

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 2460

SPONSOR: Children and Families Committee and Senator Campbell

SUBJECT: Independent Living Transition Services

DATE: April 14, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dowds	Whiddon	CF	Fav/CS
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for SB 2460 requires the Department of Children and Families to identify and assist foster care children with developmental disabilities or special mental health needs with their efforts to achieve independence and self-sufficiency. Eligibility for participation in life skills activities that are available for foster care children is extended to former foster care youth with disabilities, age 18 to 23 years. Eligibility for the Road to Independence Scholarship program is expanded to include foster care youth who left the foster care system within 6 months of their 18th birthday, young adults between the age of 21 and 23 years who are entering the education system and applying for the scholarship for the first time, students in special education programs who are meeting that program’s requirements for graduation, and students who are enrolled fulltime in a high school equivalency diploma program. Young adults who are eligible for the Road to Independence Scholarship are permitted to remain in foster care in lieu of receiving the scholarship award

This bill substantially amends section 409.1451 of the Florida Statutes.

II. Present Situation:

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. The new Chafee Foster Care Independent Living program allows 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. This new federal law doubled the appropriations nationally and increased Florida's allocation substantially, from \$990,074 to \$5.9 million for the first year of the new federal funding and up to \$10 million for the federal fiscal year 2002.

With the expansion of the Chafee Foster Care Independent Living Program and funding available, the Legislature during the 2002 session created s. 409.1451, F.S., which established the framework for Florida's independent living transition services to be provided to these older youth (ch. 2002-19, L.O.F.). Specifically, s. 409.1451, F.S., provides for a continuum of independent living transition services 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. Eligibility is specifically provided for the older children in foster care and the youth formerly in foster care. One distinction in the services available is that for the older children in foster care, the identified services are required to be provided if the child is eligible and meets the prescribed conditions, whereas, for the youth formerly in foster care, the services are provided based on the availability of funds.

The services available to older children in the foster care system are as follows:

- 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 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.
- Transitional Support Services: Young adults ages 18 to 23 years who were in foster care and meet the prescribed eligibility criteria may receive other short term services such as financial assistance, housing, counseling, and employment services if these services are determined critical to the young adults' efforts to achieve self-sufficiency and to develop a personal support system.

Section 409.1451(7), F.S., directed the department to form an independent living services workgroup. The workgroup was charged with assessing the barriers to coordination of services and supporting the youths' transition to independent living across the systems, including addressing barriers to older foster care youth engaging in normal age appropriate experiences. With the shift made with ch. 2002-19, L.O.F., from youth age 18 to 21 years who were continuing to receive foster care payments to youth who have been awarded the Road to Independence Scholarships, s. 409.903(4), F.S., was also amended to continue Medicaid eligibility for the youth ages 18 to 21 who had been eligible for Medicaid because they were receiving foster care services to reflect youth formerly in foster care who receive a Road to Independent Scholarship

III. Effect of Proposed Changes:

CS/SB 2460 requires the Department of Children and Families to identify and assist foster care children with developmental disabilities or special mental health needs with their efforts to achieve independence and self-sufficiency. Eligibility for participation in life skills activities that are available for foster care children is extended to former foster care youth with disabilities, age 18 to 23 years. Eligibility for the Road to Independence Scholarship program is expanded to include foster care youth who left the foster care system within 6 months of their 18th birthday, young adults between the age of 21 and 23 years who are entering the education system and applying for the scholarship for the first time, students in special education programs who are meeting that program's requirements for graduation, and students who are enrolled fulltime in a high school equivalency diploma program. Young adults who are eligible for the Road to Independence Scholarship are permitted to remain in foster care in lieu of receiving the scholarship award.

CS/SB 2460 requires the Department of Children and Families to identify adolescent foster children with developmental disabilities or special mental health needs for the purpose of assisting these youth make the transition to self-sufficiency. The department is required by the bill to assist these adolescent foster children obtain the reasonable accommodations necessary for

their disabilities and access support and funding from the Developmental Disabilities Program and the Mental Health Program, as well as coordinate the youth's independent living plan with the youth's individual education plan through the school. Particular attention is required to be paid to the 17 year old foster children in the children's residential treatment facilities.

The requirement that the independent living transition services program provide foster children with opportunities to participate in activities that teach life skills both in the foster family and community is extended to youth with a disability age 18 to 23 years who were formerly in foster care.

The eligibility requirements for the Road to Independence Scholarship program are expanded to allow young adults between the ages of 21 and 23 years of age to enter into the program for the first time. Currently, a young adult may apply and receive the initial Road to Independence scholarship award until the age of 21 and then continue to receive the yearly renewal scholarship awards until the age of 23. This provision enables a young adult to begin the desired education after the age of 21 years. The eligibility requirements are also expanded to allow youth who were not in foster care at their 18th birthday, but in foster care within 6 months of their 18th birthday, to be eligible for a Road to Independence Scholarship award.

The requirements for participating in an education program are modified to recognize students in a high school's special education program who have the minimum grade point average required by that program to graduate and to recognize students in a high school equivalency diploma program.

The current requirement in s. 409.1451(5), F.S., that young adults who were continuing to receive the services of the children's foster care program be transferred to the Road to Independent Scholarship program by July 1, 2003, is deleted by this bill. In its place, a provision is added which permits young adults who are eligible for the Road to Independence Scholarship to remain in foster care and receive the services of the children's foster care program, in lieu of receiving the scholarship award.

Eligibility for the transitional support services is expanded to allow for young adults who were not in foster care at their 18th birthday, but in foster care within 6 months of their 18th birthday, to be eligible for these services.

The bill provides for an effective date of October 1, 2003.

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:

The Department of Children and Families reports that serving the foster children who left the foster care system within the 6 months before their 18th birthday would have a fiscal impact. The children identified since July 1, 2002 who left the foster care system between the ages of 17 ½ and 18 years totaled 196. With a Road to Independence Scholarship award of \$892 per month, the department projects a fiscal impact of \$2,097,984. This estimate assumes that all of these youth would be participating in the Road to Independence Scholarship which is questionable. Some young adults may not continue their education; some may only request transitional support services. In addition, all the services for young adults formerly in foster care are only provided to the extent that funds are available.

The current rate for foster home payments for youth age 13 years or older is \$455 per month. Permitting young adults to remain in foster care could result in a payment level that is lower than the scholarship award of \$892 per month, thus potentially providing for a reduction in this cost. However, the impact on the other components of the children's foster care system, such as the use of the foster care counselors versus the independent living counselors, is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Youth with developmental disabilities and special mental health needs do have particularly difficult challenges in transitioning to adulthood and living independently, and they may be more likely to achieve these goals with additional and more specialized attention provided for by this bill.

Children in foster care are, in essence, entitled to the foster care and related services from the department that are determined needed until they reach the age of 18 years. With the enactment of s. 409.1451, F.S., last year, the distinction was made between the services for foster children,

which must be provided under certain conditions, and services to young adults formerly in foster care, which are provided based on the availability of funds. It is unclear whether the ability of young adults to remain in foster care and receive the services of the children's foster care program creates an entitlement to these services.

VIII. Amendments:

None.

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