

## CONTINUUM OF CARE

### **POLICY GOAL:** State law extends child welfare protections to transition age youth.

**Federal legislation, funding and programming recognize that vulnerability among young people can continue long past the age of 18.** Under the John H. Chafee Foster Care Program for Successful Transition to Adulthood (as amended by the Bipartisan Budget Act of 2018), states can receive funds to provide financial, housing, counseling, employment, education, and other support services to former foster care youth who are between 18 and 23 years old (if the state certifies that it will serve youth of that age).<sup>1</sup> 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 receive funding for child abuse prevention and treatment programs for older youth.<sup>2</sup> Under a Housing and Urban Development (HUD) Program, the Foster Youth to Independence Initiative, youth under the age of 25 who have been involved in foster care can be eligible for a Tenant Protection Voucher.<sup>3</sup> 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 that have extended adolescence.<sup>4</sup> Brain science also demonstrates the growth and development that continues during this pivotal period, presenting challenges in exercising the same judgement and decision-making skills as adults. Vulnerable

youth, including those experiencing homeless or displacement and those involved with the juvenile justice system and/or foster care system, can experience additional barriers and poor outcomes when transitioning to adulthood.<sup>5</sup> Such barriers include, but are not limited to, losing access to public benefits, health insurance, and supplemental income upon turning 18.<sup>6</sup> Transition age youth are often barred from accessing services and care that was once available to them as children and, as a result, are left to coordinate the provision of their own basic needs with little support. Many of the risk factors that lead to poor outcomes for transition age youth, such as child maltreatment, family instability, exposure to violence in the community, and housing instability, both increase one’s risk of experiencing commercial sexual exploitation as a child and increase the risk that a person will subsequently be commercially sexually exploited in young adulthood.<sup>7</sup> Enhancing stability and support for transition age youth through extended child welfare programs, such as extended foster care, have been shown to not only provide long-term benefits to the youth but also provide benefits to the state and cost savings over time.<sup>8</sup>

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 were coerced into commercial sex as children, it is important that states mitigate vulnerabilities by extending eligibility of the support and services for child sex trafficking and commercially sexually exploited children to transition age youth.

## **DRAFTING CONSIDERATIONS:** *To accomplish this policy goal, state law should...*

- ▶ Provide for extended child welfare services up to age 24.
- ▶ Provide for extended juvenile court jurisdiction.
- ▶ Provide for extended non-criminalization up to 24 while facilitating access to specialized services to all transition age youth involved in the commercial sex industry.

## **RELATED ISSUES:**

- 2.5** State law prohibits the criminalization of minors under 18 for prostitution offenses.
- 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 extends to all minors under 18 charged with a law violation.
- 3.1** State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

## **SUPPORTING RESOURCES:**

- ▶ [Bridge to Success blog](#)

<sup>1</sup> 42 U.S.C. § 677(a)(4).

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

<sup>3</sup> Tenant Protection Vouchers for Foster Youth to Independence Initiative, PIH Notice 2019-20 (July 26, 2019). As of January 2020, HUD extended funding to four housing authorities to support the issuance of such vouchers. *See HUD Awards Nearly \$500,000 to Public Housing Authorities to Help Young People Aging Out of Foster Care*, HUD Pub. Affairs, HUD No. 20-004, [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_20\\_004](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_004) (last visited Jan. 14, 2020).

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

<sup>5</sup> *Id.* at 5.

<sup>6</sup> *Id.*

<sup>7</sup> *See id.* (describing the various risk factors that lead to poor outcomes during transition to adulthood); *see also* DR. VANESSA BOUCHÉ, THORN, SURVIVOR INSIGHTS: THE ROLE OF TECHNOLOGY IN DOMESTIC MINOR SEX TRAFFICKING 52 (2018) (noting that many victims of domestic minor sex trafficking had numerous adverse childhood experiences, including abuse, neglect, and involvement in the foster care system, that made them vulnerable to traffickers).

<sup>8</sup> JUVENILE LAW CENTER, *Extended Foster Care* (2020) <https://jlc.org/issues/extended-foster-care> (last visited Nov. 16, 2020).