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A bill to be entitled  
 An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice that court jurisdiction continues for a specified period of time; amending s. 409.903, F.S.; expanding Medicaid eligibility to include certain young adults; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.--  
 (2) The circuit court shall have exclusive original

29 jurisdiction of all proceedings under this chapter, of a child  
30 voluntarily placed with a licensed child-caring agency, a  
31 licensed child-placing agency, or the department, and of the  
32 adoption of children whose parental rights have been terminated  
33 under ~~pursuant to~~ this chapter. Jurisdiction attaches when the  
34 initial shelter petition, dependency petition, or termination of  
35 parental rights petition is filed or when a child is taken into  
36 the custody of the department. The circuit court may assume  
37 jurisdiction over any such proceeding regardless of whether the  
38 child was in the physical custody of both parents, was in the  
39 sole legal or physical custody of only one parent, caregiver, or  
40 some other person, or was in the physical or legal custody of no  
41 person when the event or condition occurred that brought the  
42 child to the attention of the court. When the court obtains  
43 jurisdiction of any child who has been found to be dependent,  
44 the court shall retain jurisdiction, unless relinquished by its  
45 order, until the child reaches 18 years of age. However, the  
46 juvenile court on its own motion or the child up to his or her  
47 19th birthday may petition the court to extend its jurisdiction  
48 under this chapter for a period not to exceed 1 year after the  
49 child's 18th birthday in order to:

50 (a) Determine whether a dependent child who was formerly  
51 in the legal custody of the department immediately before  
52 becoming an adult received appropriate aftercare support, Road-  
53 to-Independence Scholarship Program, transitional support,  
54 mental health, and development disability services to the extent  
55 otherwise authorized by law. A judicial review hearing is not  
56 required under this paragraph unless requested by the former

57 dependent child or on the court's own motion for good cause  
 58 shown; or

59 (b) Meet any requirement of federal law with respect to  
 60 the court's ongoing jurisdiction pending the federal  
 61 government's issuance of a Special Immigrant Juvenile Visa to a  
 62 child who was formerly a dependent child.

63 Section 2. Paragraph (a) of subsection (6) of section  
 64 39.701, Florida Statutes, is amended to read:

65 39.701 Judicial review.--

66 (6)(a) In addition to ~~the provisions of~~ paragraphs (1)(a)  
 67 and (2)(a), the court shall hold a judicial review hearing  
 68 within 90 days after a child's 17th birthday and shall continue  
 69 to hold timely judicial review hearings. In addition, the court  
 70 may review the status of the child more frequently during the  
 71 year prior to the child's 18th birthday if necessary. At each  
 72 review held under ~~pursuant to~~ this subsection, in addition to  
 73 any information or report provided to the court, the foster  
 74 parent, legal custodian, guardian ad litem, and the child shall  
 75 be given the opportunity to address the court with any  
 76 information relevant to the child's best interests, particularly  
 77 as it relates to ~~the provision of~~ independent living transition  
 78 services. In addition to any information or report provided to  
 79 the court, the department shall include in its judicial review  
 80 social study report written verification that the child:

- 81 1. Has been provided with a current Medicaid card.
- 82 2. Has been provided with a certified copy of his or her
- 83 birth certificate and, if the child does not have a valid
- 84 driver's license, a Florida identification card issued under

85 ~~pursuant to~~ s. 322.051.

86 3. Has been provided information relating to Social  
 87 Security Insurance benefits if the child is eligible for these  
 88 ~~such~~ benefits. If the child has received these benefits and they  
 89 are being held in trust for the child, a full accounting of  
 90 those funds must ~~shall~~ be provided and the child must be  
 91 informed about how to access those funds.

92 4. Has been provided with information and training related  
 93 to budgeting skills, interviewing skills, and parenting skills.

94 5. Has been provided with all relevant information related  
 95 to the Road-to-Independence Scholarship, including, but not  
 96 limited to, eligibility requirements, forms necessary to apply,  
 97 and assistance in completing the forms. The child shall also be  
 98 informed that, if he or she is eligible for the Road-to-  
 99 Independence Scholarship Program, he or she may reside with the  
 100 licensed foster family or group care provider with whom the  
 101 child was residing at the time of attaining his or her 18th  
 102 birthday or may reside in another licensed foster home arranged  
 103 by the department.

104 6. Has an open bank account, or has identification  
 105 necessary to open ~~such~~ an account, and has been provided with  
 106 essential banking skills.

107 7. Has been provided with information on public assistance  
 108 and how to apply.

109 8. Has been provided a clear understanding of where he or  
 110 she will be living on his or her 18th birthday, how living  
 111 expenses will be paid, and what educational program or school he  
 112 or she will be enrolled in.

113           9. Has been provided with notice of the court's continuing  
 114 jurisdiction for 1 year after the child's 18th birthday as  
 115 specified in s. 39.013(2) and with information on how to obtain  
 116 access to the court.

117           10. Has had a guardian ad litem appointed by his or her  
 118 17th birthday.

119           Section 3. Subsection (4) of section 409.903, Florida  
 120 Statutes, is amended to read:

121           409.903 Mandatory payments for eligible persons.--The  
 122 agency shall make payments for medical assistance and related  
 123 services on behalf of the following persons who the department,  
 124 or the Social Security Administration by contract with the  
 125 Department of Children and Family Services, determines to be  
 126 eligible, subject to the income, assets, and categorical  
 127 eligibility tests set forth in federal and state law. Payment  
 128 on behalf of these Medicaid eligible persons is subject to the  
 129 availability of moneys and any limitations established by the  
 130 General Appropriations Act or chapter 216.

131           (4) A child who is eligible under Title IV-E of the Social  
 132 Security Act for subsidized board payments, foster care, or  
 133 adoption subsidies, and a child for whom the state has assumed  
 134 temporary or permanent responsibility and who does not qualify  
 135 for Title IV-E assistance but is in foster care, shelter or  
 136 emergency shelter care, or subsidized adoption. This category  
 137 includes a young adult under 21 years of age ~~child~~ who was  
 138 eligible under Title IV-E of the Social Security Act for foster  
 139 care or the state-provided foster care and, ~~and~~ who exited foster  
 140 care due to attaining the age of 18 years, ~~and who has been~~

141 ~~awarded a Road-to-Independence Scholarship.~~

142 Section 4. Paragraphs (b) and (d) of subsection (5) of  
 143 section 409.1451, Florida Statutes, are amended to read:

144 409.1451 Independent living transition services.--

145 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER  
 146 CARE.--Based on the availability of funds, the department shall  
 147 provide or arrange for the following services to young adults  
 148 formerly in foster care who meet the prescribed conditions and  
 149 are determined eligible by the department. The categories of  
 150 services available to assist a young adult formerly in foster  
 151 care to achieve independence are:

152 (b) Road-to-Independence Scholarship Program.--

153 1. The Road-to-Independence Scholarship Program is  
 154 intended to help eligible students who are former foster  
 155 children in this state to receive the educational and vocational  
 156 training needed to achieve independence. The amount of the award  
 157 shall be based on the living and educational needs of the young  
 158 adult and may be up to, but may ~~shall~~ not exceed, the amount of  
 159 earnings that the student would have been eligible to earn  
 160 working a 40-hour-a-week federal minimum wage job.

161 2. A young adult who has reached 18 years of age but is  
 162 not yet 21 years of age is eligible for the initial award, and a  
 163 young adult under 23 years of age is eligible for renewal  
 164 awards, if he or she:

165 a. Was a dependent child, under ~~pursuant to~~ chapter 39,  
 166 and was living in licensed foster care or in subsidized  
 167 independent living at the time of his or her 18th birthday;

168 b. Spent at least 6 months living in foster care before

169 reaching his or her 18th birthday;

170 c. Is a resident of this state as defined in s. 1009.40;  
 171 and

172 d. Meets one of the following qualifications:

173 (I) Has earned a standard high school diploma or its  
 174 equivalent as described in s. 1003.43 or s. 1003.435, or has  
 175 earned a special diploma or special certificate of completion as  
 176 described in s. 1003.438, and has been admitted for full-time  
 177 enrollment in an eligible postsecondary education institution as  
 178 defined in s. 1009.533;

179 (II) Is enrolled full time in an accredited high school;  
 180 or

181 (III) Is enrolled full time in an accredited adult  
 182 education program designed to provide the student with a high  
 183 school diploma or its equivalent.

184 3. A young adult applying for a Road-to-Independence  
 185 Scholarship must apply for any other grants and scholarships for  
 186 which he or she may qualify. The department shall assist the  
 187 young adult in the application process and may use the federal  
 188 financial aid grant process to determine the funding needs of  
 189 the young adult.

190 4. The amount of the award, whether it is being used by a  
 191 young adult working toward completion of a high school diploma  
 192 or its equivalent or working toward completion of a  
 193 postsecondary education program, shall be determined based on an  
 194 assessment of the funding needs of the young adult. This  
 195 assessment must ~~shall~~ consider the young adult's living and  
 196 educational costs and other grants, scholarships, waivers,

197 earnings, and other income to be received by the young adult. An  
198 award shall be available only to the extent that other grants  
199 and scholarships are not sufficient to meet the living and  
200 educational needs of the young adult, but an award may ~~shall~~ not  
201 be less than \$25 in order to maintain Medicaid eligibility for  
202 the young adult as provided in s. 409.903.

203 5.a. The department must advertise the availability of the  
204 program and must ensure that the children and young adults  
205 leaving foster care, foster parents, or family services  
206 counselors are informed of the availability of the program and  
207 the application procedures.

208 b. A young adult must apply for the initial award during  
209 the 6 months immediately preceding his or her 18th birthday, and  
210 the department shall provide assistance with the application  
211 process. A young adult who fails to make an initial application,  
212 but who otherwise meets the criteria for an initial award, may  
213 make one application for the initial award if the ~~such~~  
214 application is made before the young adult's 21st birthday. If  
215 the young adult does not apply for an initial award before his  
216 or her 18th birthday, the department shall inform that young  
217 adult of the opportunity to apply before turning 21 years of  
218 age.

219 c. If funding for the program is available, the department  
220 shall issue awards from the scholarship program for each young  
221 adult who meets all the requirements of the program.

222 d. An award shall be issued at the time the eligible  
223 student reaches 18 years of age.

224 e. A young adult who is eligible for the Road-to-



225 Independence Program and who so desires shall be allowed to  
 226 reside with ~~remain in~~ the licensed foster family or group care  
 227 provider with whom he or she was residing at the time of  
 228 attaining his or her 18th birthday or to reside in another  
 229 licensed foster home arranged by the department.

230 f. If the award recipient transfers from one eligible  
 231 institution to another and continues to meet eligibility  
 232 requirements, the award must be transferred with the recipient.

233 g. Scholarship funds awarded to any eligible young adult  
 234 under this program are in addition to any other services  
 235 provided to the young adult by the department through its  
 236 independent living transition services.

237 h. The department shall provide information concerning  
 238 young adults receiving the Road-to-Independence Scholarship to  
 239 the Department of Education for inclusion in the student  
 240 financial assistance database, as provided in s. 1009.94.

241 i. Scholarship funds are intended to help eligible  
 242 students who are former foster children in this state to receive  
 243 the educational and vocational training needed to become  
 244 independent and self-supporting. The ~~Such~~ funds shall be  
 245 terminated when the young adult has attained one of four  
 246 postsecondary goals under ~~pursuant to~~ subsection (3) or reaches  
 247 23 years of age, whichever occurs earlier. In order to initiate  
 248 postsecondary education, to allow for a change in career goal,  
 249 or to obtain additional skills in the same educational or  
 250 vocational area, a young adult may earn no more than two  
 251 diplomas, certificates, or credentials. A young adult attaining  
 252 an associate of arts or associate of science degree shall be

253 permitted to work toward completion of a bachelor of arts or a  
254 bachelor of science degree or an equivalent undergraduate  
255 degree. Road-to-Independence Scholarship funds may ~~shall~~ not be  
256 used for education or training after a young adult has attained  
257 a bachelor of arts or a bachelor of science degree or an  
258 equivalent undergraduate degree.

259 j. The department shall evaluate and renew each award  
260 annually during the 90-day period before the young adult's  
261 birthday. In order to be eligible for a renewal award for the  
262 subsequent year, the young adult must:

263 (I) Complete the number of hours, or the equivalent  
264 considered full time by the educational institution, in the last  
265 academic year in which the young adult earned a scholarship,  
266 except for a young adult who meets the requirements of s.  
267 1009.41.

268 (II) Maintain appropriate progress as required by the  
269 educational institution, except that, if the young adult's  
270 progress is insufficient to renew the scholarship at any time  
271 during the eligibility period, the young adult may restore  
272 eligibility by improving his or her progress to the required  
273 level.

274 k. Scholarship funds may be terminated during the interim  
275 between an award and the evaluation for a renewal award if the  
276 department determines that the award recipient is no longer  
277 enrolled in an educational institution as defined in sub-  
278 subparagraph 2.d., or is no longer a state resident. The  
279 department shall notify a student who is terminated and inform  
280 the student of his or her right to appeal.

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281 1. An award recipient who does not qualify for a renewal  
282 award or who chooses not to renew the award may subsequently  
283 apply for reinstatement. An application for reinstatement must  
284 be made before the young adult reaches 23 years of age, and a  
285 student may not apply for reinstatement more than once. In order  
286 to be eligible for reinstatement, the young adult must meet the  
287 eligibility criteria and the criteria for award renewal for the  
288 scholarship program.

289 (d) Payment of aftercare, scholarship, or transitional  
290 support funds.--Payment of aftercare, scholarship, or  
291 transitional support funds shall be made directly to the  
292 recipient unless the recipient requests in writing to the  
293 community-based care lead agency, or the department, that the  
294 payments or a portion of the payments be made directly on the  
295 recipient's behalf in order to secure services such as housing,  
296 counseling, education, or employment training as part of the  
297 young adult's own efforts to achieve self-sufficiency. The young  
298 adult who resides ~~continues~~ with a foster family may ~~shall~~ not  
299 be included as a child in calculating any licensing restriction  
300 on the number of children in the foster home.

301 Section 5. This act shall take effect July 1, 2005.