

Frequently Asked Questions: Re-Entry Services (For Staff)

What if the youth is married?

Each situation will have to be looked at on an individual basis. If the youth is married, the youth has entered into his/her own agreement as an adult to be in a co-care relationship and the intention of the legislation is not to support a spouse. If the youth is residing with a spouse, the youth is not independent. However, there may be a circumstance in which a young person got married but is separated and not living with his/her spouse, thus showing instability, and therefore could potentially be eligible. Re-entry could also impact other assistance the family is receiving as a unit which may be detrimental as a whole.

If re-entry services are not the best path for a youth due to marital status and the circumstances surrounding it, the youth may still receive Chafee aftercare services which are not based on marital status. ([CWM Section 4, Chapter 5.10 - Re-Entry](#))

What if a youth is age 18 or older and has never been in care and wants to be placed in care?

The youth is not eligible for the re-entry program nor is the youth eligible to come into care. The youth must have been in care prior to his or her 18th birthday to meet the definition of re-entry. If a youth is not yet 18 and has never been in care, the youth has the option of coming into care under different legislation but S.B. 205 and S.B. 208 are only for those youth who are age 17-20 and released from care, custody and control (LS-1) of the Children's Division within the last 24 months. ([S.B. 205](#) (2013) and [S.B. 208](#) (2013))

What if a youth is returned under re-entry and then is on run?

Normal case management procedures would be followed. ([CWM Section 4, Chapter 4.9 – Missing Person Report Procedure](#))

What if the youth returned home, can they come back into care under re-entry?

Re-entry is intended for youth who left care for independence or were dismissed due to run status, not for obtaining permanency.

What if the youth wants to live with a roommate?

Sharing a residence with a roommate is permissible in an Independent Living Arrangement. However, the roommate cannot be a parent or parental figure and should not exert any authority over the youth. The living arrangement is made with the understanding of sharing resources and is not a cohabitating situation with a significant other. The roommate must be a contributor to the household expenses and not be dependent on the youth for any needs. ([CWM Section 4, Chapter 5.5 – Independent Living Arrangement](#))

What if the youth has a child?

Having a child would not preclude a youth from coming back into care. If the youth is the custodial parent and the child resides with the youth, the re-entry process remains the same and normal CYAC case management procedures would be followed. ([CWM Section 4, Chapter 4.8 - Children of Youth in Alternative Care](#))

I was wondering what the turnaround time we have been seeing with the Division of Legal Services (DLS) once the referrals have been received in their office and when the petitions are being filed?

If a youth is in need of re-entry, there should be a short turnaround with the filing of the petition. Staff should follow-up with DLS once the paperwork is submitted and inquire as to the assigned attorney and the expected timeframe. Staff should continue to follow-up until a court decision is made. If you feel a response is not timely after speaking with the assigned attorney, follow appropriate chain of command within DLS.

Do we conduct a background check on a youth before he/she returns to care if the youth has resided in another state since being released from care the first time?

Re-entry is meant to be a support for a youth and routinely requiring a background check may indicate otherwise, particularly if there is no knowledge or indication of a criminal history and there were no issues of this nature while the youth was in care. A discussion can be held with the youth prior to coming into care as to the reasons for termination per [CD14-52](#) and Division of Legal Services can also be consulted with.

If the youth is residing in a foster home, as part of the foster parent relicensure, normal policy and procedures would be followed on the quarterly visit regarding background checks of individuals residing in the home over the age of 18. Nothing would be done in regards to a background check until the youth became a family member and was residing in the home, and then only if there was a reason for this in terms of licensing – such as other children in the home. ([CWM Section 6, Chapter 3.5 - Conducting Resource Home Renewal](#))

If we (CD) do not recommend the youth return to care, can the youth go to another party to make the request?

Yes. A youth may file a petition on behalf of his or her self or the Juvenile Officer may file a petition on behalf of the youth. If Children's Division is not recommending the youth return to care and a petition will not be filed by Children's Division on the youth's behalf, Children's Division staff should guide the youth to who they will need to talk to at the Juvenile Office or courthouse. ([Memo CD13-078](#))

If we don't recommend the youth return to care, how is the court involved? Should the decisions be presented to the court for deciding? (CD's opinion vs. the youth's request?)

If after talking to the youth, CD does not recommend the youth come back into care, then the youth can be notified prior to going to court for a petition to be filed what CD's recommendation will be and the reasons why. A youth still has the option of pursuing further on his or her own behalf and may need assistance navigating the system but CD does not have to recommend the youth return to custody. If the youth or Juvenile Officer petitions the court, and CD does not recommend re-entry, a referral should be sent to DLS. The only determination under the law is whether re-entry is in the best interests. It is recommended that CD have a meeting with the youth and the Juvenile Officer (and other relevant parties if appropriate) – prior to deciding whether to file a petition or assisting the Juvenile Office in determining whether they want to file a petition. This would be similar to having an FST with an intact family to determine custody - you would include the Juvenile Officer, a representative of the Court, in the beginning of the process if possible.

What is the role of FCCM agencies?

FCCM's will only become involved if the youth was case managed by an FCCM agency at the time of release. If this is the situation, the case will go back to them once the youth returns to care and will be a new case in the rotation. FCCM's will not be making recommendations to the court on the youth, only CD should do this. In a situation in which a Foster Care Case Management Agency was involved and included in the pre-meeting with the youth, Children's Division shall have the final recommendation. ([Memo CD13-78](#))

Does the youth have to petition the court of original jurisdiction while the youth was in care for re-entry?

No, a petition for re-entry into foster care can be filed:

- In the court that previously exercised jurisdiction
- In the county where the youth resides
- An adjacent county

Does the youth have to return to the previous worker if residing in the same Circuit?

Ideally, the youth would return to the previous case manager unless there are reasons in which this would not be beneficial. In determining this, consideration should be given to what is in the youth’s best interests.

Can the original file be requested if the youth is residing in a new Circuit?

Yes.

What should I do if the youth is homeless?

If a youth is in need of immediate services, a referral for aftercare services should be made, as it may take some time for a petition to be heard in Court (**CWM Section 4, Chapter 11 - Aftercare Program**). A referral may also be made to HUD’s Foster Youth to Independence Voucher Program through the Coordinated Entry System. (**CWM Section 4, Chapter 5.9.1 - Housing Services – Coordinated Entry System**)

What do I do if the youth does not cooperate in the Chafee referral paperwork?

If the youth is returned to Legal Status 1, the aftercare referral should be closed and a referral for Chafee services made. There is a difference between Aftercare and Chafee services. Aftercare services are crisis oriented and are time limited whereas Chafee services are more encompassing and support the youth as long as the youth remains in care.

If there will be a gap in a service the youth needs, such as assistance with food, electricity, etc. this can be addressed in aftercare and transition into Chafee. The youth specific needs should be developed into the transition plan goals (Individualized Action Plan). Part of the youth’s return to care is based on the youth’s cooperation in the tasks outlined in the Individualized Action Plan Goals. (**CWM Section 4, Chapter 5.1 - Mandates and Rationale**)

What do I do for opening a case for re-entry in FACES?

When a youth returns to the custody of the Children’s Division, normal case-opening procedures will be followed. A new case is to be opened in FACES, using the most recent case number. A pop up will appear on the case member screen indicating the youth has a role of child but is over age 18 however the case may be open as this is information only. All case management services the youth would have received had she or he remained in care such as placement, Chafee services, adult support, and clothing allowances may resume. Clothing allowance issuance is based on the return to care date.

Services should be provided by the previous case manager when possible and agreeable to the youth. If the youth was previously case managed by Children’s Division, these case management services are the responsibility of the Children’s Division office where the youth now resides. (**CWM Section 4, Chapter 5.10 - Re-Entry**)

IV-E questions are odd - does the paperwork have to be completed?

The Title IV-E paperwork must be completed. Although the funding for youth over age 18 will come from state funds, policy and procedures for determining eligibility for funding still need to be followed. (**CWM Section 4, Chapter 12.4 - Alternative Care IV-E**)

Does ASFA on the CS-1 apply for permanence?

No, ASFA does not apply as a youth is entering care on their own accord, the reason is not abuse/neglect, and there is not consideration of termination of parental rights. Permanent connections for the youth should continue to be sought. ([CWM Section 4, Chapter 5.1 - Mandates and Rationale](#))

If the youth returns to custody under re-entry legislation and is then released from care, can they come back into care again as a re-entry?

A petition will not be filed by the Children's Division for re-entry if the youth re-entered and then was released from re-entry for any of the following reasons:

- The youth is unwilling or unable to develop, implement, or otherwise cooperate with the implementation of the transition plan
- The youth pleads guilty or is found guilty of any felony, or any misdemeanor in which the youth is sentenced to a period of incarceration
- The youth is committed to the legal custody of any sheriff or the Department of Corrections
- Any other circumstance where the youth fails to cooperate with the Children's Division or the Children's Division does not have services available or the ability to provide services ([Memo CD14-52](#))

Where do we put youth if their previous provider can't (not willing or full) or won't take them?

We have VERY FEW placements that will take teens much less adults. Youth that are seeking re-entry have been living "independently" although unsuccessfully, thus an Independent Living Arrangement or the Transitional Living Program can be considered. ([CWM Section 4, Chapter 5.5 – Independent Living Arrangement](#) and [Section 4, Chapter 5.4 - Transitional Living Program \(TLP\)](#))

What if the youth was dismissed while they were in residential and they have not successfully got to a point in residential to do the step down program then wants back in AC? Where do we safely place that youth? Back in residential?

Children's Division is allowing petitions to be filed on youth aged 17-20 who were released from care within the last 24 months. Some youth will meet the age criteria for residential consequently, given the time span allowing youth to return, however the needs of the youth, resources available to best meet the youth's needs, and where the youth is most likely to succeed after living a couple of years on their own, will all have to be taken into consideration. ([CWM Section 4, Chapter 2.1 - Common Placement Types](#))