

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 627

Transitional Services for Youth

SPONSOR(S): Porth

TIED BILLS:

IDEN./SIM. BILLS: SB 1356

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Health Care Services Policy Committee	12 Y, 0 N	Schoonover	Schoolfield
2)	Public Safety & Domestic Security Policy Committee	13 Y, 0 N	Cunningham	Cunningham
3)	Full Appropriations Council on Education & Economic Development			
4)	Criminal & Civil Justice Policy Council			
5)				

SUMMARY ANALYSIS

The bill permits the Department of Juvenile Justice (DJJ) to provide transition to adulthood services to youth in DJJ's custody or supervision. Such services are designed to increase a youth's ability to live independently and become a self-sufficient adult.

The bill permits DJJ to:

- Assess a youth's skills and abilities to live independently and become self sufficient.
- Develop a list of age-appropriate activities and responsibilities to be incorporated into the youth's written case plan for any youth 17 years of age or older.
- Provide information related to social security insurance benefits and public assistance.
- Request parental or guardian permission for the youth to participate in the transition to adulthood services and to incorporate into the youth's written case plan age-appropriate activities.
- Contract for transition to adulthood services, which include residential services and assistance, that allow for the child to live independently of the daily care and supervision of an adult. 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 bill requires that transition to adulthood services for a child must be part of an overall plan leading to the total independence of the child from DJJ's supervision. The bill requires that certain items be included in the overall plan, such as a description of the skills of the child and a plan for learning additional identified skills, a plan for future educational, vocational, and training skills, and a plan for maintaining or developing relationships with family, other adults, friends, and the community.

The bill also provides that youth who are adjudicated delinquent and who are in legal custody of the Department of Children and Families (DCF) are eligible to receive DCF's independent living transition services pursuant to s. 409.1451, F.S. Adjudication of delinquency may not be considered, by itself, as disqualifying criteria for eligibility in DCF's Independent Living Program. This is consistent with current DCF policy.

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

The bill does not appear to have a fiscal impact and 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:

Present Situation

DCF - Independent Living Transition Services

The Department of Children and Families (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.¹ 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.² The DCF program provides services to assist young adults in obtaining life skills and education for independent living and employment.³ Private and county government-based child welfare organizations deliver these services through the community-based care system.⁴

The DCF program serves:

- Children who have reached 13 years of age but are not 18 years of age and are in foster care.⁵
- 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 or, 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.⁶

Although not specifically required by statute, DCF also allows youth who meet the above criteria and who have been adjudicated delinquent to participate in the program.⁷

Department of Juvenile Justice – Conditional Release Services

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.⁸

The program is intended to help prepare youth for a successful transition from DJJ commitment back to the community. Each youth committed to a DJJ residential program is to be assessed to determine the

¹ s. 409.1451, F.S.

² *Id.*

³ s. 409.1451(1)(b), F.S.

⁴ s. 409.1671, F.S.

⁵ s. 409.1451(2)(a), F.S.

⁶ s. 409.1451(2)(b), F.S.

⁷ Foster youth who have been adjudicated delinquent and enter a juvenile justice placement are the shared responsibility of DCF and DJJ. Staff Analysis, HB 627 (2009), Department of Children and Families, 2009. (On file with committee staff).

⁸ s. 985.46(1)(a), F.S.

need for conditional release services upon release from the program.⁹ DJJ may also supervise the juvenile when released into the community from a residential program and provide such counseling and other services as may be necessary for families and assisting families' preparations for the return of the child.¹⁰

Court Jurisdiction

Section 985.0301, F.S., provides that the circuit court has exclusive jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law. Subsection (5) of the statute specifies that the court shall retain such jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.

Effect of the Bill

The bill creates a definition for "transition to adulthood" to mean services for youth who are in the custody of or under the supervision of DJJ, with the objective of acquisition of knowledge, skills, and aptitudes that are essential to pre-social, self-supporting adult life. The bill specifies that transition to adulthood services may include, but are not limited to:

- Assessment of the youth's ability and readiness for adult life;
- A plan for the youth to acquire knowledge, information, and counseling sufficient to make a successful transition to adulthood; and
- Services that have been proven effective towards achieving the objective of transition to adulthood.

The bill provides Legislative intent that DJJ may provide older youth in its custody or under its supervision opportunities to participate in transition to adulthood services while in DJJ's commitment programs or in probation or conditional release programs in the community. This appears to be a similar authority to what currently exists in the conditional release program operated by DJJ for youth transitioning back to the community.¹¹ The bill specifies that these services should be reasonable and appropriate for the youths' respective ages or for any special needs the youth may have.

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 DCF's 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. 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 specifies that if, upon exiting a DJJ residential program, the youth's family abandons or deserts the youth or otherwise refuses to assume parental duties, the adjudication of delinquency is not an impediment to a subsequent adjudication of dependency and eligibility for the foster care system.

The bill permits DJJ to:

- Assess a youth's skills and abilities to live independently and become self sufficient.
- Develop a list of age-appropriate activities and responsibilities to be incorporated into the youth's written case plan for any youth 17 years of age or older. The activities may include, but are not limited to life skills training, banking and budgeting skills, interviewing and career

⁹ *Id.*

¹⁰ *Id.*

¹¹ s. 985.46, F.S.

planning skills, parenting skills, personal health management, time management or organizational skills, educational support, employment training, and counseling.

- Provide information related to social security insurance benefits and public assistance.
- Request parental or guardian permission for the youth to participate in the transition to adulthood services. Upon such consent, the age-appropriate activities must be incorporated into the youth's written case plan. The case plan may include specific goals and objectives and must be reviewed and updated quarterly. The plan must not interfere with parents or guardians rights to train the child.
- Contract for transition to adulthood services, which include residential services and assistance, that allow for the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175, F.S. 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 bill requires that services focused in the transition to adulthood for a child must be part of an overall plan leading to the total independence of the child from DJJ's supervision. The plan must include:

- A description of the skills of the child and a plan for learning additional identified skills.
- The behavior that the child has exhibited which indicates an ability to be responsible and a plan for developing additional responsibilities.
- A plan for future educational, vocational, and training skills.
- Present financial and budgeting capabilities and a plan for improving resources and abilities.
- A description of the proposed residence.
- Documentation that the child understands the specific consequences of his or her conduct in such a program.
- Documentation of proposed services to be provided by DJJ and other agencies, including the type of services and the nature and frequency of contact.
- A plan for maintaining or developing relationships with family, other adults, friends, and the community.

These changes will permit DJJ to provide services to youth in their custody or supervision which may increase a youth's ability to live independently and become a self-sufficient adult.

The bill also amends s. 985.0301(5)(a), F.S., to allow the court to retain jurisdiction for an additional 365 days beyond a youth's 19th birthday if the youth 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.¹²

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.

¹² s. 39.013(2), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
DJJ reports that this bill does not have a fiscal impact on the Department.

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 68: "array of sources" is probably intended to mean "array of services"

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES