

CHILD PROTECTION BEST PRACTICES BULLETIN

Innovative Strategies to Achieve Safety, Permanence, and Well-Being

BEST PRACTICE BULLETINS

- ADVANCE CALENDARING
- CONNECTING CHILDREN WITH INCARCERATED PARENTS
- EDUCATION ADVOCACY
- FAMILY ENGAGEMENT
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TRANSITION PLANNING AND DISCHARGE HEARINGS

WHAT IS *Transition Planning*?

All participants in the child welfare system have an obligation to prepare young people for productive adulthood prior to discharging them from care. This has become increasingly evident from research that consistently documents high rates of homelessness, poverty, unemployment, lack of health insurance, physical and behavioral health problems, incomplete education, high-risk personal behaviors, and criminal justice involvement among youth exiting foster care.

Courts can take an active role in assuring that young people are adequately prepared to live on their own following discharge from state custody. One way to do this is to carefully review the permanency plan for youth aged 15 and older to make sure it is adequately addressing transition issues. New Mexico law requires the development of a written transition plan by the time the youth is 17. In addition, the last permanency hearing before a young person turns 18 is also a discharge hearing. Providing youth the opportunity to receive individualized attention from the judge communicates a strong message to young people that they are respected and that their lives are important.

The intent of the court reviews is to engage the young person in articulating education, employment, and other goals and to ensure that a realistic transition plan is in place to achieve key outcomes for the youth prior to discharge.

WHAT IS *Current Practice*?

CYFD and its partners provide independent living and transition services to young people prior to their turning 18, and continue such supports until the youth turns 21 in many cases.

Prior to a youth turning 17, New Mexico law requires that the department meet with the youth, the youth's attorney and others of the youth's choosing to develop a transition plan. The transition plan is an individualized written plan for the youth, based on the unique needs of the youth, that outlines all appropriate services to be provided to increase independent living skills. The Court must order a transition plan for the youth.

The last Permanency Hearing prior to a young person's eighteenth birthday should also be scheduled as the Discharge Hearing. At this hearing, the court must ensure that all transition services are in place and that required information has been provided to the youth. Courts must assess:

- whether the youth has received written information concerning family history, the whereabouts of any sibling if appropriate and education and health records

Transition Planning and Discharge Hearings cont...

- whether the youth has been provided with original social security card, certified birth certificate, state-issued identification card, death certificate of a parent and proof of citizenship or residence
- whether the youth has been provided with assistance in obtaining Medicaid, if the youth is eligible
- whether there has been a referral made for guardianship or limited guardianship if the youth is incapacitated

What is Best Practice?

Best practice involves thinking about the youth's transition needs, at minimum, beginning when the youth is 15 years old. Courts would engage the young person, as well as individuals important in his or her life, such as the caseworker, the youth's attorney, the CASA, teachers, mentors, service providers, and adults with whom the youth has built or might build long-lasting relationships. At all court hearings, the Judge would engage the youth in an age-appropriate discussion about goals and plans, and what needs to be done to ensure a reasonable transition from foster care.

What is my ROLE?

- As a JUDGE, you would specifically address transition needs during all court hearings for youth age 15 and older. You would calendar sufficient time for these reviews – especially when reviewing the youth's written transition plan which may require as much as two hours. You would require that individuals important to the youth participate at these hearings. During court hearings, you would engage the young person in a conversation about his/her goals and plans. You would also inquire about the treatment plan and how it addresses key activities and outcomes that will need to be in place prior to discharge. You would make findings about what activities and services are needed.
- As a CASEWORKER, you would develop a service plan for youth aged 15 to 16 that takes into consideration the youth's need for long term planning for discharge. Before the youth turns 17, you would meet with the youth, the youth's attorney and others identified by the youth to develop the Transition Plan. You would coordinate with the schools on the Individualized Education Program (IEP) or Next Step Plan (NSP). You would ensure the Transition Plan addresses the activities and outcomes necessary for successful transition.
- As a CHILDREN'S COURT ATTORNEY, you would make sure the service plan and Transition Plan are based on the individual needs of the youth and present the Transition Plan in an informed manner to the Court. You would request additional time for the Permanency Hearing addressing the Transition Plan and for the Permanency/Discharge hearing.
- As a RESPONDENT ATTORNEY, you would work with your client to make sure he/she understands expectations in the service plan and Transition Plan that apply to him/her, if applicable.
- As a YOUTH ATTORNEY, you would advocate for those activities, services and outcomes necessary for successful transition. You would work with the youth to identify the people who should be in attendance at the Transition Plan meeting. You would prepare the youth for court hearings and request additional time for the Permanency Hearing addressing the Transition Plan and for the Permanency/Discharge hearing if that has not already been done.
- As a CASA VOLUNTEER, you would advocate for those activities, services and outcomes necessary for successful transition. You would also make recommendations regarding transition to the court.
- As a CRB MEMBER, you would inquire specifically about the status of those activities, services and outcomes necessary for successful transition. You would document observations and recommendations in the CRB report.

Transition Planning and Discharge Hearings cont...

- As a PARENT, you would participate in developing the youth's Transition Plan, if appropriate, and complete any of your responsibilities in preparing your youth for transitioning from care. You would attend all court hearings and be prepared to discuss any concerns you have regarding the youth's transition from care.
- As a FOSTER PARENT, you would participate as appropriate in developing the Transition Plan. You would participate in hearings and report to the court on the services provided to the youth to help him or her transition out of care.
- As a YOUTH, you would participate in developing your Transition Plan and make sure your caseworker and your attorney understand the services and supports you will need when you discharge from care. You would talk to your attorney about who should participate in your Transition Plan meeting and inform the judge about your goals and plans.

SAMPLE TRANSITION PLAN ELEMENTS

Education

- The youth has an education decision maker.
- The youth has been assessed for special needs, learning, and vocational interests and the findings are documented.
- The youth has a Next Step Plan (NSP) or an IEP with a transition component.
- As applicable, the youth has taken the PSAT, SAT or other college entrance exams.
- If the youth is continuing on to post-secondary education, he/she has submitted an application for ETV funds.
- The youth has copies of all educational documents and records.

Employment

- The youth has begun training on building a resume, applying, interviewing, and maintaining a job (including social skills for the workplace), and in the areas of computer literacy, money management, credit management, consumer skills, and independent living.
- The youth has adequate clothing for work and interviews.
- The youth has participated in a vocational assessment.
- The youth has been involved with apprenticeships, internships, mentorships, volunteer or other activities that create opportunities to engage with diverse groups to explore interests.
- The youth has at least two people from whom he or she can attain job references.
- The youth has the proper identification to establish identity and employment eligibility (photo identification and a Social Security card or birth certificate).

Housing

- The youth is participating in comprehensive life-skills training that includes housing issues, budgeting, and independent living.
- Youth with ongoing disabilities have applied for Supplemental Security Income (SSI) and understand the process for applying for adult SSI.
- The youth has completed training on tenancy, budgeting, fair market rents, utilities, and independent living skills.
- Application for Section 8 subsidized housing has been submitted (or independent housing achieved by 21).
- The youth has linkages to ongoing systems of care depending on behavioral health needs.
- The youth has a plan for permanent housing.

Transition Planning and Discharge Hearings cont...

Life Skills

- The youth knows and understands the services provided by financial institutions and has a savings account.
- The youth knows and understands the importance of good hygiene, and can maintain good hygiene, including self-cleanliness and use of laundry facilities.
- The youth knows how to stay healthy, and how to care for minor illness and simple injuries. The youth knows and understands the importance of taking prescription drugs and over-the-counter medications.
- The youth knows and understands the medical, social, emotional, and legal risks associated with alcohol, drug, and tobacco use, and understands the impact of peer pressure on decisions related to each.
- The youth knows and understands the concept of self-esteem. The youth also knows and understands the impact of caring, respectful, responsible, and honest behavior on relationships.
- The youth understands the basic concepts of nutrition and is able to evaluate his/her diet for nutritional content.

Physical/Behavioral Health

- The youth has had a comprehensive screening to assess physical health, developmental needs, mental health, and substance abuse and appropriate follow-up has been provided.
- The youth has a copy of all of his/her medical, dental, and behavioral health records.
- The youth has information for all pertinent contacts including: doctor, dentist, behavioral health provider.
- The youth has an understanding of any ongoing medical, dental, or mental health conditions.
- The youth is covered by Medicaid or another health insurance plan.
- The youth is connected to benefits such as SSI and various waivers to ensure continuation of services if applicable.

Supportive Relationships and Community Resources

- The youth has at least one meaningful adult connection that they trust.
- The youth has a comprehensive life book.
- The youth has a copy of his/her birth certificate.
- The youth has information for all pertinent contacts including: community legal resources, attorneys, case workers, etc.
- If applicable, immigration relief has been sought for the youth.
- If applicable, the youth's Attorney has requested that the Court seal or destroy the record when a juvenile offense is involved.

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