



POLICY GOAL

State law extends foster care services to older foster youth.

To see where your state and others fall on this issue, click on the related survey chart at <https://reportcards.sharedhope.org/related-resources/#3.5>.

FEDERAL LEGISLATION, FUNDING, AND PROGRAMMING recognize that vulnerability among young people can continue long past the age of 18. Youth who age out of foster care at the age of 18 often enter the world with little support. The John H. Chafee Foster Care Program for Successful Transition to Adulthood (as amended by the Bipartisan Budget Act of 2018) provides states with funds to serve transition age youth up to 21 years of age. Additionally, in states that elect to provide such support, this program can extend to youth up to age 23 under the Family First Prevention Service Act (FFPSA). In so doing, states can receive Title IV-E funds to provide financial, housing, counseling, employment, education, and other support services for transition age former foster youth between the ages of 18 and 22.¹ Similarly, under the Justice for Victims of Trafficking Act (amending the Child Abuse Prevention and Treatment Act), states can define the term “child” to include persons under the age of 24, allowing states to extend child abuse prevention and treatment programs to older youth.² Under a Housing and Urban Development (HUD) Program, the Foster Youth to Independence Initiative, youth under 25 with a history of foster care involvement can be eligible for a Tenant Protection Voucher.³ In alignment with these and other pieces of federal legislation, state law should extend child welfare protections and support to transition age youth and encourage the use of federal resources to develop specialized CSEC prevention and intervention services for this population.

According to a Congressional Research Service Report, youth up to age 24 are still transitioning to adulthood due to cultural and economic trends and brain development that extend past adolescence.⁴ According to the Juvenile Law Center, around 20,000 youth “age out” of foster care each year at 18.⁵ Research shows the lack of stability and opportunity during these pivotal years can damage the youth’s healthy development, positive

long-term decision making, and skill-building.⁶ In turn, when youth “age out” unprepared, they not only are faced with personal burdens such as financial instability, lack of education, increased incarceration, and teen pregnancy,⁷ they also place financial limitations on our communities and maintain greater dependence on public benefits.⁸ States that take advantage of Title IV-E and the Chafee program are supporting and allowing their youth to develop healthy relationships, skills, and access resources to become thriving adults while enabling their communities to grow and thrive as well.

Increasing the eligibility age to 23 also allows states to serve youth through the continuum of care and reduce the risk of exploitation to young adults without interruption. Many of the risk factors that lead youth to foster care services include but are not limited to child maltreatment, family instability, exposure to violence in the community, and housing instability. These factors increase one’s risk of experiencing commercial sexual exploitation as a child and further increase the chance that a child will subsequently experience commercial sexual exploitation as a young adult.⁹ Vulnerable youth aging out of the foster care system often still encounter those circumstances which brought them to the system as children, especially those experiencing homelessness, displacement, and involvement with the juvenile justice system.¹⁰ With the abrupt discontinuation of dependable services such as access to public health benefits, health insurance, and supplemental income, these youth encounter additional barriers, including a lack of adult support.¹¹ Further, barring transition age youth from accessing these services and necessary care results in poor outcomes when transitioning to adulthood, as discussed above.¹² In turn, these vulnerable youth, once safely steered from the dangers of commercial sex trafficking, reenter similar dangerous circumstances stripped of resources and support. Therefore, to coordinate the provision of their own basic needs, they are more susceptible to the traps of exploiters. Enhancing stability and support for transition age youth through extended foster care, have been shown to provide long-term benefits to

the youth and provide benefits to the state and cost savings over time.¹³

Because vulnerable young adults face additional barriers that place them at risk of further sexual exploitation, and because many young adults in the commercial sex

trade initially engaged in commercial sex as children, states must continue to mitigate vulnerabilities through extended supports to transition age youth that allow supportive services to continue as youth transition to adulthood.

DRAFTING CONSIDERATIONS:

TO ACCOMPLISH THIS POLICY GOAL, STATE LAW SHOULD...

- ▶ Provide for extended child welfare services up to age 23.
- ▶ Improve protections for child sex trafficking victims entering adulthood by allowing for continued access to specialized services for child sex trafficking victims who are receiving these services through child welfare.
- ▶ Special attention should be given when constructing extended foster care policies to ensure that a continuation of or newly provided services and benefits supports, rather than impedes, a young person's pathway to permanency.

RELATED ISSUES:

- 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.
- 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.
- 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.
- 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.
- 2.9 Juvenile court jurisdiction provides for a developmentally appropriate response.
- 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

SUPPORTING RESOURCES:

- ▶ Bridge to Success blog

1 42 U.S.C § 677(a)(4)

2 P. L. 114-22, Title VIII, § 802(c)(1), (3), codified at 42 U.S.C. § 5106g(b).

3 Tenant Protection Vouchers for Foster Youth to Independence Initiative, PIH Notice 2019-20 (July 26, 2019).

4 Vulnerable Youth: Background and Policies, Cong. Res. Serv., RL33975 (updated Jan. 30, 2018).

5 JUVENILE LAW CENTER, *Extended Foster Care* (2020), <https://jlc.org/foster-care> (last visited Oct. 18, 2023).

6 *Id.*

7 *Id.*

8 *Id.*

9 Vulnerable Youth, *supra* note 4.

10 Juvenile Law Center, *supra* note 5.

11 *Id.*

12 Vulnerable Youth, *supra* note 4.

13 Juvenile Law Center, *supra* note 5.