.

- **Source/Date:** 7/25/02; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 475 and 477

3. Question: If a former foster care youth moves from the State in which he or she aged out of foster care to another State, which State is responsible for providing Chafee Program services?

Answer: Section 477(b)(3)(A) requires States to certify that they will provide assistance and federally-funded Chafee Program services to youth who have aged out of foster care and have not attained 21 years of age (or 23 as applicable). It is irrelevant where the youth "aged out" of foster care. The State in which the youth resides is responsible for services if the State provides the services needed by the youth.

- **Source/Date:** 7/25/02; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477(b)(3)(A)

4. Question: Does marriage have any impact on a youth's eligibility for Chafee Program services?

Answer: Section 477(b)(2)(E) of the Act requires the State/Tribe to use objective criteria for determining eligibility for the Chafee Program. The State/Tribe may decide that marriage will be considered in determining a youth's eligibility for the Chafee Program. Once the eligibility criteria are set, all youth must be treated equitably.

- **Source/Date:** 7/25/02; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477(b)(2)(E) and (j)

5. Question: Can former foster care youth be required by the court to participate in the Chafee Program?

Answer: The court may order a youth to participate in independent living services, however, the youth must meet the State's/Tribe's eligibility requirements to be eligible for services. Additionally, section 477(b)(3)(H) requires the State/Tribe to ensure that youth participate directly in designing their own program activities that prepare them for independent living and that the youth accept personal responsibility for living up to their part of the program. If a youth is unwilling to participate or accept personal responsibility, he/she cannot receive services.

- **Source/Date:** 7/25/02; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477(b)(3)(H) and (j)

6. Question: Are youth who do not age out of the foster care system because permanency was attained prior to age 18 eligible for CFCIP services? For example, a youth was in foster care but reunited with his/her family and is living at home or was adopted before attaining 18 years of age. Would such a youth be eligible for CFCIP services at age 18?

(Deleted 03/28/2019)