

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/CS/CS/SB 512

SPONSOR: Appropriations Committee, Governmental Oversight and Productivity Committee, Children and Families Committee; and Senator Lynn

SUBJECT: Independent Living Transition Services

DATE: April 15, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	<u>Hardy</u>	<u>Belcher</u>	<u>AHS</u>	<u>Fav/CS</u>
4.	<u>Hardy</u>	<u>Coburn</u>	<u>AP</u>	<u>Fav/CS</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Committee Substitute for Committee Substitute for SB 512 provides for the following revisions to the independent living transition services program:

- Redefines the youth to be served in the independent living transition services program from youth “in foster care” to youth “in the legal custody of the” Department of Children and Families (hereinafter “department”);
- Defines the term “legal custody of the department,” as used in this act;
- Requires the department to conduct an independent living assessment and inform youth of Road to Independence Scholarship services upon turning 17 years of age;
- Requires the department to identify and provide assistance to children with developmental disabilities and mental health problems;
- Redesigns the Road to Independence Scholarship program to provide for two separate scholarships, i.e., the High School Scholarship program and the Postsecondary Education Scholarship program;
- Requires the department to ensure that monthly award payments to Road to Independence Scholarship participants are timely issued;
- Revises the eligibility criteria and renewal award periods and requirements for the scholarship programs;
- Provides that Transitional Support Services may not be provided to scholarship recipients;
- Requires judicial and citizen panel consideration of a youth’s preparation for independent living;

- Provides that independent living transition core services must include fiscal systems to ensure the timely issuance of financial assistance payments;
- Expands the tuition waiver for postsecondary education institutions to include young adults eligible for the Road to Independence Scholarship regardless of whether a scholarship is awarded;
- Renames the Independent Living Services Workgroup as the Independent Living Services Advisory Council, expands the council membership, and amends duties;
- Requires that core expectations be developed and applied statewide for ensuring that the goals of the independent living transition services program are met; and
- Requires districts and community-based care lead agencies to provide an annual accounting of expenditures and to annually report their previous year's achievements and up-coming year's plans for meeting the core expectations.

This bill substantially amends sections 39.701, 409.1451, and 1009.25 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. 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. The services available to older children in the foster care system are the pre-independent living services, life skills services, and subsidized independent living services. The older children ages 13 to 18 years are also to be provided with life skills activities which emulate the experiences of other children their age not in foster care. The services for young adults formerly in foster care are to be provided based on the availability of funds and include aftercare support services, the Road to Independence Scholarship Program, and transitional support services. The Road to Independence Program provides for a cash award of up to \$892, per student, per month, for living and educational expenses. In addition, young adults who are awarded a Road to Independence Scholarship are exempt from the payment of tuition and fees for state universities, community colleges, and certain postsecondary career and technical programs (s. 1009.25, F.S.).

The system of independent living transition services provided for in s. 409.1451, F.S., is available to older children and young adults who either are or were in foster care. Children adjudicated dependent may be placed by the court in the legal custody of the department which usually results in a placement in a licensed foster home. However, some children in licensed foster homes may run away or commit a delinquent act and be placed in a Department of

Juvenile Justice (DJJ) facility. While on run away status or in a DJJ facility, a child remains in the legal custody of the department but does not meet the statutory criteria for being in foster care. Other children in the legal custody of the department may be placed in other settings, such as a subsidized independent living arrangement or a residential mental health facility. The ch. 39, F.S., definition of “foster care” (s. 39.01(29), F.S.) identifies as foster care settings other than licensed foster home, specifically, a “boarding home, group home, agency boarding home, child care institution, or any combination thereof.” The department reports, however, that for the purposes of independent living transition services, the districts and lead community-based providers have been instructed to interpret “foster care” in the broadest sense to include not only children in licensed foster homes but those in the legal custody of the department.

Chapter 2002-19, L.O.F., directed the department to form an Independent Living Services Integration Workgroup for the purpose of assessing the barriers to the coordination of services and supporting the youths’ transition to independent living with a report to be submitted to the Legislature by December 31, 2002. With ch. 2003-146, L.O.F., the Independent Living Services Integration Workgroup was replaced with the Independent Living Services Workgroup. The representation on the workgroup remained the same with representatives from state agencies involved in service delivery to older foster children as well as representatives from the State Youth Advisory Board and foster parents. The charge to the workgroup was expanded to include assessing the implementation of the independent living transition services system, keeping the department informed of the problems surfacing and successes experienced with the independent living transition services, and advising the department on strategies that would improve the ability of the system to meet its goals. Also, the workgroup was directed to report to the appropriate substantive committees of the Senate and the House of Representatives each of the next 2 years. However, the period of time the workgroup was intended to function was not specified. With the requirement for the workgroup to submit a report to the Legislature in 2003 and 2004, it has been interpreted that the workgroup is to be in existence for only these two years.

Youth who have been placed in the legal custody of the department by the court pursuant to ch. 39, F.S., are under the jurisdiction of the court. Section 39.701, F.S., requires that the status of these youth be reviewed by the court at least every 6 months. The information required to be provided to the court for these judicial reviews is identified in s. 39.701(6)(a), F.S., and the aspects of the youths’ status that the court is required to seek to determine are stipulated in s. 39.701(7), F.S. Currently, the status of the youths’ ability to transition to adulthood and independence is not explicitly a component of the judicial review.

The experiences of the independent living transition services program since its inception have pointed to the importance of effective and early service delivery to meet the goals of building the youths’ ability to transition to independence and self-sufficiency. However, questions have been raised as to whether there is adequate attention to preparing youth for adulthood and independent living, whether there will be sufficient funds to support the bulging requests for services, whether services should be more supportive of young adults not pursuing postsecondary education, and whether there is sufficient guidance to the local areas that will ensure the effectiveness of the services and ensure that the goals of the program are met.

III. Effect of Proposed Changes:

Section 409.1451, F.S.: The bill amends the eligibility criteria for independent living transition services from youth “in foster care” to youth “in the legal custody of the department.” The bill defines the term “legal custody of the department,” and the term “foster care” is replaced with “legal custody of the department” throughout s. 409.1451, F.S. This definitional change is reportedly consistent with current practice.

The bill amends subsection (4), regarding services provided to youth in the department’s custody to assist the youth in their transition to independent living. The bill requires the department to:

- Conduct staffings for youth to insure that independent living training and services identified by pre-independent living, life skills, and independent living assessments are being received and to evaluate each child’s progress. The staffings must be conducted at least annually for children 13 to 15 years of age and at least every six months for children 16 through 17 years of age.
- Provide youth turning 17 years of age with an independent living assessment to determine the services and training needed to prepare them for adulthood and self-sufficiency during the upcoming year and with information on the Road to Independence Scholarship services, as well as other available grants and scholarships. Information on the Road to Independence Scholarship program must also be provided when the youth begins to receive independent living services and when the youth turns 18 years of age and leaves the department’s custody.
- Schedule appointments for children to enroll in the scholarship program, prior to their 18th birthday.
- Identify and provide assistance to children with disabilities and mental health problems.

The bill amends subsection (5), regarding services provided to young adults formerly in the legal custody of the department. First, aftercare support services to such young adults are enhanced to include counselor consultations and financial assistance to prevent homelessness, in addition to current law’s provision of the following services: mentoring, tutoring, mental health and substance abuse counseling, life skills classes, parenting classes, and job skills training.

Second, the bill redesigns the Road to Independence Scholarship services provided by the department. Under the bill, two types of scholarship programs will be available: (1) the High School Scholarship Program; and (2) the Postsecondary Education Scholarship Program. The department is required to annually establish at least two 30-day enrollment periods for these programs.

A High School Scholarship monthly award is available to a young adult, ages 18 through 20, who is working toward a high school diploma or its equivalent and who: (1) was a dependent child in the legal custody of the department or in subsidized independent living at the time of his or her 18th birthday; (2) spent at least 6 months in the legal custody of the department before his or her 18th birthday; (3) is a state resident; and (4) is enrolled full-time in an accredited high school or adult education program for high school diplomas. These awards may be renewed

annually until the young adult reaches 21 years of age or receives a high school degree, whichever occurs first, if the young adult maintains appropriate progress as required by the educational institution. If a young adult fails to meet the appropriate progress criteria or fails to renew an award, the young adult may have the award reinstated once if he or she submits a reinstatement application before turning 21 years of age. The young adult must meet the appropriate progress criteria within one semester, or the renewal award may not be continued.

Allows the maximum High School Scholarship award to remain at \$892 per month, but requires that any award, above \$654, be based on the young adult's living and educational needs. This amount may be paid directly to the foster parent, or upon request of the young adult, directly to the young adult.

A Postsecondary Education Scholarship award is available to young adults, ages 18 through 20, if the young adult: (1) was a dependent child in the legal custody of the department or in subsidized independent living at the time of his or her 18th birthday; (2) spent at least 6 months in the legal custody of the department before his or her 18th birthday; (3) is a state resident; (4) has earned a high school diploma or its equivalent; and (5) has been admitted to an eligible postsecondary education institution. These awards may be renewed annually until the young adult reaches 23 years of age or receives a bachelor's degree, whichever occurs first, if the young adult has: (1) completed during the previous academic year the number of hours required for full-time status or for part-time status, if the young adult is disabled; and (2) maintained a 2.0 grade point average. If a young adult fails to meet the renewal criteria or fails to renew an award, the young adult may have the award reinstated once if he or she submits a reinstatement application before turning 23 years of age. The young adult must meet the grade point criteria within one semester, or the renewal award may not be continued.

The maximum amount for the Postsecondary Education Scholarship award remains at \$892 per month, but the legislation requires that the award amount be based on the living and educational needs of the young adult. The young adult, with the assistance of the department, is required to apply for all grants and scholarships for which he or she is qualified. The Department of Children and Families is permitted to utilize the federal financial aid grant process to determine funding needs. The department is also required to ensure the timely issuance of financial assistance payments.

Third, the bill amends provisions relating to Transitional Support Services,¹ to prohibit young adults receiving a scholarship award from also receiving financial assistance from the Transitional Support Services program.

Fourth, the bill adds that young adults may appeal the department's decision to terminate aftercare, scholarship, or transitional support services, in addition to having a right to appeal the department's decisions regarding eligibility for such services or the department's failure to provide such services, as is afforded in current law.

¹ Transitional Support Services currently include financial, housing, counseling, employment, education, and other services, that are necessary to help young adults, ages 18 to 22, who meet specified criteria in achieving self-sufficiency.

Finally, the bill stipulates that the delivery of all services required by subsection (5) is subject to the availability of funds. Further, the bill replaces current law's requirement that the department adopt rules for the proportional reduction of scholarship awards during periods of insufficient funding with requirements that the department implement specific reduction strategies set forth in the statute. Under the bill, if sufficient funding is not available for the scholarship awards, the department may implement the following strategies: (1) uniformly reduce all new awards by up to 10 percent and reduce all renewal awards by up to 25 percent; and (2) cease issuance of new awards. The bill creates one exception to the uniformity requirement for the reductions in strategy one, which provides that young adults in the High School Scholarship program, who are within one year of graduation, are to be given a priority in maintaining his or her full award amount.

The bill amends subsection (6) to add a requirement that the department establish, no later than January 31, 2005, core expectations for independent living transition services, which must be met by each district and community-based care lead agency. These core expectations must include fiscal systems that ensure the timely issuance of financial assistance payments.

Additionally, the bill requires each district or community-based care lead agency beginning on April 30, 2005, to annually submit a plan for meeting the core expectations established by the department. Approval of these plans by the department is required prior to the expenditure of funds for independent living transition services by a district or community-based care lead agency. The district and community-based care lead agency, beginning August 31, 2006, are also required to annually submit a report to the department that contains: (1) a description of the outcomes of the previous fiscal year's plan in meeting the core expectations; and (3) an accounting of the agency's expenditure of funds during the previous fiscal year.

The bill amends subsection (7) to rename the Independent Living Services Workgroup as the Independent Living Services Advisory Council. The existence and work of the advisory council are continued until specifically terminated by the Legislature. The Secretary of the department is to appoint members of the council and to set the length of appointment terms. The advisory council's representation is expanded to include representatives from community-based care lead agencies, advocates for foster children, the Statewide Guardian Ad Litem Office, and both headquarter and district offices of the department.

Further, the bill requires the council to develop recommendations for core expectations that ensure the goals of the section are met and that conform to the requirements for core expectations in subsection (6). The recommendations are to be provided to the department on or before October 31, 2004. The bill also directs the advisory council to participate in the department's annual review of the plans and outcomes submitted by districts and community-based care lead agencies pursuant to subsection (6). The bill changes the due date for the advisory council's status report regarding independent living transition services that is submitted to the Legislature from December 31, 2004, to January 31, 2005.

Section 39.701, F.S.: The bill amends s. 39.701, F.S., to require that the results of pre-independent living or independent living assessments be provided to the court or citizen panels for judicial or citizen panel review of youth between 13 and 18 years of age. Further, the bill

requires the court or citizen panel during a review to consider the adequacy of the youth's preparation for independence.

Section 1009.25, F.S.: The bill amends s. 1009.25, F.S., to require the waiver of tuition and fees at state universities, community colleges, and career and technical programs for a young adult, who has been deemed eligible for Road to Independent Scholarships, but who does not receive the scholarship. Current law only permits such waiver for recipients of the scholarships.

This bill takes effect upon becoming law.

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:

Department of Children and Families

This legislation authorizes the Department of Children and Families to make modifications to the Road to Independence program, within specified parameters. Some of the changes authorized in the bill would decrease the funding requirement for the program, while others would increase it.

Provisions that would decrease the funding requirement for the program include the following:

- The awards for young adults in high school are allowed to range from \$654 per month, up to a maximum of \$892 per month, depending on the individual circumstances of the young adult.

- The awards for young adults in high school are no longer available until the age of 23, but only until the age of 21.
- The amount of the awards for young adults in a postsecondary institution could be reduced below the maximum of \$892 per month because of educational grants, scholarships, earnings and expenses that may be considered in the award calculation.

Provisions that might increase the number of young adults eligible for the scholarship include the following:

- A 2.0 grade point average would no longer be a requirement to receive the scholarship for young adults completing high school.
- A 2.0 grade point average would not be a requirement, for one semester, for young adults reinstating the postsecondary education scholarship.

These changes are not expected to have a financial impact on the Department of Children and Families because this legislation mandates the department to operate the program within available resources. To accomplish this mandate, the bill authorizes the department to reduce the per-child monthly awards.

The total funding for the Road to Independence Scholarship program for Fiscal Year 2003-2004 is \$15,316,972, of which \$3,411,028 is general revenue and \$11,905,944 is federal grant funding from CHAFEE, Foster Care Independence Act. This funding level is expected to remain constant for Fiscal Year 2004-2005.

Department of Education

This legislation requires the waiver of tuition and fees at postsecondary education state institutions for young adults who are eligible for, but do not receive funds from the Road to Independence Scholarship program. The Department of Education estimates that the average cost of tuition and fees for community colleges is \$1,600 per year, and for state universities is \$2,800 per year. The maximum number of children who would be eligible for this benefit is estimated to be 3,168. It is unlikely that all of these children would pursue postsecondary education, but if they did, the maximum annual cost of this provision would be \$6,969,600. This estimate is based on the assumption that half of the children would attend community colleges and half would attend state universities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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