
EXTENDING FOSTER CARE FOR TRANSITIONING YOUTH

A. Extended Jurisdiction

Under the Fostering Connections Act, a youth can voluntarily remain in foster care after their 18th birthday (referred to as "Extended Foster Care") if they meet certain requirements. Extended Foster Care is eligible for Title IV-E funding from the federal government until the youth's 21st birthday. [42 U.S.C. § 675](#).

In Texas, the eligibility requirements for extended foster care are that the youth over age of 18 is:

- Regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate;
- Regularly attending an institution of higher education or a postsecondary vocational or technical program;
- Participating in a program or activity that promotes, or removes barriers to, employment;
- Employed for at least 80 hours a month; or
- Incapable of performing the activities described above due to a documented medical condition. [Tex. Fam. Code § 264.101\(a-1\)](#).

Any court with jurisdiction over a young adult on the day before their 18th birthday will automatically continue to have jurisdiction of the youth beyond the 18th birthday for at least six months and must retain the case on their docket while the young adult is in extended foster care and during trial independence. [Tex. Fam. Code § 263.602](#). Per [Tex. Fam. Code § 263.601 et seq.](#), the court must conduct periodic hearings every six months, and must make specific findings. The court must also maintain jurisdiction over a youth age 18 or older who temporarily leaves foster care for a "trial independence" period. This is so that if/when the youth returns to foster care, the youth (and the State) will not lose eligibility for federal funding. This statutory structure assists the child welfare agency in ensuring federal funding to assist with extended foster care services. Without it, DFPS would not be able to serve many of the youth who leave foster care after turning 18 and later find they need to return to care for additional supports and services while they transition to independence. Extended care also offers support and stable placement for youth pursuing higher education.

B. Trial Independence

"Trial Independence," found in [Tex. Fam. Code § 263.6015](#), allows young adults who voluntarily exit foster care on their 18th birthday or any time prior to their 21st birthday, if in extended foster care, to then decide to voluntarily return to foster care within six months (or within a 12-month period if authorized by a court order) for additional support. The court retaining jurisdiction allows DFPS to draw down federal dollars to help provide services to young adults who exit and later return to care. A young adult who enters or reenters extended foster care after a period of trial independence must complete a new trial independence period upon exiting extended foster care. Each trial independence

period may last no more than one year. [Tex. Fam. Code § 263.6015](#). The Court's extended jurisdiction over the young adult terminates on the last day of the month in which the trial independence ends or upon the young adult's 21st birthday, whichever comes first. [Tex. Fam. Code § 263.602\(f\)](#). The court may, at the request of the young adult, conduct a review hearing and make specific findings, but may not compel the young adult to attend a court hearing. [Tex. Fam. Code § 263.602\(g\)](#).

C. Supervised Independent Living

The Supervised Independent Living (SIL) program allows a youth to live in residential foster care in a more independent setting, including apartments, dorms, and shared housing.⁵² Young adults receive casework and support services to help them become independent and self-sufficient.

If a youth is placed in a SIL program, DFPS does not supervise the youth's living situation or maintain contact unless the youth is receiving transitional living services such as the Transitional Living Allowance and Aftercare Room and Board, Education and Training Voucher, and Aftercare case management.

Through SIL a young adult has:

- **Increased responsibilities**
 - managing finances
 - buying groceries/personal items
 - working with a landlord
- **Transition to independent living**
 - achieving identified education and employment goals
 - accessing community resources
 - experiencing life skills
 - establishing important relationships

Eligibility Requirements for SIL:

- SIL is available for a young adult who is able to:
 - demonstrate a reasonable level of maturity and ability to manage the expectations required in a SIL setting with minimal supervision and case management; and
 - meet eligibility requirements for Extended Foster Care.
- The young adult in a SIL placement must meet the Extended Foster Care eligibility requirements within 30 days of placement.
- A 17-year-old youth in DFPS conservatorship may apply for a SIL placement but is not eligible for placement until the 18th birthday.

SIL settings can include:

- Apartments
- Non-College Dorms
- College Dorms
- Shared Housing
- Host Homes

For more information about SIL settings, see [Types of SIL Settings](#) webpage.⁵³

Requesting a SIL Placement:

- **Step 1:** The young adult discusses SIL with the caseworker. The young adult completes the DFPS a SIL Application and gives to the DFPS caseworker.
- **Step 2:** The DFPS caseworker sends the completed and approved SIL Application to the SIL Coordinator through a mailbox established by DFPS. The SIL Coordinator in the DFPS State Office send the referral to the SIL Contractor(s) that have available openings.
- **Step 3:** The DFPS caseworker discuss the available SIL placement options with the young adult. The young adult has the option to accept a SIL placement in any DFPS Region where a SIL setting has been established.
- **Step 4:** At the young adult's direction, the DFPS caseworker sends the required forms and the SIL application to contracted SIL provider(s).
- **Step 5:** Upon initial acceptance by a SIL provider, the young adult and DFPS caseworker hold discussions with the SIL provider. If the young adult, DFPS caseworker and SIL provider agree on the placement, a placement date is identified, and the placement is completed.

D. Resources**DFPS website:**

- [CPS Policy Handbook §10400](#) - Extended Foster Care for Youth Who are Age 18 or Older⁵⁴
- [Extended Court Jurisdiction Flowchart](#)⁵⁵
- [Extended Foster Care Resource Guide](#)⁵⁶
- [Extended Foster Care](#) webpage⁵⁷
- [Supervised Independent Living](#) webpage⁵⁸
- [Transitional Living Services](#) handout⁵⁹

Texas RioGrande Legal Aid website:

- Texas Foster Youth Justice Project [Legal Resources for Youth Aging out of Foster Care](#)⁶⁰