

February 22, 2021

Dear Secretary Miller and Deputy Secretary Rubin:

The COVID-19 pandemic has disproportionately impacted young people who are in or have experienced foster care. The disruptions in these youths' access to basic income, continuing their education, safe and stable housing and health care services has been so consequential and urgently needs your attention.

There is, however, a changing dynamic thanks to recent Congressional action. The recent passage of the *Consolidated Appropriations Act, 2021*, which contains H.R. 7947, the *Supporting Foster Youth and Families Through the Pandemic Act*, provides an incredible opportunity to meet the urgent needs of young people while also providing child welfare agencies the increased capacity and funding to do so. The law provides a moratorium on aging out, a requirement for re-entry and \$400 million in Chafee funds, including \$50 million for Education and Training Grants (ETG). Pennsylvania is likely to receive \$12 million in additional Chafee funds and \$1.8 million in additional funds for ETG.

A month and a half has passed since the law's enactment and young people have yet to feel the impact of the law and have their critical needs met through the comprehensive supports outlined in the law. We write to ask that the state take action to lead implementation so that the youth can be provided needed assistance and so that the state is able to expend the newly allocated funds in a timely manner given the short window for action. (September 30, 2021). We make the following requests and recommendations about implementation with the goal of ensuring that young people receive this assistance in the short period of time that the law is in effect:

**1. Identify Eligible Populations Using State Level Data and Provide this Information to the County Child Welfare Agencies for Targeted Planning, Providing Direct Financial Assistance, and Service Delivery.**

- Identify young people who are aging out of foster care between December 27, 2020 and September 30, 2021 and provide this information to the counties.
- Identify young people who aged out of foster care between January 27, 2020 and the present and provide this information to the counties.
- Identify young people who are Chafee eligible pursuant to the Consolidated Appropriations Act and provide this information to the counties.

**2. Immediately Communicate Expectations to the County Child Welfare Agencies.**

- Direct child welfare agencies that state and federal reimbursement percentages will continue to be available to counties for youth who turn 21 during the applicable time period; that counties must continue to provide placement and services to young people who are turning age 21 during the term of the law; and must notify and provide re-entry to all young people who aged out of care between January 27, 2020 and September 30, 2021 unless they decline re-entry.
- Provide instructions on how counties can provide—and receive funding for—placement/living arrangement and services for young people who are age 21 or older through formal foster care arrangements and/or agreements for the provision of placement/living arrangement and services.
- Direct counties to develop housing and placement resources for young people who will extend services and re-enter. Counties should be advised to build capacity consistent with the demand

based on the county's list of eligible young people. Counties should be advised to expand current contracts with providers and utilize the unlicensed supervised independent living setting, which could include providing funds for placement and housing directly to young people, to ensure that safe and stable placements are available for all eligible youth.

3. **Prioritize Direct Payments to Current and Former Foster Youth and Issue Direct Financial Assistance to Young People within Two Months of Receiving the Chafee Supplemental Allocation.**
  - We ask that the State direct counties to provide direct payments to youth currently in foster care and those 18-26 who are no longer in foster care.
  - Provide counties a guide or template to determine an equitable way to set payment amounts that allows counties to respond to the needs of young people in their county while also ensuring that all youth receive the assistance that they need. For example, we recommend that a base payment amount be set for youth in care who have many of their needs met and youth who are out of care and are likely to have more urgent needs, along with several simple criteria for an increased payment, such as being a parenting youth.
  - Direct counties to use the following practices to aid in efficient distribution of the financial assistance:
    - Utilize prepaid cards for fund disbursement as well as other platforms that are young adult friendly.
    - Create fund disbursement policies that provide equitable, low-barrier access to emergency relief, including eliminating means testing and any conditions for use of pandemic funds and streamlining the verification process so that youth are not required to produce burdensome documentation.
    - The State should have the capacity to provide assistance to counties to develop and implement direct financial assistance programs so that all young people across the Commonwealth are able to receive assistance no matter what county they live in.
4. **Take Action to Ensure Young People Know About the Assistance Available through the New Law and Receive Help to Access it by:**
  - **Develop a State Website** that includes information about all aspect of the law and how young people can get assistance.
  - **Develop Outreach and Notification Materials** that counties can use.
  - **Develop, or provide through existing state hotlines or warmlines, a phone number** that young people can call to receive information and help in accessing assistance under the new law.
5. **Maximize the Use of Chafee funds to Pay for the Cost of Meeting the Immediate Needs of Young People During the Pandemic and Recovery.** We strongly recommend that the supplemental Chafee funding be used to provide additional protection and assistance to current and former foster youth during the pandemic as described above and that young people are consistently consulted in the use of the funds.

We look forward to working with you to implement this important law that will bring concrete assistance to young people in Pennsylvania and request a response within in week to let us know the status of implementation efforts.

Respectfully,

Jenny Pokempner, Juvenile Law Center

Frank Cervone, Support Center for Child Advocates

Kara Finck, Practice Professor of Law, Director of Interdisciplinary Child Advocacy Clinic, University of Pennsylvania School of Law

Foster Care Alumni of America—PA Chapter

Scott Hollander, KidsVoice

Lucy Johnston-Walsh, Clinical Professor, Director of Center on Children and the Law, Penn State Dickinson Law

Lara Kash, Child Advocacy Unit Chief, Montgomery County Public Defender

Rachael Miller, Pennsylvania Partnerships for Children

Cathleen Palm, Center for Children's Justice

Doni Shaffer & Marni Gangel, Child Advocacy Unit, Defender Association of Philadelphia