

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1036

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: Independent Living

DATE: March 29, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Cibula	JU	Pre-meeting
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1036 authorizes young adults in foster care who did not reach permanency before 18 years of age to remain in care until 21 years of age. The bill also provides eligibility criteria to remain in care, allows a young adult to leave and reenter care anytime before reaching 21 years of age, and requires young adults who are in care to reside in supervised living arrangements. The bill requires the Department of Children and Families and community-based providers to develop a transition plan. The bill also requires continuation of case management, service delivery, and judicial review for young adults remaining in care.

The bill provides requirements and expectations for foster parents, group home parents and providers, the department, the community-based care lead agencies and their providers. The bill also requires adequate training and support for foster parents and inclusion in a full and equal respectful partnership with other participants in the child welfare system. Under this bill, group home staff must meet the same training, background and other screening requirements as foster parents. The bill codifies the board rate for foster parents and provides for an annual cost of living increase. The bill also transfers the responsibility of providing independent living skills for children 13-17 years of age to foster and group home parents, eliminates the need to contract for those services, and relieves caseworkers from some responsibilities associated with independent living services for 13-17 year olds. Provisions related to normalcy and the reasonable and prudent parent standard are also contained in the bill.

The bill restructures the Road-to-Independence (RTI) Program, providing financial assistance to young adults attending eligible postsecondary institutions. The bill provides for aftercare services for young adults who leave care and for an appeals process. The bill enables young adults currently receiving independent living transition services to continue in the existing program

until eligibility expires. The bill provides for portability of services and support for children and young adults who relocate within the state, provides collaboration between the Department of Children and Families (DCF or department) and colleges and universities for an educational support program, and creates a new budget category for independent living expenditures.

This bill substantially amends the following sections of the Florida Statutes: 39.013, 39.701, 409.145, 409.1451, 409.175, and 409.903. This bill creates sections 39.6035 and 39.6251, Florida Statutes.

II. Present Situation:

Independent Living (IL) Program

Background

Each year, thousands of children leave state dependency care systems because they turn 18 years of age and are no longer eligible for care. Since the early 1980's, research and anecdotal evidence indicates that many of these young adults experience numerous difficulties in their attempts to achieve self-sufficiency. When compared to young adults with no exposure to the child welfare system, young adults who were formerly in care are less likely to earn a high school diploma or GED and subsequently, have lower rates of college attendance.¹ They suffer more from mental health problems; have a higher rate of involvement with the criminal justice system; and are more likely to have a difficult time achieving financial independence. These young adults have a higher need for public assistance and are more likely to experience housing instability, including homelessness.²

As of December 2012, in Florida, 5,288 youth ages 13 through 17 in licensed foster care were eligible for independent living services and 1,386, 1,304 and 1,181 children aged out of care in FY 2009/2010, 2010/2011, and 2011/2012, respectively.³ While attention to their needs has increased significantly in the last decade, services intended to help prepare them to live independently upon aging out of the system remain inadequate.

Federal Law

John H. Chafee Foster Care Independence Program

The federal government responded to the needs of children who age out of care by enacting the Foster Care Independence Act of 1999 (Chafee Act).⁴ The Chafee Act provides states with flexible funding to design and conduct programs to serve children who are likely to remain in foster care until age 18, children who have reached 16 years of age and have left foster care for

¹ Courtney, M.A. and D. H. Heuring, ON YOUR OWN WITHOUT A NET: THE TRANSITION TO ADULTHOOD FOR VULNERABLE POPULATIONS, 33-34 (2007).

² *Id.* at 36-40.

³ Information supplied by the Department of Children and Families. Dec. 21, 2013.

⁴ Pub. Law No. 106-169, 113 Stat. 1822 (1999). Federal funds for independent living initiatives were first made available under the Consolidated Omnibus Budget Reconciliation Act of 1985.

kinship guardianship or adoption and young adults ages 18-21 who have “aged out” of the foster care system.⁵

The Chafee Act eliminated age restrictions, allowing states to offer independent living services to children younger than age 16.⁶ The Chafee Act grants wide discretion to the states, allowing them to set their own criteria for children in care to receive services.⁷ However, states must use objective criteria in determining eligibility for benefits and services under the programs and ensuring fair and equitable treatment to benefit recipients.⁸

Each state is allotted an amount of funds which has the same ratio as the number of children in foster care in that state to the total number of children in foster care in all states in the most recent fiscal year for which such information is available. The Chafee Act requires a 20 percent state match.⁹

Education and Training Vouchers

The Educational and Training Vouchers Program (ETV) for children aging out of care was added to the Chafee Act in 2002. ETV provides resources specifically to meet the education and training needs of youth aging out of care. Funding is provided for postsecondary educational and training vouchers for children and young adults likely to experience difficulty as they transition to adulthood after reaching 18 years of age. The program makes available vouchers of up to \$5,000 per year per young adult.¹⁰

National Youth in Transition Database (NYTD)

The Chafee Act also required the Administration for Children and Families (ACF) to develop a data collection system to track the independent living services that states provide to children and young adults and to develop outcome measures that may be used to assess states’ performance in operating their independent living programs.¹¹ Subsequent regulation established NYTD and requires states to engage in two data collection activities:

- States must collect information on each youth who receives independent living services paid for or provided by the state agency that administers the Chafee Act; and
- States must collect demographic and outcome information on certain youth in foster care who will be followed over time to collect additional outcome information. This information

⁵ 42 U.S.C. § 677(2002).

⁶ 42 U.S.C. § 677(b)(2)(C) (2002).

⁷ 42 U.S.C. § 677(b)(2).

⁸ 42 U.S.C. § 677(b)(2)(E).

⁹ In FY 2012, Florida’s Chafee allocation was \$6,130,927 and the ETV allocation was \$2,044,377. U.S. Department of Health and Family Services, Administration on Children, Youth and Families, Children’s Bureau. Program Instruction. ACYF-CB-PI-12-05. (April 11, 2012), available at <http://www.acf.hhs.gov/sites/default/files/cb/pi1205.pdf>.

¹⁰ U.S. Department of Health and Human Services, Administration for Children and Families, *The John H. Chafee Foster Care Independence Program*. available at http://www.acf.hhs.gov/programs/cb/programs_fund/state_tribal/jh_chafee.htm (last visited March 27, 2013).

¹¹ U.S. Department of Health and Human Services, Administration for Children and Families, *The John H. Chafee Foster Care Independence Program*. available at <http://www.acf.hhs.gov/programs/cb/resource/about-nytd?page=all> (last visited March 27, 2013).

allows ACF to track which independent living services are provided by states and assess collective outcomes of youth.

Pursuant to regulation, states began collecting data for NYTD on October 1, 2010, and are required to report data to ACF semiannually.

Florida Law

With the enactment of federal legislation and increased available funding, the 2002 Florida Legislature established a new framework for the state’s independent living transition services. Florida law requires the department and community-based care lead agencies to provide services and financial assistance to older children in care and young adults who leave the foster care system at age 18 to help them transition to self-sufficiency.¹² Service categories include:¹³

Table 1.

PROGRAM COMPONENTS	SERVICES PROVIDED	AGE GROUP
PRE-INDEPENDENT LIVING	Life skills training, educational field trips and conferences.	13 to 15 years
LIFE SKILLS	Independent living skills training, including training to develop banking and budgeting skills, interviewing skills, parenting skills, and time management or organizational skills, educational support, employment training, and counseling.	15 to 18 years
SUBSIDIZED INDEPENDENT LIVING (SIL)¹⁴	Financial assistance for living arrangements that allow the child to live independently of the daily care and supervision of an adult.	16 to 18 years
AFTERCARE SUPPORT	Housing, electric, water, gas, sewer service, food, mentoring, tutoring, mental health services, substance abuse counseling, life skills classes, parenting classes, job and career skills training, counselor consultations, temporary financial assistance, and financial literacy skills training.	18 to 23 years
PROGRAM COMPONENTS	SERVICES PROVIDED	AGE GROUP
ROAD-TO-INDEPENDENCE PROGRAM	Financial assistance for education.	18 to 23 years
TRANSITIONAL SUPPORT	Financial, housing, counseling, employment, education, mental health, disability, and other services.	18 to 23 years

Outcome measures and minimum standards

The Legislature added requirements for outcome measures and standards for the program that would allow to measure effectiveness of IL services:

¹² The department provided independent living services to older youth in foster care prior to the creation of s. 409.1451, F.S., with provisions for those services appearing in a number of sections of the Florida Statutes, including s. 409.145, F.S., relating to care of children (2001), and s. 409.165, F.S., relating to alternative care of children (2001).

¹³ Section 409.1451, F.S.

¹⁴ Subsidized independent living provides an opportunity for youth ages 16-17 to receive a cash subsidy and other services from the department, and placement in a living arrangement not required to be licensed and not under the daily care and supervision of an adult. Subsidized independent living arrangements established for a youth must be part of an overall plan leading to total independence from the department's supervision.

- In 2002, the Legislature required the department to establish outcome measures for the independent living program.¹⁵
- In response to the department's failure to adopt standards or measures, in 2004 the Legislature directed the Office of Program Policy and Government Accountability (OPPAGA) to recommend minimum standards for the independent living transition services.¹⁶ OPPAGA provided those recommended minimum standards to the department in November 2004.¹⁷ The OPPAGA report also emphasized that at a minimum, the success of a provider's program should be based on how well children in care progress on three major variables: education,¹⁸ life skills,¹⁹ and employment.²⁰ Without minimum skills in these three areas, children in care cannot hope to live self-sufficiently.²¹
- A subsequent report issued by OPPAGA in 2005 noted that standards had still not been developed and recommended that the department develop minimum standards of performance for IL programs and include those standards in contracts with providers.²²
- In 2006 the Legislature again required the department to:
 - Establish minimum standards for independent living transition services for current and former foster youth and incorporate minimum independent living standards into lead agency contracts by July 1, 2007.²³
 - In coordination with community-based care lead agencies, develop measures for assessing the effectiveness of lead agency performance in meeting these minimum standards by July 1, 2007.²⁴
 - Begin monitoring lead agency performance in accordance with these requirements by Fiscal Year 2008-09.²⁵
- In a 2007 report, OPPAGA noted that the department made limited progress on developing minimum standards and some progress on developing outcome measures. OPPAGA again

¹⁵ Chapter 2002-19, L.O.F.; s. 409.145(6), F.S.

¹⁶ Chapter 2004-362, L.O.F.

¹⁷ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program*, Report No. 04-78. (Nov. 2004), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0478rpt.pdf>.

¹⁸ *Id.* At a minimum, education indicators should include: percentage of youth at or above grade level; percentage of youth taking college preparatory courses; percentage of youth graduating from high school; percentage of youth completing a general equivalency degree (GED); percentage of youth entering and completing a 2-year and/or 4-year postsecondary education; and percentage of youth completing a vocational program.

¹⁹ *Id.* At a minimum, life skills indicators should include: percentage of youth receiving life skills training; percentage youth completing a financial literacy course; percentage of youth opening and maintaining an active bank account; percentage of youth with a medical care provider; percentage of youth who are unwed parents; percentage of youth 18 and over with housing; percentage of youth homeless for at least 1 night; percentage of youth arrested; percentage of youth on probation; and percentage of youth incarcerated by the Department of Corrections or the Department of Juvenile Justice.

²⁰ *Id.* At a minimum, employment indicators should include: percentage of youth who are employed; average length of time youth retain their jobs; percentage of youth in jobs with health benefits; percentage of youth employed in jobs paying above minimum wage.

²¹ *Id.*

²² Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *Improvements in Independent Living Services Will Better Assist State's Struggling Youth*, Report No. 05-61. (Dec. 2005), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0561rpt.pdf>.

²³ Chapter 2006-25, Laws of Fla. These standards were to be consistent with, but not limited to, the standards contained in the Office of Program Policy and Analysis and Government Accountability (OPPAGA) Report No. 04-78.

²⁴ *Id.*

²⁵ *Id.*

recommended that the department develop the required standards and incorporate them into lead agency contracts.²⁶

- The annual report published by the Independent Living Services Advisory Council (ILSAC) in 2008 stated:

In our 2006 report, the ILSAC developed a set of youth outcome measures that we encouraged the department to adopt and integrate. It was our expectation, the legislature and the Department would find elements of the baseline data so alarming that a sense of urgency and call to action would result in the immediate establishment of youth outcome measures and benchmarks in every community based care contract... In the last year, we still have not identified and established Florida's standard of acceptable youth outcome levels; and those acceptable youth outcomes have not been incorporated into the CBC contracts.²⁷

- The department's response to the 2007 OPPAGA report indicated that they were revising lead agency contracts to include minimum standards. However, a subsequent report issued by OPPAGA in 2010 stated that the department had not established an effective mechanism to ensure that lead agencies meet minimum contract standards and that the department failed to establish outcome measures as required by law.²⁸

Additional IL Program Findings:

Office of Program Policy and Government Accountability (OPPAGA)

Office of Program Policy and Government Accountability (OPPAGA) evaluated and examined numerous aspects of the IL program multiple times since 2004. In addition to findings related to outcome measures and minimum standards, OPPAGA reports the following:

- In 2005, OPPAGA evaluated the independent living services program. While the primary focus of the OPPAGA evaluation was on services for young adults formerly in foster care, OPPAGA also sought to determine if the department was adequately monitoring the delivery of contracted independent living services.²⁹ OPPAGA concluded that while the department's oversight of community based care providers had improved over time, more improvements were needed. Specifically, quality management processes did not ensure that providers were delivering quality services.³⁰
- In 2007 OPPAGA re-evaluated the independent living services program and reported that the department needs to improve fiscal oversight to ensure that program resources were being

²⁶ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program*, Report No. 07-11. (Feb. 2007) available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0711rpt.pdf>.

²⁷ Report of Independent Living Services for Florida's Foster Youth (2008), Independent Living Services Advisory Council. available at <http://centerforchildwelfare2.fmhi.usf.edu/kb/Prprac/ILSACreport2008.pdf> (last visited January 10, 2013).

²⁸ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *DCF Has Improved Some Aspects of Independent Living Program Oversight: Other Long-Standing Problems Remain*, Report No. 10-30. (Mar. 2010), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1030rpt.pdf>.

²⁹ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature, *Improvements in Independent Living Services Will Better Assist State's Struggling Youth*, Report No. 05-61. (Dec. 2005), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0561rpt.pdf>.

³⁰ *Id.*

used as intended and in compliance with state and federal guidelines. OPPAGA determined that lack of information hinders the department's ability to provide oversight and assess the quality and level of independent living services. As a result, neither the department nor the lead agencies could readily determine if children in care receive the required independent living transition services. This also has hindered the department and lead agencies' ability to accurately determine budget needs for serving the population.³¹

- In 2010, OPPAGA found that the department broadened its contract monitoring and quality assurance systems to better address key elements of the IL program but continued to lack the ability to track whether 13-17 year olds received services as required by law.³²

Office of the Auditor General

In the most recent operational audit of the DCF independent living transition services program conducted by the Auditor General, audit findings revealed the following:

- Needs Assessment – The department and CBC lead agencies did not require that actual living and educational expenses be utilized as a basis for determining the amounts of the RTI awards made to high school students. The department set the amount of the award at the statutory maximum. Additionally, for postsecondary students, the department and CBCs were unable to provide documentation supporting the appropriateness of the amounts of the RTI awards.
- Appropriate Progress – DCF rules and guidelines did not specifically address the type of documentation that would be sufficient to demonstrate appropriate progress by students in GED programs.
- Services and Payments – There were instances where young adults received multiple payments for the same service from multiple programs. Documentation was not always provided evidencing assessment of need for Aftercare Support assistance. In addition:
 - There was an inappropriate use of Transitional Support funds for achieving an educational goal;
 - Payments were erroneously coded;
 - Payments were made to ineligible individuals;
 - There were instances where young adults did not meet program eligibility requirements, including instances in which the maximum age limitation was exceeded; and
 - Payments were made in excess of established spending caps.
- Subsidized Independent Living (SIL) – The department and CBCs were unable to provide documentation to support the required number of services worker visitations. In addition, the department and applicable CBCs were unable to provide documentation showing that staffings, assessments, and judicial reviews had been completed.
- Staffings, Assessments, Case Plans – The department and CBCs did not properly conduct or provide supporting documentation showing that staffings, assessments, and case plans for adolescents ages 13 to 17 had been completed.

³¹ Office of Program Policy Analysis and Gov't Accountability, Florida Legislature *Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program*, Report No. 07-11. (February 2007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0711rpt.pdf>.

³² Office of Program Policy Analysis and Gov't Accountability, Florida Legislature *DCF Has Improved Some Aspects of Independent Living Program Oversight: Other Long-Standing Problems Remain*, Report No. 10-30. (Mar. 2010), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1030rpt.pdf>.

- **Florida Safe Families Network (FSFN)** – DCF did not require CBCs to fully utilize the functionality of FSFN specific to the independent living (IL) program although system capabilities were available.
- **Monitoring** – Department monitoring efforts were not sufficient to ensure IL program compliance.^{33, 34}

An operational audit of the independent living transition services program performed by the Auditor General in 2005 at the direction of the Legislature reported almost identical findings.³⁵

Independent Living Services Advisory Council (ILSAC)

When the Florida Legislature established a new framework for Florida's independent living transition services in 2002, the legislation provided for the creation of an independent living services integration workgroup tasked with assessing the implementation and operation of the redesigned program. The ILSAC annual reports are required to be accompanied by a report from the department that identifies the recommendations of the workgroup and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.³⁶

- The 2006 annual report stated that the ILSAC recognized that there have been tremendous strides in the past year. However, much more needs to be done before to help young people who are out of foster care become successful and productive. The report continues, "we have gone on too long without accountability. Every dollar spent on independent living services should have a measurable impact on the quality of the lives for our foster care youth and young adults, especially in the areas of education, employment, housing, financial stability and permanency."³⁷
- Baseline data indicates significant areas of deficit in both youth achievement and Community Based Care service delivery practice.³⁸
- Baseline data continues to indicate significant areas of deficit in both youth achievement and Community Based Care service delivery practice.³⁹
- ILSAC has recommended since 2006 that a program planning and delivery reporting tool be developed for determining the independent living services, outcomes and fiscal implications of projected and actual delivery of services for youth ages 13 to 23 for all CBC lead agencies. ILSAC has also recommended establishment of provider accountability through corrective action as part of ongoing quality assurance benchmarks, not of services provided or youth served, but of outcomes achieved by youth in care. This would show how young adults in

³³ Office of the Auditor General. *Operational Audit. Department Of Children And Family Services. Independent Living Transition Services Program.* Report No. 2011-176. (Apr. 2011).

³⁴ A follow-up to Report No. 2011-176 is currently in progress.

³⁵ Office of the Auditor General. *Operational Audit. Department Of Children And Family Services. Independent Living Transition Services Program.* Report No. 2005-119. (Feb. 2005).

³⁶ Section 409.1451, F.S. In 2004, the workgroup became the Independent Living Services Advisory Council.

³⁷ Independent Living Services Advisory Council. Annual Report. 2006. available at http://centerforchildwelfare2.fmhi.usf.edu/kb/indliv/ILSAC_2006report.pdf.

³⁸ *Report of Independent Living Services for Florida's Foster Youth* (2008). Independent Living Services Advisory Council. available at <http://centerforchildwelfare2.fmhi.usf.edu/kb/Prgrprac/ILSACreport2008.pdf>

³⁹ *Report of Independent Living Services for Florida's Foster Youth* (2009). Independent Living Services Advisory Council. available at <http://centerforchildwelfare2.fmhi.usf.edu/kb/Prgrprac/ILSACreport09.pdf>.

foster care are faring in terms of education, permanency, health care, and employment. Outcomes have been established in CBC lead agency contracts in the past year but are still inadequate in measuring success of youth.⁴⁰

Department of Children and Family Services Report on Outcome Measures and Oversight Activities

The department was required to develop outcome measures for the independent living transition services program and other performance measures in order to maintain oversight of the program.⁴¹ A required annual report to the Legislature must contain an analysis of performance on the outcome measures reported for each community-based care lead agency as compared with the performance of the department on the same measures and a description of the department’s oversight of the program, including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance.⁴²

The department’s Contract Oversight Unit randomly selected cases of youth eligible to receive independent living services and young adults formerly in foster care and conducted a file review to determine if the requirements of the Florida Statutes and Florida Administrative Code were met. This included a review of eligibility requirements for these services. Deficiencies in cases or areas of concern with the delivery of independent living services were noted in reports submitted to the department’s contract managers and department leadership. The contract managers determined if the area of deficiency warranted a corrective action plan (CAP). If a CAP was needed, the community-based care lead agency was required to develop steps and processes to bring services into compliance with federal regulations, Florida Statutes, Florida Administrative Code, and the contract. The January 2012 report contains the following table (Table 2) summarizing the monitoring of the community-based care lead agencies for the 2011 calendar year and the action taken by the department to address deficiencies.⁴³

Table 2.

CIRCUIT	CBC	IDENTIFIED AREAS OF DEFICIENCY (SPECIFIC TO IL SERVICES)	DCF RESPONSE (SPECIFIC TO IL SERVICES)
3, 8	Partnership for Strong Families	Independent Living requirements were not met	Corrective Action Plan is in place.
4	Family Support Services of North Florida	Some Independent Living requirements were not met	Corrective Action Plan not needed.
4	Clay Baker Kids, Inc.	Some Independent Living requirements were not met	Corrective Action Plan is in place.

⁴⁰ *Report of Independent Living Services for Florida’s Foster Youth* (2011). Independent Living Services Advisory Council. available at http://centerforchildwelfare2.fmhi.usf.edu/kb/LegislativeMandatedRpts/ILSACreport_2011%20Final.pdf .

⁴¹ Section 409.1451(6), F.S.

⁴² *Id.*

⁴³ *Report on Outcome Measures and Oversight Activities of the Independent Living Transition Services Program*. Department of Children and Family Services. (Jan. 2009), available at <http://www.def.state.fl.us/programs/inliving/docs/2012%20ILSAC%20Report%20final.pdf/>.

7	Family Integrity Program	Some Independent Living requirements were not met	Corrective Action Plan not needed.
11	Our Kids of Miami-Dade-Monroe, Inc.	Some Independent Living requirements were not met	Corrective Action Plan is in place.
17	ChildNet, Inc.	Independent Living requirements were not met	Corrective Action Plan is in place.
19	United for Families	Some Independent Living requirements were not met	Corrective Action Plan is in place.
20	Children’s Network of SW Florida	Independent Living requirements were not met	Corrective Action Plan is in place.

Surveys

To address federal and state requirements, the department implemented two surveys to capture data on independent living services and outcomes:

- The My Services Review Survey that captures information on services for children 13 to 17 years of age; and
- The National Youth in Transition Database Survey that captures data and tracks outcomes on young adults 18 to 22 years of age.

My Services Survey Data – Ages 13-17 Spring 2012⁴⁴

Table 3.

EDUCATION	
Foster parents review report cards	76%
Caseworker reviews report cards	69%
Has education and career path	35%
Has changed schools at least once during the school year	47%
HEALTH AND DENTAL CARE	
Receiving needed medical care	86%
Saw a dentist in the last year	86%
Had an eye exam in the last year	68%
NORMALCY	
Can spend time with friends without adult supervision	65%
Can spend the night with friends	45%
Receives a personal allowance each week	53%
Has a driver’s license (ages 16-17 years only)	3%
JUVENILE JUSTICE SYSTEM INVOLVEMENT	
Has been arrested in the past 12 months	28%
Is currently on probation or under DJJ supervision	22%

⁴⁴ Department of Children and Families. *available at* <http://www.myflfamilies.com/service-programs/independent-livingarchive-data>.

Florida Nation Youth in Transition Survey Data - Ages 18-22 Spring 2012⁴⁵

Table 4.

EDUCATION	
Completed grade 12 or GED	57%
Completed post-secondary education	7%
EMPLOYMENT	
Any job – full-time, part-time, temporary, seasonal	19%
HEALTH AND DENTAL CARE	
Has health insurance coverage	86%
Received dental services in the last year	39%
HOUSING AND TRANSPORTATION	
Safe housing	92%
Experienced homelessness	28%
Reliable means of transportation to school and/or work	80%
Have a driver's license	47%
CRIMINAL JUSTICE SYSTEM INVOLVEMENT	
Arrested in the past 12 months	40%

Fostering Connections to Success and Increasing Adoptions Act

Congress enacted the Fostering Connections to Success and Increasing Adoptions Act⁴⁶ in 2008, to improve outcomes for children in care and young adults who have aged out of care by promoting permanent families for them through relative guardianship and adoption and by improving educational stability and quality coordinated health care. Specifically, the Act:

- Promotes permanent families for children in care with relatives by providing notice to relatives when a child enters care, providing subsidized guardianship payments for relatives, and waiving certain licensing standards for relatives;
- Promotes permanent families for children with adoptive families by increasing opportunities for more children with special needs to receive federally-supported adoption assistance; and
- Improves outcomes for children in care by:
 - Allowing children who turn 18 in care without permanent families to remain in care, at a state's option, to age 19, 20, or 21 with continued federal support to increase their opportunities for success as they transition to adulthood;
 - Helping children in care achieve their educational goals by requiring that states ensure that they attend school and, when placed in care, remain at the same school where appropriate, or when a move is necessary, get help transferring promptly to a new school; and
 - Helping improve health care for children in care by requiring the state child welfare agency to work with the state Medicaid agency to create a plan to better coordinate health care for these children in order to ensure appropriate screenings and assessments and

⁴⁵ *Id.*

⁴⁶ Pub. Law No.110-351, H.R. 6893, 110th Cong. (Oct. 7, 2008).

follow-up treatment and to assure sharing of critical information with appropriate providers and oversight of prescription medications.⁴⁷

Quality Parenting Initiative

The Quality Parenting Initiative (QPI) is a statewide initiative that is a joint project of the Youth Law Center, Florida's Department of Children and Families, community-based care lead agencies, and the Eckerd Family Foundation, which is designed to promote quality care for children in foster care by redefining the expectations and roles of foster parents. QPI was developed to ensure that every child removed from the home because of abandonment, abuse, or neglect is cared for by a foster family who provides skilled, nurturing parenting while helping the child maintain connections with his or her family. The foster family works closely with child welfare agencies, case workers, courts, attorneys, and others to protect the child's best interests.⁴⁸

One of the key ways the QPI supports these foster families is by providing in-depth training to help them manage the challenges they face. These may be routine events, like appearing in court, or more complex problems like helping a child transition home, coping with behavioral problems, or advocating for special education services. The training also helps families to better understand any information they were given about the child at the time of placement so they can be proactive in advocating for the child and getting the right assistance.⁴⁹

A web based learning project connects foster parents with trainers who can answer their questions and give them a framework for dealing with these challenges. The project coordinator will receive requests for training and will quickly identify individuals who are available to provide that training. These may be subject matter experts, like doctors, psychologists, lawyers, or teachers. Or they may be practice experts like other foster parents who have successfully dealt with the same situation.⁵⁰

Normalcy

Background

Each year, approximately 30,000 children in foster care age out of the foster care system nationwide, typically at 18 years of age. This number has risen steadily in the past decade.⁵¹ In Florida, an average of 1,290 children aged out of care over the past three years.⁵² These are young adults who experienced significant psychological trauma during their formative years, including being neglected and/or abused, being separated from their homes, friends, families, and

⁴⁷ Center for Law and Social Policy. *Fostering Connections To Success And Increasing Adoptions Act*. available at http://www.clasp.org/admin/site/publications/files/FINAL_FCSIAA_LongSummary.pdf

⁴⁸ Quality Parenting Initiative. Center for Child Welfare. available at <http://qipiflorida.cbcs.usf.edu/pages/About/About.html> (last visited March 27, 2013).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Congressional Coalition on Adoption Institute. Fact Sheet. (2011), available at <http://www.ccainstitute.org/why-we-do-it/facts-and-statistics.html> (last visited Jan. 28, 2013).

⁵² Provided as part of a data request from Senate Children, Families, and Elder Affairs staff to the Department of Children and Families. Response received on Dec. 21, 2012.

most things familiar to them and experiencing multiple placements in homes and group home settings.

The foster care system, which has historically been focused on safety and concerned about liability, often creates huge barriers to the normalcy of a child's experiences growing-up, causing children in care to miss out on many rites of passage common to their peers. While their friends are getting their driver's licenses, most children in care are not since they generally have no one to teach them to drive or the money for insurance or driver's education, let alone access to a car.⁵³ Other rites of passage are anything but typical for children in care, as each one requires additional layers of bureaucracy. Getting a first job, participating in sports, going camping with friends, and even going to the prom are all examples of activities that, while may be a normal part of growing up for most children and teenagers, are not always readily available to many foster youth.⁵⁴

These problems often compound for children in care who live their teen years in group homes. They often do not benefit from normal growing-up experiences that most children take for granted, but which prepare them for adult life, such as seeing an adult pay bills each month, do the laundry, buy groceries, pay taxes, arrange for car insurance, or undertake the dozens of other mundane tasks required to run a household.⁵⁵ In Florida, 60 percent of children 13-17 years of age live in group homes.⁵⁶

Florida Law

The Department of Children and Families (DCF or department) and community-based care lead agencies (CBCs) are responsible for dependency proceedings and managing and providing child protection, foster care, and adoption services. Foster care services include a range of independent living services. Section 409.1451, F.S., requires the department to adopt by rule procedures to administer the independent living transition services program, including balancing the goals of normalcy and safety for children and providing caregivers with as much flexibility as possible to enable a child to participate in normal life experiences. The current rule, relating to licensed out of home caregiver roles provides that:

- Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out of home care may attend overnight or planned outings if such activities are determined to be safe and appropriate by the licensed out-of-home caregiver. The services worker ... must be notified of the activity.
- The licensed out of home caregiver may allow foster children to experience circumstances without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions ... the licensed out of home caregiver shall be prudent and

⁵³ Martha Shirk and Gary Stangler, *On Their Own*, Basic Books (2004).

⁵⁴ *Id.*

⁵⁵ First Star and Children's Advocacy Institute of the University of San Diego School of Law. *The Fleecing of Foster Children: How We Confiscate Their Assets and Undermine Their Financial Security*. (2011). available at http://www.caichildlaw.org/Misc/Fleecing_Report_Final_HR.pdf (last visited Jan. 28, 2013).

⁵⁶ Provided as part of a data request from the Senate Children, Families and Elder Affairs Committee staff to the Department of Children and Families. Response received on Dec. 21, 2012.

conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events, and work.

- Overnight trips exceeding one night must be approved by the child's services worker and must not interfere with visitation schedules.
- Background checks for dating and outings, such as school field trips, Cub Scout campouts, and activities with friends, families, school and church groups, are not necessary for participation in normal school or community activities.⁵⁷

The department has proposed changes to the rule relating to licensed out of home caregiver roles. However, these changes do not appear to substantively change provisions relating to normalcy. In addition, former secretaries and the current secretary of the department have issued memoranda requiring community-based care lead agencies and their providers to implement policies related to normalcy.⁵⁸ In general, foster teens continue to report that the effort to establish a more normal living environment is still lagging.⁵⁹

III. Effect of Proposed Changes:

The bill creates an option for young adults who have not found permanency before turning 18 years of age to remain in care up to the age of 21 in order to finish high school, earn a GED, pursue postsecondary education, or begin a career. The bill also restructures the Road-To-Independence Program, strengthens the role and authority of foster parents and group home parents, and codifies the concept of normalcy for children in care. Specifically, the bill provides the following:

Extension of Foster Care

In sections 1, 2, 3, and 4, the bill provides young adults with the ability to remain in care until they reach 21 years of age. This would give those young adults who are eligible to and choose to remain in care up to an additional 3 years to be provided housing and other services and support to finish secondary or postsecondary education or become employed. Young adults may remain in care if they are:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program or activity designed to promote or eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in programs or activities listed above full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation.

For a young adult choosing to remain in care, the bill provides for:

⁵⁷ Rule 65C-13.029, F.A.C.

⁵⁸ See Memorandum from Lucy Hadi dated Aug. 31, 2005, Memorandum from George Sheldon dated Sept. 3, 2010, and Memorandum from David Wilkins dated Jan. 20, 2012. (on file with the Senate Children, Families, and Elder Affairs Committee.)

⁵⁹ Independent Living Services Advisory Council. Annual Report. 2012.

- Creation of a transition plan after his or her 17th birthday which will be reviewed and updated as necessary until leaving care;
- Extension of court jurisdiction for as long as he or she remains in care;
- Specific criteria to be considered during judicial reviews;
- Extension of case management and other necessary services until he or she leaves care;
- The ability to transition in and out of care until the age of 21;
- Supervised living arrangements and required standards for those arrangements; and
- A process for appealing a determination of eligibility to remain in care.

Road-to-Independence Program

In section 6, the bill restructures the current Road-To-Independence Program to accommodate the differing needs of young adults who either remain in foster care or leave and in pursuit of a postsecondary skill, trade, or higher education.

A young adult is eligible for services and support under this subsection if he or she:

- Was living in licensed care on his or her 18th birthday or is currently living in licensed care; or was at least 16 years of age and was adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding placement or adoption;
- Spent at least 6 months in licensed care before reaching his or her 18th birthday;
- Earned a standard high school diploma or its equivalent;
- Is admitted to an eligible postsecondary educational institution based on Florida Bright Futures Scholarship Program standards;⁶⁰
- Is between 18 and 22 years old;
- Has applied, with assistance from a caregiver and community-based lead agency, for any other eligible grants and scholarships;
- Submitted a Free Application for Federal Student Aid (FAFSA) form which is complete and error free; and
- Signed an agreement to give the department and the community-based care lead agency access to school records.

The amount of financial assistance provided for pursuing postsecondary education depends on whether a young adult remains in care and whether or not he or she continues to live in a licensed foster home, licensed group home, or another supervised living arrangement:

- For a young adult who does not remain in foster care and is attending a postsecondary school, the amount is \$1,256 monthly.
- For a young adult who remains in foster care, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents.

⁶⁰ Section 1009.533, F.S., defines an eligible postsecondary institution as a state public university, a college system institution, a career center, or a private college, university, or institution with certain accreditation.

- For a young adult who remains in foster care, but temporarily resides away from a licensed foster home to attend a postsecondary school, the amount is \$1,256 monthly. This takes the place of the foster care room and board payment.
- For a young adult who remains in foster care, is attending a postsecondary school, and continues to reside in a licensed group home, the amount is negotiated between the community-based care lead agency and the licensed group home provider.
- For a young adult who remains in foster care, but temporarily resides away from a licensed group home for purposes of attending a postsecondary school, the amount is \$1,256 monthly. This takes the place of a negotiated room and board rate.

A young adult is eligible to receive financial assistance while enrolled in a postsecondary educational institution.

Payment of financial assistance for a young adult who:

- Is not in foster care and is attending a postsecondary school is made to the community-based care lead agency in order to secure housing and utilities with the balance paid directly to the young adult until the lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance.
- Remains in foster care under s. 39.6251, F.S., and is attending postsecondary school is made directly to the foster parent or group home provider.

The bill provides for aftercare services for young adults who have chosen not to remain in foster care after reaching 18 years of age and who are not receiving financial assistance under this program to pursue postsecondary education. Aftercare services include, but are not limited to, the following:

- Mentoring and tutoring.
- Mental health services and substance abuse counseling.
- Life skills classes, including credit management and preventive health activities.
- Parenting classes.
- Job and career skills training.
- Counselor consultations.
- Temporary financial assistance for emergency situations.
- Financial literacy skills training.

A young adult between 18 and 22 years of age who leaves foster care at 18 years of age may request services before reaching 23 years of age.

The bill provides for portability of services and support for children and young adults who relocate within the state and provides for a transition for those young adults who entered the program under current law.

Quality Parenting

In section 6, the bill codifies the concept that temporary or permanent substitute quality parenting is a core function of the system of care required of the department. The bill recognizes the effectiveness of the Quality Parenting Initiative in Florida by:

- Relieving caseworkers of many responsibilities associated with independent living services for 13 to 17 year olds, transferring those duties to the foster parents and group home parents, and eliminating the need to contract for those services;
- Providing requirements and expectations for foster parents and group home parents and providers;
- Providing requirements and expectations for the department, the community-based care lead agencies, and their providers;
- Requiring adequate training and support for foster parents, inclusion in a full and equal respectful partnership with other participants in the child welfare system, and authority to assist in meeting the goals of the child and the family;
- Requiring the same education, training, background, and other screening requirements for group home staff as foster parents; and
- Codifying the board rate for foster parents and providing for an annual cost of living adjustment.

The bill also requires certain specified information related to a child to be shared with foster parents and group home parents and provides requirements related to transitioning a child from one placement to another.

Normalcy

In section 6, the bill makes numerous changes to the law relating to normalcy for children in foster care including:

- Providing legislative findings and intent that recognize the importance of normalizing the lives of children in foster care;
- Providing definitions for the terms “age-appropriate,” “caregiver,” and “reasonable and prudent parent standard;”
- Requiring verification by the department and the community-based care lead agencies that private providers have policies in place promoting and protecting the concept of normalcy;
- Establishing a reasonable and prudent parent standard of care and provides for application of the standard;
- Protecting caregivers who apply the reasonable and prudent parent standard from liability; and
- Eliminating the current requirements to develop a normalcy plan and quarterly updates for children in foster care and replacing them with an assessment of normalcy goals and objectives at each judicial review.

Additional Provisions

In sections 9 and 11, the bill also provides for the following:

- Collaboration between DCF and colleges and universities for an educational support program; and
- A new budget category for the IL program.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill will require termination or non-renewal of most, of not all of the contracts between CBC lead agencies and providers for independent living services for children 13-17 years of age.

The bill also has the potential to reduce the workload of caseworkers and IL case managers which could either result in those staff having more time to spend with children and their families or a reduction in the number of those positions.

The bill may result in an increased cost to those providers who operate group homes, particularly those that use a shift care model, for staff training.

C. Government Sector Impact:

The fiscal impact of the bill to the state can only be estimated as the actual impact will be determined by individual choices young adults in the foster care system will make and the types of services they may require. The main choice young adults in foster care will make is whether to stay in care and whether to pursue postsecondary education. Over the last three years, an average of 1,290 young adults left foster care at age 18. Table 5 below shows the estimated fiscal impact if all young adults in the foster care system decided at

age 18 to stay in care. The costs shown are estimates of expenditures by the community based care lead agencies to serve this group.

Table 5.

ALL YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
IL Case Mtg./Life Skills Training	13,066,982	(7,936,848)	5,130,134	No IL case mgt./Life Skills Training costs for youth age 13-17. Remaining costs are for IL case mgt. for grandfathered youth.
Subsidized IL	276,761	(276,761)		No more subsidized living.
Aftercare Services	628,794	(628,794)		No aftercare needed as all young adults stay in care.
Transitional Support Services	5,208,321	(5,208,321)		All stay in care, no transition support until 18 years olds reach 21.
RTI Stipends	29,858,300	(9,808,128)	20,050,172	55% of current RTI participants are completing high school with an average payment of \$1,152/month. Of 1,290 young adults reaching age 18, 710 (55%) would be ineligible for RTI due to not completing high school. Reduced costs = 710*\$1,152*12. Remaining costs for grandfathered young adults.
RTI/room and board for new eligible young adults	N/A	14,969,315	14,969,315	1,290 young adults at \$515 per month for foster care, \$1,256 for group home care. Used ratio of 61/39, group care to foster care.
Case mgt. for 18-20 year olds	N/A	3,234,030	3,234,030	Current cost of case mgt. for IL for 18-23 year olds is \$2,507 per year. \$2,507 per client per year for 1,290 young adults.
TOTAL	49,039,158	(5,655,507)	43,383,651	

Table 6 shows the estimated fiscal impact of the bill if half of the estimated 1,290 young adults in foster care choose to remain in foster care.

Table 6.

HALF OF YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
IL Case Mtg./Life Skills Training	13,066,982	(7,936,848)	5,130,134	No IL case mgt./Life Skills Training costs for youth age 13-17. Remaining costs are for IL case mgt. for grandfathered youth.
Subsidized IL	276,761	(276,761)		No more subsidized living.
Aftercare Services	628,794	(314,397)	314,397	Services reduced by half to reflect half of formerly aging out youth staying in care.

HALF OF YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
Transitional Support Services	5,208,321	(2,604,161)	2,604,161	Services reduced by half to reflect half of formerly aging out youth staying in care.
RTI Stipends	29,858,300	(9,808,128)	20,050,172	55% of current RTI participants are completing high school with an average payment of \$1,152/month. Of 1,290 young adults reaching age 18, 710 (55%) would be ineligible for RTI due to not completing high school. Reduced costs = 710*\$1,152*12. Remaining costs for grandfathered young adults.
RTI/room and board for new eligible young adults	N/A	11,859,305	11,859,305	Cost for 645 young adults in care is \$7.5 m. \$515 per month for foster care, \$1,256 for group home care. Used ratio of 61/39, group care to foster care. Cost for 645 leaving care is \$4.3 m, estimated 45% will qualify for RTI at \$1,256 per month.
Cast mgt. for 18-20 year olds	N/A	1,617,015	1,617,015	Current cost of case mgt. for IL for 18-23 year olds is \$2,507 per year. \$2,507 per client per year for 645 young adults.
TOTAL	49,039,158	(7,463,975)	41,575,184	

Table 7 shows the estimated fiscal impact if none of the 1,290 young adults in foster care decide to stay in care. Costs will be incurred for some of these young adults as they would qualify for the Road to Independence program. Others leaving care may need transitional support.

Table 7.

NONE OF YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
IL Case Mtg./Life Skills Training	13,066,982	(7,936,848)	5,130,134	No IL case mgt./Life Skills Training costs for youth age 13-17. Remaining costs are for IL case mgt. for grandfathered youth.
Subsidized IL	276,761	(276,761)		No more subsidized living.
Aftercare Services	628,794		628,794	Costs remain same.
Transitional Support Services	5,208,321	4,400,190	9,608,511	All 1,290 leave care. Cost is \$3,411 per year per client (1,290*\$3,411).
RTI Stipends	29,858,300	(9,808,128)	20,050,172	55% of current RTI participants are completing high school with an average payment of \$1,152/month. Of 1,290 young adults reaching age

NONE OF YOUNG ADULTS STAY IN CARE	FY 2011-12 EXPENDITURES	EFFECT OF BILL	ESTIMATED ANNUAL COSTS	NOTES
				18, 710 (55%) would be ineligible for RTI due to not completing high school. Reduced costs = 710*\$1,152*12. Remaining costs for grandfathered young adults.
RTI/room and board for new eligible young adults	N/A	8,741,760	8,741,760	45% of 1,290 18 year olds would be eligible for RTI at a cost of \$1,256 per month. (580*\$1,256)*12.
Cast mgt. for 18-20 year olds	N/A	1,454,060	1,454,060	\$2,507 per client for case mgt. for 45% of 1,290 who would qualify for RTI (580).
TOTAL	49,039,158	(3,425,727)	45,613,431	

Finally, to account for inflation, the bill requires an increase in dollar amount based on the annual consumer price index of foster care payments to licensed foster homes. The Department of Children and Families reports that in Fiscal Year 2011-2012, \$47,608,375 was spent on foster home room and board payments. According to the U.S. Department of Labor’s Bureau of Labor Statistics, the most recent consumer price index for the south region was 1.7 percent. Using this figure, the cost of increasing foster care payments for the first year of the bill is \$404,671. The increase would begin on January 1, 2014. A full year cost for such an adjustment would be \$809,342.

To the extent that more 18 to 20 year old foster children stay in care, the court may see an increase in the number of judicial review hearings.⁶¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

⁶¹ Office of the State Courts Administrator, 2013 Judicial Impact Statement (March 11, 2013).

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
