



THREE YOUTH PROVISIONS OF DIVISION X

1. REMAINING IN FOSTER CARE, RE-ENTERING FOSTER CARE, AND SUSPENDING SOME FOSTER CARE MAINTENANCE REQUIREMENTS (expire 10/1/2021)

Provision	Description
a. Moratorium on aging out ¹	Agencies may not require youth to leave foster care solely due to age.
b. Voluntary re-entry into foster care ²	Agencies must permit any youth who aged out of foster care between 1/27/20-4/20/21 (subject to extension) to voluntarily reenter foster care.
c. Suspension of some requirements for IV-E foster care maintenance payments	Agencies may not : <ul style="list-style-type: none"> • find youth ineligible for title IV-E foster care maintenance payments due to age or failure to meet education or employment conditions;³ or • find youth who re-enter foster care ineligible for title IV-E foster care maintenance payments due to age or failure to meet education or employment conditions.⁴
d. Notice & public awareness campaign ⁵	Agencies must : <ul style="list-style-type: none"> • provide notice to youth who discharged from foster care due to age between 1/27/20-4/20/21 (subject to extension); and • conduct a public awareness campaign about voluntary re-entry for youth under age 22 who aged out between 10/1/19-9/30/21.⁶

Most citations are to five sources. The abbreviated titles, full titles, and links to those five sources are below.

- "Division X" of the Consolidated Appropriations Act is the Supporting Foster Youth and Families through the Pandemic Act <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf>, pages 1228-36.
- "CB IM" is Children's Bureau Information Memo ACYF-CB-IM-21-05 (1/13/2021) <https://www.acf.hhs.gov/sites/default/files/documents/cb/im-21-05.pdf>.
- "CB PI" is Children's Bureau Instruction ACYF-CB-PI-21-04 (3/9/2021) <https://www.acf.hhs.gov/sites/default/files/documents/cb/pi2104.pdf>.
- "March CO IM" is Colorado Department of Human Services IM-CW-2021-0011 (March 16, 2021) https://mcusercontent.com/cd781c9bc8f90270567729e9e/files/18e59f23-afeb-4d59-81f8-286adb7e3b9b/IM_CW_2021_0011.pdf.
- "April CO IM" is Colorado Department of Human Services Informational Memo IM-CW-2021-0015 (4/13/2021) https://mcusercontent.com/cd781c9bc8f90270567729e9e/files/1f786df4-53fa-45db-b513-28874a04c68f/IM_CW_2021_0015.pdf?mc_cid=17785c7b01&mc_eid=264f8d3ab0.

¹ Division X § 4(a) CB IM at 3, CB Program Instruction at 4 and 7, and March CO IM at 1.

² Division X § 4(b), CB IM at 3, CB PI at 4 and 7, and March CO IM at 2. Agencies must (a) continue to ensure that safety, permanence, and well-being needs of older foster youth (including youth who remain in or re-enter foster care) are met; (b) work with youth who remain in foster care to develop or review/revise a transition plan and assist the youth with identifying adults who can offer meaningful permanent connections; and (c) make reasonable efforts to determine the IV-E eligibility of each youth remaining in or re-entering foster care. CB IM at 3 and CB PI at 4-8

³ Division X § 4(a), CB IM at 3, CB PI at 5, and March CO IM at 1.

⁴ Division X § 4(d)(2)(D), CB PI at 5 and 8, and March CO IM at 1.

⁵ Division X § 4, CB IM at 3, and CB PI at 6.

⁶ Division X § 4(b)(4) and CB PI at 6 and 8. The CB also "encourages title IV-E agencies to reach out not only to youth under age 22 who aged out of foster care in FYs 2020 and 2021, but to other youth formerly in foster care, if they now potentially would be eligible to return to foster care or receive other services from the agency." CB PI at 6. Information related to Colorado's public awareness campaign is available at https://co4kids.org/community/foster-youth-and-alumni-are-eligible-more-supports-during-pandemic?utm_source=CDHS+Office+of+Children%2C+Youth+and+Families&utm_campaign=f14c3ec96a-

2. CHAFEE FLEXIBILITIES AND ADDITIONAL FUNDING (Colorado is getting an additional Chafee allotment of \$4,302,679.⁷)

Provision	Description/Examples
a. Increased age limit between 10/1/19-9/30/21 ⁸	Chafee funding may be used to provide services/assistance to otherwise eligible youth younger than 27 who experienced foster care at age 14 or older.
b. Expansion of room and board funding and eligibility between 4/1/20-9/30/21 ⁹	<ul style="list-style-type: none"> • Agencies may use more than 30% of their Chafee funds for room and board payments. • Room and board funds may be used for otherwise eligible youth aged 18-26 who experienced foster care at age 14 or older.
c. Driving and transportation assistance ¹⁰	<p>Agencies may:</p> <ul style="list-style-type: none"> • Use Chafee funds to provide driving and transportation assistance to otherwise eligible youth aged 15-26 who experienced foster care at age 14 or older. • Costs may be related to obtaining a driver’s license, car insurance, driver’s education classes and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing a car. • Cap of \$4,000 per year per youth.
d. Meeting moratorium on aging out and reentry requirements ¹¹	Additional Chafee funds may be used to pay for certain costs related to suspension of aging out, permission to reenter, and for additional protections for youth in foster care.
e. Expanded uses of Chafee funding	CB PI at 11-12 provides a lengthy list of examples and Attachment D lists the purposes of Chafee programs.
f. CB urges agencies to quickly provide youth direct financial support without many requirements.	<ul style="list-style-type: none"> • CB “urges all child welfare agencies receiving the additional Chafee to consider using at least a portion of the funds to facilitate quick and streamlined access to direct financial support for youth who were or are in foster care”.¹² • “We note that many state Chafee programs provide financial relief to youth. Some of these programs require that a youth complete an action plan, case plan, submit receipts, or other documentation as a condition of receiving the assistance. CB urges child welfare agencies to review all procedures to determine if they are a barrier to receiving needed assistance timely, specifically as viewed by youth and young adults.”¹³ • “Consistent with CB’s commitment to youth voice and youth engagement, we encourage child welfare agencies to ask youth and young adults what they need and then, provided consistent with the law, work to provide those identified services and supports in a timely manner.”¹⁴

EMAIL_CAMPAIGN_2020_06_25_04_14_COPY_01&utm_medium=email&utm_term=0_2d4d676422-f14c3ec96a-211819245&mc_cid=f14c3ec96a&mc_eid=2ce45a8a67.

⁷ CB PI Attachment A at 1. CDHS sent supplemental allocation letters to county Chafee programs that were approved for Chafee Funding in FFY21. April CO IM at 1. CDHS used the funding methodology used for traditional Chafee program allocations in FFY21. *Id.* County Chafee programs will also receive a supplemental allocation letter for FFY22. *Id.* Counties without Chafee Programs can contact Derek.Blake@state.co.us to access supplemental Chafee funds as needed for eligible expenses. *Id.* at 2.

⁸ Division X § 3(b), CB IM at 2-3, CB PI at 10, April CO IM at 1-2.

⁹ Division X § 3(d)(3), CB IM at 2-3, CB PI at 10 and 17, and April CO IM at 2.

¹⁰ Division X § 3(d)(4), CB IM at 3, CB PI at 10-11 and 17, April CO IM at 1-2. **Such assistance must be disregarded when determining youths’ eligibility for other federal/federally supported assistance.** Division X § 3(d)(4), CB IM at 3, CB PI at 10-11 and 17.

¹¹ Division X § 4(d) and CB PI at 11.

¹² CB PI at 9-10

¹³ *Id.* at 10, n. 6

¹⁴ *Id.* at 11.

3. EDUCATION AND TRAINING VOUCHER (ETV) FLEXIBILITIES AND ADDITIONAL FUNDING (Colorado is getting an additional \$625,389 ETV allotment.¹⁵)

Provision	Description/Examples
a. Increased age limit between 10/1/19-9/30/21 ¹⁶	Agencies can provide ETVs to youth until youth reach age 27.
b. Increased amount between 10/1/20-9/30/22 ¹⁷	Maximum ETV amount per youth increased from \$5,000 to \$12,000.
c. Suspension of some ETV requirements from 4/1/20-9/30/21 ¹⁸	States may waive the requirement that a youth must be enrolled in a post-secondary education/training program or making satisfactory progress toward completing that program if a youth is unable to do so due to the pandemic. However , the Supporting Foster Youth and Families through the Pandemic Act does not modify/waive the requirement in the Social Security Act that a youth may participate in the program for no more than 5 years, whether those years are consecutive or not.
d. Authority to use ETVs to maintain training and postsecondary education between 4/1/20-9/30/21 ¹⁹	<ul style="list-style-type: none"> • Includes expenses that are not part of the cost of attendance. • “Examples of these expenses include but are not limited to laptops or other technology necessary for virtual education; earbuds/earphones; desks, chairs and other items needed to create a learning space; supplies such as printer paper and ink; and tools for internet access (such as broadband internet access, cell phone data cards, routers and WIFI extenders).” • “The [Children’s Bureau] also reminds agencies that federal law allows ETV funding to be used for advanced degrees, as well as qualifying vocational education, and Associate’s and bachelor’s degree programs. Therefore, funding may be used to assist young people in attending law school, a master’s degree, Ph.D., or other doctoral programs.”

¹⁵ CB PI Attachment B at 1.

¹⁶ Division X § 3(b), CB IM at 2, and CB PI at 13 and 17.

¹⁷ Division X § 3(a)(5), CB IM at 2, and CB PI 13 and 17.

¹⁸ Division X § 3(d)(1), CB IM at 2, and CB PI at 13-14 and 17.

¹⁹ Division X § 3(d)(2), CB IM at 2, and CB PI at 14 and 17.