

Committee on Children, Families, and Elder Affairs

CS/SB 1036 — Independent Living

by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Detert, Gaetz, Abruzzo, Altman, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Diaz de la Portilla, Evers, Flores, Galvano, Garcia, Gardiner, Gibson, Grimsley, Hays, Hukill, Joyner, Latvala, Lee, Legg, Margolis, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, Thompson, and Thrasher

This legislation is entitled the “Nancy C. Detert Common Sense and Compassion Independent Living Act.” The bill creates an option for young adults in foster care who have not found permanency before turning 18 years of age to remain in care up to 21 years of age in order to finish high school, earn a GED, pursue postsecondary education, or begin a career. The bill also restructures the current Road-to-Independence Program (RTI), strengthens the role and authority of foster parents and group home parents, and codifies the concept of normalcy for children in care where children can participate in age appropriate childhood activities.

The bill contains the following provisions related to the extension of foster care to 21 years of age:

- Provides that a child who is living in licensed care on his or her 18th birthday and who has not achieved permanency under s. 39.621, F.S., is eligible to remain in licensed care if he or she meets specified criteria;
- Requires a young adult choosing to remain in care beyond 18 years of age to reside in a supervised living environment, approved by the Department of Children and Families (DCF) or a community-based care lead agency (CBC);
- Allows a young adult to leave and reenter care an unlimited number of times before reaching 21 years of age;
- Requires a CBC lead agency to provide regular case management reviews that ensure contact with a case manager at least monthly while a young adult participates in extended foster care and requires the court to review the young adult’s status at least every six months and hold a permanency hearing at least annually; and
- Requires the creation of a transition plan after the 17th birthday of a child in foster care that will be reviewed and updated as necessary until the child leaves care.

The bill provides for the following related to foster parents and normalcy:

- Relieves caseworkers from many responsibilities associated with independent living services for children from 13-17 years of age, transfers those duties to the foster parents and group home parents, and eliminates the need to contract for those services;
- Provides requirements and expectations for foster parents, group home parents, DCF, CBCs and providers;
- Requires adequate training and support for foster parents, inclusion of foster parents in a full and equal respectful partnership with other participants in the child welfare system, and the authority to assist in meeting the goals of the child and the family;

- Codifies the room and board rates for foster parents, provides for an annual cost of living adjustment and a supplemental room and board payment for providing independent living skills to children who are 13 through 17 years of age; and
- Creates the reasonable and prudent parent standard, which governs whether a caregiver may be held liable for harm to a foster child while engaged in activities approved by the caregiver and allows a caregiver to approve activities for foster children, without fear of civil liability.

The bill restructures the current RTI program to accommodate the differing needs of young adults who have either chosen to remain in foster care or who were formerly in care. The bill provides:

- A young adult is eligible to receive financial assistance only while enrolled in a postsecondary educational institution;
- The amount of financial assistance provided for pursuing postsecondary education is dependent upon whether a young adult remains in care and whether he or she continues to live in a licensed foster home, licensed group home, or another supervised living arrangement;
- Flexibility for young adults enrolled in an eligible postsecondary educational institution. “Full-time student” is defined to mean 9 credit hours or the vocational school equivalent and a student may enroll part-time if he or she has a recognized disability or is faced with another challenge or circumstance that would prevent full-time attendance;
- Payment of financial assistance for a young adult who is not in foster care and is attending a postsecondary school, is made to the CBC 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. Payment of financial assistance for a young adult who remains in extended foster care and is attending postsecondary school, is made directly to the foster parent or group home provider;
- An annual eligibility evaluation for renewal of financial assistance is required. A young adult may apply for reinstatement to the program an unlimited number of times if the application is made before the young adult reaches 23 years of age;
- Aftercare services are available to a young adult who has reached 18 years of age but is not yet 23 years of age and is not in foster care or is temporarily not receiving financial assistance under the RTI program. Young adults may receive a variety of aftercare services and temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses; and
- Portability of services and support for children and young adults who relocate within the state.

The bill also contains the following provisions:

- Requires collaboration between the DCF and colleges and universities to create and implement an educational support program for young adults who are or have been in the foster care system;

- Provides for the transfer of young adults who are participating in the current RTI program to the new program without a change in the amount of monthly stipend, the payment method or the living arrangement of the young adult; and
- Requires DCF, in collaboration with the Florida Foster and Adoptive Parent Association and the Quality Parenting Initiative, to design and disseminate training for caregivers on the life skills necessary for children in the foster care system.

If approved by the Governor, these provisions take effect January 1, 2014.

Vote: Senate 38-0; House 116-1