

# 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 428

SPONSOR: Children and Families Committee and Senator Campbell

SUBJECT: Independent Living Transition Services

DATE: December 10, 2003      REVISED: \_\_\_\_\_

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

**I. Summary:**

Committee Substitute for SB 428 recognizes community-based providers as entities responsible for administering the independent living services. It 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 the independent living transition services that are available for foster care children is extended to young adults 18 to 23 years of age who are special education students, in a high school equivalency diploma program, or in an adult education program. Life skills activities that are available for foster care children is extended to former foster care youth with disabilities. 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 18<sup>th</sup> 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 full-time 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. Medicaid coverage is provided to young adults receiving transitional support services between the ages of 18 and 23 years, based on the availability of funds.

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, for participation in

real-life situations, and for supervised practice living arrangements to improve youths' ability to live self-sufficiently. 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 \$8.2 million for the federal fiscal year 2003.

With the passage of the federal law and increased available funding, the 2002 Legislature 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. These independent living transition services have historically been provided by the Department of Children and Families but are a part of the system of services offered by community-based providers pursuant to s. 409.1671, F.S. As a result, independent living transition services are increasingly being provided by community-based providers across the state. 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 meet established eligibility criteria and conditions may be placed in a living arrangement that allows the child to live independent 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 not in foster care.

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 financial 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 them in gaining 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. 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).

- 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.

### **III. Effect of Proposed Changes:**

Committee Substitute for SB 428 recognizes that community-based providers are the entities that are providing the independent living transition services in many districts and, once community-based care is fully implemented, in all districts. The committee substitute 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 in making the transition to self-sufficiency. The department is required by the bill to assist these adolescent foster children in obtaining the reasonable accommodations necessary for their disabilities and to access support and funding from the Developmental Disabilities Program and the Mental Health Program, as well as coordinate the youths' independent living plan with the youths' individual education plans through the school. Particular attention is required to be paid to the 17 year old foster children in the children's residential treatment facilities. Youth with developmental disabilities and special mental health needs have particularly difficult challenges in transitioning to adulthood and living independently, and they may be more likely to achieve these goals with this additional and more specialized attention.

The eligibility for services for the older foster children as set forth in s. 409.1451(2)(a), F.S., is expanded to include youth who are 18 to 23 years of age who are in high school as a special education student, in a high school equivalency diploma program pursuant to s. 1003.435, F.S., or in an adult education program pursuant to s. 1004.93, F.S. This provision requires that youth meeting these specifications be served using the following program components that are available to older foster children: pre-independent living services, life skills services, and subsidized independent living.

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 ages 18 to 23 years who were formerly in foster care.

The committee substitute amends s. 409.1451(5)(b), F.S., to allow young adults between the ages of 21 and 23 years of age to enter into the Road to Independence Scholarship program for the first time. Currently, a young adult may apply for 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 amendment 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 18<sup>th</sup> birthday, but in foster care within 6 months of their 18<sup>th</sup> 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, to recognize students in a high school equivalency diploma program, and to require that students not only be enrolled but attend the high school or adult education 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 18<sup>th</sup> birthday, but in foster care within 6 months of their 18<sup>th</sup> birthday, to be eligible for these services. Medicaid coverage is also expanded to all young adults through the age of 23 years who are eligible for transitional support services, based on the availability of funds.

The bill provides for an effective date of October 1, 2004.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

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 the following provisions of the bill will have a fiscal impact: (Note: The department was able to provide information relative to costs of services. However, at the time the fiscal impact was prepared, statewide data from which to determine numbers of youth that may use the expanded services was not available in most instances.)

- *Expanding the mandated services (i.e., pre-independent living services, life skills services, or subsidized independent living services) to young adults 18 to 23 years of age in special education, in a high school equivalency diploma program, and in adult education:* Based on Department of Education statistics for the total school population, the department estimates that 19.4% of the eligible young adult population who are between 18 and 21 years of age would be provided with these services (totals 478). The 18 to 21 age population was used because Exceptional Student Education services are only available to students up to age 21 years. This 478 is probably a conservative number since it does not provide for an estimate of the number of students who may be working on their GED or in adult education. In addition, it is likely that a higher percentage of the young adults who had been in foster care would be in special education. The department reports that the youth under 18 years of age are provided with the required pre-independent living and life skills services through case workers. Using a caseload ratio of 1 case worker to 20 youth, the Department projects that 24 new case workers will be needed to provide these services to the additional 478 young adults at a cost of \$49,826 per worker (total of \$1,195,824). This cost estimate does not account for costs associated with room and board such as through subsidized independent living. However, it appears that all of these young adults, with the exception of those in special education who do not have a 2.0 grade point average, would already qualify for the scholarship which would cover the room and board costs.
- *Extending the age within which a young adult may apply for the initial scholarship award from 21 years to 23 years:* The cost to provide the scholarship per youth is \$10,704 per year (\$892 per month). The department reports that of the 4,112 young adults 18 to 23 years potentially eligible, as of September 30, 2002, 605 (or 15%) received a scholarship. Each of these young adults must have applied for the initial award prior to their 21<sup>st</sup> birthday. The department estimates that 1,645 young adults are age 21 or 22 years. However, the department currently does not have the data to estimate the number of young adults who may apply after turning 21 years of age. For the purposes of providing an initial projection, the department provided the total cost if 50 young adults between the age of 21 and 23 years applied ( $\$10,704 \times 50 = \$535,200$ ).
- *Permitting young adults who were not in foster care at the age of 18 years but exited the system within 6 months of their 18<sup>th</sup> birthday to receive the scholarship award:* The department reports that between July 1, 2002 and April 1, 2003, 196 youth exited foster care who were between the ages of 17 ½ and 18 years. Applying the 15% of the total eligible population who applied and received the scholarship, 29 of these young adults are projected to receive the scholarship at a cost of \$310,416 ( $\$10,704 \times 29 = \$310,416$ ).

- *Allowing young adults to receive extended foster care services beyond the age of 18 years in lieu of the scholarship award:* The department projects that a very low percentage of the young adults (i.e., 10% or 60 of the 605 receiving the scholarship) would choose to receive foster care services in lieu of the scholarship given the current scholarship award amount of \$892 per month. The young adults choosing to remain in foster care would likely be those continuing to need extensive services. These extensive services could include residential psychiatric treatment at a cost of \$330 per day for one youth or care in a therapeutic group home at a cost of \$235 per day for one youth. A youth in a residential group care placement would cost a minimum of \$1,395 per month or an average of \$2,163 per month. The room and board cost for a youth not requiring these extensive services would be a minimum of \$455 per month which is less than the scholarship amount of \$892 per month. The department currently does not have estimates on the number of young adults who would require these different levels of services. For the purpose of providing an initial projection, the department provided the total cost if 5 young adults required residential psychiatric treatment for 90 days (\$148,500), if 5 young adults required therapeutic group home care for 6 months (\$211,500), and if 10 young adults were placed in a residential group care placement for 12 months (\$259,560). In addition to these services, all youth in foster care would receive case work services and, most likely, behavioral analysis services. For the 60 young adults projected, it is estimated that 3 additional case workers would be needed at a cost of \$149,478 ( $\$49,826 \times 3 = \$149,478$ ). The projected cost to provide behavioral analysis services to 60 young adults is \$308,000.
- *Permitting young adults who were not in foster care at the age of 18 years but exited the system within 6 months of their 18<sup>th</sup> birthday to receive transitional support services:* The average funds expended on a youth for transitional support services is not known. Currently, the maximum amount is \$5,000 per year, but the actual amounts expended vary substantially. For the purpose of providing an initial projection, the department estimated an average expenditure per youth of \$1,250 (25% of the maximum amount). The department also estimated that of the 196 youth who exited foster care between 17 ½ and 18 years, the 85% of the youth (or 167) who did not receive the scholarship will receive transitional support services which totals \$208,750. This assumes that 100% of the youth will receive some independent living service after turning 18 years and, presently, the department estimates that only approximately 25% receive some service (15% of whom receive the scholarship). Using the 10% not receiving the scholarship (or 60), the estimated cost would be \$75,000. This estimate is probably low because it does not account for the portion of the 15% receiving the scholarship who are also receiving some transition support services, and the department reports that the number of youth applying for independent living services continues to grow, particularly for transitional support services.

It appears that expanding Medicaid eligibility to the young adults in the Transitional Support Services would have a fiscal impact. The Department of Children and Families reported that the state cost for Medicaid is \$83.20 per month which is matched with federal Medicaid funds. Using the 10% (or 60) of the 605 young adults receiving either Aftercare or Transitional Support Services, the monthly cost for Medicaid could be

\$4,992 (Note: the 60 includes young adults receiving Aftercare and those between the ages of 21 and 23 years. Also, as noted earlier, the department has reported that the young adults receiving one of these services has and will continue to grow). However, federal matching funds are not available for the young adults age 21 to 23 years; therefore, for these participants, the state would have to cover 100% of the cost (unless the young adult happens to qualify under another Medicaid program). In addition, while the bill provides for this Medicaid expansion based on availability of funds, the Agency for Health Care Administration reports that the State Medicaid Plan must be amended to serve an expanded population and, once amended, that population is entitled to Medicaid services (unless under a waiver). The population cannot be stipulated as being served based on availability of funds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Children in foster care are, in essence, entitled to the foster care and related services that are determined needed until they reach the age of 18 years. Chapter 39, F.S., provides for the termination of protective supervision, legal custody of the department, and jurisdiction of the court either when ordered or relinquished by the court or when the child reaches 18 years of age (ss. 39.013(2), 39.521(3), and 39.621(3), F.S.). With the enactment of s. 409.1451, F.S., in 2002, 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.