

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.)

Prepared By: Health and Human Services Appropriations Committee

BILL: CS/CS/CS/SB 1314

SPONSOR: Health and Human Services Appropriations Committee, Judiciary Committee, Children and Families Committee, Senators Rich and others

SUBJECT: Independent Living

DATE: April 26, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rousseau/Sanford</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Chinn</u>	<u>Maclure</u>	<u>JU</u>	<u>Fav/CS</u>
3.	<u>Hardy</u>	<u>Peters</u>	<u>HA</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Committee Substitute for Senate Bill 1314 amends sections relating to foster care for young adults to provide services for transitioning youths who are about to “age out” of the foster care system.¹ The committee substitute:

- Authorizes young adults formerly in foster care at the time of their 18th birthday to petition the court at any time prior to their 19th birthday to extend the court’s jurisdiction until their 19th birthday.
- Authorizes a young adult who is eligible for the Road-to-Independence Scholarship to reside in a licensed foster home arranged by the Department of Children and Family Services (DCF or the department).
- Requires the department to verify in its judicial review social study report that a child has been provided information about the right to petition for continued court jurisdiction, information about the Medicaid program and how to apply and, if eligible, of the right to continue to reside in his or her foster placement or in another licensed foster home arranged by the department.
- Requires that the department enroll certain former foster children in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid.
- Provides for a study and a report regarding the health insurance needs of young adults who are no longer eligible for the Florida KidCare program.

¹ “Age out” refers to the foster care child no longer being eligible for certain services and supervision once the child has reached the age of 18.

- Requires the Office of Program Policy Analysis and Government Accountability, in consultation with the Statewide Guardian Ad Litem Office to conduct a study to determine the effect of guardian ad litem on the ability of young adults who were formerly on in foster care to obtain the services and education they need to achieve independence.
- Appropriates \$1,100,000 from nonrecurring general revenue to the Department of Children and Family Services to implement the provisions of this legislation.

This committee substitute substantially amends the following sections of the Florida Statutes: 39.013, 39.701, and 409.1451.

II. Present Situation:

Foster Care, Generally

The Department of Children and Family Services (DCF or the department) administers a system of foster care services for children from infancy through age 17. Foster care is “care provided a child in a foster family or boarding home, group home, and agency boarding home, child care institution, or any combination thereof.”² For purposes of foster care, a child is any unmarried person under the age of 18 years who has not been emancipated by order of the court.³

An array of services is provided to children through the foster care system. Additionally, services are provided to the families of children in foster care to achieve safety, permanency, and well-being for the children. Chapter 39, F.S., provides for assessment, case planning, service delivery, and case review for children in foster care. The statute also provides for medical, mental health and residential treatment services for children in foster care. These services are funded by a combination of federal (primarily Title IV-E and Medicaid) and state general revenue funds. Each child’s foster care case is judicially reviewed at least once every six months.

Independent Living Services

As one of the services provided to children in foster care, the department administers a system of independent living services throughout Florida. The two eligible populations are children ages 13 through 17 in foster care and young adults formerly in foster care ages 18 through 22.⁴ These services are funded through a combination of federal funds (Chafee Grant and the Education and Training Voucher) and state general revenue funds. According to the department, as of October 31, 2004, there were 29,510 children in out-of-home care in Florida, including 14,838 children in licensed foster care and 14,672 children in relative/non-relative care. Of the 14,838 children in licensed foster care, there were 4,467 children ages 13 through 17 who were eligible for independent living services. As of September 28, 2004, there were 4,362 former foster youth ages 18 through 22 who were potentially eligible to receive independent living services. Children in relative/non-relative care are not eligible for these services.

² s. 39.01(29), F.S.

³ s. 39.01(12), F.S.

⁴ s. 409.1451, F.S., governs program eligibility.

Many stakeholders in Florida and across the United States are concerned about the population of young people exiting the nation's foster care system at age 18. The primary concerns are about young people's ability to be self-supporting, to achieve independence without the support of a family, and to be fully prepared for the independence that foster children ages 13 through 17 are given. Some states, including Texas, Illinois, and New York, retain children in foster care until the age of 21 if retention is determined to be in the best interest of the child.

Programs including independent living services were implemented at the national and state levels in order to provide support to young people to assist them in transition to adulthood. These programs are focused on providing educational and employment services and preventing young people from becoming homeless, unemployed, poverty stricken, incarcerated, or unmarried parents or high school drop outs, and from exhibiting other high-risk behaviors. These services are based on the five key objectives outlined in the Federal John H. Chafee Foster Care Independence Program. Those purposes are to:

- Identify children who are likely to remain in foster care until 18 years of age and help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities.
- Help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment.
- Help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions.
- Provide personal and emotional support to children aging out (exiting) foster care through mentors and through the promotion of interaction with dedicated adults.
- Provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to ensure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

Road-to-Independence Scholarship Program

Florida's Road-to-Independence (RTI) Scholarship Program is intended to help former foster children, ages 18-23 years, receive the educational and vocational training needed to achieve independence. Approximately 30 percent of all former foster children who are in licensed foster care placements or subsidized independent living on their 18th birthday are eligible to participate in this program. In order to receive RTI Scholarship benefits, recipients must be former foster youth who have earned a standard high school diploma or its equivalent and are enrolled full-time in an eligible postsecondary education institution as provided in s. 1009.533, F.S. Participants are allowed to live in their former foster home placements where they were residing at the time of their 18th birthday.⁵ Former foster youth who receive the Road-to-Independence

⁵ s. 409.1451(5)(b)5.e., F.S.

scholarship are automatically eligible to receive Medicaid coverage, but other former foster children are not, and many struggle to obtain health coverage.⁶

For foster children transitioning to adulthood, obtaining adequate health care coverage is one of the biggest challenges. Any child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program. The Florida KidCare program includes health benefits coverage provided to children through Medicaid, Medikids, Florida Healthy Kids, employer-sponsored group health insurance plans, and Children's Medical Services network. Except for coverage under the Medicaid program, coverage under the Florida KidCare program is not an entitlement. KidCare applications are accepted twice a year during one-month enrollment periods in August and in September. The federal government provides a 71.23 percent match with state dollars for persons enrolled under the age of 19.

All former foster children in licensed foster care or subsidized independent living on their 18th birthday, including those who are not eligible for the RTI program, may be eligible to receive Aftercare Support Services which continue to develop skills and abilities necessary for independent living. The services available include, but are not limited to, mentoring and tutoring, mental health services and substance abuse counseling, life skills classes, parenting classes, job skills training, and temporary financial assistance.⁷ In addition to any services provided through aftercare support or the Road-to-Independence Scholarship, a young adult who was in foster care or in subsidized independent living on their 18th birthday may receive other short-term services, which may include financial, housing, counseling, employment, education, mental health, disability, and other services.⁸ According to the department, as of September 28, 2004, there were 3,429 former foster children ages 18, 19, and 20; approximately 700 of those children received the Road-to-Independence Scholarship. The department also reports that 969 young adults received transitional services and 478 received aftercare support services, but these services are available to both RTI and non-RTI eligible youth since an individual may receive services in multiple categories.

Non-Permanent Status

The Special Immigrant Juvenile Status (SIJS) law is a federal statute which allows undocumented aliens who are children under the jurisdiction of the state juvenile court to become lawful permanent residents. Residency status is only available to a child who is under the jurisdiction of a state juvenile court and who has been deemed eligible for long-term foster care by that state juvenile court. Federal regulations have defined "deemed eligible for long-term foster care" to mean that the court has found that family reunification is not a viable option for the child.⁹ Finally, the juvenile court must make a finding that it is not in the child's best interest to be returned to his or her home country.

Florida dependency law does not specifically address dependent children who may be undocumented aliens. The Florida Administrative Code requires that dependent children who are

⁶ s. 409.903(4), F.S.

⁷ s. 409.1451(5)(a)1., F.S.

⁸ s. 409.1451(5)(c), F.S.

⁹ See 8 CFR s. 204.11(a)(1993).

undocumented aliens must receive the same services as U.S. citizens.¹⁰ However, these services are for the most part provided through the use of the state's general revenue dollars because federal funding for this population is generally prohibited. Currently, juvenile court jurisdiction over all dependent children ends when the child reaches 18 years of age. Child advocates report that the inability of the courts to retain jurisdiction in appropriate cases is one of the primary barriers to obtaining permanent residency for children who might otherwise qualify for it.

III. Effect of Proposed Changes:

Committee Substitute for Committee Substitute for Senate Bill 1314 authorizes the young adult formerly in foster care to petition the court to extend its jurisdiction for up to one year to determine whether additional assistance is appropriate for the transition into adulthood. Among the assistance considered for petitioners are aftercare support, Road-to-Independence Scholarship, transitional support, mental health services, and developmental disability services to the extent otherwise authorized by law. For a petitioner who is under supervision of the court for a pending Special Immigrant Juvenile Visa, the court will also consider assistance needed to help establish the petitioner's permanent residency. Although this committee substitute does not require a judicial review hearing during the extended time the court has jurisdiction, courts may require and the young adult may request these hearings in order to be able to monitor the services provided to a young person after reaching 18 years of age. It is unclear whether the expansion would require visitation, case planning, and staffing by the Department of Children and Family Services (DCF or the department).

The committee substitute requires the department to inform former foster youths who are eligible for the Road-to-Independence Scholarship program that they may reside with the licensed foster family or group care provider with whom they were residing at the time of their 18th birthday or they may reside in another licensed foster home arranged by the department.

The committee substitute attempts to ensure that all eligible 18-year-olds who have aged out of foster care will be enrolled in the Florida Florida KidCare program and provides for their enrollment outside the two one-month enrollment periods; the committee substitute does not expand KidCare coverage. Young adults who are Medicaid eligible or who receive health insurance coverage from a third party provider are not eligible for enrollment in KidCare.

The committee substitute directs the Independent Living Advisory Council to conduct a study to determine the most effective way to help address the health insurance needs of young adults in the Independent Living Program once they are no longer eligible for the Florida KidCare program. The department and the Agency for Health Care Administration must provide assistance to the advisory council during the study. The advisory council is required to provide a report with recommendations to the Legislature by January 2, 2006.

The legislation requires the Office of Program Policy Analysis and Government Accountability, in consultation with the Statewide Guardian Ad Litem Office, to conduct a study to determine the effect of guardian ad litem on the ability of young adults who were formerly on in foster care to obtain the services and education they need to achieve independence.

¹⁰ ch. 65C-9.001, F.A.C.

The bill appropriates \$1,100,000 from nonrecurring general revenue to the Department of Children and Family Services to implement the provisions of this legislation.

The committee substitute provides an effective date of July 1, 2005.

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:

The committee substitute provides for supervision of optional transitioning of foster care children into adulthood, which may enable young adults to continue education and be more financially independent.

Upon reaching age 18, young adults enrolled in the KidCare program will be required to pay the premium as described in s. 409.814, F.S., but the ability to continue receiving KidCare will provide youths with affordable health care coverage.

C. Government Sector Impact:

The department estimates that implementation of this committee substitute will cost \$1,295,387 in FY 2005-2006 and \$1,177,182 in subsequent years. These projections are based on the need for additional case management, licensure and recruitment efforts.

Case Management

Although there is no national case management staffing standard for young adult caseloads, the nationally recognized staffing ratio for child caseloads is 1 caseworker to 15 children. Based on this ratio, the department's fiscal note assumes that a reasonable staffing ratio for the young adult caseload would be 1 caseworker to 25 young adults. Applying this ratio, DCF calculates that implementation of this bill will require 21 caseworkers and 2.5 supervisors to handle the additional case management functions of

this bill. This estimate also assumes that 33 percent of the eligible 18 year old population would petition the court for continued jurisdiction. DCF reports that the implementation of this provision will cost \$973,325 in Fiscal Year 05-06 and \$885,300 in subsequent fiscal years.

KidCare

This bill mandates the department to enroll children formerly in foster care in the Florida KidCare program, outside the open enrollment period. There are 906 former foster children age 18 who are not eligible for the Road-to-Independence Scholarship program, and, therefore, not covered by Medicaid. An undetermined number of these children may be already enrolled in the KidCare program. The estimated net cost of covering all 906 young adults for KidCare would be \$1,025,338, the state's share of which would be \$294,990. The Senate budget for Fiscal Year 05-06 for KidCare includes sufficient funding to cover this cost.

Licensure and Recruitment

This bill requires the department to arrange for licensed foster home placements for young adults if they desire. The department estimates that the implementation of this provision would cost \$322,062 in Fiscal Year 05-06 and \$291,882 in subsequent fiscal years.

Extended Court Supervision

Extended court supervision would impact the current caseload of the court system, but no estimate of the financial impact on the courts has been determined.

The committee substitute appropriates \$1,100,000 from nonrecurring general revenue to the Department of Children and Family Services to implement the provisions of this legislation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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