

TRANSITION TO SUCCESSFUL ADULTHOOD

BENCH CARD

This Bench Card has been created by the Administrative Office of the Court as a resource for judges. Bench Cards do not represent statements of law by the Idaho Supreme Court and do not constitute legal advice.

PURPOSE

To ensure that the needs of youth in care, age 12 and over, are met regarding:

- Permanency.
- Planning and skills necessary for transition to successful adulthood.
- Engaging in age or developmentally appropriate extracurricular, enrichment, cultural, or social activities.

WHEN¹

At every review and permanency hearing for youth age 12 and older.

WHO MAY BE PRESENT

In addition to the individuals identified in the Review Hearing or Permanency Hearing Bench Cards:

1. Youth age 12 and older are required to attend their review and permanency hearings unless they decline to do so in writing, decline through counsel, or the court excuses them for good cause.²
2. Youth age 14 and older may have up to two individuals identified by the youth who have been involved in case planning for the youth, but who are not the foster parent or caseworker for the child.³

EVIDENCE

See Review Hearing/Permanency Hearing Bench Cards.

STIPULATIONS

See Review Hearing/Permanency Hearing Bench Cards.

QUESTIONS THE COURT MUST ASK AND FINDINGS THE COURT MUST MAKE

FOR YOUTH AGE 12 AND OLDER

1. Permanency
 - a. Ask the youth about the youth's desired permanency outcome and discuss with the youth the current permanency plan.⁴ (Another planned permanency living arrangement (APPLA) is not an available permanency goal for youth under age 16.)⁵
 - b. If a group of siblings is removed from the home but is not placed together, the Department must document, and the court must ask about:⁶
 - i. the Department's efforts to place the siblings together,
 - ii. the reasons the siblings were not placed together, and
 - iii. the Department's plan to ensure frequent visitation or ongoing contact among the siblings, unless visitation or contact would be contrary to the well-being of one or more siblings.

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2. Normalcy

- a. Is the youth being provided opportunities to engage in age or developmentally appropriate activities?⁷
- b. Best practice: Ask the youth and other participants about ongoing opportunities for the youth to engage in age or developmentally appropriate activities.⁸

FOR YOUTH AGE 14 AND OLDER – ALL PREVIOUS QUESTIONS PLUS:

1. Permanency

Review and discuss with youth the progress made on services needed to finalize the permanency goal and to assist the youth in transitioning successfully to adulthood.⁹ (APPLA is not an available permanency goal for youth under age 16.)¹⁰

2. Skills for Transition to Successful Adulthood

- a. Confirm that the Department has invited youth to participate in the development of the case plan.¹¹
- b. Confirm that the Department has provided the youth with a written document identifying the youth's rights regarding education, health, visitation, court participation, and receipt of an annual credit report.¹²
- c. Review the portion of the case or permanency plan that sets forth the plan for the youth's transition to successful adulthood.¹³
- d. Best practice: Confirm that the youth understands the youth's rights.¹⁴
- e. Best practice: For eligible youth age 14 and older, confirm that the Department developed the youth's transition to successful adulthood plan. The court should review the plan with the youth.¹⁵

FOR YOUTH AGE 16 AND OLDER – ALL PREVIOUS QUESTIONS PLUS:

1. Permanency where the goal is APPLA

- a. Determine whether the Department has documented sufficient intensive, ongoing, unsuccessful efforts to achieve reunification, adoption, guardianship, or placement with a fit and willing relative, including an adult sibling, while remaining in the custody of the Department.¹⁶
- b. Make written, case specific findings that:¹⁷
 - i. APPLA is the best permanency goal for the youth, and
 - ii. There are compelling reasons why it is not in the best interests of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the Department in a placement with a fit and willing relative, including an adult sibling.
- c. Best practice: Consider specific details of APPLA placement to ensure that the placement:¹⁸
 - i. provides placement stability;
 - ii. is in the least restrictive setting;
 - iii. provides ongoing connection with family and other important adults;
 - iv. includes services and support that meet the youth's needs.
- d. At a permanency hearing, make a written, case specific finding that the Department is making reasonable efforts to finalize the youth's specific APPLA permanency goal.¹⁹

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2. Normalcy

- a. Confirm that the Department has sufficiently documented the steps it has taken to ensure that the youth's foster parents or childcare institution is following the reasonable and prudent parent standard when making decisions about the youth participating in extracurricular, enrichment, cultural, or social activities.²⁰
- b. Confirm that the Department has documented ongoing opportunities for the youth to participate in age or developmentally appropriate extracurricular, enrichment, cultural, or social activities.²¹

FOR YOUTH AGE 17 AND OLDER – ALL PREVIOUS QUESTIONS PLUS:

1. Permanency

- a. Best Practice: Beginning at age 17, review and discuss with the youth the youth's Transition Plan, developed by the Department with direction from the youth. The Transition Plan should be in alignment with the youth's case plan and transition to successful adulthood plan.²²
- b. The Transition Plan should be specific to the needs of the youth and at a minimum address housing, health insurance, education, local opportunities for continued support and employment services.²³
- c. Ninety (90) days prior to the youth's 18th birthday at a review or permanency hearing, the court must review and discuss the transition plan with the youth for the purpose of ensuring that the plan provides the services necessary to allow the youth to transition to a successful adulthood.²⁴
 - i. The Department shall file a report that includes the Department's transition plan for the youth;
 - ii. The court shall discuss the transition plan with the youth;
 - iii. The court shall review the transition plan with the youth to ensure the plan provides the services necessary to allow the youth to transition to successful adulthood.
- d. Best Practice: Confirm that prior to the youth's 18th birthday, the Department has or will provide the youth with an original or copy of:²⁵
 - i. The youth's birth certificate;
 - ii. Social security card;
 - iii. State identification card or driver's license;
 - iv. Health insurance information and cards used to access medical care;
 - v. Medical records.

ORDER

See Review Hearing/Permanency Hearing Bench Cards.

RECOMMENDED QUESTIONS

1. Have arrangements been made in the following areas:
 - a. Health care power of attorney?
 - b. Educational training vouchers (ETVs) for those planning to attend college or post-secondary education?
 - c. Support structure and contacts in the community?
2. If the youth has a developmental or physical disability, or a serious mental health diagnosis:

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- a. What has been completed to ensure the youth has the skills necessary to live independently?
 - b. Has SSI been applied for?
 - c. Has the youth been referred to adult services for disabilities?
3. Ask the youth:
- a. What are your future educational plans?
 - b. Where are you going to live when you turn 18?
 - c. How do you plan to access health care when you turn 18?
 - d. Are you getting the help you need?
 - e. Who will you call when you need help? Do you have that person's contact information?

ENDNOTES

¹ This Bench Card is to be used in conjunction with the Review and Permanency Bench Cards for youth age 12 and older.

² I.C. § 16-1620(4)(a), § 16-1622(1)(a)(v), § 16-1622(2)(e); IJR 40(c).

³ 42 U.S.C. § 675(1)(B).

⁴ I.C. § 16-1620(4)(a), § 16-1622(1)(a)(v), § 16-1622(2)(e).

⁵ I.C. § 16-1622(2)(f).

⁶ I.C. § 16-1622(1)(a)(iv), § 16-1622(2)(h)(ii).

⁷ I.C. § 16-1602(37), § 16-1620(3)(i)(iii), § 16-1621(3)(d)(viii)(3) and (4), § 16-1622(1)(a)(vi).

⁸ ABA Center on Children and the Law, *Issue Brief: The Role of the Courts in Implementing the Strengthening Families Act*, Juvenile Law Center, Feb. 2016, at 22; I.C. § 16-1602(37), § 16-1620(3)(i)(iii), § 16-1621(3)(d)(viii)(3) and (4), § 16-1622(1)(a)(vi).

⁹ I.C. § 16-1620(4)(a), § 16-1622(1)(a)(v), § 16-1622(2)(e).

¹⁰ I.C. § 16-1622(2)(f).

¹¹ 42 U.S.C. § 675(5)(C)(iv).

¹² I.C. § 16-1620(3)(h)(ii), § 16-1621(3)(a)(ii); 42 USC § 675(1).

¹³ I.C. § 16-1621(3)(a)(i), § 16-1622(3)(b).

¹⁴ 42 USC § 675A(b)(2).

¹⁵ IDHW Standard for Working with Older Youth, pg. 6,

<http://www.healthandwelfare.idaho.gov/Portals/0/Children/AdoptionFoster/WorkingOlderYouth.pdf> (last visited May 2020).

¹⁶ I.C. § 16-1620(3)(i)(i), § 16-1621(3)(d)(viii)(1), § 16-1622(1)(a)(vii)(1), § 16-1622(2)(f)(ii).

¹⁷ I.C. § 16-1622(1)(a)(viii), § 16-1622(2)(f).

¹⁸ ABA Center on Children and the Law, *Issue Brief: The Role of the Courts in Implementing the Strengthening Families Act*, Juvenile Law Center, Feb. 2016, at 6.

¹⁹ I.C. § 16-1622(2)(c).

²⁰ I.C. § 16-1602(37), § 16-1620(3)(i)(iii), § 16-1621(3)(d)(viii)(3) and (4), § 16-1622(1)(a)(vi).

²¹ I.C. § 16-1620(3)(i)(iv), § 16-1621(3)(d)(viii)(3) and (4), § 16-1622(1)(a)(vi).

²² 42 USC § 675(5)(H); IDHW Standard for Working with Older Youth, Pg. 9,

<http://www.healthandwelfare.idaho.gov/Portals/0/Children/AdoptionFoster/WorkingOlderYouth.pdf> (last visited May 2020).

²³ 42 USC § 675(5)(H); IDHW Standard for Working with Older Youth, pg. 9,

<http://www.healthandwelfare.idaho.gov/Portals/0/Children/AdoptionFoster/WorkingOlderYouth.pdf> (last visited May 2020).

²⁴ I.C. § 16-1622(3).

²⁵ 42 USC § 675(5)(I); IDHW Standard for Working with Older Youth, pg. 13,

<http://www.healthandwelfare.idaho.gov/Portals/0/Children/AdoptionFoster/WorkingOlderYouth.pdf> (last visited May 2020).