

2007

What You Should Know Before You Leave the System

Dale Margolin Cecka

University of Richmond, dcecka@richmond.edu

Follow this and additional works at: <http://scholarship.richmond.edu/law-faculty-publications>



Part of the [Family Law Commons](#)

Recommended Citation

Dale Margolin Cecka, *What You Should Know Before You Leave the System*, Represent Magazine, January 2007, at 1.

This Article is brought to you for free and open access by the School of Law at UR Scholarship Repository. It has been accepted for inclusion in Law Faculty Publications by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.



feature story

[youthcomm.org](#)

This story copyright © by Youth Communication and may not be reprinted without written permission. For reprint information [contact us](#).

[Main](#)

[About Youth Communication](#)

[New Youth Connections](#)

[Represent](#)

[Books By Youth Communication](#)

[Teacher Resources](#)

What you should know before you leave the system.

By Dale Margolin

Sign up for our Free Email Newsletter

GO

Discharging young people from foster care with no place to go, no source of income, and no health insurance is not just wrong—it's illegal.

Although every state's laws are different, all states have an obligation to make sure you are able to live on your own before forcing you to leave the foster care system.

In New York, you can remain in foster care until you are 21. However, once you turn 18, you must agree to remain in care by either signing an agreement or telling the judge in court that you want to stay in care.

You cannot "sign out" of foster care by simply signing a piece of paper. According to a new law, you cannot be discharged from care unless the judge approves it. The judge can only discharge you if you have a stable place to live and a way of supporting yourself.

Choosing to Leave Care

So, what do you do if you are over 18 and want to leave care? You should contact your lawyer immediately. Your lawyer will discuss your plan with you. At your next court date, you and/or your lawyer can present this plan to the judge, and if he or she approves it, you will be discharged.

If you are discharged from foster care before you turn 21, you will automatically be placed on "trial discharge" for the first six months. That means that the agency still has to help you if need it, with things like public assistance, day care, or referrals for other services.

Most importantly, if you become homeless while on trial discharge, the agency must place you back into care if you want. You can also extend your trial discharge (and the right to get help from your agency) until you're 21. Make sure to tell your lawyer if you want it to do this.

Your Housing Rights

Before you leave foster care, your agency has an obligation to help you find a permanent place to live. In New York City, you are entitled to apply for two housing programs before you leave foster care: public housing and Section 8 (which provides a voucher to rent an apartment). Your agency is supposed to help you apply for these programs, so ask your caseworker about it. You can also apply yourself by going to the Administration for Children's Services' (ACS) housing office at 150 William Street in Manhattan.

In New York City you can also receive a housing subsidy from ACS of \$300/month from the age of 18 to 21, if you find your own apartment and the landlord agrees to accept the subsidy. If you do not leave foster care until you are 21, you can still receive a grant from ACS of \$1,800 to pay for furniture, and another grant of \$1,800 to pay for a security deposit and moving fees.

Health Care and a Job

Before you can be discharged from foster care, the agency must help you find employment. If you do not have a job, you can apply for public assistance 30-45 days before you leave care. You can and should also apply for food stamps, even if you have a job.

In New York, your Medicaid health insurance will still be valid for four months after you leave care. Your agency has to make sure of this, so it is important that you bring it up with your caseworker and lawyer before you age out. During the four months after you leave care, you must re-apply for Medicaid, which you can do at any public hospital.

Education and Connections

In addition to housing, income, and health insurance, the agency is also supposed to make sure you have begun, and hopefully reached, some of your educational goals by the time you leave foster care. This includes referring you to school or training programs and tutoring.

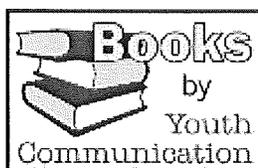
As a young person who has been in foster care, you are eligible to receive an "Educational Training Voucher" (ETV), which is up to \$5,000 a year for college or vocational programs. You can receive this money until you are 23, as long as you apply for the first time before turning 21. You must fill out the application yourself at: www.statevoucher.org.

The last major obligation of the agency is to make sure you have significant connections to adults. The agency should be helping you develop these relationships while you are still in care. As with everything else, make sure to discuss this with your caseworker and lawyer, and bring it up to the judge if you attend your court dates.

Dale Margolin, Esq. teaches at the Child Advocacy Clinic at St. John's Law School.

New York law regarding discharge from foster care is similar to that of other states. To find out the specifics of your state's laws, or if you feel that you are not being treated properly, contact your lawyer, caseworker, CASA worker, and/or these people's supervisors. If you have access to the internet, you can also find information about your state's laws and how to advocate for yourself at:
www.pbs.org/wnet/agingout/resources.html

[\(back to top\)](#)



About our books

Stories from *Represent* have been anthologized in several books by Youth Communication. [The Heart Knows Something Different](#) (Persea Books, 1996) is a collection of personal essays first published in *FCYU*; in addition, [The Struggle to Be Strong: True Stories By Teens About Resilience](#) (Free Spirit, 2000), [Things Get Hectic: Teens Write About the Violence That Surrounds Them](#) (Simon & Schuster, 1998) and [Out With It: Gay and Straight Teens Write About Homosexuality](#) (Youth Communication, 1996) feature stories from *Represent*, as well as from *New Youth Connections* (NYC), our other teen-written magazine.

[Main](#) | [About Us](#) | [NYC](#) | [Represent](#) | [Books](#) | [Teacher Resources](#) | [E-mail](#)

Youth Communication/NY Center, Inc. 224 W. 29th St., New York, NY 10001—212-279-0708, FAX: 212-279-8856
© 2002-2008 youthcomm.org