



To: Texas Judges Who Hear CPS Cases

From: The Honorable Robin Sage and The Honorable Dean Rucker,
Jurists in Residence, Supreme Court Children's Commission

Date: November 30, 2015

RE: Extended Health Care Benefits for Former Foster Youth

Recent news articles have been published about former foster youth losing their health insurance. The Patient Protection and Affordable Care Act (PPACA), commonly called the Affordable Care Act (ACA), requires states to provide Medicaid coverage to youth and young adults under age 26 who were in foster care and were receiving Medicaid when they aged out of foster care. It has been reported that former foster youth who are eligible for health insurance are being denied coverage when it comes time to renew their benefits. Despite the training HHSC eligibility staff has received, they may be unfamiliar with the former foster youth Medicaid program, perhaps in part because it serves a small population. The result is that former foster youth are being denied critical healthcare benefits.

Q: Who is eligible?

A: Young adults who were under the conservatorship of the Texas Department of Family and Protective Services (DFPS) upon attaining the age of 18, **were receiving Medicaid at the time they left foster care**, are U.S. citizens or have qualified alien status such as a green card, and live in Texas. Also, youth who are in extended foster care after 18 are eligible for the same health benefits as foster youth under 18.

Q: How long does the coverage last?

A: Healthcare coverage is available through the last day of the month the former foster youth turns 26.

Q. What if a young adult aged out of foster care but did not have Medicaid when they aged out?

A: Young adults who were under the conservatorship of DFPS when turning 18, but were not receiving Medicaid at the time they left foster care, perhaps because they were incarcerated, are eligible for coverage until last day of the month of their 21st birthday. After they turn 21, they are not eligible for coverage as a former foster youth. There are also additional requirements related to citizenship, income, and Texas residency for this population.

Q: Does a former foster youth need to do anything to keep their coverage in place?

A. It is critical that former foster youth keep their mailing address updated and respond to annual renewal forms sent out by HHSC. If a young adult fails to respond to the renewal notice, coverage will end and the young adult will have to reapply, which can be complicated. It is also at this point when young adults are most likely to be misinformed about their eligibility.

Q: Where can I get more information about health care benefits for current and former foster youth?

A: Link to the Children's Commission's CPS Bench Book to learn more about medical care: http://benchbook.texaschildrenscommission.gov/library_item/gov.texaschildrenscommission.benchbook/125. Also, link to <http://texasfosteryouth.org/blog/?wpdmdl=571>, published by the Texas Foster Youth Justice Project for a detailed explanation of how post foster care health benefits work, including how to update an address. The Texas Foster Youth Justice Project can provide free legal assistance to aged out young adults who apply for former foster youth insurance and are denied. Link to <http://texasfosteryouth.org/contact/> for more information.