Agency of Human Services, Department for Children and Families

Proposal to Extend Supports for Children Over 17 Years of Age

In accordance with Act 136 (H. 657) of 2026

Submitted To:
The House Committee on Human Services
The Senate Committee on Health and Welfare

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Introduction

This report has been prepared in accordance with Act 136 (H. 657) of 2026, Section 15:

Sec. 15. PROPOSAL TO EXTEND SUPPORTS FOR CHILDREN OVER 17 YEARS OF AGE On or before November 1, 2026, the Department for Children and Families shall submit a written report, in consultation with the Judicial Branch, to the House Committee on Human Services and to the Senate Committee on Health and Welfare with recommendations for court oversight processes that meet federal requirements to allow access to federal funds for programs that may support youth up to 21 years of age and that ensure sustainable use of judicial resources. The report shall include any recommendations for legislative action.

Summary

Vermont has provided voluntary extended care services to young adults ages 18–23 since 2007. These services help young adults maintain stable housing, access ongoing support, and work toward independence after turning 18. The Family Services Division (FSD) and the Youth Development Program (YDP) provide case management and connect young adults with residential programs, extended foster care, independent living arrangements, and other supports.

Vermont currently funds these services entirely with state funds, even though federal funding may be available for eligible young adults and services. Vermont has historically operated its extended care services outside the federal extended foster care framework, which includes specific eligibility requirements and judicial oversight. Implementing extended foster care under federal rules would create an opportunity to receive federal Title IV-E reimbursement for eligible placement costs, direct services, administration, and staff training.

To access this funding, Vermont would need to make targeted changes to state law and establish a judicial review process for young adults who choose to participate in federally eligible extended foster care. DCF-FSD recommends building on Vermont's existing extended care system rather than creating a separate program. The proposed approach would preserve the voluntary nature of extended care, establish the legal authority needed to meet federal requirements, and allow FSD and the Judiciary to develop operational details through policy and practice.

The Judiciary has indicated that it is likely to have sufficient capacity to conduct the required reviews while the statewide juvenile court position remains in place. FSD estimates that approximately 72 reviews would be needed annually.

Targeted amendments could be made to three statutes:

- 33 V.S.A. § 5102: 02: For purposes of the judicial proceedings provisions applicable to extended care, expand the definition of "child" to include individuals who are 18-21 years of age and eligible for extended care services, and who voluntarily opt to access placement and care.
- 33 V.S.A. § 5103: Clarify the court's authority to retain jurisdiction beyond age 18 for youth participating in voluntary extended care.
- 33 V.S.A. § 4904: Align eligibility provisions with the applicable federal requirements and establish authority for judicial reviews of participating youth.

The initial proposal would establish federally eligible extended foster care through age 21, with the possibility of considering an extension to age 23 in the future. The remaining sections explain the federal requirements, the proposed review process, and the legislative changes needed to implement this approach.

Building on Vermont's Existing Extended Care Model

Since 2007, Vermont has offered voluntary extended care services to youth ages 18–23. The Family Services Division (FSD) and the Youth Development Program (YDP) provide case management and help youth access continued placement support and stable housing through residential programs, extended foster care, and independent living arrangements.

Although federal financial reimbursement is available for eligible services, Vermont's voluntary extended care services are currently funded entirely with state funds. Implementing extended foster care under the federal rules would allow Vermont to access federal Title IV-E reimbursement for eligible youth and services, including placement costs, direct services, administration, and staff training. This could offset state costs while strengthening and sustaining support for older youth.

Changes to state law could allow Vermont to include existing FSD and YDP extended care services in a federally eligible extended foster care program. These services would include FSD Extended Care Agreements (ECAs), YDP's Adult Living Program, and Independent Living Stipends.

Federal requirements include a judicial case review and oversight process for youth ages 18–21 who choose to remain engaged in extended foster care services. Under Vermont's proposed approach, the Judiciary would provide this oversight through brief hearings and a review of case plans.

The Judiciary is not currently involved in Vermont's extended care services, following a determination several years ago that the necessary judicial capacity was not available.

Background and Recommendations for Court Oversight Processes

Background

Under the federal program, a judge must determine within 180 days of a youth entering an ECA whether remaining in foster care is in the youth's best interest. The ECA serves as FSD's aftercare plan. If a youth leaves extended care before the 180-day review is due, a court review is not required. Vermont must also provide permanency reviews at least once every 12 months, when the youth is approximately 19.5 and 20.5 years old.

The Children's Bureau has indicated that most youth in extended foster care are expected to have a permanency goal focused on emancipation or independence. For these youths, the Division's efforts toward that goal would include activities identified in the youth's transition plan and/or case plan. The Children's Bureau has indicated that Vermont may include judicial determinations regarding reasonable efforts as part of its oversight process, with the determination addressing the Division's efforts to prepare the youth for independence. For this population, the youth's individual goals for permanency should be central to the development and approval of the case plan.

The Children's Bureau has noted that states may use different approaches to conduct these reviews, depending on available court resources. Federal law does not require a particular type of hearing, and an authorized member of the judiciary may make the required determinations in accordance with state law. A traditional court hearing is not required. Some states use administrative review processes because they can be more efficient and youth-friendly than traditional court proceedings. **Vermont could** meet federal requirements through a streamlined judicial oversight process without requiring a traditional court hearing.

Recommendations

FSD staff met with the Honorable Judge Howard Kalfus on two occasions to discuss the federal requirements and potential approaches to implementation in Vermont.

Some parts of the proposed framework may require changes to state law. However, FSD anticipates that many operational details can be addressed through administrative policy and practice rather than legislation. This approach would allow Vermont to adjust the process as it gains experience implementing extended foster care under the federal rules.

Based on the joint discussions, the following recommendations were developed:

Judicial Capacity and Oversight

*Section information provided by the Court Administrator and the Chief Superior Judge.

Judge Howard Kalfus is currently in his third rotation in a statewide juvenile court position. He believes that, as long as the statewide juvenile court rotation position continues to exist, there is technically judicial officer capacity to conduct the required reviews with the present number of anticipated cases. This would, however, be to the detriment of the other cases in the juvenile docket that Judge Kalfus would otherwise be scheduled to hear during the time of the review hearings, as noted *infra*. The Court Administrator's Office (CAO) notes that conducting the reviews will also require additional staff resources and will have a budget impact.

Based on an estimated six reviews per month, it is anticipated that 72 reviews would be conducted annually. Judge Kalfus anticipates that approximately two half-days per month would be needed to conduct 30-minute reviews through the initial implementation period. The hearings could be scheduled as remote, with the youth having the ability to request an in-person proceeding at the courthouse in the Unit where the case is pending. The judge would then need to travel to that courthouse for such reviews.

Insofar as judicial capacity is concerned, the CAO observes that judicial capacity to hear reviews will directly impact, and delay, other cases in the juvenile docket. In this regard, if the statewide judge is scheduled to conduct reviews it would take them away from being able to hear other juvenile cases thereby delaying other CHINS cases across the state, including those involving contested merits hearings and termination of parental rights hearings.

The CAO notes that staffing resources are needed to process, schedule, and conduct review proceedings with the judge. As with a judge's time, this would be additional work for staff beyond that which is currently required on a day-to-day basis. To the extent that there would be in-person hearings, that would also give rise to the budget impact due to additional court security officers being needed for the hearings.

The CAO anticipates that there will likely be insufficient resources and judicial capacity in the event that more than 6 reviews per month were required. As such, judicial capacity to conduct the reviews would need to be reassessed annually to assure that adequate resources, including judge time, staffing, and budget funds, are available to sustain reviews. The CAO also observes that an increase in reviews would exacerbate the expected delays that would occur with implementing a review process, as the statewide judge would not be able to be scheduled for other cases as is now the process. Further, if the statewide juvenile court position were discontinued, there would not be judicial capacity to conduct the reviews without exacerbating impacts and delays to other juvenile cases.

There is also precedent for docket clerks facilitating case-management-style permanency reviews, with a judge making the required determinations without a formal hearing unless a matter is contested. This may provide an alternative or supplemental process to consider in an effort to mitigate the demand on judicial capacity. New staff positions would likely need to be approved if this alternative is implemented, since present staffing levels would not be able to accommodate the added work and time.

Forum and Participation

FSD recommends that reviews be:

- Approximately 30 minutes in length and conducted remotely;
- Allow youth to participate from a courthouse conference room if they prefer;
- Attended by the youth, the judicial officer, an FSD representative, the youth's primary caseworker, up to two support people identified by the youth; and
- Include additional FSD or YDP staff with relevant program expertise when needed

The review process should prioritize youth participation and provide a streamlined, developmentally appropriate, and youth-friendly setting.

Case Plan and Review Materials

FSD recommends using an ECA and accompanying case plan specifically designed for youth participating in extended care, rather than relying solely on the existing FSD case plan, which may contain extensive information regarding a youth's prior abuse, neglect, or delinquency history.

The extended care case plan should focus primarily on the youth's current circumstances, goals for independence, and the services and supports needed to achieve those goals.

The Judiciary also identified the importance of providing enough background information to understand the youth's history and the circumstances that led to FSD involvement. The review process should give the judicial officer relevant background information without including or reviewing unnecessary details from the youth's past.

At a minimum, the case plan and judicial review should address:

- Participation: The review date, who attended, and other relevant participation information.
- Need for services: The circumstances or needs that support the youth's continued participation in extended care.

- Progress toward goals: The youth's progress toward their identified goals.
- Services and evidence: The services provided and documentation of progress or barriers.
- Judicial findings: Clear yes-or-no findings addressing the determinations required by federal law and regulation.

The case plan and review process should meet federal requirements while keeping the focus on the youth's individual goals, continued participation, and preparation for independence.

Recommendations for Legislative Action

To establish a Vermont framework for federally eligible extended foster care, DCF-FSD recommends making targeted changes to existing law rather than creating a separate statutory structure for extended care. These changes would establish the authority needed for judicial oversight while preserving the voluntary nature of extended care. Specific operational details could then be addressed through policy and practice.

33 V.S.A. § 5102 - Definitions

Amend the definition of "child" to include youth who are participating in voluntary extended care under 33 V.S.A. § 4904, for purposes of the judicial proceedings provisions applicable to extended care. The statute should identify the applicable age range, with 21 recommended as the initial maximum age for federally eligible extended foster care, with considerations in the future to extend to age 23.

33 V.S.A. § 5103 - Jurisdiction

Clarify that the court's jurisdiction may extend beyond age 18 for youth participating in voluntary extended care, consistent with the statutory authority established for extended care and the applicable federal requirements.

33 V.S.A. § 4904 - Extended Care Services

Amend the existing voluntary extended care statute to:

- Update § 4904(a)(2) which presently provides eligibility for youth who were in the custody of the Department for Children and Families at age 18, or for at least five years between 10 and 18 years of age, to align with Chafee Foster Care Program eligibility as defined [custody after age 14 (or age 16 if exited to adoption or permanent guardianship)]. This would support the ability for YDP services to join with federally eligible extended care and to potentially reduce gaps between state and federal eligibility criteria.

Establish a judicial review process for youth participating in extended care, including:

- Require an initial review within 180 days of the youth entering into a voluntary ECA and subsequent reviews at least every 12 months;
- Require DCF-FSD to provide a written report to the court regarding services provided under the agreement;
- Authorize the court to determine whether continued voluntary placement and care is in the best interests of the youth; and
- Permit the review to be conducted by an administrative body appointed or approved by the court, consistent with federal requirements.

The statutory language should be drafted to align with federal Title IV-E requirements while providing sufficient flexibility to establish the specific review process through policy and practice.

Legislative and Policy Roles

The legislation should establish the authority and framework necessary to meet federal requirements without prescribing every aspect of implementation. FSD and the Judiciary anticipate that many of the specific decisions regarding the structure and operation of the review process are more appropriately addressed through policy, court procedures, and interagency practice. This will allow the process to be refined as Vermont gains experience with federally eligible extended foster care and as federal requirements evolve.

Conclusion

Based on the Division's review of federal requirements and consultation with the Judicial Branch, FSD recommends establishing a streamlined judicial oversight process for youth who voluntarily participate in federally eligible extended foster care through age 21. The proposed process would provide the judicial determinations required under federal law while prioritizing youth participation, focusing reviews on the youth's current circumstances and goals, and making efficient use of judicial resources.