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POLICY 614 – Extended Jurisdiction Petition and Hearings

A. POLICY

Youth aging out of foster care may choose continuing judicial oversight to facilitate their successful transition to adulthood.

In accordance with Del. C. Title 10 §929, the purpose of extended jurisdiction (EJ) is to enable youth who are provided developmentally appropriate, comprehensive independent living services from age 14 to 21 to assist with their successful transition into adulthood under the John H. Chafee Independence Act (P.L. 106-169) or the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), and other relevant services, to have a legal mechanism for Family Court review of the appropriateness of such services. EJ may continue until the youth attains 21 years of age.

B. PROCEDURES

1. EJ is voluntary and not dependent on receiving IL services, or a condition of receiving IL services.
2. The youth, with the support of their attorney, could file a petition for EJ at the time they attain 18 years of age, or any time thereafter.
3. Reviews will occur as often as needed but must occur at least annually.
4. Prior to each review, notice of the EJ review shall be provided by the Department of Services to Children, Youth and Their Families to any contracted providers serving the youth. At each review, the Court shall, at a minimum, evaluate the youth’s independent living services, regarding:
 - a) Financial stability;
 - b) Housing;
 - c) Medical benefits, including access to health care and other public benefits;
 - d) Employment and training;
 - e) Education; and
 - f) Community and individual connections to help support the youth.
5. The DFS caseworker does not attend EJ review as the independent living contracted provider will be a witness in the review to report on the youths’ engagement in IL services with the guidance of the department’s Deputy Attorney General.

C. FOCUS

No FOCUS functionality

D. FORMS

None