



CHILDREN'S LAW CENTER
OF MASSACHUSETTS

TEENS LEAVING FOSTER CARE:

A Guide to Your Rights if you turn 18 while in Foster Care

or

If you were in Foster Care when you turned 18

**Children's Law Center of Massachusetts
298 Union Street
Lynn, MA 01901
(781) 581-1977
Toll free- 1-888-KIDLAW8**

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**If you have questions about the material in this packet
or
if you want help please contact**

Children's Law Center of Massachusetts
298 Union Street
Lynn, MA 01901

Tel: (781) 581-1977
Fax: (781) 598-9364
Toll Free Telephone: 1-888-KIDLAW8

**If you are in DSS custody and do not know who your attorney is
contact the agency in charge of court-appointed attorneys:**

CPCS, Children and Family Law Program
44 Bromfield Street
Boston, Massachusetts 02108

Tel: (617) 482-6212
Fax: (617) 988-8455

1. If I am in DSS custody and will turn 18 soon, what rights do I have?

DSS must give you **90 Days Notice** that it will be closing your case and discharging you from DSS Custody. This notice must be in writing, and DSS must send this written notice to your caregiver (foster parent, group home, etc.). This notice must include what is called a detailed Independent Living Discharge/Case Closing Plan. This plan must include a plan for how you will find:

- Safe and appropriate housing
- A job or source of income
- Access to community resources like health insurance, doctors, dentists, counseling, recreational, educational, vocational, day care and legal services

If you have less than 90 days left until you turn 18, and you haven't seen this notice or plan, ask your social worker, foster parent, guardian, or residential home director to show it to you. If they don't have a copy, ask your attorney to help get you one.

DSS cannot discharge you from their custody unless you have a plan with appropriate and stable housing.

Appropriate housing includes apartments, shared apartments, small boarding homes, room and board arrangements, and housing with relatives, friends and former foster parents. It DOES NOT include shelters, hotels/motels or homes that fail to meet governmental health and building code standards.

Stable housing means that the housing should remain accessible to you for at least one year after you are discharged from DSS custody.

Information taken from Draft DSS Policy #85-011(R) – Appendix B

2. Will I still have a lawyer to help me after I turn 18?

No! When you turn 18, your court case is dismissed, and your court appointed attorney no longer represents you. That is why it is important to talk to your attorney before you turn 18. If you have less than 90 days left until you turn 18, and you haven't seen your discharge plan, ask your attorney to help you get a copy. If your discharge plan does not provide you with appropriate and stable housing, ask your attorney to make sure that DSS provides you with appropriate and stable housing for when you turn 18.

3. Can I still receive DSS services after my 18th birthday?

Yes! You may hear your DSS worker or lawyer say that you can “sign yourself in to DSS custody” after you turn 18. However, after you are 18, you are an adult and cannot be considered “in DSS custody.” What this means is that you can voluntarily apply for continuing services from DSS for after you turn 18. If you meet all of the Department’s requirements, you should be accepted for voluntary services.

4. How does DSS decide if I can still get services after I turn 18?

- The decision to serve you after your 18th birthday is based on (1) your educational and other needs, (2) whether you agree to work with DSS, and (3) whether services are available. (110 Code of Massachusetts Regulations 8.02)
- This means generally that you must be:
 - Enrolled in and attending high school, college, a vocational training program or a certificate program; and
 - Completing the tasks on your service plan, including meeting with a DSS caseworker regularly.

5. If the Area Director does accept my application to continue services after I turn 18, what services will I receive?

Depending on your situation, you could receive:

- A place to live. Depending on your situation this could be: a foster home, scattered site housing, your own apartment, a group home, residential, or independent living program;
- Health Insurance (MassHealth);
- Money for an apartment of your own, or food;
- Continued referrals for services such as counseling and job training;
- Help applying and paying for college, a vocational or certificate program

6. How do these services work? Does DSS just give me a check to pay for housing and food?

That depends on your situation. In many cases, DSS continues to pay your foster parents a daily amount so that you can remain in your current placement. If you are living in a group home or other situation, DSS could keep paying for that. DSS also could help you find a new place to live such as an independent living program, scattered site housing, an apartment, or group home. If you have demonstrated financial responsibility, DSS may decide to pay you the money directly. You must then use that money to pay for rent, food, and other necessary items.

7. How do I apply for these services?

The Area Director of your DSS office makes the decisions about whether you can continue to receive services from DSS. You need to write a letter to the Area Director before you turn 18, asking him/her to approve continuing services for you. You should tell the Area Director what your goals are and why you think these services will help you.

8. Who can help me to learn more about the services I can get and help me to apply?

- Your social worker
 - You should be meeting with your DSS caseworker at least once per month. Ask him/her about these services.
- Your Lawyer
 - If you were placed in DSS custody through the court, and still have an open court case, you should have an attorney assigned to you. Ask your attorney to help you get these services.
- A DSS Adolescent Outreach worker
 - Every DSS office has an Adolescent Outreach Worker whose job it is to work with young adults who are in your situation. It is their job to help you find the services that you will need. These workers can help you learn what services are available to you. There is a listing of DSS local area offices at the back of this brochure. Call your local DSS office and ask to be connected to the Adolescent Outreach Worker for that office.

9. What if I apply for continuing services but the Area Director does not approve my request?

You have a right to written notice from DSS if the DSS Area Director denies your request for continuing services (110 Code of Massachusetts Regulations 8.01). You should have an answer before you turn eighteen.

You also have a right to file a Fair Hearing for DSS terminating your services. (110 Code of Massachusetts Regulations 10.06(3).) Ask your lawyer to help you file this appeal. If you think that the DSS Area Director's decision to deny you services was unfair, your lawyer also may be able to go to juvenile court to ask the judge to decide if DSS made the right decision. This would have to happen before you turn eighteen.

10. I don't want to get ongoing services from DSS after I turn 18, but I think I will need some help. Is there any way that I can get help after I turn 18 without applying for ongoing services?

Yes! DSS has some great programs to help kids just like you. Each DSS office has an Adolescent Outreach Worker. This person works with you to find the services you need, even if you will not be in DSS custody after you turn 18. **You do not have to be in DSS custody or to apply for continuing services to receive these services.** You do not have to sign a DSS service plan to receive their help. You will have to work cooperatively with the Adolescent Outreach Worker. But, as long as you were in DSS custody when you turned 18, you are eligible for the Adolescent Outreach Worker's help.

There is a list of local DSS offices at the end of this pamphlet. Ask your social worker to get an Adolescent Outreach Worker assigned to you, or call your local DSS office and ask to be connected to the Adolescent Outreach Worker for that office.

11. What can the Adolescent Outreach Worker help me with?

Even if you are not applying for ongoing case services, an Adolescent Outreach Worker can help you get into the Discharge Support Program. You are eligible for these services up until your 21st birthday. The Discharge Support Program can provide you with:

- Up to \$1500 to cover first months rent, security deposit, utilities, or household items for an apartment
- Help from an Outreach Worker to find a job, housing, health care and other services that you may need
- Help applying and paying for college, vocational or a certificate program

Information from http://www.nrcys.ou.edu/NRCYD/State_Pages_f/state_ma.htm

12. I'm over 18 and on my own, but I was in DSS custody when I turned 18. Can I get any help from DSS now?

Yes! You also are eligible for the **Discharge Support Program**. You are eligible for this program until your 21st birthday. The Discharge Support Program is run by the DSS Adolescent Outreach Workers. Adolescent Outreach Workers are different from DSS caseworkers. You **do not** have to be in DSS custody to receive help through the Discharge Support Program. You **do not** have to follow a DSS service plan to receive help through this program. The Discharge Support Program can provide you with:

- Up to \$1500 to cover first months rent, security deposit, utilities, or household items for an apartment
- Help from an Outreach Worker in finding a job, housing, health care and other services that you may need
- Help paying for college, vocational training or a certificate program

Information from http://www.nrcys.ou.edu/NRCYD/State_Pages_f/state_ma.htm

DSS also should consider an application for continuing services from you even if you did not sign up for continuing services when you first turned 18. If you call DSS and you are told that it is too late to apply for services, please call the Children's Law Center (toll free 1-888-KIDLAW8) for help in trying to get services.

13. Will the Adolescent Outreach Worker just give me \$1500 for housing?

No. If you are eligible for the Discharge Support Program, you must have a plan that the worker believes will work for you to be able to support yourself in your new housing situation. This means that you must have a job or some kind of income so that you can continue to pay rent. The worker may give you the money for first and last month's rent, or may give it directly to your landlord. The Outreach Worker will also may want to check out your housing to make sure that it is safe.

Information from http://www.nrcys.ou.edu/NRCYD/State_Pages_f/state_ma.htm and a phone conversation with Lisa Chuillo (617) 748-2421 at the DSS

14. How do I get help from the Discharge Support Program?

Contact the Adolescent Outreach Worker at your local DSS office. It is his/her job to assist you. There is a list of DSS local offices at the end of this brochure. Call your local DSS office and ask to be connected to the Adolescent Outreach Worker for that office. Tell the Outreach worker that you were in DSS custody when you turned 18, and that you now need help finding a job, housing, or other services.

15. I was in DSS Custody through a Care and Protection Petition (not a CHINS). Are there scholarships or educational vouchers available to help me?

Yes! You may be eligible for **The Foster Child Tuition Waiver Program**, the **Foster Child Grant Program**, **Educational and Training Voucher Program (ETV)**, and/or other scholarships or grants. The Adolescent Outreach Worker can help you apply for these programs.

The Foster Child Tuition Waiver Program

This program provides free tuition to foster children who *attend Massachusetts public colleges and universities*. To be eligible you must:

- Be a current or former foster child who was placed in the custody of the state through a Care and Protection petition.
- Be twenty-four years of age or under.
- Have been in state custody for at least twelve consecutive months.
- Not have been adopted nor returned home (guardianship included).

- Be a United States citizen or eligible non-citizen.
- Maintain full-time enrollment in the school program.
- Be registered for the military draft if you are required to do so.
- Be up to date on any other student loans or refunds of financial aid.
- Not have received a bachelor's degree or its equivalent in the past.

The Foster Child Tuition Waiver Program only covers tuition; it does not cover room, board, insurance, and other fees. You may however, apply for other grants to assist you with these costs. These programs include:

Foster Child Grant Program

The most you can get per school year is \$6,000 for eligible students who are *enrolled in public institutions or private non-profit or private for profit institutions*. To qualify you must meet the following conditions:

- You are a permanent legal resident of MA
- You are a US citizen or non-citizen eligible under Title IV regulations
- You were placed in the custody of DSS through a Care and Protection Petition
- You are not over the age of 24
- If you are over 18, you signed a voluntary placement agreement with DSS
- You are enrolled full time (12 credits or its equivalent)
- You have applied for financial aid, using the standard Free Application for Federal Student Aid (FAFSA)
- You have registered for the military draft if you are required to do so.
- You are up to date on any federal or state student loans for attendance at any institution or owe a refund for any previous financial aid received and
- You are in good standing and meet the institution's requirements for satisfactory academic progress

Educational and Training Voucher Program (ETV)

This program provides up to \$5000 per academic year for *post high school educational or vocational training programs*, including colleges and trade schools and related costs of attendance (tuitions, fees, room and board, books, transportation, day care) as defined in the Higher Education Act of 1965. To qualify you must meet the following conditions:

- You were adopted after attaining age 16; **or**
- You were in DSS custody (any type) until age 18, unable to return home and you have not yet reached age 23

Information taken from the Massachusetts Department of Social Services College Scholarship Guide 2004

16. I was in DSS custody through a CHINS petition. Are there any scholarships or educational vouchers available to help me?

Yes! You also may be eligible for the **Educational and Training Voucher Program (ETV)**.

This program provides up to \$5000 per academic year for *post secondary educational or vocational training programs*, including colleges and trade schools and related costs of attendance (tuitions, fees, room and board, books, transportation, day care) as defined in the Higher Education Act of 1965. To qualify you must meet the following conditions:

- You were adopted after turning age 16; **or**
- You were in DSS custody (any type) until age 18, unable to return home and you have not yet reached age 23

Information taken from the Massachusetts Department of Social Services College Scholarship Guide 2004

17. Are there any other scholarships available to me?

Yes! There are many scholarships, grants, and other aid from private sources available to help you pay for your education. DSS has compiled a book listing many of the scholarships available to you. Ask your DSS worker, Adolescent Outreach Worker, or contact DSS at the address or phone number below and ask them for a copy of their most recent **College Scholarship Guide**.

Department of Social Services
24 Farnsworth Street
Boston, MA 02210
(617) 748-2232

You also can get information about financial aid programs for Massachusetts residents at the Massachusetts Office of Student Financial Assistance at 617-727-9420 and online at <http://www.osfa.mass.edu/default.asp>

18. What if I haven't graduated from high school by the time I turn 18, can I still go to school?

Yes. Generally, you have a right to attend the public schools in the town where you live. If you move around a lot and do not have a permanent address, you still have a right to attend school. This is true even if you are living in a shelter, in an abandoned building, on the street, or in inadequate housing. If your family won't let you live with them, if you have chosen to leave home, or if you are doubled up with friends or relatives, you also still have a right to go to school. In all these situations, you have a right to attend the school you were attending when you last had stable housing. This right to attend school generally lasts until your 22nd birthday or until you get a high school diploma whichever

comes first. (There may be situations where you can go to school even if you are over 22 years old.)

If you are in one of the living situations described above and you are being denied the right to go to school, or if you are being told that you should go to night school or get your GED, that you are too old to go to school, that you have been expelled or excluded from school, or if you are being denied your right to go to school because you have a baby, you should contact the Children's Law Center of Massachusetts (free call 1-888-KIDLAW8) to see if we can help you get back into school.

19. Am I eligible for any public health insurance like MassHealth?

So long as you meet the financial requirements, you are eligible to receive MassHealth coverage until you turn 19. **However, your health care coverage will not continue after you turn 18 unless you fill out an application.**

Ask your social worker to help you fill out the application, or to obtain an application on your own, you can call the MassHealth Enrollment Center at 1-888-665-9993 (TTY: 1-888-665-9997 for the deaf and hard of hearing). MassHealth will send you an information booklet, application form, and any supplements you might need. The enrollment center can also answer questions you have about applying for MassHealth.

You can also visit your local community health center (CHC) and talk to a MassHealth benefits advisor. The benefits advisor will answer your questions and help you with the application. To find a community health center near you, call the Massachusetts League of Community Health Centers Patient Referral Line at 1-800-475-8455.

20. If I live on my own or with roommates and have no children, am I eligible for any money from welfare?

If you do not have children of your own, and you are financially eligible, you may be eligible for Emergency Aid to Elders, Disabled, and Children (EAEDC) if:

- If you are a full-time student between the ages of 18 and 21 attending a high-school or vocational or technical program (but not a college tech or vocational program), or
- You are disabled from a condition that will last at least 60 days and which substantially reduces your capacity to work, or
- You are participating in a Mass. Rehabilitation Commission program, or
- You are caring for someone who is disabled

To be eligible as a full-time student you must be “regularly attending” school. Regularly attending school means that you have attended school at least 80% of the elapsed days for

the school year. Note, you can apply for benefits in the summer, but you will have to show that you were regularly attending school in the last school year.

Note that the amount you can receive from EAEDC is very low. It ranges from about \$90 per month for a homeless person, to \$330 per month for a person who must pay for shelter. Remember that if you work, the income you earn will be counted to figure out if you will be financially eligible.

21. If I am a Teen Parent, can I get any money from welfare?

If you are a teen parent, you may be eligible for Transitional Assistance to Families with Dependent Children (TAFDC) if you meet school attendance and living arrangement rules.

School attendance rules: Unless you have good cause, you must be

- Be within 60 days of your 20th birthday;
- a high school graduate or have obtained your GED; or
- attending school full-time; or
- living in a group home for teens and meeting the home rules; or
- attending a GED program combined with other volunteer or educational activities for 20 or more hours per week.

In certain situations you also may have to participate in the welfare department's employment development program.

Note: these requirements may not apply if you have problems obtaining child care or transportation, if you are on a waiting list for a program that will open within 60 days, or if there are no educational activities for you to attend, if it is summer.

Living arrangement rules: If you are under 18, the welfare department (DTA) may make you live in a teen living program unless you

- Live with one or both of your parents, or
- Live with an adult age 20 or older who is related to you or your baby (but not the baby's other parent if you are not married); or
- Live with a legal guardian; or
- Live with an approved foster parent; or
- Are 17 and a DTA teen specialist says you can live on your own; or
- Will turn 18 within 60 days; or
- Live with your spouse, if you are married; or
- Are a graduate of a DSS independent living program.

If you are 18 or 19 years old you can live on your own so long as you meet the school attendance rules.

Note: The rules can be very complicated and you may fall within an exception. If you think you may be eligible, you should always apply for benefits. If you apply and are

denied, you should receive a notice that will give you information about getting legal assistance to figure out if the decision to deny you benefits was fair.

22. Am I eligible for Food Stamps?

You may be. There are specific rules for the Food Stamp program, but they are different than the rules for welfare. If you are financially eligible and meet other requirements you can get Food Stamps. Because the program requirements are different, you may be eligible for Food Stamps even if you are not eligible for cash welfare benefits (you can make more money on Food Stamps than welfare.) You apply for Food Stamps at your local welfare office.

Phone Numbers for local DSS Offices

Western Massachusetts:

Western Regional Office
1537 Main Street, 2nd Floor
Springfield, MA 01103
(413) 452-3350

Pittsfield Area Office
53 Eagle Street, 2nd Floor
Pittsfield, MA 01201
(413) 236-1800

Greenfield Area Office
One Arch Place, 1st Floor
Greenfield, MA 01301
(413) 775-5000

Northampton Social Service Center
1 Prince Street
Northampton, MA 01060
(413) 584-1698

Holyoke Area Office
261 High Street
Holyoke, MA 01040
(413) 493-2600

Robert Van Wart Center
112 Industry Avenue
Springfield, MA 01104
(413) 205-0500

Springfield Area Office
1537 Main Street, 4th Floor
Springfield, MA 01103
(413) 452-3200

Central Massachusetts:

Central Regional Office
340 Main Street, Suite 720

Worcester, MA 01608
(508) 929-2130

North Central Area Office
215 Hamilton Street
Leominster, MA 01453
(978) 466-1500

South Central/Blackstone
Valley Area Office
185 Church Street
Whitinsville, MA 01588
(508) 234-1000

Worcester Area Office
340 Main Street, Suite 525
Worcester, MA 01608
(508) 929-2000

Northeastern Massachusetts:

Northeast Regional Office
Everett Mills
15 Union Street, 2nd Floor
Lawrence, MA 01840
(978) 557-2700

Lowell Area Office
33 East Merrimack Street
Lowell, MA 01852
(978) 275-6800

Lawrence Area Office
Everett Mills
15 Union St., 2nd Floor
Lawrence, MA 01840
(978) 557-2500

Haverhill/Cape Ann Area Office
3 Ferry Street
Bradford, MA 01835
(978) 469-8800

Cape Ann Area Office
45 Congress Street, Building 4
Salem, MA 01970
(978) 825-3800

Lynn Area Office
20 Wheeler Street
Lynn, MA 01902
(781) 477-1600

Metro Massachusetts:

Metro Regional Office
30 Mystic Street
Arlington, MA 02474
(781) 641-8500

Malden Area Office
22 Pleasant Street
Malden, MA 02148
(781) 388-7100

Framingham Area Office
63 Fountain Street
Framingham, MA 01702
(508) 424-0100

Cambridge/Somerville Area Office
810 Memorial Drive
Cambridge, MA 02139
(617) 520-8700

Arlington Area Office
30 Mystic Street
Arlington, MA 02474
(781) 641-8500

Coastal Area Office
541 Main Street
South Weymouth, MA 02190
(781) 682-0800

Southeastern Massachusetts:

Southeast Regional Office
141 Main Street
Brockton, MA 02401
(508) 894-3700

Attleboro Area Office
67 Mechanic Street
Attleboro, MA 02703
(508) 431-9500

Brockton Area Office
110 Mulberry Street
Brockton, MA 02302
(508) 894-3700

Fall River Area Office
1567 North Main Street
Fall River, MA 02720
(508) 235-9800

New Bedford Area Office
100 North Front Street
New Bedford, MA 02740
(508) 910-1000

Cape & Islands/Plymouth Area Office
32 Commercial Street
South Yarmouth, MA 02664
(508) 760-0200

Plymouth Area Office
61 Industrial Park Road
Plymouth, MA 02360
(508) 732-6200

Boston Area:

Boston Regional Office
The Esquire Building
50 Park Street
Dorchester, MA 02122
(617) 822-4700

Hyde Park Area Office
1530 River Street
Hyde Park, MA 02136
(617) 360-2500

Dimock Street Area Office
30 Dimock Street
Roxbury, MA 02119
(617) 989-2800

Park Street Area Office
The Esquire Building
50 Park Street
Dorchester, MA 02122
(617) 822-4700

Harbor Area Office
45 Spruce Street
Chelsea, MA 02150
(617) 660-3400