

**Department of Human Resources  
Social Services Administration  
311 West Saratoga Street  
Baltimore, Maryland 21201**

**DATE:** March 1, 2011

**POLICY #:** SSA# 11- 20

**TO:** Local Departments of Social Services Directors,  
Assistant Directors, and Out of Home Placement  
Supervisors, Social Services Finance Officers

**FROM:** **Carnitra White, Executive Director**   
Social Services Administration

**RE:** **Maryland Youth Transition Plan – Health Care Agent  
Supplements SSA Policy Directives 10-06 and 10-13**

**PROGRAM AFFECTED:** Out of Home Placement Services

**ORGINATION OFFICE:** Out of Home Placement

**ACTION REQUIRED OF:** All Child Welfare Services Staff

**REQUIRED ACTION:** Incorporation into Youth Transition Planning

**ACTION DUE DATE:** Effective Immediately

**CONTACT PERSON:** **Deborah Ramelmeier**  
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## **Purpose**

The purpose of this Policy Directive is to amend Social Services Administration Policy Directives #10-06 and #10-13 regarding the youth's option to appoint a Health Care Agent.

## **Background**

The Fostering Connections To Success and Increasing Adoptions Act of 2008 (Act), in part, broadens service delivery to older youth by extending IV-E eligibility up to age 21 for IV-E eligible youth who meet certain criteria as of October 2010. The Act also requires that all states assist and support a youth in developing a transition plan as the youth ages out of out-of-home placement.

One area highlighted by the Act is the importance of health care planning for the transitioning or exiting youth. The Act requires that the state discuss the importance of appointing a person to make health care decisions if the youth is incapacitated. In the State of Maryland, such a person is called a Health Care Agent.

The following passages amend the policies and documents indicated to include discussion of the importance of appointing a health care agent, and inclusion of said discussion and the option to appoint a health care agent as part of the transitional planning process.

### **I.**

#### **SSA Policy Directive #10-06:**

#### **Exit Policy for Youth 18 Years and Older; Reentry Policy for Youth – 18 years up to age 21**

Social Services Administration Policy Directive #10-06 (SSA 10-06) details the Youth Exit Policy for youth 18 years and older and Re-entry for youth 18 to 21 years of age. Part of the policy includes instructions for transitional planning for youth. The section on the Transition Plan (page 3 of 8) is amended as follows:

*B. A transition plan shall be developed during the 90 day period immediately prior to the date of rescission – 42.U.S.C.675 (5) (H).*

1. *The plan shall be developed by the child, any representatives of the child as appropriate and the caseworker.*
2. *The plan shall be personalized at the direction of the child and may be as detailed as the child elects.*
3. *The plan shall include specifics on:*
  - a. *Housing;*
  - b. *Health insurance;*
  - c. *Education;*

- d. *Local opportunities for mentors and continuing support services;*
- e. *Work force supports and employment services; and*
- f. ***The importance of designating a health care agent and information on how to exercise the option to execute a health care agent appointment that designates another individual to make health care treatment decisions if the youth becomes incapacitated.***

*No youth may be transitioned to homelessness. The youth shall sign the transition plan and receive a copy along with the FIM minutes. A copy of the plan shall be sent to the youth's attorney.*

## **II.**

### **SSA Policy Directive #10-13**

#### **Transitional Planning for Youth - Benchmarks**

Social Services Administration Policy Directive #10-13 details benchmarks for local departments in the transitional planning for youth. The policy directive is amended on page 5 of 7 as follows:

Benchmark: Health/Mental Health

Age 17/18

New bullet

- **Youth shall be provided with information that shall assist him/her in understanding the importance of designating a health care agent and information on how to exercise the option to execute a health care agent appointment that designates another individual to make health care treatment decisions if the youth becomes incapacitated.**

## **III.**

### **Maryland Youth Transition Plan Documentation**

The Maryland Youth Transition Plan document has a page specifically dedicated to Health. This Health page has a section on the Health Care Agent. The caseworker, when developing the transition plan with the youth should:

1. Describe a Health Care Agent and discuss the importance of appointing someone to make health care decisions should the youth become incapacitated;
2. Provide the youth with a copy of the Advance Directive for Selecting a Health Care Agent – <http://www.oag.state.md.us/Healthpol/infosheet.pdf>; and
3. Document on the Transition Plan that the discussion took place and that the youth received a copy of the Advance Directive.