

**260C.451 FOSTER CARE BENEFITS TO AGE 21.**

Subdivision 1. **Notification of benefits.** Within the six months prior to the child's 18th birthday, the local agency shall advise any child in foster care under this chapter, the child's parents or legal guardian, if any, and the child's foster parents of the availability of benefits of the foster care program up to age 21.

Subd. 2. **Independent living plan.** Upon the request of any child receiving foster care benefits immediately prior to the child's 18th birthday and who is in foster care at the time of the request, the local agency shall, in conjunction with the child and other appropriate parties, update the independent living plan required under section 260C.212, subdivision 1, paragraph (c), clause (11), related to the child's employment, vocational, educational, social, or maturational needs. The agency shall provide continued services and foster care for the child including those services that are necessary to implement the independent living plan.

Subd. 3. **Eligibility.** A child already in foster care may continue in foster care past age 18. The child must meet at least one of the following conditions to be considered eligible to continue in foster care to age 21. The child must be:

- (1) completing secondary education or a program leading to an equivalent credential;
- (2) enrolled in an institution which provides postsecondary or vocational education;
- (3) participating in a program or activity designed to promote or remove barriers to employment;
- (4) employed for at least 80 hours per month; or
- (5) incapable of doing any of the activities described in clauses (1) to (4) due to a medical condition.

Subd. 4. **Foster care benefits.** For children between the ages of 18 and 21, "foster care benefits" means payment for those foster care settings defined in section 260C.007, subdivision 18. Additionally, foster care benefits means payment for a supervised setting in which a child may live independently.

Subd. 5. **Permanent decision.** The particular foster care setting, including supervised settings, shall be selected based on the best interest of the child consistent with section 260C.212, subdivision 2. Supervision in approved settings must be determined by an individual determination of the child's needs by the responsible social services agency and consistent with section 260C.212, subdivision 4a.

Subd. 6. **Individual plan to age 21.** Upon request of an individual between the ages of 18 and 21 who, within six months of the individual's 18th birthday, had been under the guardianship of the commissioner and who has left foster care, the responsible social services agency which had been the commissioner's agent for purposes of the guardianship shall develop with the individual a plan related to the individual's vocational, educational, social, or maturational needs. The agency shall provide foster care with maintenance and counseling benefits as required to implement the plan. The agency shall enter into a voluntary placement agreement with the individual if the plan includes foster care.

Subd. 7. **Jurisdiction.** Notwithstanding that the court retains jurisdiction pursuant to this section, individuals in foster care pursuant to this section are adults for all purposes except the continued provision of foster care. Any order establishing guardianship under section 260C.325,

any legal custody order under section 260C.201, subdivision 1, and any order for legal custody associated with an order for long-term foster care under section 260C.201, subdivision 11, terminates on the child's 18th birthday.

**History:** *1999 c 139 art 3 s 48; 2010 c 269 art 3 s 9; 2010 c 301 art 3 s 9*