

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 996

SPONSOR: Committee on Children and Families and Senator Saunders

SUBJECT: Road to Independence Act

DATE: January 21, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable/CS</u>
2.	<u> </u>	<u> </u>	<u>AHS</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

CS/SB 996, titled the “Road to Independence Act,” creates a new section of Florida statute (s. 409.1451, F.S.) which is dedicated to older children in the foster care and young adults who were formerly in foster care and the services that facilitate their successful transition to adulthood. Section 409.1451, F.S., sets forth the frame work for Florida’s independent living transition services to be provided to these older youth which incorporates existing statutory language for independent living services and provides for enhanced services allowed for with the increased federal Chafee Foster Care Independent Living Program grant funds. Included in this frame work are goals, service eligibility and an integration workgroup to address issues facing older youth. The services available to older children in foster care include Pre-Independent Living Services, Life Skills Services, and Subsidized Independent Living Services, as well as opportunities to participate in life skills activities in which children not in foster care would normally engage. The services available to the young adults who were formerly in foster care include Aftercare Support Services and the Road to Independence Scholarship Program. Amendments are made to existing statutes which provide for postsecondary fee exemptions and Medicaid for young adult who were continuing to receive foster care services beyond the age of 18 years, to reflect the new service delivery frame work and statutory reference.

This bill substantially amends sections 239.117, 240.235, 240.35, 409.145, 409.165 and 409.903 of the Florida Statutes. Section 409.1451 of the Florida Statutes is created. Subsection (3) of section 409.145 and subsection (4) of section 409.165 of the Florida Statutes are repealed.

II. Present Situation:

Nearly one-third of children in foster care are teenagers. Each year youths exit the foster care system at age 18 to enter adult society. According to the Casey Foundation report on Shortening

Children's Stays in Temporary Care, these youth face extremely limited futures: many perform below average academically, rely on public assistance and end up on the streets. Independent living is one of the out-of-home options available for a child when removed from the family pursuant to ch. 39, F.S., [s. 39.001(1)(i), F.S.] and was established to assist adolescent foster children develop the skills that will enable their successful transition to adulthood.

Section 409.165(3), F.S., directs the Department of Children and Families to use state foster care funds to provide adolescent foster children with a continuum of independent living options ranging from assisted living in a group home to fully independent living, based on the skill and maturity of the youth. Services to be available may include education and vocational training, homemaking skills development, money management, social skills training and developing personal support systems. In addition, youth who are 16 years of age or older can be provided with a subsidy to allow them to live independently, without the direct supervision of an adult. A plan for achieving total independence is required for each youth receiving the subsidy which is to include such aspects as a plan for developing additional educational, vocational and training skills, financial and budget capabilities, and relationships with family and other adults. The court may authorize independent living as a permanency option for a child who is 16 years of age or older and maintains jurisdiction until the child reaches 18 years of age (s. 39.624, F.S.).

Youth who are 18 years of age and older can continue to receive the services of the foster care system until the age of 21 years if they are enrolled in high school, a program leading to a high school equivalency diploma, or a full-time career education program [s. 409.145(3), F.S.]. Youth who are enrolled full-time in a postsecondary educational institution which grants a degree, a certificate, or an applied technology diploma can receive foster care services until the age of 23 years [s. 409.145(3), F.S.]. The fees for many of the postsecondary education programs are exempt for youth placed in independent living pursuant to ch. 39, F.S., or who are receiving foster payment pursuant to s. 409.145, F.S., including the registration, matriculation and laboratory fees for workforce development education programs and the undergraduate fees for state community colleges and state universities [ss. 239.117(4), 240.235(5), and 240.35(2), F.S.]. Youth who are receiving foster care services, enrolled full time in an educational program, and between the ages of 18 and 21 years are eligible to receive Medicaid, pursuant to s. 409.903(4), F.S., which allows all foster children to receive Medicaid and the Medicaid State Plan which specifies the eligibility for the over 18 years of age foster child group.

Section 409.145(3)(b), F.S., also permits the department to provide assistance to youth who leave the foster care system upon attaining the age of 18 years until they turn 21 years, based on the availability of funding. Assistance could include referrals for employment, services for educational or vocational development, and housing assistance.

Federal funds have been available to address the needs of older children in foster care as a result of the Independent Living Program established by Congress in 1986 in section 477 of Title IV-E of the Social Security Act. Under the program, states use federal, state, local and private funds to provide services that include assistance to completing education and finding employment and instruction in basic skills needed to live independently, such as money management, hygiene, housekeeping and nutrition. States can also provide supervised, subsidized-living programs to some eligible youth that allow them to learn to live on their own prior to leaving the foster care system.

In 1999, Congress enacted the Foster Care Independence Act (P.L. 106-169) to address weaknesses in the states' programs for teens in foster care such as those found by the General Accounting Office which include insufficient opportunities for employment, to participate in real-life situations, and for supervised practice living arrangements to improve youths' ability to live self-sufficiently. The main thrust of the law is to authorize states to provide independent living services to youth who are likely to remain in foster care until the age of 18 years and to provide services to youth aging out of the foster care system who have not turned 21 years of age. Prior to the passage of P.L. 106-169, also referred to as the Chafee Foster Care Independent Living Program, states were only allowed to use federal funds to serve youth in foster care between the ages of 16 and 18 years. The new Chafee Foster Care Independent Living program allowed states to serve youth between the ages of 18 and 21 years who do not meet the educational requirements of extended foster care services, to serve youth as young as 13 years and, in general, to provide more services to youth in need of independent living services. P.L. 106-169, also gave states the flexibility to provide Medicaid to young adults ages 18 to 21 years who are transitioning from foster care.

This new federal law doubled the appropriations nationally. Florida was appropriated \$5.9 million for the grant period 10/01/99 through 9/30/01, an increase of almost \$5 million from the previous allocation of \$990,074. The new award for federal fiscal year 2001 is \$8 million. With these funds, Florida plans to provide youth in the foster care system who are between the ages of 13 and 23 years with independent living skills training, including pre-independent living assessment and classes for youth between the ages of 13 and 15 years; an independent living assessment and case plan with services such as tutoring, mental health counseling, mentoring, skills training, parenting classes, preventive health activities, substance abuse counseling credit counseling and job skills training for youth ages 16 to 18 years; and these same services for youth age 18 to 21 years but with more emphasis on tangible skills for living interdependently in the community. New training curriculums are also being developed for child welfare staff and foster families to strengthen skills in working with older youth.

While Florida now has the capacity to provide more services to a wider range of youth, Florida statutes have not been updated to reflect this comprehensive focus on older youth in the foster care system and the initiatives being implemented to adequately prepare them for living self-sufficiently. Provisions for independent living services for adolescents are scattered through different sections of the Florida Statutes without clear policy guidance. Specific statutory authority also appears to be lacking for some of the expanded Chafee grant services, including, at a minimum, the pre-independent living services for youth ages 13 and 14 years.

III. Effect of Proposed Changes:

CS/SB 996, titled the "Road to Independence Act," creates a new section of the Florida Statutes (s. 409.1451, F.S.) which is dedicated to older children in foster care and young adults who were formerly in foster care and the services that facilitate their successful transition to adulthood. Section 409.1451, F.S., sets forth the frame work for Florida's independent living transition services to be provided to these older youth which incorporates existing statutory language for independent living services and provides for enhanced services allowed for with the increased

federal Chafee Foster Care Independent Living Program grant funds. Included in this framework are goals, service eligibility and an integration workgroup to address issues facing older youth. The services available to older children in foster care include Pre-Independent Living Services, Life Skills Services, and Subsidized Independent Living Services, as well as opportunities to participate in life skills activities in which children not in foster care would normally engage. The services available to the young adults who were formerly in foster care include Aftercare Support Services and the Road to Independence Scholarship Program. Amendments are made to existing statutes which have provided for postsecondary fee exemptions and Medicaid for young adults who were continuing to receive foster care services beyond the age of 18 years, to reflect the new service delivery framework and statutory reference.

The newly created s. 409.1451, F.S., sets forth the legislature's directive for the Department of Children and Families' operation of independent living transition services. A continuum of independent living transition services is to be available to enable older children in foster care and young adults who were formerly in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. The goals for this continuum of services are articulated and include assisting these older youth to obtain the life skills and education for independent living and employment, to experience life opportunities, and to assume personal responsibility for becoming self-sufficient.

The services for older children in foster care and young adults who were formerly in foster care are clearly delineated with eligibility criteria and service description provided for each service within each youth population. The Department of Children and Families is directed to provide three service components for the older children in the foster care population:

- Pre-Independent Living Services: Children in foster care ages 13 to 15 years may receive services such as life skills training and educational field trips, based on a pre-independent living assessment.
- Life Skills Services: Children in foster care ages 15 to 18 years may receive independent living skills training, educational support, employment training and counseling based on the child's needs identified in the Independent Life Skills Assessment.
- Subsidized Independent Living Services: Children in foster care ages 16 to 18 years who have been in licensed out-of-home care for at least 6 months and meet other established eligibility criteria and conditions may be placed in a living arrangement that allows the child to live independently of the daily care and supervision of an adult.

The older children ages 13 to 18 years are also to be provided with life skills activities which emulate the experiences of other older children their age not in foster care. Initiatives to support these activities include developing a list of age-appropriate activities and responsibilities for the older children and foster parents, providing training to staff and foster parents on the particular needs of older children in foster care, maximizing the ability of foster parents to permit the older children to participate in age appropriate activities, providing for interactions with mentors and implementing mechanisms that allow older children to receive and manage their personal allowance directly. The pre-independent living services and life skills activities are new to the continuum of services available for these foster children.

The services for young adults formerly in foster care are to be provided based on the availability of funds and are as follows:

- Aftercare Support Services: Young adults 18 to 23 years who were in foster care until age 18 years may receive, if requested, an aftercare support services assessment and referral to needed community resources. Temporary assistance is also available to prevent homelessness.
- Florida Road to Independence Scholarship Program: Young adults ages 18 to 23 years who were in foster care and meet the prescribed eligibility criteria and program conditions may receive a scholarship to assist the young adult to gain the education and vocational training needed to achieve independence. The amount of the award is equivalent to a 40 hour a week minimum wage job, after considering any other grants or scholarships. Award recipients must be enrolled full time in high school, an education program to earn a high school diploma or its equivalent, or an eligible postsecondary educational institution (such as a Florida public university, community college or technical school). The award issuance process is described and provides for such aspects as informing older foster children and foster parents of the program, the time frame for applying for the scholarship, the award renewal process, termination of the award, and applying for reinstatement. This scholarship program mirrors, with minor differences, s. 409.145(3), F.S., in payment to the youth and eligibility; therefore, the same young adults are being provided basically the same service. The difference is the service delivery structure; it is no longer a foster care client service but a benefit available to ex-foster care young adults.

Since the jurisdiction of the dependency court ceases when the foster child turns 18 years of age, an appeals process is provided for the young adults who are over the age of 18 years. This process includes both an internal appeal within the department and an external appeal using the judicial review process provided for in s. 120.68, F.S.

The department is also required to form an independent living services integration workgroup. The workgroup is charged with assessing the barriers to coordination of services and supporting the youths' transition to independent living across the systems to include the following specific issues:

- Addressing the possibility of expanding Medicaid to cover youth up to age 21 years in the foster care program, pursuant to the Foster Care Independence Act of 1999.
- Addressing the possibility of expanding Medicaid eligibility to include youth who are completing a postsecondary education degree up to the age of 23 years.
- Encouraging the Regional Workforce Boards to provide eligible foster care youth with priority employment training and support.
- Ensuring the appropriate transfers between schools when a youth changes foster care placements.

Members of the workgroup are to include representatives of the Department of Children and Families, Agency for Workforce Innovation, Workforce Florida, Inc., State Youth Advisory Board, Department of Education and foster parents. A report on the recommendations of the workgroup is to be submitted to the Legislature by December 31, 2002.

The department is directed to develop outcome and other performance measures. There is also a department directive to develop rules and procedures to administer the section. The rules are specifically to include providing for the proportional reduction of scholarship awards if the department finds that adequate funds are not available for all applicants.

The goals set forth for the Department of Children and Families in s. 409.145, F.S., for operating a program for dependent children and their families is amended to include the transition of adolescents in the foster care system to self-sufficiency. Reference to subsection (4) of s. 409.165, F.S., a subsection repealed by this bill, is changed in subsection (3) of s. 409.165, F.S., to reflect the subsidized independent living subsection in the newly created section. Subsections (4) of s. 409.145 and (3) of s. 409.165, F.S., are incorporated into the new s. 409.1451, F.S., and subsequently, repealed by this bill.

Sections 239.117(4), 240.235(5) and 240.35(2), F.S., are amended to replace the current reference to students who are continuing to receive foster care payments pursuant to s. 409.145, F.S., or whose permanency goal is independent living or long term foster care, with students who have been awarded the Florida Road to Independence Scholarship. This amendment replaces the description of the students eligible for the fee exemption to mirror the change in the program and statutory reference and continue the eligibility for the same group of students. A similar revision is made to the Medicaid statutory provisions. Youth ages 18 to 21 years were eligible for Medicaid because they were receiving foster care services. With the distinction being made in statute that these payments are not foster care services, statutory authority is provided to continue this group's Medicaid eligibility.

CS/SB 996 provides a frame work for the continuum of independent living transition services that are now being offered by the department with the expanded Chafee Independent Living Program grant funds and shifts the continued foster care payments to young adults enrolled in an educational institution to a scholarship program. The frame work provides a specific separation of the services for the young adults who were formerly in foster care from the foster care system. The bill updates current statute to provide consistency with a number of the requirements of the Foster Care Independence Act of 1999 and transfers existing statutory language relative to the Department of Children and Families' responsibility to older children in the foster care system to the newly created section. A major portion of the services described in the bill have been available to youth but only minimally due to the limited funding available. This bill provides clear policy direction for Florida's independent living services, as will be provided with the expanded federal funding.

The effective date of the bill is October 2, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fiscal impact is not known at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
