



TEXAS
Department of Family
and Protective Services

Trial Independence and Return Before Turning 21 Resource Guide

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Resource Guides

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides *does not substitute for policy*. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

Per [4222.2](#) Re-Allowing Placement:

If the caseworker learns of a detailed justification for changing the status of and considering placements in a foster family that is on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.

Trial Independence

See [10500](#) Trial Independence and Return for Extended Foster Care.

Overview

By law, a young adult who leaves DFPS care at the age of 18 and a young adult who participates in Extended Foster Care but subsequently leaves Extended Foster Care will have a trial independence period of six months. However, a court may order (and DFPS will request) a trial independence period of up to 12 months.

Questions about trial independence and return for Extended Foster Care may be directed to [PAL staff](#), the [regional re-entry staff](#) for the region, or the [DFPS Extended Foster Care mailbox](#).

Specifics

“Trial independence” (TI) is a concept introduced by federal law and incorporated into Texas law.

Texas Family Code [Chapter 263](#), Subchapter G

Trial independence permits a young adult to leave Extended Foster Care and live independently without losing foster care eligibility.

For a comparison of TI and a temporary absence see [10424](#) Temporary Absences From Extended Foster Care.

By law, a young adult who leaves DFPS care at the age of 18 and a young adult who participates in Extended Foster Care but subsequently leaves Extended Foster Care will have a trial independence period of six months. However, a court may order (and DFPS will request) a trial independence period of up to 12 months. DFPS must file motions with the court to inform the court that the trial independence period has started and to request court approval for a 12 month trial independence period. See [5611](#) Actions Required by the Caseworker for All Youth Aging Out of DFPS Conservatorship for details.

During a TI Period

The *SUB REG* stage is kept open in IMPACT. There are no casework activities required while a young adult is on TI, unless the young adult requests assistance besides what the Preparation for Adult Living (PAL) staff can provide (see CPS Handbook section [10000](#)), and DFPS determines that the request is appropriate for the circumstance.

Such requested assistance could include providing copies of documents (state ID, immunization record, etc.) from the young adult's case file; making suggestions for food assistance, medical/medication assistance, transportation and housing and providing limited transportation to an event if relevant to the situation.

This is a time for the young adults to be working at meeting their needs on their own and with family and community supports. The young adult can use PAL services, Education and Training Voucher (ETV) benefits and transitional Medicaid support during this time. Courts are not required to conduct court reviews during a TI period, and if a hearing is held, the court cannot compel a young adult to attend.

Texas Family Code [§263.602\(g\)](#)

For a youth on runaway status before turning 18 but still in DFPS conservatorship when turning 18, the TI period starts on the day of the youth's 18th birthday, not the date the runaway status began.

A young adult may have more than one TI period. If a young adult returns to extended foster care during a TI period and later leaves extended foster care before turning 21, the young adult will begin a new TI period of at least six months, which can again last for up to 12 months if ordered by the court. There is no limit to the number of TI periods that a young adult may have until turning 21; however, repeated exits and returns may hinder DFPS's ability to locate appropriate placement options for the young adult.

If young adults are considering returning for Extended Foster Care, DFPS staff should encourage them to return during the trial independence period if possible, as this allows maximum funding for the program.

If a young adult does not return and enter a foster care placement before the TI period ends, the *SUB REG* stage is closed.

IMPACT Documentation for Trial Independence

The caseworker follows the directions in [Form 2050](#) IMPACT Documentation of Trial Independence.

Return for Extended Foster Care

Overview

A young adult who was in DFPS managing conservatorship when turning 18 may return for Extended Foster Care at any time prior to the month before the young adult's 21st birthday.

DFPS Rules, 40 TAC §700.346(e)

Returning During or After a Trial Independence Period

IV-E Eligibility

The department's ability to use federal funding (IV-E Eligibility) can be affected based on whether the young adult returns to Extended Foster Care *before* or *after* a trial independence period has ended. An IV-E eligible young adult who returns *before* the TI period ends remains IV-E eligible, while an IV-E eligible young adult who returns *after* the TI period has ended loses IV-E eligibility. DFPS's ability to preserve federal funding is integral to the Extended Foster Care program, which is why DFPS requests that TI lasts for 12 months.

IMPACT

In addition, whether a young adult returns during a TI period or after it expires affects the way information is documented in IMPACT, and whether court hearings will take place every six months as otherwise required in Extended Foster Care.

If a young adult returns to Extended Foster Care and is placed in a foster care placement during a TI period, casework activity continues in the open *SUB REG* stage in IMPACT. See [10440](#) Casework Activity for Young Adults in Extended Foster Care.

If the young adult returns after the TI period has ended, a case related special request (*CRSR*) intake is created because the *SUB REG* stage was closed when the young adult did not return during the TI period. If a *SUB C-RC* stage results, the foster care eligibility can only be state paid.

If for some reason the *SUB REG* stage is still open after a young adult does not return during a TI period but now wants to return, the *SUB REG* stage is closed so that the *SUB RC* stage can be used.

A young adult may return and have a child or children placed with them if an available placement can be found. See [10520](#) Return for Extended Foster Care.

Staff Roles and Responsibilities in the Return Process

See [10530](#) Roles and Responsibilities of Staff Helping a Young Adult Return for Extended Foster Care and its sub items.

A young adult who is wanting to or considering a return from trial independence for Extended Foster Care may start the process by contacting:

- his or her previous CPS caseworker or CPS caseworker's unit;
- PAL staff;
- Statewide Intake; or
- other DFPS staff.

PAL Staff

Inquiries or referrals about young adults who want to return for Extended Foster Care should be directed to the lead [PAL staff](#) in the region where the young adult lives.

The PAL staff:

- prescreen the young adult for eligibility for returning to Extended Foster Care;
- start the return process;
- refer the case to the assigned regional re-entry liaison; and
- follow up and coordinate with the assigned re-entry unit staff.

Prescreen

For this process, PAL staff:

- conducts a phone or face-to-face meeting with the young adult and explain the requirements a young adult must meet when returning for Extended Foster Care;
- determines whether the young adult is eligible to return for Extended Foster Care (see [10522](#) Acceptance Criteria for Return to Extended Foster Care);
- obtains additional PAL services, if eligible;
- checks the *Legal Status* in IMPACT to verify that the youth was in DFPS managing conservatorship the day before the youth turned 18;
- checks the *Legal Action* in IMPACT to verify whether the trial independence period has ended or not;
- establishes if there are convictions or central registry findings since leaving care that would affect placements in Extended Foster Care; and
- coordinates with the Child Placement Unit to verify placement availability or to secure a placement.

If the young adult requires immediate assistance, PAL or re-entry staff:

- refers the young adult to appropriate resources outside of DFPS; and
- documents in IMPACT the referrals made for immediate assistance.

If Eligible to Proceed

If the young adult agrees to and can meet the requirements for returning for Extended Foster Care discussed in [10420 Qualifying for Extended Foster Care](#), and there is an available placement, PAL staff takes the following steps in IMPACT:

- If the trial independence period has not ended:
 - continue documentation in the open *SUB REG* stage;
 - identify the CVS worker and supervisor of the *SUB REG* stage in IMPACT; and
 - contact the [regional re-entry staff](#).
- If the trial independence period has ended:
 - open a new case by entering a Casework Related Special Request (CRSR) for Intake Return-to- Care Services (INT C-RC stage) in IMPACT;
 - assign the stage to the designated [regional re-entry staff](#) where the young adult is living; and
 - add the young adult to the new case, using the Relate function and the young adult's original Person ID.
- Fill out what can be completed on [Form 2563 Return for Extended Foster Care Checklist](#)

The PAL staff contacts the regional re-entry liaison for approval to proceed.

End the Return Process if Young Adult Not Eligible to Proceed

If the young adult does not meet the requirements for returning for Extended Foster Care, or decides not to proceed with returning, the PAL staff:

- notifies the young adult and the referral source about the decision;
- refers the young adult to other appropriate outside resources; and
- documents their work and the decision in [Form 2563 Return for Extended Foster Care Checklist](#) and in IMPACT under *Contacts* in the open PAL stage.

Regional Re-Entry Liaisons

For a list of Re-Entry Liaisons see

https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Transitional_Living/Extended_Foster_Care/Re-entry_Liaisons.asp

The regional re-entry liaison:

- evaluates the referral for the young adult wanting to return for Extended Foster Care.
- verifies the young adult's legal region (the region where DFPS was granted conservatorship).
- talks with the conservatorship (CVS) supervisor for the *SUB REG* stage, if the trial independence period has not ended, to determine if that unit should serve as the unit re-entry staff. In most situations this would be the preference since the legal court file is still open until the trial independence period ends. If more than one region is involved, consults with the other region's Re-Entry Liaison for assistance as needed:
 - if so, the unit takes over responsibility for the case and the regional re-entry staff sends.
 - the worker any notes taken on this referral; if not, the regional re-entry liaison determines the most appropriate unit to handle the re-entry process, according to regional protocols, including consulting with the Program Administrator(s) as needed and communicating with the unit supervisor. If multiple regions are involved, consults with the other region's Re-Entry Liaison as needed.
 - once a CVS caseworker is identified, the regional re-entry liaison makes arrangements with the CVS unit that currently has the *SUB REG* stage to make the identified worker a secondary caseworker on the *SUB REG* stage until a final decision is made on who should become the primary worker for the *SUB REG* stage.
- If the trial independence period has ended, determines the most appropriate unit to handle the re-entry process, according to regional protocols, including consulting with the Program Administrator(s) as needed and communicating with the unit supervisor. If appropriate, assign the previous caseworker. If multiple regions are involved, the Re-entry liaison consults with the other region's Re-Entry Liaison as needed.
- arranges for the PAL Lead to create the *CRSR INT RC stage and assign to the unit supervisor. If placement has been found, stage progress to the SUB C-RC stage.*
- requests that the CVS caseworker follow up with the child placement unit if a placement has not already been identified.

Receiving Conservatorship Worker

Review

Once the return is approved, the receiving caseworker:

- reviews the referral documentation for the return to Extended Foster Care, including the [Form 2563](#)
- Return for Extended Foster Care Checklist;
- reviews the young adult's case in IMPACT;
- reviews the paper records, including the transition plan;
- coordinates with the child placement unit and secures a placement in the region the young adult is residing in, if appropriate and if a placement has not already been identified; and
- consults with the regional program director to obtain approval to proceed with returning the young adult to care.

The caseworker may also re-verify the pre-screening eligibility criteria and run checks to determine if there are convictions or central registry findings that would affect finding placements in Extended Foster Care.

Approval of Re-Entry

Per [10533](#) Conservatorship (CVS) Caseworker:

The caseworker must:

- ensure that the young adult signs (or resigns) [Form 2540](#) Voluntary Extended Foster Care Agreement (VEFCA);
- continue documentation in the open *SUB REG* stage if returning during a trial independence period, or casework-related special request (*CRSR*) case if returning after the trial independence period has ended. If a *CRSR* case is being used, progress the *CRSR* from the Intake Return to Care (*INT C- RC*) stage to the Subcare Return to Care (*SUB C-CR*) stage in IMPACT upon securing a placement;
- complete all pre-placement and placement activities;
- complete all post-placement activities and documentation and send required documentation to the foster care eligibility specialist; and
- ensure that [Form 2563](#) Return for Extended Foster Care Checklist is completed and filed in the young adult's case record.

If the current primary worker of the *SUB* stage's role is ending, the CVS supervisor must make arrangements to have the *SUB REG* stage transferred to the unit that will be handling the *SUB REG* stage going forward.

Ongoing Casework

The ongoing caseworker provides Extended Foster Care services as described in [10400](#) Extended Foster Care for Youth Who Are 18 or Older.

Special Circumstances

Requesting Young Adult Lives Outside of Legal Region

PAL staff verifies the young adult's previous legal region (the region where DFPS was granted conservatorship) and determines if the young adult wants to return to that region or wants to stay in the current region where he or she is living.

Once this is determined, the regional re-entry liaison contacts the appropriate regional re-entry liaison in the legal region to coordinate the young adult's return to Extended Foster Care.

A Local Permanency staff may be the young adult's assigned caseworker if the young adult wants to continue living outside of the young adult's previous legal region.

When Immediate Assistance is Needed

If the young adult requires immediate assistance, PAL or re-entry staff:

- refers the young adult to appropriate resources outside of DFPS; and
- documents in IMPACT the referrals made for immediate assistance.

Young Adults with Children

Per [10520](#) Return for Extended Foster Care:

A young adult may return for Extended Foster Care with a child. Unless DFPS is granted conservatorship of the young adult's child, DFPS does not provide the young adult's child with foster care Medicaid. However, DFPS may pay for foster care placement for the young adult's child if the young adult and child reside in the same placement. The young adult is responsible for applying with HHSC to obtain Medicaid coverage for the child.

Returning During College Breaks and Holidays

Young adults not in Extended Foster Care who are attending college or a vocational or technical program are eligible to return to Extended Foster Care during semester breaks for at least one month but no more than four months.

If the young adult returns to Extended Foster Care during a semester break from college or vocational or technical program and plans to return to Extended Foster Care during the next semester break, the caseworker leaves the *SUB REG* stage open for the trial independence period, or leaves the Return to Care (*SUB C-RC*) stage open if being used, but shows the foster care placement has ended. When the young adult returns for Extended Foster Care during the break and obtains a placement, the new placement is recorded in the open *SUB* stage.

The eligibility specialist also adds a new eligibility each time the young adult returns to Extended Foster Care and puts an end date for the eligibility each time the young adult leaves care.

When young adults return to the foster home or foster care facility for weekends or breaks during the semester, these are considered visits and not foster care placements.

Providing Support after Return

Revising the Transition Plan

Per [10542](#) Revising the Transition Plan:

The caseworker must assist the young adult in reviewing and revising the transition plan within 30 days of the placement.

The caseworker must review the plan with the young adult to ensure it includes:

- a description of the activities the young adult will be participating in and other activities which will help the young adult prepare for the transition from foster care to independent living;
- long-term housing options, health insurance, education goals, local mentoring opportunities, employment, and continuing support services;
- updated personal information in the young adult's health and education records originally provided to the young adult when leaving care; and
- the young adult's necessary personal documents. The caseworker identifies how missing documents will be obtained.

The transition plan may be as detailed as the young adult determines. The caseworker must conduct a face-to-face assessment with the young adult to determine if the plan is achievable and discuss areas of concern or the need for additional information.