

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 627

Transitional Services for Youth

**SPONSOR(S):** Porth

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1356

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>Health Care Services Policy Committee</u>	<u>12 Y, 0 N</u>	<u>Schoonover</u>	<u>Schoolfield</u>
2)	<u>Public Safety &amp; Domestic Security Policy Committee</u>	<u></u>	<u></u>	<u></u>
3)	<u>Full Appropriations Council on Education &amp; Economic Development</u>	<u></u>	<u></u>	<u></u>
4)	<u>Criminal &amp; Civil Justice Policy Council</u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

HB 627 allows the Department of Juvenile Justice (DJJ) to provide older youth in its custody or under its supervision opportunities to participate in activities and services that assist in transition to adulthood. DJJ would develop a plan for participating youth which will lead to total independence. The bill also ensures that youth, who are in the custody of the Department of Children and Family Services (DCF) and enter a DJJ residential program, remain eligible for DCF services including independent living transition services. Further the bill clarifies that a youth who leaves a DJJ residential program after delinquent adjudication and his or her family abandons or deserts him or her, is not hampered from a later dependent adjudication and eligibility for DCF's foster care system.

The bill also permits the court to retain jurisdiction for a year beyond the child's 19<sup>th</sup> birthday if they are participating in the transition to adulthood program.

The bill does not appear to have a fiscal impact on state or local governments.

The bill takes effect on July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### *Independent Living Transition Services*

The Department of Children and Family Services (DCF) administers a system of independent living transition services to assist older children in foster care and 18 year olds exiting foster care to transition into self-sufficient adults.<sup>1</sup> This program was created in 2002, utilizing both state and federal funds to provide a continuum of services and financial assistance to prepare current and former foster youth to live independently.<sup>2</sup> Under the program, DCF serves children who have reached 13 years of age but are not 18 years of age and are in foster care.<sup>3</sup> DCF also serves young adults who have turned 18 years old but are not 23 years old and were in foster care when they turned 18 years old. They also serve youth, who after turning 16 years old were adopted from foster care or placed with a court approved dependency guardian and spent at least 6 months in foster care within the 12 months preceding placement or adoption.<sup>4</sup>

The DCF program provides services to assist young adults in obtaining life skills and education for independent living and employment.<sup>5</sup> Private and county government-based child welfare organizations deliver these services through the community-based care system.<sup>6</sup> DCF includes youth that have been adjudicated dependent and/or delinquent in independent living services programs. Foster youth who have been adjudicated delinquent and enter a juvenile justice placement are the shared responsibility of DCF and DJJ.<sup>7</sup> Current law provides no specific statutory requirement that requires DCF to provide independent living transition services to youth who are in foster care and also are being served by the Department of Juvenile Justice (DJJ). DCF presumes that these youth remain eligible for independent living transition services.

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<sup>1</sup> s. 409.1451, F.S.

<sup>2</sup> Id.

<sup>3</sup> s. 409.1451(2)(a), F.S.

<sup>4</sup> s. 409.1451(2)(b), F.S.

<sup>5</sup> s. 409.1451(1)(b), F.S.

<sup>6</sup> s. 409.1671, F.S.

<sup>7</sup> Staff Analysis, HB 627 (2009), Department of Children and Family Services, 2009. (On file with committee staff).

To coordinate services for children served by more than one agency or department, DCF has established an interagency agreement between DCF, DJJ, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the Department of Health.<sup>8</sup> The agreement requires the establishment of local review teams, which meet consistently in each circuit and encourage the participation of the local community based care agencies.<sup>9</sup> If the local team determines that an individual's needs are of such a nature that a coordinated multi-agency service team is necessary, the review team identifies a "champion" for the child.<sup>10</sup> The "champion" ensures that all available necessary services are provided.<sup>11</sup>

### *Department of Juvenile Justice*

DJJ is tasked with providing conditional release services to youth exiting juvenile justice residential programs. Conditional release is the care, treatment, help, and supervision provided to juveniles released from residential commitment programs to promote rehabilitation and prevent recidivism.<sup>12</sup> The program is intended to help prepare youth for a successful transition from DJJ commitment back to the community. Each youth in a DJJ residential program is to be assessed to determine need for conditional release.

If upon leaving a DJJ residential program the youth's family abandons him or her or refuses to resume their parental duties, the youth has two options. First, he or she may use review teams, which are created through the interagency agreement with DCF and other agencies, to remove obstacles that caused a parent to abandon the child, thus allowing the youth to return to their family. The youth may also call the DCF Central Abuse Hotline and file a report, which could result in an investigation by a child protective investigator if the report meets the statutory definition of abuse, neglect, or abandonment.<sup>13</sup> If following the investigation it is determined that the youth is in need of protection and supervision of the court, DCF is required to file a petition for dependence.<sup>14</sup> Once adjudicated dependent, DCF will take responsibility for serving the individual through the foster care system which may include independent living transition services.

### *Court Jurisdiction*

A child who has committed a delinquent act will usually remain under the jurisdiction of the court, unless otherwise relinquished, until the child's 19<sup>th</sup> birthday. The court may also retain jurisdiction for a child beyond 19 years for special circumstances such as commitments to juvenile prison or high risk residential programs.<sup>15</sup>

### **Effect of Proposed Changes**

The bill creates a definition for "transition to adulthood" to mean services for youth, which are in the custody or supervision of DJJ, to provide them with knowledge, skills and aptitudes to assist them in their adult lives. The bill also defines the services which may be included under this definition including assessment, plan development and services toward achieving transition to adulthood.

The bill provides Legislative intent that DJJ may provide older youth in custody or under supervision the opportunity to participate in transition to adulthood services. This appears to be a similar and augmented authority to what currently exists in the conditional release program operated by DJJ for youth transitioning back to the community.<sup>16</sup>

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<sup>8</sup> Staff Analysis, HB 627 (2009), Department of Children and Family Services. (On file with committee staff.)

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> s. 985.46(1)(a), F.S.

<sup>13</sup> s. 39.301,(9)b, F.S.

<sup>14</sup> Id.

<sup>15</sup> s. 985.0301,F.S.

<sup>16</sup> s. 985.46, F.S.

The bill also provides that youth who enter a DJJ placement from a foster care placement, and who are in legal custody of DCF are eligible to receive independent living transition services pursuant to s. 409.1451, F.S. The bill also provides that court ordered commitment or probation are not barriers to eligibility for youth to receive the array of services available if they were in foster care alone. This is consistent with current DCF policy.

The bill provides that adjudication of delinquency may not be considered by itself as disqualifying criteria for eligibility in DCF's Independent Living Program. The bill elaborates on this point and provides that youth with a delinquent adjudication, who leave a DJJ residential program and are abandoned by family should not be hampered in receiving a dependent adjudication and eligibility for the DCF's foster care system.

The bill permits DJJ to assess youth prior to placement in a transition to adulthood program. The assessment will include determining the youth's ability to live independently and become self-sufficient. DJJ is also given authority to develop a list of age-appropriate activities and responsibilities. Some of the activities include, but are not limited to life skills training, banking and budgeting skills, interviewing and career planning skills, parenting skills, personal health management, time management or organizational skills, educational support, employment training, and counseling.

The bill permits DJJ to request parental or guardian consent for the youth to participate in the transition to adulthood program. The activities the youth will participate in and other transition services are to be incorporated into an overall plan which must be reviewed and updated quarterly. The plan must not interfere with parents or guardians rights to train the child.

DJJ is also given authority to contract for transition to adulthood services including residential services. The bill provides for program eligibility to include youth at least 17 but not yet 19 years of age and who are not a danger to the public and have a demonstrated aptitude for the program. The effect of this change will permit DJJ to provide services to youth in their custody or supervision to increase their ability to live independently and become self-sufficient adults.

The bill also allows the court to retain jurisdiction for an additional 365 days beyond a youth's 19<sup>th</sup> birthday if he or she is participating in a DJJ transition to adulthood program. This is similar to the provision for continued court jurisdiction of up to one year for children from the foster care system who are participating in the Independent Living program administered under DCF.<sup>17</sup>

## B. SECTION DIRECTORY:

Section 1. Amends s. 985.03, F.S., relating to definitions.

Section 2. Creates s. 985.461, F.S., relating to transition to adulthood.

Section 3. Amends s. 985.0301, F.S., relating to jurisdiction.

Section 4. Creates an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

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<sup>17</sup> s. 39.013, F.S.

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

Line 65: This language is not clear that youth would still need to meet eligibility criteria in s. 409.1451, F.S., for Independent Living Transition Services. This section would be clearer if worded "placement, if otherwise eligible to receive services pursuant to s. 409.1451."

Line 68: "array of sources" probably intended to mean "array of resources"

Line 76 to 79: This section makes a broad statement that adjudication of delinquency is not an impediment to adjudication of dependency and *eligibility* for the foster care system. This should be made clearer that the person must still be eligible for the foster care system (i.e. under 18 years of age).

Line 99 to 100: the phrase "upon such consent" is not needed since it is permissive for DJJ to request parental consent. DJJ could incorporate activities in the plan without parental consent since the youth is under their legal custody and court jurisdiction.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**