

**SENATE . . . . . No. 40**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Concerning Foster Youth Who Remain in the Care of the Department of Children and Families after They Attain Eighteen Years of Age..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Whereas, there exists in the Commonwealth a continuing need to provide support and  
2 care to foster youth between the ages of eighteen and twenty-two in order to ensure their  
3 successful entry into adulthood; and

4           Whereas, the Federal Government gave states the option of seeking federal  
5 reimbursement to assist in supporting this population in the Fostering Connections to Success  
6 and Increasing Adoptions Act of 2008; and

7           Whereas, in order to qualify for these federal funds certain technical amendments must be  
8 made to the General Laws;

9           Now, be it enacted by the Senate and House of Representatives in General Court  
10 assembled, and by the authority of the same, as follows:

11 SECTION 1. Section 23 of chapter 119 of the General Laws, as most recently amended  
12 by chapter 176 of the acts of 2008, is hereby amended by striking out subsection (f) and inserting  
13 in place thereof the following subsection:-

14 (f) Notwithstanding anything in section 26 of this chapter to the contrary, the department  
15 shall continue its responsibility as provided in this section for any person who has attained the  
16 age of 18 and is under 22 years of age and who is (1) completing secondary education or a  
17 program leading to an equivalent credential; (2) enrolled in an institution which provides post-  
18 secondary or vocational education; (3) participating in a program or activity designed to  
19 promote, or to remove barriers to, employment; (4) employed at least 80 hours per month; or (5)  
20 incapable of doing any of the activities described in subclauses (1) through (4) due to a medical  
21 condition, which incapability is supported by regularly updated information in the case plan of  
22 the child, provided, however, that the department's continued responsibility for persons who  
23 have attained the age of 18 is contingent upon the express written consent of the person.

24 Notwithstanding any other provision of law, the juvenile court shall retain jurisdiction  
25 under this chapter for persons in the continued care of the department pursuant to this subsection,  
26 including for the purpose of permanency reviews as set forth in section 29B of this chapter.

27 If a child elects to leave the care of the department when he or she attains the age of 18,  
28 then during the 90-day period immediately prior to the date on which a child will attain 18 years  
29 of age, whether during that period foster care maintenance payments are being made on the  
30 child's behalf or the child is receiving benefits or services under section 477 of the Social  
31 Security Act (42 U.S.C. § 677), the department shall provide the child with assistance and  
32 support in developing a transition plan that is personalized at the direction of the child, includes

33 specific options on housing, health insurance, education, local opportunities for mentors and  
34 continuing support services, and work force supports and employment services, and is as detailed  
35 as the child may elect. The juvenile court shall retain jurisdiction until it finds, after a hearing at  
36 which the child is present, that a satisfactory transition plan has been provided for the child.

37         If a child remains under the care of the department upon attaining the age of 18 as  
38 provided in this subsection, then during the 90-day period immediately prior to the date on which  
39 the child leaves the care of the department, or the child's 22nd birthday, whichever comes first,  
40 the department shall provide the child with assistance and support in developing a transition plan  
41 that is personalized at the direction of the child, includes specific options on housing, health  
42 insurance, education, local opportunities for mentors and continuing support services, and work  
43 force supports and employment services, and is as detailed as the child may elect. The juvenile  
44 court shall retain jurisdiction until it finds, after a hearing at which the child is present, that a  
45 satisfactory transition plan has been provided for the child.

46         If a person who has attained the age of 18 leaves the care of the department but requests,  
47 before reaching the age of 22, that the department re-open the person's case, the department shall  
48 make every reasonable attempt to provide a program of support which is acceptable to the person  
49 and which permits the department to renew its responsibility.

50         Nothing in this subsection shall be construed to provide legal custody of a person who  
51 has attained the age of 18 to the department or to otherwise abrogate any other rights that a  
52 person who has attained the age of 18 may have under law by dint of their age.

53           The department shall report annually to the child advocate, chairs of the joint committee  
54 on children, families and persons with disabilities and the senate and house committees on ways  
55 and means on the numbers of persons it serves and declines to serve under this subsection.

56           SECTION 2. This act shall take effect on October 1, 2010.