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Int. No. 168

By The Public Advocate (Mr. de Blasio) and Council Members Barron, Chin, Dromm, Fidler, James, Lander, Mark-Viverito, Rodriguez, Williams, Van Bramer, Lappin, Brewer, Garodnick, Koppell, Palma, Ferreras, Recchia, Mendez, Dickens, Crowley, Vacca, Jackson, Koo, Nelson, Levin and Halloran

A Local Law to amend the administrative code of the city of New York, in relation to collecting and reporting data related to youth aging out of foster care.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. According to the Administration for Children’s Services (ACS), approximately 1,200 youth aged 18 and older transition out of New York City’s foster care system each year. ACS further reports that only about 20 percent of these young adults leave to be adopted or reunified with their families, and the remaining 80 percent must primarily rely on themselves. Numerous studies demonstrate that youth who age out of foster care tend to experience worse outcomes than their peers in a variety of critical areas such as education, employment, income security, housing, and criminal justice involvement. There has not been a comprehensive analysis of outcomes for foster youth in New York

City to date. While ACS has begun collecting data about this population, these efforts are still in their nascent stages and there is no current mechanism for regular, public dissemination of this information. Such data would assist the Council in evaluating how successful ACS is in fulfilling its mandate to adequately prepare youth who age out of foster care for stable and independent living, and in evaluating the need for policy changes.

§2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-902.1 to read as follows:

§21-902.1. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

a. “Absent Without Leave (AWOL)” means a child who has been placed by an authorized agency in foster care in a certified foster boarding home, an approved relative foster home, or a licensed foster care facility, and who is absent without the consent of the person(s) or facility in whose care the child has been placed.

b. “Adult permanency resource” means a caring committed adult who has been determined by a social services district to be an appropriate and acceptable resource for a youth and is committed to providing emotional support, advice and guidance to the youth and to assist the youth as the youth makes the transition from foster care to responsible adulthood.

c. “Adult residential care” means an adult-care facility established and operated for the purposes of providing long-term residential care, room, board, housekeeping, case management, activities and supervision to five or more adults, unrelated to the operator, who are unable or substantially unable to live independently.

d. “Age out” means when a youth age 18-21 is discharged from foster care other than to family reunification, adoption, guardianship, custody or permanent placement with a fit and willing relative.

e. “Another Planned Permanent Living Arrangement with a Permanency Resource (APPLA)” means a permanency planning goal to assist foster care youth in their transition to self-sufficiency by connecting the

youth to an adult permanency resource, equipping the youth with life skills and, upon discharge, connecting the youth with any needed community and/or specialized services.

f. “Bridges to Health Medicaid Waiver Program (B2H)” means a program designed specifically for children in foster care and the Office of Children and Family Services (OCFS) Division of Juvenile Justice and Opportunities for Youth (DJJOY) residential care that consists of three waivers, one for children with serious emotional disturbances, one for children with developmental disabilities, and one for medically fragile children, all of which are designed to provide community-based health care services and supports to children in foster care or DJJOY community services supervision and to those who have been discharged from foster care or DJJOY community services supervision while in one of the three B2H waivers.

g. “Concurrent plan” means a primary plan to help a child in foster care find a permanent, stable home and a back-up plan to help a child in foster care find an alternative permanent, stable home.

h. “Education and Training Voucher (ETV)” means the federal program that provides resources specifically to meet the needs of youth aging out of foster care, through which eligible youth may receive up to \$5000 per year to attend a post-secondary education or vocational training program.

i. “Housing assistance” means any form of help designed to assist youth with finding and maintaining a place of residence, including but not limited to, ACS Housing Subsidy, special cash grants in the form of rent subsidies, including rent arrears, section 8 leased housing vouchers, rental assistance received from any other city agency, supported and supportive housing, and any other assistance sufficient to obtain adequate housing.

j. “Independent living skills training” means formalized instruction, including, but not limited to, supervised performance in job search, career counseling, apartment finding, budgeting, shopping, cooking, and house cleaning skills.

k. “NY/NY III housing” means housing pursuant to a program established by agreement between the state of New York and the city of New York that pairs rental assistance and supportive services in either a congregate building constructed or renovated for this purpose or in scattered-site apartments acquired for the

purposes of housing and serving the clients who are the recipients of the program.

l. “Permanency Planning Goal (Goal)” means the goal for child permanency as designated in the child’s family assessment and service plan and approved by the family court.

m. “Special Findings Order” means a determination made by the family court that a child is dependent upon the family court, reunification with one or both parents is not viable due to abuse, neglect, and/or abandonment, and it is not in the child’s best interest to be removed from the United States. The Special Findings Order is required to apply to United States Citizenship and Immigration Services (USCIS) for an application for special immigrant juvenile status (SIJS).

n. “Special immigrant juvenile status (SIJS)” means legal immigration status that can be awarded by USCIS to undocumented immigrant children in foster care, for whom family reunification is not a viable option and who have been found dependent upon the juvenile court, that allows a child to apply for lawful permanent residency.

o. “Supported housing” means community-based housing with support services for people with mental health needs.

p. “Supportive housing” means housing that is for people with mental health needs or other special needs.

q. “Trial discharge” means that a child in foster care is no longer in the physical care of the social services district but remains in the legal custody of the social services district.

r. “Vocational training” means instructional programs, including in marketable skills or trade or formal on-the-job training.

2. Quarterly Reports Regarding Youth Aging Out of Foster Care. Beginning no later than July 31, 2009 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council a report regarding youth aging out of foster care that includes, at a minimum, the following information:

a. Youth Currently in Foster Care Who Have a Goal of APPLA. The following information regarding youth currently in foster care who have a goal of APPLA shall be included in the quarterly report:

(i) number of youth who have a permanency planning goal of APPLA, including those who have concurrent plans, disaggregated by age as follows: under 10; 10-11; 12-13; 14-15; 16-17; 18-19; 20-21; over 21;

(ii) number of youth who receive independent living skills training, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

(iii) number of youth who receive vocational training, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

(iv) number of youth who are eligible to petition for SIJS or other immigration relief, disaggregated by age as follows: 12-14; 15-18; 19-21;

(v) number of youth who have obtained a Special Findings Order, broken down by age as follows: 0-3; 4-6; 7-9; 10-12; 13-14; 15-18; 19-21;

(vi) number of youth who have SIJS applications or other immigration applications pending, disaggregated by age as follows: 0-3; 4-6; 7-9; 10-12; 13-15; 16-18; 19-21;

(vii) number of youth who applied for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d) NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated,

including information specifying the specific subsidies or resources utilized;

(viii) number of youth who have been found eligible for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d)NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(ix) number of youth who have been found ineligible for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d)NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(x) number of youth who are currently enrolled in high school, both in general education and special education programs, disaggregated by age as follows: under 16; 16-18; over 18;

(xi) number of youth who are currently enrolled in a general education development (GED) program,

disaggregated by age as follows: under 16; 16-18; over 18;

(xii) number of youth who are currently enrolled in accredited colleges, disaggregated by age as follows: 18 and younger; 19-21; 22 and over;

b. Youth Who Left Foster Care Who Had a Goal of APPLA. The following information regarding youth who left foster care who had a goal of APPLA, including those who had other concurrent goals, shall be included in the quarterly report:

(i) number of youth who did not consent to remain in foster care past age 18 and for whom the court approved a discharge from foster care, broken down by age as follows: 18-19; 20-21;

(ii) number of youth who aged out of foster care at age 21;

(iii) number of youth who remained in foster care after age 21 under an ACS Exception to Policy;

(iv) number of youth who were discharged from foster care who:

(a) are on trial discharge status;

(b) received housing assistance, broken down by the type of assistance as follows:

(1) ACS housing subsidy;

(2) NYCHA public housing;

(3) section 8 voucher;

(4) NY/NY III, supported or supportive housing;

(5) Bridges to Health Medicaid Waiver Program;

(6) Adult Residential Care;

(7) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(c) signed a lease for permanent housing;

(d) moved into permanent housing for which the youth is the leaseholder;

(e) intended to cohabitate with a family member upon discharge from foster care;

(f) intended to cohabitate with a friend upon discharge from foster care;

(g) secured a placement in supported or supportive housing upon discharge from foster care;

(h) obtained a high school diploma;

(i) completed a GED program;

(j) obtained an ETV;

(k) obtained a college diploma;

(l) obtained a Special Findings Order;

(m) obtained SIJS;

(n) obtained lawful permanent resident status;

(v) number of youth whose status was AWOL at the time of their discharge from foster care;

(vi) number of youth who were parents and/or pregnant at the time of their discharge from foster care;

(vii) number of youth who received their birth certificate, social security card and state-issued identification at the time of discharge from foster care;

c. The commissioner, in consultation with the commissioner of the department of homeless services, and the commissioner of the department of youth and community development (DYCD), shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA entered the city or city-funded single adult or family homeless shelter system. The following information regarding youth who were discharged from foster care with a goal of APPLA who entered the city-funded single adult or family homeless shelter system shall be included in the quarterly report, disaggregated as follows: number who entered within 30 days of their discharge from foster care; number who entered within 90 days of their discharge from foster care; number who entered within 180 days of their discharge from foster care; number who entered within 3 years of their discharge from foster care. For the purposes of this subsection, “entering the homeless shelter system” shall include seeking and being found eligible for shelter at any intake facility operated by the

department of homeless services or private, DYCD funded or other shelters for runaway and homeless youth or for adults.

d. The commissioner, in consultation with the commissioner of the human resources administration/department of social services, shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA received cash assistance, food stamps, and/or community Medicaid. The following information regarding youth who were discharged from foster care with a goal of APPLA who received cash assistance shall be included in the quarterly report, disaggregated as follows: (i) number who received cash assistance within 30 days of their discharge from foster care; number who received food stamps within 30 days of their discharge from foster care; number who received cash assistance within 60 days of their discharge from foster care; number who received food stamps within 60 days of their discharge from foster care; number who received cash assistance within 180 days of their discharge from foster care; number who received food stamps within 180 days of their discharge from foster care; and (ii) how many youth who were discharged from foster care with a goal of APPLA were successfully transitioned to community Medicaid without any gap in coverage.

e. The commissioner, in consultation with commissioner of the department of corrections and the commissioner of police, shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA were arrested. The following information regarding youth who were discharged from foster care with a goal of APPLA who were arrested shall be included in the quarterly report, disaggregated as follows: number discharged from foster care while incarcerated; number arrested within 30 days of their discharge from foster care; number arrested within 60 days of their discharge from foster care; number arrested within 180 days of their discharge from foster care.

§3. This local law shall take effect immediately.

MRM
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10:45 a.m.