MINNESOTA
OFFICE OF THE FOSTER
YOUTH OMBUDSPERSON

March 17, 2026

Re: SF3970, HF4217 | Modifying Eligibility for Extended Foster Care and Increased Access to Medical Assistance

Dear Chairs and Members of the Committee:

In September, our office shared a memo regarding both the value and gaps in practices of Transfers of Permanent and Legal Physical Custody (TPLPC). We have included that memo here, in case it is helpful as you consider strengthening services for youth who have experienced a TPLPC.

As stated in the memo, OOFY supports changes that protect foster youth's relationships with relatives and kin. We also support services that help transition-age youth and youth with disabilities gain stability and independence—through medical assistance (MA), housing supports, case management services, and other services being considered.

We support the efforts being made in SF3970, HF4217 but do have suggestions for areas that would benefit from clarification.

1. Defining youth who have experienced a TPLPC as "foster youth."
    a. Minnesota statutes already have at least three slightly different definitions of foster care (Chapters 260C, 260B and 260D, and 260.63). This leads to confusion regarding who exactly is a foster youth, and what programs and services they are entitled to.
    b. Even with the changes made in this bill, there are still significant differences between youth who age out of foster care and youth who have a TPLPC (see memo).
    c. The messaging to young people themselves would be confusing—their relative may be made "permanent" guardian (until 18 years of age) at which point they may re-enter "foster care" (EFC).
2. EFC is intended for young people who age out of care, recognizing that youth who continue to experience some instability and age out of foster care near-universally need additional supports as they transition to adulthood.

We know that no matter how older youth leave foster care (adoption, reunification, TPLPC), they also need additional support after they turn 18. This is particularly true when those youth obtain permanency at older ages. TPLPCs have many benefits, including preserving some rights for biological parents and supporting homes with relatives.

As stated in our Sept. memo, TPLPC and adoption are presented as largely equal permanency options. However, the differences in protections and services are not commonly understood. While this bill's effort is looking to eliminate some of those gaps, it is OOFY's perspective that TPLPCs need additional changes to 1) provide clarity regarding the differences of TPLPC and other outcomes, and 2) ensure that TPLPCs are the right pathway.

Letter of Support

If permanency options like TPLPC, adoption, or reunification fail, especially close to or soon after age 18, we need better solutions to ensure those young people can receive the support and protection they deserve. In some regards, agencies are incentivized to have youth who are 17½ reach permanency and not age out of foster care; what are the safeguards to ensure that, if that decision is a TPLPC, it is the right solution? For adoption, youth age 14+ provide their legal consent, and Adoption Placement Agreements, along with other documents, are formally reviewed by the Department of Children, Youth, and Families (DCYF) as part of adoption finalization. These steps are lacking for TPLPC.

It makes sense for youth who experience a TPLPC to be eligible for a program similar to Extended Foster Care. And we know now that even for young people who are currently eligible for EFC, it is underutilized in Minnesota[1]. While nationally, 24% of youth in care at age 18 continued in EFC through their 19th birthday, only 10% of Minnesota foster youth continued in EFC by age 19[2].

Similarly, we appreciate this bill's efforts to remedy the gaps in access to Medical Assistance for youth who experience a TPLPC vs. those who age out or are adopted. This is an important issue that needs a solution. We suggest exploration of whether changes can be made to Minnesota's criteria for the "former foster youth" category for MA eligibility, to include youth who experience a TPLPC close to age 18, without adding an additional competing definition of foster care.

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In summary, OOFY supports changes to program eligibility that will provide better supports to youth who have a TPLPC or receive disability services. However, we would urge the legislature to be mindful of decisions that 1) further contribute to confusion about who is considered a "foster youth" and 2) the real imbalances that already exist within these programs.

Sincerely,

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[1] Flannigan, A., Rosenberg, R., Sanders, M., Downing, K., Ball, J., & Ibarra, A. (2025). *Experiences in Minnesota's Extended Foster Care Program.* Child Trends.
[2] The Annie E. Casey Foundation. (2023). *2023 Minnesota profile: Transition-age youth in foster care.* aecf-fosteringyouth-stateprofile-MN.pdf