



DEPARTMENT of CHILDREN and FAMILIES
Making a Difference for Children, Families and Communities

**MEMORANDUM**

To: All Staff
From: Joette Katz, Commissioner
Date: Tuesday, July 26, 2011
Subject: What Happens When a DCF Youth Turns 18?

Within the next 30 days, please review all cases in which a youth is over the age of 18 to ensure his or her continued eligibility for DCF services.

A youth who has reached his or her 18th birthday may continue to receive DCF services through his or her 21st birthday only under the following conditions:

Committed abused, neglected, uncared for or for whom the Commissioner is the statutory parent as of his or her 18th birthday and the youth:

- is in full-time attendance in
- a secondary school, a technical school, a college or a state-accredited job training program; and
- consents to remain in care. (1)

Secondary school means high school. It does not mean a GED program.(2)

Full-time attendance means meeting the full required course load for the school, college or program in which the youth is enrolled. It also means that the youth must be maintaining good attendance and have a passing average.

Consent means that the youth agrees to accept and fully participate in post-18 services by signing the DCF-779.(3)

Admitted as a Voluntary Services client as of his or her 18th birthday:(4)

- provided that the Commissioner, in her discretion, determines that the youth will benefit from further care and support from DCF.

This means that whether the youth can benefit from further care and support is completely up to me or my designee.

Youth adjudicated delinquent:

A youth adjudicated delinquent who has not reached his or her 18th birthday by the time the delinquency commitment ends may be admitted to the Voluntary Services Program or committed as neglected, abused or uncared for to continue receiving services beyond age 18 under the conditions set forth above. (If I am the youth's statutory parent, he or she may also continue to receive services as though he or she is a committed child.)

Debunking myths:

- The fact that a youth has or is eligible for an **Individualized Education Plan (IEP)** is irrelevant to the analysis. The youth's school is solely responsible for implementing an IEP, whether or not the youth remains in DCF care. What's important to our determination of whether the youth continues to receive services after age 18 is whether or not he or she is attending school full time, regardless of whether or not the youth has an IEP.
- The **Probate Court** cannot force DCF to keep a voluntary services client beyond age 18 if the agency has determined that the youth may not benefit from continued services. If you have a case in which the Probate Court orders services beyond age 18, bring it to the attention of DCF legal staff immediately.
- DCF Policy 36-95-1 regarding **incarcerated youth** is being revised (5) to more clearly reflect the statutory criteria. The following reflects the agency's statutory mandates:
 - If an incarcerated Voluntary Services youth reaches age 18, the case must be closed if he or she cannot benefit from continued services. If no services can be provided to the youth in prison, the case must be closed.
 - If an incarcerated youth who has been committed or for whom I am the statutory parent turns 18, then the youth must attend a United School District #1 school (operated by Department of Correction) full time. If the youth has already graduated from high school or has enough credits to graduate or has a GED, or if the youth fails to maintain proper attendance and grades, he or she does not meet the statutory criteria for continuing to receive services and the case must be closed.
- The **MOUs with DMHAS and DDS** are not in conflict with the statutory language.
- **Young adults over age 21** are not statutorily entitled to DCF services. However, we do have a budgetary allowance to pay some or all of the costs of post-secondary education for young adults who are already in such a program when they turn 21. See DCF Policy 36-94 for eligibility details and limitations on what can be provided to these young adults.

Prior to the youth turning 18:

- **Committed abused, neglected or uncared for:**
 - At the last Administrative Case Review before the youth's 18th birthday, determine whether the youth is attending a qualifying full-time educational program.
 - If so, meet with the youth to explain post-18 services and gain his or her consent.

- Monitor the youth's attendance and grades and keep LINK updated as to the status of his or her educational programming and his or her willing to continue to participate in other DCF services.
 - If at any time it is determined that the youth is no longer satisfactorily participating in a full-time educational program or the youth is no longer willing to participate in the services offered, meet with the youth to explain that the case will be closed, develop a Transition Plan as outlined in DCF Policy 36-5,(6) and issue the DCF-800 (7).
- **Voluntary Services cases:**
- At the last Administrative Case Review before the youth's 18th birthday, determine whether the youth will benefit from continued support and services from DCF at age 18 using the guidelines set forth in the DCF Regulations and Policy. This decision must be approved by the Regional Director.
 - If the youth will benefit from continued support and services, document the specifics in LINK and in each successive case plan.
 - At each successive ACR, determine whether the youth will benefit from continued support and services from DCF.
 - If at any time it is determined that the youth can no longer benefit from continued support and services, meet with the youth to explain that the case will be closed, develop a Transition Plan as outlined in DCF Policy 36-5, (8) and issue the DCF-800 (9)
- **Delinquent youth:**
- At the last Administrative Case Review before the youth's 18th birthday, determine whether he or she should be referred for Voluntary Services or committed neglected, abused or uncared for.
 - If so, process the necessary documentation.
 - If I had been the statutory parent for the youth prior to the expiration of the delinquency commitment, treat the youth as committed neglect, abused or uncared for youth.
 - If neither of the above conditions applies, explain the reunification plan to the youth and his or her family, discharge the youth and close the case.
- **Incarcerated youth:**
- Review each case at least every three months and document in LINK the details outlining how the youth meets the criteria for continuing DCF services.
- **Youth with developmental delays:**
- Six months prior to the youth's 18th birthday, assess whether he or she will

need a legal guardian as an adult due to his or her developmental delays. If so, consult with DCF legal staff on the procedure and make the appropriate application to the Probate Court.

Remember:

Exceptions to this memorandum must be justified in writing and approved personally by me. For example, it may be appropriate to permit a youth to remain care after age 18 while he or she completes a GED program rather than a secondary school program. Requests for exceptions must detail why a statutorily-authorized program is not appropriate and what the next steps are for the youth after the GED is earned.

Every DCF staff member is responsible for understanding and applying the law and policy that impact the youth on his or her caseload. When in doubt, consult with your chain of command or DCF legal staff.

Regional Directors are responsible for ensuring that the cases of youth who no longer qualify for DCF services are closed in a timely manner.

(1) Sec. 46b-129. (j) ... The commissioner shall be the guardian of such child or youth for the duration of the commitment, provided the child or youth has not reached the age of eighteen years or, in the case of a child or youth in full-time attendance in a secondary school, a technical school, a college or a state-accredited job training program, provided such child or youth has not reached the age of twenty-one years, by consent of such youth...

(2) GED programs may be approved in lieu of secondary school on a case-by-case basis. See "Exceptions" at the end of this memo.

(3) "Notice at Age of Majority. This form is being revised to more clearly reflect the legal criteria.

(4) Sec. 17a-11. (g) Notwithstanding any provision of sections 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, any person already under the care and supervision of the Commissioner of Children and Families who has passed such person's eighteenth birthday but has not yet reached such person's twenty-first birthday may be permitted to remain voluntarily under the supervision of the commissioner, provided the commissioner, in the commissioner's discretion, determines that such person would benefit from further care and support from the Department of Children and Families. Any person remaining voluntarily under the supervision of the commissioner pursuant to this subsection shall be entitled to a written plan for care and treatment, and review of such plan, in accordance with section 17a-15.

(5) I am aware that there may be additional existing policy that conflicts, or appears to conflict, with the above statutes. We are in the process of re-writing the entire policy manual and these discrepancies will be cleared up. However, if you notice something in policy that appears not to be consistent with this memo, please bring it to the attention of the Agency Legal Director for clarification.

(6) Required by the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 to be completed within 90 days of the youth's discharge from DCF care.

(7) "Notice Of Proposed Denial, Suspension, Reduction, Or Discontinuance Of Department Of Children And Families Benefits"

(8) Required by the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 to be completed within 90 days of the youth's discharge from DCF care.

(9) "Notice Of Proposed Denial, Suspension, Reduction, Or Discontinuance Of Department Of Children And Families Benefits"