

Statement of Consideration (SOC)

PPTL 26-01 SOP Chapter 12 Transition Age Youth. The following comments were received in response to SOP drafts sent for field review. Thanks to those who reviewed and commented. Comments about typographical and grammatical errors are excluded; these errors have been corrected as appropriate.

General

1. Comment: Change the title of Independent Living Specialist to Transitional Living Specialist to lessen confusion for youth, families, workers, and community providers.

Response: The edit to change independent living specialist (ILS) to transitional living specialist (TLS) has been completed.

2. Comment: Are youth in Trial Home Visit eligible for Youth Development Funds and Senior Expenses?

Response: Yes, language has been added to SOP C12.3 that youth on trial home visits are eligible for Youth Development Funds and senior expenses.

3. Comment: Add a date on the Transitional Living Support Agreement as often it is not signed at court or it is uploaded with no signatures or timeframes. A date would allow for it to be documented when it was signed as sometimes it is not uploaded in the system until after a probation contract has been initiated.

Response: Date has been added to the form.

4. Comment: Change the name of the Probation Contract to something not so criminal-sounding, like Progress and Accountability Contract

Response: The title has been changed to **Extended Care Improvement Plan.**

5. Comment: Need Transition to Adulthood Request Memo example like PPLA Memo Example

Response: There is a template for the Transition to Adulthood memo; however, the example is not included in the SOP manual. A region can contact the Transitional Services Branch to view an example.

6. **Comment:** Make clear that placement needs to be secured or not in order to submit 17.5 Placement Memo.

Response: Change has been made.

7. **Comment:** 90-day Grace Period between exit and requesting to return to care- Is that from when the court discharges the youth, the youth leaves the placement, or the worker closes the case?

Response: SOP states when a youth exits out-of-home care. If additional guidance is needed, staff can contact the Transitional Services Branch.

8. **Comment:** Add reason for decision line to Commissioner's Letter

Response: Change has been made.

9. **Comment:** Remove transportation from YDF and make own program (KY RISE Drives)

Response: This suggestion is under further review, and changes may be forthcoming.

C12.4

1. **Comment:** Would be good under the section: Aetna Supporting Kentucky Youth (SKY) to have the ages listed for the eligibility for the phones and computers.

Response: Eligibility could change yearly; therefore, no ages will be listed. A link to Aetna's member guide has been added to the resources for this SOP.

C12.6

1. **Comment:** Under the section: Resources for youth age 17 and older include: possibly add information about RISE Funds.

Response: RISE Funds are noted in SOP C12.4 and SOP C12.29.

2. **Comment:** Should it be mentioned that youth who don't have legal status are not eligible for Medicaid until age 26?

Response: Language has been added to indicate that 'youth without legal status are ineligible for continued Medicaid after exiting care'.

C12.8

1. **Comment:** The new, fillable Supervised IL Memo Request needs to be mentioned and added to this section.

Response: Link has been added to SOP C12.8.

C12.9

1. **Comment:** If youth doesn't want to participate with DCBS (benefits, placement, SCL slot) then DCBS can close their case? Is that even when DGS is the guardian, and we recommit them since they have been deemed that they do not have decisional capacity? See screenshot attachment. It mentions "age of majority" and KRS 2.015 ([statute.aspx](#)) that states "Persons of the age of eighteen (18) years are of the age of majority for all purposes in this Commonwealth except for the purchase of alcoholic beverages and for purposes of care and treatment of children with disabilities, for which twenty-one (21) years is the age of majority, all other statutes to the contrary notwithstanding." -see attached screen shot 0566

Screenshot 0566

- open and services can be provided for as long as it benefits the young adult. However, if the young adult does not wish to receive services from DCBS and is not willing to remain in a DCBS-approved placement, the case can be closed after guardianship, disability benefits, and supports for community living (SCL) waiver allocation and placement have been completed.
- Application for a youth to be placed on the SCL waiver waiting list should be made as early as possible if the youth has a developmental or intellectual disability that will prevent them from living independently as an adult. This process should begin as soon as DCBS is aware

Response: The SOP provides reasons for closing a case.

2. Comment: This policy reads SLS in Transition Planning to include "likely" future guardian (Division of Guardianship) for youth age 17 and older with an intellectual or developmental disability. Please refer to the Pre-Guardian Consult Checklist section for Aging Out Youth, Only for items and also specify for youth in state custody the expectation is to notify at 17 or younger. -see attached screenshot 0567

Screenshot 0567

1. Includes the supportive living specialist (SLS), independent living specialist (ILS), and likely future guardian (parent, relative, or Division of Guardianship) in transition planning for youth age 17 and older with an intellectual or developmental disability, even if guardianship will not be pursued until age 21;
2. Explains the benefits of extending commitment to the Cabinet until age 21 to youth who have an IQ below 70, have an intellectual or developmental disability, or who have severe mental illness that will limit their ability to live independently;

Response: Practice Guidance in SOP 12.9 Youth with Disabilities and Guardianship provides guidance for assessing youth early for waiver services and making appropriate waiver recommendations as soon as DCBS is aware.

3. Comment: Notice to cc: and insert contact info for: Division of Guardianship, email link, [Guardianship Program](#) or call (502)564-5361

Response: Addition to DPP-337 form: "**Delivery date to youth (and guardian if applicable)** Emailed Hand Delivered

4. Comment: Add Text Box, if applicable, for Youth identify as low functioning or diagnosed with a disability.
This required text box is for the purposes of providing the Commissioner all pertinent information in reviewing the case and making a decision on the appeal.

Response: A text box identifying youth as diagnosed with an intellectual or developmental disability has been added to the forms.

C12.12

1. Comment: There needs to be more specifics about how the appeal process works for youth, timeframes, expectations of the youth and DCBS for the appeal, etc.

Response: The [DPP-337 Notice to Deny or Terminate Extension of Commitment](#) provides details for filing an appeal.

C12.15

1. Comment: On the part: The maximum education assistance for youth living on campus is up to \$5,000. Shouldn't it mention that youth can get up to \$5,000 for alternative education programs (like private schools), and not necessarily be living on campus.

Response: Language has been added under Practice Guidance to state 'The maximum education assistance for youth in higher education settings is up to five thousand dollars (\$5,000)"

C12.19

1. Comment: "Youth in out-of-home care (OOHC) must attend a Readiness to Drive meeting".

Should be worded "all youth in out-of-home care (OOHC) under the age of 18 must attend a Readiness to Drive meeting.

Response: Language has been added to Practice Guidance: 'Any youth in out-of-home care (OOHC) under the age of eighteen (18) must attend a readiness-to-drive meeting and receive a signed **Learner's Permit – Commitment Verification Letter** before they are permitted to obtain a learner's permit or driver's license.'

2. Comment: There should be something that addresses what (if anything) needs to be done for youth under 18 who come into care, and they already have their permit.

Response: Language has been added to Practice Guidance.

- If a youth enters OOHC with a permit and/or driver's license, a readiness-to-drive meeting is not mandated; however, other supports may be offered.

- For youth who enter OOHC and only have their permit, the SSW needs to provide the youth with a **Learner's Permit – Commitment Verification Letter** to apply for a driver's license.

3. Comment: Add REAL ID info to C12.19 State Identification (ID) and Driver's License for Youth in the Custody of the Cabinet for Health and Family Services as required by federal law

Response: No change will be made at this time.

4. Comment: - It says: Youth in out-of-home care (OOHC) must attend a Readiness to Drive Meeting and receive a signed Learner's Permit – Commitment Verification Letter before they are permitted to obtain a learner's permit or driver's license. This process should just be for youth under age 18.

Response: Please refer to the response for comment #1.

5. Comment: - On who can sign for the permit it says:
a. The youth's parent, legal guardian, grandparent, adult sibling, aunt or uncle, if parental rights have not been terminated;
b. Another person who is at least age 18 who is willing to assume responsibility;

But can't family members sign for the permit regardless of TPR status?

Response: If the family member is at least age 18 and is willing to assume responsibility.

6. Comment: - It does not address what needs to be done when youth under 18 come into care and already have their driver's permit.

Response: Please see the response for comment #2.

C12.28

1. Comment: If a child is not a US citizen, they need a legal consultation within a *reasonable* time frame when brought into state care. Required documentation and a family court order with specific findings must be signed by a Kentucky judge before they turn 18

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

2. Comment: Insert language to define terms for special immigrant juvenile (SIJ), human trafficking (HT), or other protected status; what are they and expected timelines?

For example, USCIS is supposed to adjudicate SIJC these applications within 6 months.

After a consultation, it may be determined that the child is eligible for other immigration benefits such as asylum, U Visas, T Visas, VAWA, etc.

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

3. Comment: Outline the steps in the process to Initiate a legal consult for youth and FOIA request under the Freedom of Information Act

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

4. Comment: Create a referral form to streamline process for SWW and/or ILS workers requesting services for consult. Please note: OLS does not currently provide this expertise.

a. Sample form for each child:

- i. Full name
- ii. Date of entry to the United States
- iii. Current address
- iv. Phone Number
- v. Social worker name
- vi. Preferred language

b. Signed release of information signed by the child regarding their immigration case

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

5. Comment: Immigration services may be on a case-by-case basis to meet the unique needs of the youth, and may require a special expense.

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

6. Comment: Other Immigrant foster children. If a child is not a US citizen, it is important to assess their status. Some may have entered the United States as refugees and need to apply for green cards after being in the United States for one year. Some may have a green card but need to renew it when it expires. There are many possibilities here, but they should all have a legal consultation.

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

7. Comment: One-pager to illustrate the workflow and approval process for youth placed in OOHC in need of specialized legal services.

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

8. Comment: Provide an exhaustive list to identify community partners to seek available assistance. Who are they and their contacts?

Response: The prevention branch is developing an all-encompassing policy; an update is forthcoming.

9. Comment: Also, in this section, include resources for language access services offered through the Cabinet, to address language barriers in working with the youth or court. -see link from the CHFS intranet website.

Response: Reference to SOP G1.14 Limited English Proficiency (LEP) has been added.

DPP-154

1. Comment: Either add a box to this to identify an individual under state guardianship or have a separate appeal form for youth who have a state guardian and are recommitted.

Response: The DPP-154 is incorporated into the regulation and can only be altered through a regulatory change.

2. Comment: Is the date needed (date of the disputed Cabinet action) the Effective Date on the DPP 337?

Response: The effective date is the date the 14-day notice ends. Language is added to SOP C12.12 on # 17, 'The effective date shall be the end of the fourteen (14) day notice'.

3. Comment: Add effective and expiration dates to indicate when 30 days is from the date of Cabinet action.

Response: The DPP-154 is incorporated into the regulation and can only be altered through a regulatory change.

4. Comment: Create a separate appeals submission form for youth who have a State Guardianship.

Response: No new form will be created.

DPP-337

1. Comment: Add additional box to identify youth under state guardianship and provide notification or create a separate form for state guardianship: Notice to Deny or Terminate Extension of Commitment--State Guardianship

Response: Addition to DPP-337: **Youth has been identified as having an intellectual or developmental disability**

2. Comment: Should the date be added to the notice, and the 14 days start effective once the notice is provided?

Response: Addition to DPP-337: **Effective Date (Date 14-day notice expires):**

3. Comment: Notice to the young adult and/or guardian with the DPP-337 Notice to Deny or Terminate Extension of Commitment if the youth is exiting as a result of the Cabinet's decision to terminate commitment and advises the youth of the right to appeal;

Response: Addition to DPP-337 form: **"Delivery date to youth (and guardian if applicable)** Emailed Hand Delivered

4. Comment: Insert/when is the effective date of this Notice to deny or terminate the commitment?

Response: Addition to DPP-337: **Effective Date (Date 14-day notice expires):**

5. Comment: Add text box to mark Youth Living With Disability or under State Guardianship.

Response: Language has been added to forms: **Youth has been identified as having an intellectual or developmental disability.**

6. Comment: Create a mechanism to cc: Notice to Deny or Terminate Guardianship via email or hand delivered or create separate form for state guardianship.

Response: Addition to DPP-337 form: "**Delivery date to youth (and guardian if applicable)** Emailed Hand Delivered

7. Comment: Add lower functioning/disability identifier to DPP – 337 and Notice to Regions

Response: Language has been added to forms. **Youth has been identified as having an intellectual or developmental disability.**