

# Fostering Connections Act

The image features three young green plants of increasing size growing from a layer of dark, rich soil. The background is a soft, out-of-focus green, suggesting a natural outdoor setting. The plants are positioned in a row, with the smallest on the left and the largest on the right, symbolizing growth and progression.

Supporting our youth as they transition to adulthood

# 2008 Fostering Connections to Success and Increasing Adoptions Act

Intended to facilitate a longer period of support for former foster youth up to age 21.

Allowed states to provide IV-E funded foster care to eligible adults up to age 21

Currently, approximately 25 states, Washington D.C., and at least six Indian nations, including the Navajo Nation, offer extended foster care

# New Mexico's Fostering Connections Act

Passed in 2019 and  
codified in the  
Children's Code:  
§§ 32A-26-1 - 12

Numerous  
amendments in  
2020 legislative  
session

Program first  
available as of July 1,  
2020.

# Eligibility (§ 32A-26-3)

An individual who is currently 18 years old or turns 18 after July 1, 2020, AND meets the following:	AND the individual is participating in ONE of the following qualifying activities:	AND the individual enters into a voluntary services and support agreement (VSSA) with CYFD.
Was adjudicated pursuant to the Children’s Code or its equivalent under tribal law;	Completing secondary education or a program leading to an equivalent credential	
Was subject to a court order that placement and care be the responsibility of CYFD or a tribe that has entered into an agreement with CYFD; <u>AND</u>	Enrolled in an institution that provides postsecondary or vocational education	
Was subject to an out-of-home placement order.	Participating in a program or activity designed to promote or eliminate barriers to employment	
<u>OR</u>	Employed for at least 80 hours per month	
Was at least 14 years old when an adoption or guardianship assistance agreement was in effect, <u>AND</u>	<u>OR</u>	
The agreement was terminated <u>OR</u> the guardian/parents are no longer willing to provide emotional or financial support to the young adult.	Unable to participate in any of the programs or activities listed above due to a medical or behavioral health condition that limits participation	
<p>The citizenship or immigration status will not affect the individual’s eligibility to participate in the fostering connections program (§ 32A-26-3(B)); HOWEVER, it does impact their eligibility for Medicaid and IV-E eligibility for federal reimbursement.</p>		

# Timeline for Youth/Eligible Adult

Age 14+

- Fostering Connections Specialist (FCS) assigned to case as a secondary worker;
- Initial Independent Living Assessment completed (8.10.9.10 NMAC);
- Life Skills Plan developed. (8.10.9.11 NMAC).

Age 16

- FCS provides youth in foster care with notice of the Fostering Connections Program and its benefits starting at age 16, during every transition planning meeting. (§ 32A-26-12(A))

Age 16.5

- At every review hearing that occurs after the child attains sixteen years and six months of age, the court shall make a finding that the child has been notified about the fostering connections program and of the benefits of the program. (§ 32A-26-8(E))

Before Age  
17

- The department shall assist the child in identifying and planning to meet the child's needs after the child's 18th birthday, including housing, education, employment or income, health and mental health, local opportunities for mentors and continuing support services. (§ 32A-4-25.2(A); 8.10.9.15 NMAC)

# Timeline for Youth/Eligible Adult (Cont'd)

**Before Age  
17.5**

- The Department must provide the youth with detailed information about the Fostering Connections Program and give the youth the opportunity to develop a VSSA that is to be finalized and executed upon the child attaining 18 years of age. (§ 32A-26-12(B))

**Age 17.5**

- Discharge Hearing –held prior to the child’s eighteenth birthday. The court shall review the transition plan and shall determine whether the department has made reasonable efforts to provide certain documentation. (§ 32A-4-25.3)

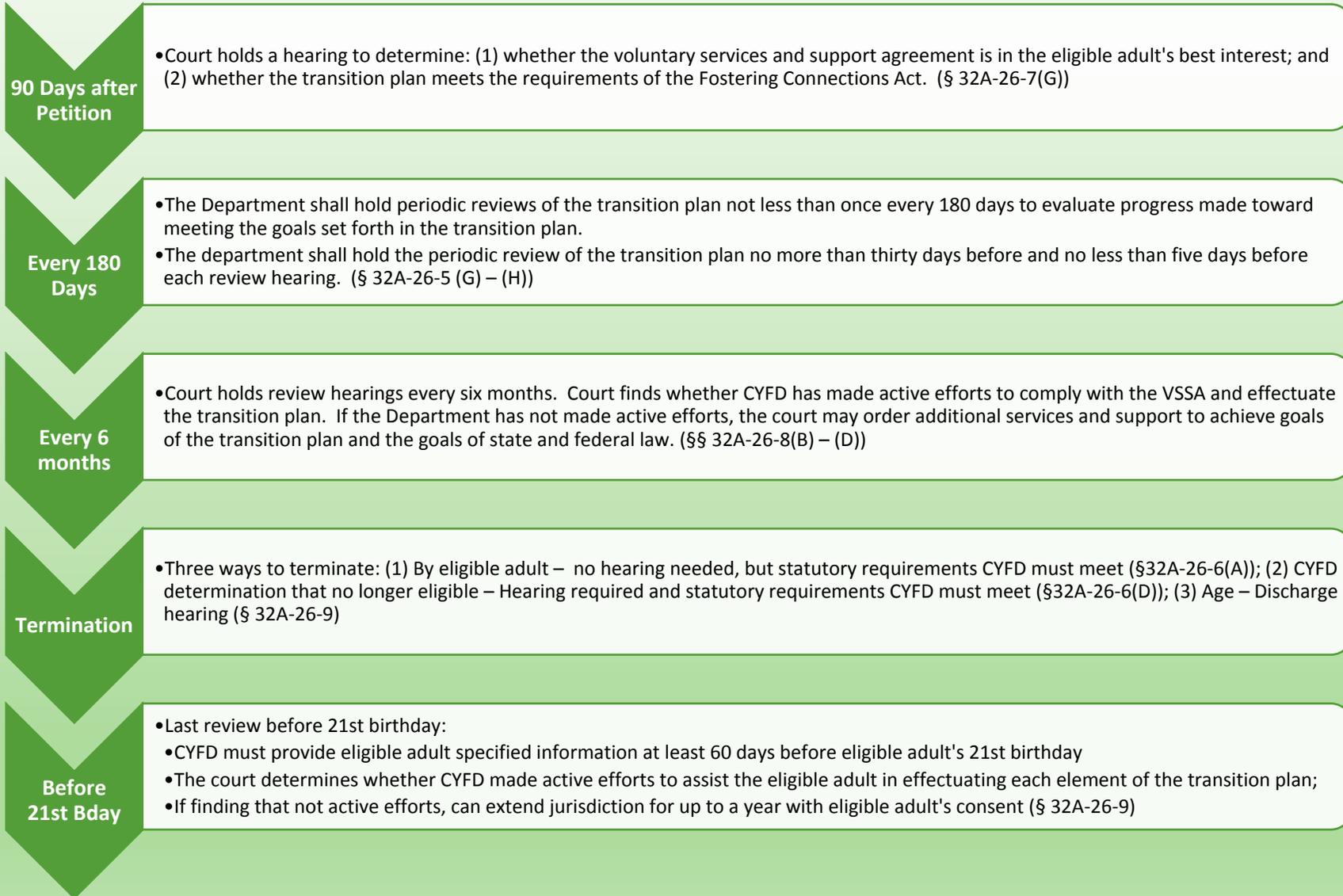
**≈ 17 years,  
9 months**

- At the review hearing that occurs no later than three months before the child attains eighteen years of age, the court shall make a finding of whether the child has decided to participate in the fostering connections program and whether the child has been provided an opportunity to develop a VSSA. (§32A-26-8(F))

**On or after  
18th Bday**

- Eligible adult signs VSSA;
- CCA files fostering connections petition within 15 days of execution of the VSSA. (§ 32A-26-7(B))

# Timeline for Youth/Eligible Adult (Cont'd)



# Transition Plan

Same plan used for 16.5+. This is the plan with the which the court and parties are already familiar.

Developed jointly by the department and the eligible adult. Unlike the VSSA, the Transition Plan is unique to the needs of the individual.

Addresses issues related to daily living skills, transportation, finances, employment, housing, education, physical and mental health, supportive relationships and community connections; cultural and personal identify, and parenthood.

Case manager assigned to each adult. The case manager must have specific training in the area of providing services for transition-aged eligible adults. (§ 32A-26-5(E))

The Department “shall make active efforts to assist eligible adults in achieving permanency and creating permanent connections.” (§ 32A-26-5(F))

Collaborative– In addition to CYFD personnel and youth, input sought from individuals identified by the eligible adult

Periodic Case Reviews – Reviewed every 180 days, and “no more than thirty days before and no less than five days before each review hearing.” (§ 32A-26-5(G) – (H))

# Voluntary Services and Support Agreement (§ 32A-26-5)

Must be signed on or after the eligible adult's 18th birthday

The Voluntary Services and Support Agreement (VSSA) details the program eligibility requirements, general program requirements, and CYFD's responsibilities to the eligible adult.

The VSSA does not provide the detail and individualized elements of the transition plan and should not be used as a transition plan.

The VSSA establishes that CYFD has placement and care responsibility for the eligible adult, and therefore meets Title IV-E requirements for removal from home and establishing placement and care responsibility.

# Petition and Initial Hearing (§ 32A-26-7)

## Petition

- Petition must be filed within 15 days of the eligible adult signing the VSSA
- The VSSA and Transition Plan are filed at the same time as the Petition.

## Venue

- The Petition is filed in the county in which the eligible adult resides. (§ 32A-1-9)

## Appointment of Counsel

- When the petition is filed, an attorney is appointed to represent the eligible adult.
- The attorney who previously served as the eligible adult's attorney may be appointed, at the request of the eligible adult.

## Initial Hearing

- The court shall hold an initial hearing with 90 days of the filing of the Petition
- The court shall review the VSSA and determine whether the agreement is in the best interests of the eligible adult and ensure the transition plan meets the requirements of the Act

# Review Hearings (§ 32A-26-8)

Review hearings are held once every six months

Review hearings must be conducted in a manner that seeks the eligible adult's meaningful participation by considering procedural modifications and flexible times

Court should ensure that the Fostering Connections program is providing the eligible adult with the needed services and support to help the eligible adult move toward permanency and a successful transition to adulthood

The Department must prepare a report for the court that addresses progress in meeting goals of the Transition Plan.

The Department must show it has made active efforts to comply with the VSSA and to effectual the Transition Plan. If the court finds that the Department has not made active efforts, the court may order additional services and support.

# Termination and Discharge

## Eligible Adult's Choice

- An eligible adult may choose to terminate the voluntary services and support agreement and stop receiving services and support under the fostering connections program at any time. (§ 32A-26-6(A))
- If the eligible adult chooses to end participation, the Department must notify the eligible adult of the consequences. (§ 32A-26-6(A))

## Department Determines Not Eligible

- If the Department determines the eligible adult is no longer eligible, the Department shall:
  - At least 15 days after the determination but prior to requesting a discharge hearing, provide notice to the eligible adult and the eligible adult's attorney
  - Make active efforts to meet with the eligible adult to explain the information
- Discharge Hearing is required (§ 32A-26-6(D))

## Age

- An eligible adult will be discharged on the eligible adult's 21st birthday

There is no limit to the number of times an eligible adult may opt out and reenter the Fostering Connections Program.

# Discharge Hearing (§ 32A-26-9)

Considered to be the last review hearing before the eligible adult's 21st birthday or the hearing at which the Department is requesting that the eligible adult be discharged from the program

At least 60 days prior to the eligible adult's 21st birthday, the Department must provide the eligible adult with (1) notice that the program will end on the eligible adult's 21st birthday; (2) an updated plan with ongoing goals; and (3) information about and contact information for community resources (§ 32A-26-6(F))

Court reviews the Transition Plan and determines whether the Department has made active efforts to assist the eligible adult in effectuating each element of the Transition Plan

If the court determines that the Department has not made active efforts to assist the eligible adult in effectuating each element of the Transition Plan *and* that termination of jurisdiction would be harmful to the eligible adult, the court may continue to exercise its jurisdiction for up to one year from the individual's 21st birthday or one year from the individual's discharge from the program. The eligible adult must consent to continued jurisdiction.