

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 1315 Independent Living

SPONSOR(S): Health & Human Services Committee; Health Care Appropriations Subcommittee; Healthy Families Subcommittee; Perry

TIED BILLS: **IDEN./SIM. BILLS:** SB 1036

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthy Families Subcommittee	10 Y, 0 N, As CS	Entress	Schoolfield
2) Health Care Appropriations Subcommittee	11 Y, 1 N, As CS	Fontaine	Pridgeon
3) Health & Human Services Committee	13 Y, 0 N, As CS	Entress	Calamas

SUMMARY ANALYSIS

The bill extends foster care to the age of 21 to allow youth to finish high school, earn a GED, pursue a post-secondary education, or begin a career. The bill provides eligibility requirements for the extension of foster care and provides a method for young adults who have left foster care to reapply for extended foster care.

The bill requires judicial review hearings during extended foster care. The bill requires the court to address additional issues during the last review hearing before the child turns 18.

The bill changes the requirements related to foster parents, to align their requirements with the quality parenting initiative. The bill creates the reasonable and prudent parent standard to be used by foster parents when deciding whether to allow a child to participate in extracurricular, enrichment, and social activities. The bill codifies room and board rates for foster care and requires an annual cost of living increase. The bill allows a supplemental monthly payment to foster parents to provide independent life skills to foster children.

The bill restructures the Road-to-Independence Program to accommodate the differing needs of young adults. The bill creates new requirements for eligibility of the program, including a requirement that the young adult be pursuing a post-secondary education.

The bill creates campus coaching positions to provide former foster care youth with on-campus support at post-secondary educational institutions.

The cost of the Independent Living program proposed in this bill is projected to be \$48,176,152 for FY 2013-14, and \$47,604,325 for FY 2014-15. These costs are not expected to exceed current expenditures for the program.

The bill provides an effective date of January 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Independent Living Transition Services

The Department of Children and Family Services (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 Under the program, DCF serves children who have reached 13 years of age but are not 18 years of age and are in foster care.³ DCF also serves 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. They also serve youth, who 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.⁴ The DCF program provides services to assist young adults in obtaining life skills and education for independent living and employment.⁵ DCF contracts with community based care (CBC) lead agencies to provide these services.⁶

Former foster care youth are eligible for Medicaid until the age of 21 if they are eligible to participate in the Road-to-Independence Program.⁷ Effective January 2014, each child who has been in foster care will be eligible to enroll in Medicaid until the age of 26.⁸ Each child who was or is in the foster care system at age 18, or who spent 6 months in foster care after reaching age 16 is automatically exempt from tuition and fees to a state college or university, until age 28.⁹

Children who are in the foster care program will begin to receive services in preparation for young adulthood at age 13 continuing through age 17. There are 5,000 children aged 13-17 residing in out-of-home care placement.¹⁰ Services for these children include:

- Life skills training, educational field trips and conferences;
- Banking, and budgeting skills, educational support and employment training;
- Subsidized Independent Living is available to some 16-17 year old youth who demonstrate self-sufficiency skills. The program allows youth to live independently of the daily care and supervision of an adult.

Once a child reaches the age of 18, they are considered “aged out” of the foster care system and can continue to receive some services through DCF until the age of 22. Those services include:

- Financial assistance up to \$1,256 per month for educational and vocational training through the Road-to-Independence Program;
- Aftercare services to help develop the skills and abilities for independent living including tutoring, counseling and skills training; and
- Short term services including financial, housing, counseling and employment assistance.

¹ S. 409.1451, F.S.

² *Id*

³ S. 409.1451(2)(a)

⁴ S. 409.1451(2)(b), F.S.

⁵ S. 409.1451(1)(b), F.S.

⁶ S. 409.1671, F.S.

⁷ S. 409.903(4), F.S.

⁸ 42 U.S.C. 1396a

⁹ S. 1009.25, F.S.

¹⁰ The Independent Living Services Advisory Council Annual Report, 2012. <http://www.myflfamilies.com/service-programs/independent-livingarchive-data>. (last visited 1/17/13).

There are 4,000 young adults' aged 18-22 receiving financial assistance for educational and vocational training.¹¹ Of the 4,000 young adults receiving financial assistance, 38.1% of them are still receiving benefits at age 20.¹² During the 2012 year, about 57% of these young adults received either their high school diploma or the Graduate Equivalency Degree (GED), about 7% went on to complete a post-secondary education, and 19% have a job, part-time or otherwise.¹³

Expenditures for the Independent Living program were \$51.8 million in FY 2009-10, \$52.2 million in FY 2010-11, and \$49 million during FY 2011-12.¹⁴ Expenditures by program area for FY 2011-12, include:

Case Coordination:	\$13,066,982
Road to Independence	\$29,858,300
Aftercare services	\$628,794
Subsidized independent Living	\$276,761
Transitional support Services	<u>\$5,208,321</u>
Total FY 2011-12	\$49,039,158 ¹⁵

The source of expenditures for 2011-12 includes \$29,476,721 budgeted for independent living and \$19,562,437 from other program areas of CBC contracts

Road-to-Independence Program Eligibility

The Road-to-Independence (RTI) Program provides financial assistance to former foster care. The amount is based on the living and educational needs of the young adult, and may be up to the amount of earnings the individual would have been eligible to earn working a 40-hour per week job at federal minimum wage. The amount of the award is reduced if the young adult receives other income, grants, or earnings. To be eligible the young adult must:

- Have been a dependent child, living in foster care or subsidized independent living
 - at the time of his or her 18th birthday,
 - currently, or
 - spent at least 6 months in foster care and was adopted or placed with a dependency guardian after the age of 16;
- Have spent at least 6 months living in foster care before the age of 18;
- Be a resident of Florida; and
- Either:
 - Have earned a high school diploma or its equivalent,
 - Be enrolled full time in an accredited high school, or
 - Be enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent.¹⁶

Judicial Review Hearings

Under current law, courts involving proceedings related to children hold judicial review hearings for children removed from their homes.¹⁷ These hearings are held at least every six months until the child reaches permanency status.¹⁸ At every judicial review hearing, the social service agency is required to make an investigation and social study concerning all pertinent details relating to the child and furnish a written report to the court. This report must include a variety of information including a description of the placement of the child, the services provided to the foster family or legal custodian in an effort to

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Department of Children and Families 2/7/13 presentation on Independent Living to Healthy Families Subcommittee.

¹⁵ Department of Children and Families Comparison of Actual FY 2011-12 independent living expenditures to FY 2013-14 proposed budget for extended foster care and independent living, dated 3/8/13, (on file with Healthy Families Committee Staff)

¹⁶ S. 409.1451(5)(b), F.S.

¹⁷ S. 39.701(3)(a), F.S.

¹⁸ S. 39.701(2)(a), F.S.

address the needs of the child as indicated in the case plan, and a statement concerning the frequency, duration, and results of the parent-child visitation.¹⁹

The court is required to hold a judicial review hearing within 90 days of a child's 17th birthday.²⁰ The social study report at this hearing is required to include additional information.²¹ The report is required to include written verification that the child:

- Has been provided with a current Medicaid card and has all necessary information concerning the Medicaid program sufficient to prepare the youth to apply for coverage upon reaching age 18, if such application would be appropriate;
- Has been provided with a certified copy of his or her birth certificate and, if the child does not have a valid driver's license, a Florida identification card;
- Has been provided information relating to Social Security Insurance benefits if the child is eligible for these benefits. If the child has received these benefits and they are being held in trust for the child, a full accounting of those funds must be provided and the child must be informed about how to access those funds;
- Has been provided with information and training related to budgeting skills, interviewing skills, and parenting skills;
- Has been provided with all relevant information related to the Road-to-Independence Program, including, but not limited to, eligibility requirements, forms necessary to apply, and assistance in completing the forms. The child shall also be informed that, if he or she is eligible for the Road-to-Independence Program, he or she may reside with the licensed foster family or group care provider with whom the child was residing at the time of attaining his or her 18th birthday or may reside in another licensed foster home or with a group care provider arranged by the department;
- Has an open bank account, or has identification necessary to open an account, and has been provided with essential banking skills;
- Has been provided with information on public assistance and how to apply;
- Has been provided a clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and what educational program or school he or she will be enrolled in;
- Has been provided with notice of the youth's right to petition for the court's continuing jurisdiction for 1 year after the youth's 18th birthday and with information on how to obtain access to the court; and
- Has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.²²

In addition to the social study report, at this review hearing, DCF must provide the court with an updated case plan that includes specific information related to independent living services that have already been provided to the child. If the court determines that DCF has not complied with its obligations in the case plan or in the provision of independent living services, the court must issue a show cause order. If cause is shown for failure to comply, the court must give DCF 30 days to comply and if they do not comply, DCF may be held in contempt.²³

¹⁹ S. 39.401(8), F.S.

²⁰ S. 39.701(7)(a), F.S.

²¹ *Id.*

²² *Id.*

²³ S. 39.701(7), F.S.

The Independent Living Services Advisory Council (ILSAC) reviews and makes recommendations concerning the implementation and operation of independent living transition services. The ILSAC keeps DCF informed of problems experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of services has achieved. DCF is required to consider the recommendations of the ILSAC.

The secretary of DCF appoints members to the ILSAC and the secretary has discretion regarding the length of term to be served by each member, up to a four year term. At a minimum, the ILSAC must include representatives from headquarters and regional offices of:

- DCF;
- CBC lead agencies;
- The Department of Education;
- The Agency for Health Care Administration,
- The State Youth Advisory Board,
- Workforce Florida, Inc.,
- the Statewide Guardian Ad Litem Office,
- Foster parents;
- Recipients of services and funding through the RTI Program; and
- Advocates for children in care.

*Fostering Connections Act.*²⁴

The Fostering Connections to Success and Increasing Adoptions Act (Act) was established by Congress in 2008 to provide new supports and services to promote permanency and improve the well-being of older youth in foster care.²⁵ The new supports include foster care, adoption or guardianship assistance payments to children after the age of 18. One feature of the Act provides for the extension of foster care assistance to youth up to age 21. The Act also provides DCF the opportunity to receive additional federal funding.²⁶ In order for Florida to participate in the Act, DCF must amend their state plan for Title IV E services.

Effect of Proposed Changes

The bill creates the option for young adults who have not found permanency²⁷ before the age of 18, to remain in foster care up to the age of 21, in order to finish high school, earn a GED, pursue post-secondary education or begin a career. The bill also restructures the Road-To-Independence Program, strengthens the role and authority of foster parents and group home parents, and codifies the concept of normalcy for children in care. The bill states that the primary goal for a child in foster care is permanency. The bill states that the permanency goal for a young adult who chooses to remain in care is to transition from licensed care to independent living.

²⁴ P.L.110-351.

²⁵ Fostering Connections Resource Program, <http://www.fosteringconnections.org/>. (last visited on 3/17/2013).

²⁶ DCF Staff Analysis of HB 1241, March 9, 2011.

²⁷ S. 39.621 (2), F.S., provides goals for permanency including reunification; adoption, if a petition for termination of parental rights has been or will be filed; permanent guardianship of a dependent child under s. 39.6221; permanent placement with a fit and willing relative under s. 39.6231; or placement in another planned permanent living arrangement under s. 39.6241.

Foster Care

Eligibility for Extended Foster Care

The bill creates the option for young adults to remain in foster care between the ages of 18 and 21 in order to finish high school, earn a GED, pursue post-secondary education or begin a career. To continue in foster care past the age of 18, the young adult must:

- Be living in licensed care on his or her 18th birthday;
- Have not yet achieved permanency under s. 39.621, F.S.;
- Meet one of the following criteria:
 - Be completing secondary education or a program leading to an equivalent credential;
 - Be enrolled in a postsecondary education or vocational education institution;
 - Be participating in a program or activity designed to promote or eliminate barriers to employment;
 - Be employed for at least 80 hours per month; or
 - Be unable to participate in any of the abovementioned programs due to a physical, intellectual, emotional, or psychiatric condition that limits participation; and
- Be under the age of 21 or under the age of 22 if the individual has a disability.

The bill requires DCF to establish a procedure for a young adult to appeal a determination of eligibility to remain in care. The procedure must be readily available to young adults, provide timely decisions, and provide an appeal to DCF. DCF's decision constitutes final agency action and is reviewable by the court as provided in s. 120.68, F.S.

Conditions of Extended Foster Care

To remain in foster care, the bill requires the young adult to reside in a supervised living environment which is approved by DCF or a CBC lead agency. These living arrangements include a licensed foster home, licensed group home, college dorm, shared housing, apartment, or another housing arrangement. The bill states that a licensed foster home is preferable over other options, and a young adult may continue to reside with the same foster family or group care provider with whom he or she was residing at the time of their 18th birthday. The bill states that the young adult will live independently, but in an environment where he or she is provided supervision, case management, and support services by DCF or a CBC agency. The environment must offer developmentally appropriate freedom and responsibility to prepare the young adult for adulthood. Before DCF or a CBC lead agency can approve a residential setting in which the young adult will live, they must ensure that:

- The young adult will be provided a level of supervision consistent with his or her individual education, health care needs, permanency plan, and independent living goal, as assessed by DCF or a CBC lead agency with input from the young adult (24-hour onsite supervision is not required but 24-hour crisis intervention and support is required); and
- The young adult will live in an independent living environment that offers life skills training, counseling, educational support, employment preparation, employment placement, and development of support networks. The type and duration of services required must be based on the young adult's assessed needs, interest, and input and must be consistent with the goals in the young adult's case plan.

While in care, the bill requires the CBC lead agency to provide regular case management reviews, including at least monthly contact with the case manager. If a young adult lives outside the service area of his or her CBC lead agency, the contact may occur via phone. While the young adult is in care, the court maintains jurisdiction to ensure that DCF and the lead agencies are providing services and maintaining oversight of other agencies involved in implementing the young adult's case plan, individual education, and transition plan. Every 6 months the court must review the status of the young adult and every year the court must hold a permanency review hearing. The bill also allows the court to appoint a guardian ad litem or continue the appointment of a guardian ad litem. The bill allows the young adult or any other party to request an additional hearing or review.

Readmission

The bill allows young adults between the ages of 18 and 21 to return to care if they have left care. In order to do so, the young adult must apply to the CBC lead agency for readmission and the CBC lead agency must readmit the young adult if he or she meets the eligibility requirements for care. DCF must develop a standard procedure and application packet for readmission to care and all CBC lead agencies must use this packet. If the young adult has been readmitted to care, within thirty days the CBC lead agency must assign a case manager to the young adult to update the case plan and transitional plan, and arrange for required services. The young adult must be consulted in updating these activities. DCF must petition the court to reinstate jurisdiction over the young adult.

The bill limits eligibility for foster care to the earliest date of the following events:

- The young adult reaches 21 years of age, or 22 years of age if they have a disability;
- The young adult leaves care to live in a permanent home consistent with his or her permanency plan; or
- The young adult knowingly and voluntarily withdraws his or her consent to participate in extended care. Withdrawal of consent to participate must be verified by the court, unless the young adult refuses to participate in any further court proceeding.

The bill specifies that a young adult who chooses to leave foster care at the age of 18 will not remain under the jurisdiction of foster care. Similarly, a young adult must continue to meet the eligibility requirements for foster care created in this bill in order to remain in foster care after age 18.

Judicial Review Hearings

The bill requires the court to review the status of a young adult remaining in foster care every six months and annually hold a permanency review hearing to individuals over 18 and in foster care. This is currently required for children under the age of 18 in foster care.

The bill also requires DCF and the CBC lead agency to prepare a report, developed in collaboration with the young adult, which addresses the young adult's progress in meeting goals in the case plan. This must include progress information related to the young adult's independent living and transition plan and propose modifications as necessary to further the young adult's goals. DCF and the CBC lead agency must submit this report to the court.

The bill requires the court to consult with the young adult regarding the proposed permanency plan, case plan, and individual education plan for the young adult and ensure that the young adult understood the conversation in all permanency hearings or hearings regarding the transition of the young adult from care to independent living.

If a young adult has chosen to remain in extended foster care after the age of 18, the bill prohibits DCF from closing a case and prohibits the court from terminating jurisdiction until the court has found, following a hearing (that the young adult has attended) that:

- The young adult has been informed by DCF of his or her right to attend the hearing and provided written consent to waive this right and the young adult has been informed of the potential negative effects of early termination of care, the option to reenter care before the age of 21, the procedure for reentering care, the limitations on reentering care, and the availability of alternative services, and has signed a document attesting that the young adult has been informed and understands these provisions; or
- The young adult has voluntarily left the program, has signed the document attesting that the young adult has been informed and understands these provisions, and is unwilling to participate in any further court proceedings.

Final Judicial Review Hearing Before the Child Reaches the Age of 18

The bill adds to the list of requirements for the last review hearing before the child reaches the age of 18, to include the following:

- Address whether the child plans to remain in foster care and if the child plans to do so, ensure the child's transition plan includes a plan for meeting one or more of the required criteria.;
- Ensure that the transition plan includes an approved supervised living arrangement;
- Ensure the child has been informed of the right to continued support and services from DCF and the CBC lead agency, the right to request termination of dependency jurisdiction and be discharged from foster care, and the opportunity to reenter foster care; and
- Ensure that if the young adult requests termination of dependency jurisdiction and discharge from foster care, the young adult be informed of services or benefits for which the young adult may be eligible based on his or her former placement of foster care, services or benefits that may be lost through termination of dependency jurisdiction, and other federal, state, local or community-based services or supports available to the young adult.

Current law requires the social service agency to make an investigation and social study concerning all pertinent details relating to a child and write a report before every judicial review hearing. This judicial review social study report (report) must include written verification of a number of things. The bill changes the information required to be in the report and adds a requirement to include written verification that the child has been provided:

- Information on participation in the Road-to-Independence Program and assistance in gaining admission into the program;
- Information related to the ability of the child to remain in care until the age of 21;
- A letter providing the dates that the child is under jurisdiction of the court;
- When applicable, a letter stating that the child is in compliance with financial aid documentation requirements;
- The child's educational records;
- The child's entire health and mental health records; and
- The process for accessing the child's case file.

The bill also requires the report to include written verification that the child has a social security card.

The bill deletes requirements from the report which are precluded by the proposed bill, to include written verification that the child has been provided:

- Information and training related to interviewing skills and parenting skills;
- Forms necessary to apply to the Road-to-Independence Program and assistance in completing the forms; and
- Notice of the youth's right to petition for the court's continuing jurisdiction for one year after the youth's 18th birthday and information on how to obtain access to the court.

Social Study Report

The bill names the written report involving the investigation and social study under s. 39.701(8), "social study report for judicial review." The bill requires that the caregiver of children between 13 and 18 years old give a statement on the progress the child has made in acquiring independent living skills for the social study report for judicial review. Currently, the study is required to include the results of the pre-independent living, life skills, or independent living assessment, the specific services needed, and the status of the delivery of identified services. However, the pre-independent living and life skills programs are eliminated by the bill and these responsibilities are absorbed by the caregiver.

The bill clarifies that the social study report for judicial review is only applicable for review hearings for children under 18 years old.

Foster Care Transition Plan

The bill creates a transition plan, which must be developed during the 180-day period after a child reaches 17 years of age. The transition plan must be developed by the child, with assistance from DCF and the CBC provider, in collaboration with the caregiver and any other individual the child would like to include. The bill specifies that the transition plan is in addition to standard case management requirements and must address specific options for the child to use in obtaining services, including housing, health insurance, education, and workforce support and employment services. The bill also requires the plan to consider establishing and maintaining naturally occurring mentoring relationships and other personal support services. The plan can be as detailed as the child chooses. To develop the plan, DCF and the CBC provider must:

- Provide the child with notice of permanency hearings by a citizen review panel, copies of the citizen review panel's reports, copies of the proposed recommended orders, and copies of the panel's recommended orders to the court; and
- Coordinate the transition plan with the independent living provisions in the case plan and the Individuals with Disabilities Education Act transition plan for children with disabilities.

The bill requires DCF and the child to schedule a time, date, and place to meet and assist the child in drafting the transition plan. This must be convenient for the child and any individual the child would like to include. The meeting is required to be in the child's primary language. The bill requires the transition plan to be reviewed periodically with the child, DCF, and any individuals the child would like to include. The bill also requires the plan to be updated when necessary before each judicial review while the child or young adult is in care. The bill requires that if the child is planning on leaving care at 18 years old, the transition plan be approved by the court before the child leaves care and the court terminates jurisdiction.

Foster Parent Room and Board Rates

The bill puts monthly foster care rates in statute, as of October 1, 2013. The rates are as follows:

Ages 0-5: \$429/month
Ages 6-12: \$440/month
Ages 13-21: \$515/month

The bill provides an annual cost of living increase to foster parents receiving the rates above and requires DCF to annually make available the adjusted room and board rates. The bill requires DCF to calculate the new room and board rate increase equal to the percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, not seasonally adjusted, or successor reports, for the preceding December compared to the prior December as initially reported by the United States Department of Labor. The bill also allows the amount of the monthly foster parent room and board rate to be increased upon agreement among DCF, the CBC lead agency, and the foster parent. It is unclear whether the foster parents who begin caring for children after 2013 will receive the base rate named in statute and receive an annual cost of living increase based on that amount, or if they will receive the higher rate that existing foster parents are receiving.

The bill also requires DCF to design and disseminate training for caregivers on skill building for life skills necessary for youth in foster care and requires CBC lead agencies providing care under contract with DCF to pay a supplemental room and board payment to foster care parents for providing independent life skills and normalcy supports to children ages 13-17 placed in their care. The supplemental payment must be paid monthly to the foster care parents on a per-child basis in addition to the current monthly room and board rate payment. The supplemental monthly payment is ten percent of the monthly room and board rate for children ages 13-21, and is adjusted annually. The bill gives DCF rulemaking authority to implement these requirements.

Community-Based System of Care

The bill requires the child welfare system of DCF to operate as a coordinated community-based system of care which empowers all caregivers of children in foster care to provide quality parenting, including approving or disapproving a child's participation in activities based on the caregiver's assessment of "reasonable and prudent parent" standard. Currently, DCF is required to conduct, supervise and administer a program for dependent children and their families.²⁸ The bill changes this requirement to instead require DCF to develop, implement, and administer a coordinated community-based system of care (rather than program) for children who are found to be dependent and their families. The bill also changes the goals of the system of care and retains some of goals of the program to also apply to the system of care. The bill adds the following goals to the system of care:

- Intervention to allow children to remain safely in their homes;
- The reunification of families who have had children removed from their care;
- Safety for children who are separated from their families by providing alternative emergency or longer-term parenting arrangements; and
- Well-being of children through emphasis on maintaining educational stability and providing timely health care.

The bill keeps the following goals from the program, to also apply to the new system of care:

- Prevention of separation of children from their families; and
- Permanency for children of whom reunification with their families is not possible or is not in the best interest of the child.

The bill expands the goal relating to transition to self-sufficiency for older children who continue in foster care as adolescents. The bill states that the goal is also to transition to independence, as well as self-sufficiency and expands the group of children the goal applies to include those who remain in foster care through adolescence.

All other goals from the program are deleted by the bill, and do not apply to the new system of care.

Deleted Language

The bill deletes a number of provisions in law which DCF found to be redundant, as similar language exists in other areas of Florida Statutes.

The bill deletes the requirement that the children listed in statute are subject to the protection, care, guidance, and supervision of DCF or any duly licensed public or private agency. This applies to children who have been taken from the custody of their parents, custodians, or guardians, children in need of protective supervision, and children voluntarily placed in DCF's foster care program. The bill also deletes the requirement that circuit courts cooperate with DCF to carry this out, in relation to juvenile jurisdictions.

The bill removes DCF's authorization to accept children on a permanent basis by order of a court of competent jurisdiction for the purpose of adoption placement of these children. The bill also removes DCF's authorization to provide necessary services to place these children ordered to DCF on a permanent basis. The bill removes the option that the funds appropriated by counties for child welfare services be matched by state and federal funds and the requirement that these funds be utilized by DCF for the benefit of children in those counties.

The bill also removes the requirement that when a child is placed under the protection, care, and guidance of DCF or a duly licensed agency, that DCF or the agency try to obtain information concerning the family medical history of a child and the natural parents, as soon as possible. The bill also removes the requirement that the information be kept on file with DCF or the agency for future use.

The bill also removes the requirement that when a child is placed by DCF in a shelter home, foster home, or other residential placement, DCF make available to the operator of the shelter home, foster home, other residential placement or other residential caretaker all relevant information concerning the child's demographic social and medical history as soon as possible.

Quality Parenting and Normalcy

The bill provides for increased responsibility to caregivers (e.g. foster parents) and encouragement for them to be involved in the lives of youth in their care. In addition caregivers are encouraged to make decisions about the care of the children as if they were their own children, by using a reasonable and prudent parenting standard. This is to try and create as normal life as possible for children growing up in foster care.

Caregivers

The bill creates a section on quality parenting in s. 409.175. The bill requires that children in foster care be placed only with a caregiver who has the ability to care for the child, is willing to accept the responsibility for providing care, and is willing and able to learn about and be respectful of the child's culture, religion and ethnicity, special physical or psychological needs, unique circumstances, and family relationships. The bill specifies that DCF, the CBC lead agency, and other agencies must provide the caregiver with all available information necessary to assist the caregiver in determining whether the caregiver is able to appropriately care for a particular child. The bill also specifies the roles and responsibilities of a caregiver, and requires caregivers to:

- Participate in developing the case plan for the child and his or her family and work with others involved in his or her care to implement the plan (participation includes the caregiver's involvement in all team meetings or court hearings related to the child's care);
- Complete all training needed to improve skills in parenting a child who has experienced trauma due to neglect, abuse, or separation from home, to meet the child's special needs and to work effectively with the child welfare agencies, the court, the schools, and other community and governmental agencies;
- Respect and support the child's ties to members of his or her biological family and assist the child in maintaining allowable visitation and other forms of communication;
- Effectively advocate for the child in the caregiver's care with the child welfare system, the court, and community agencies, including the school, child care providers, health and mental health providers, and employers;
- Participate fully in the child's medical, psychological, and dental care as the caregiver would for his or her biological child;
- Support the child's school success by participating in school activities and meetings, including individual education plan meetings, assisting with school assignments, supporting tutoring programs, meeting with teachers, working with an educational surrogate if one has been appointed, and encouraging the child's participation in extracurricular activities;
- Work in partnership with other stakeholders to obtain and maintain records that are important to the child's well-being, including child resource records, medical records, school records, photographs, and records of special events and achievements;
- Ensure that children between the ages of 13 and 17 learn and master independent living skills;
- Ensure that children are aware of the requirements and benefits of the Road-to-Independence Program; and
- Work to enable children to establish and maintain naturally occurring mentoring relationships.

The bill creates roles and responsibilities applicable to DCF, the CBC lead agency, and other agency staff regarding caregivers. The bill requires DCF, the CBC lead agency, and other agency staff to:

- Include a caregiver in the development and implementation of the case plan for the child and the child's family. The bill authorizes the caregiver to participate in all team meetings or court hearings related to the child's care and future plans. The bill requires the caregiver to be given timely notification, requires an inclusive process, and requires alternative methods of participation for a caregiver who cannot be physically present;

- Develop and make available to the caregiver the information, service, training and support that the caregiver needs to improve his or her skills in parenting children who have experience trauma due to neglect, abuse, or separation from home, to meet these children's special needs, and to advocate effectively with child welfare agencies, the courts, schools, and other community and governmental agencies; and
- Provide the caregiver with all information related to services and other benefits available to the child.

The bill also creates a section in s. 409.145, F.S., regarding transitions. The bill states that once a caregiver accepts the responsibility of caring for a child, the child will be removed from the home of that caregiver only if:

- The caregiver is clearly unable to safely or legally care for the child;
- The child and his or her biological family are reunified;
- The child is being placed in a legally permanent home pursuant to the case plan or a court order;
- The removal is demonstrably in the child's best interest; or
- The caregiver is no longer able or willing to care for the child.

The bill specifies that if the child leaves the caregiver's home for any of these reasons, the transition must be accomplished according to a plan that involves cooperation and sharing of information among all persons involved, respects the child's developmental state and psychological needs, ensures the child has all of his or her belongings, and allows for gradual transition from the caregiver's home. If possible, the transition must allow for continued contact with the caregiver after the child leaves. These transition requirements do not apply in the case of an emergency.

The bill requires DCF and any additional provider to make available all relevant information concerning a child to the caregiver when a foster home or residential group home assume responsibility for the care of a child. This information must be made available as soon as practicable. The required information includes:

- Medical, dental, psychological, psychiatric, and behavioral history and ongoing evaluation or treatment needs;
- School records;
- Copies of the child's birth certificate and immigration status documents (if appropriate);
- Consents signed by parents;
- Comprehensive behavioral assessments and other social assessments;
- Court orders;
- Visitation and case plans;
- Guardian ad litem reports;
- Staffing forms; and
- Judicial or citizen review panel reports and attachments filed with the court, except for confidential medical, psychiatric, and psychological information regarding any party or participant other than the child.

The bill requires all caregivers employed by residential group homes to meet the same education, training, and background and other screening as foster parents.

Reasonable and Prudent Parent Standard

The bill creates a section in s. 409.145 regarding a reasonable and prudent parent standard. The bill defines the terms "age-appropriate," "caregiver," and "reasonable and prudent parent standard." The bill makes the reasonable and prudent parent standard the standard used by a caregiver when determining whether to allow a child to participate in extracurricular, enrichment, and social activities. The standard is characterized by reasonable and sensible parental decisions that maintain the child's health, safety, and best interest while at the same time encouraging the child's emotional and developmental growth. The bill states that every child who comes into out-of-home care is entitled to participate in age-appropriate, extracurricular, enrichment, and social activities and that each caregiver must use this

standard when determining whether to give permission for a child to participate in one of these activities. The bill states that when using the standard the parent must consider:

- The child's age, maturity, and developmental level to maintain the overall health and safety of the child;
- The potential risk factors and appropriateness of the extracurricular, enrichment, or social activity;
- The best interest of the child, based on information known by the caregiver;
- The importance of encouraging the child's emotional and developmental growth; and
- The behavior history of the child and the child's ability to safely participate in the proposed activity.

The bill requires DCF and each CBC lead agency to verify that private agencies providing out-of-home care services to dependent children have policies in place consistent with the use of the reasonable and prudent parent standard. DCF and each CBC lead agency must also ensure that these agencies are promoting and protecting the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities.

The bill states that a caregiver is not liable for harm caused to a child who participates in an activity approved by the caregiver, as long as the caregiver has acted in accordance with the reasonable and prudent parent standard.

Road-to-Independence Program

The bill restructures the current Road-To-Independence Program to accommodate the differing needs of young adults who are either remaining in foster care or choosing to leave and are pursuing a postsecondary skill, trade, or higher education.

The bill provides legislative findings and intent relating to the resilience of young adults and children, their ability to be successful adults with adequate support, and the need for young adults and children create and preserve permanent connections and relationships with safe and stable adults. The bill also states that the legislature intends that young adults who choose to participate in the Road-to-Independence Program receive the skills, education, and support necessary to become self-sufficient and leave foster care with a lifelong connection to a supportive adult through aftercare services or postsecondary education services.

The bill eliminates the pre-independent living services, which were life skills training, educational field trips, and conferences available for children between 13 and 14 years old who are in foster care.²⁹

Eligibility

Under the bill, a young adult is eligible for postsecondary education services and support if the young adult:

- Was living in licensed care on the young adult's 18th birthday, is currently living in licensed care, or was at least 16 years old when adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding the placement or adoption;
- Spent at least 6 months in licensed care before reaching the young adult's 18th birthday;
- Earned a high school diploma or its equivalent;
- Has been admitted for enrollment as a full-time student or its equivalent in an eligible postsecondary educational institution, unless the individual has a recognized disability preventing attendance, or has been admitted for enrollment in an eligible postsecondary educational institution for a minimum of 9 credit hours per semester and working part-time, unless the individual has a recognized disability preventing the minimum attendance and work requirement;
- Is between the ages of 18 and 22;

²⁹ S. 409.1451 (4)(a), F.S.
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- Has applied for any other grants and scholarships (with assistance from their caregiver and CBC lead agency);
- Submitted a complete and error-free Free Application for Federal Student Aid; and
- Signed an agreement to allow DCF and the CBC lead agency to access school records.

To be eligible for a renewal award for the subsequent year, the young adult must:

- Be enrolled for or have completed the number of hours or the equivalent to be considered a full-time student by the eligible postsecondary educational institution in which the young adult is enrolled, unless the young adult has a disability preventing full-time attendance; and
- Maintain appropriate progress as required by the educational institution, but if the young adult's progress is insufficient to renew the award at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

The bill provides DCF rulemaking authority related to renewal of the road to independence award.

The bill specifies the amount of financial assistance available to young adults who qualify for services and support for postsecondary education services and support.

- Young adults who do not remain in foster care and are attending postsecondary educational institutions are provided \$1,256/month. This payment will be made to the CBC lead agency to secure housing and utilities, and the balance will be paid directly to the young adult, until the CBC lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance.
- Foster parents are provided \$515/month for young adults who remain in foster care and are attending a postsecondary educational institution and continue to reside in a licensed foster home. The payment will be made directly to the foster parent.
- Young adults who remain in foster care and are attending a postsecondary educational institution, but temporarily resides away from a licensed foster home for educational purposes, the amount is \$1,256/month while the child is at school. This payment will be made to the CBC lead agency to secure housing and utilities, and the balance will be paid directly to the young adult. The payment while the child is residing at home is the board rate and is paid directly to the foster parent.
- Young adults who remain in foster care and are attending a postsecondary educational institution, and continue to reside in a licensed group home, the amount is negotiated between the CBC lead agency and the licensed group home provider. The payment will be made directly to the licensed group home. However, while the child resides at school the payment is \$1,256/month and is paid to the CBC lead agency to secure housing and utilities, and the balance will be paid directly to the young adult
- Young adults who remain in foster care, are attending a postsecondary educational institution, and temporarily reside out of the licensed group home for educational purposes, the amount is \$1,256, which takes the place of the negotiated room and board rate. The payment will be made directly to the licensed group home.

The bill specifies that the money a young adult receives under this section cannot be considered when determining eligibility for, or the amount of any other federal or federally supported assistance. The bill also specifies that a young adult is eligible to receive these funds during the months when enrolled in a postsecondary educational institution. The bill prohibits the CBC lead agencies from charging a fee to administer the Road-to-Independence payments.

The bill requires funds to be terminated during the interim between an award and the evaluation if DCF or the agency under contract with the department determines that the award recipient is no longer enrolled in an educational institution or is no longer a resident of the state.

The bill requires DCF to advertise the availability of the stipend and provide notification of the criteria and application procedures for the stipend to children and young adults leaving or formerly in foster care; caregivers; case managers; guidance and family services counselors; principals or other relevant school administrators; and guardians ad litem. The bill also requires the award to be transferred with the recipient if an award recipient transfers from one eligible institution to another and continue to meet eligibility. The bill also requires DCF or an agency under contract with DCF to evaluate each Road-to-

Independence award for renewal eligibility annually. The bill requires DCF or an agency under contract with DCF must notify a recipient who is terminated and inform the recipient of his or her right to appeal. The bill specifies that an award recipient who does not qualify for a renewal award or who chooses not to renew the award may immediately apply for reinstatement. The application for reinstatement must be made before the young adult is 23 years old. The bill specifies that the young adult must meet the eligibility criteria and criteria for award renewal for the program in order to be eligible for reinstatement. The bill allows a student to apply for reinstatement more than one time.

Appeals Process

The bill maintains the requirement that DCF have a procedure for young adults to appeal DCF's refusal to provide Road-to-Independence (RTI) Program services or support, the termination of RTI support, or the termination of RTI services. However, current law requires this to be done by rule,³⁰ where the bill does not specify that a rule is necessary.

Portability

The bill requires RTI Program services are portable across county lines and between lead agencies. The service needs identified in the transition plan must be provided by the lead agency where the young adult is currently residing but must be funded by the lead agency that initiated the transition plan. The bill requires the lead agency with primary case management responsibilities provide maintenance payments, case planning, and regular case reviews that conform with all federal scheduling and content requirements for all children in foster care who are placed or visiting out-of-state. This includes a written description of all services that will assist a child 16 years old or older to prepare for transition from care to independence.

Advisory Council

The bill maintains the Independent Living Service Advisory Council (ILSAC) and requires representation from two additional agencies: the Department of Economic Opportunity and the Department of Juvenile Justice. The bill maintains the requirement that the ILSAC report to the Secretary of DCF regarding the RTI Program and requires the report to also include an analysis of the system of independent living transition services for young adults who are 18 years old while in foster care before completing high school and include recommendations for DCF or legislative action. The bill requires the ILSAC to assess and report the most effective method of assisting these young adults to complete high school or its equivalent by examining the practices of other states.

Current RTI Program Recipients

The bill allows individuals who are participating in the RTI Program as of October 1, 2013 to continue in the program as it exists through December 31, 2013. As of January 1, 2014, individuals in the RTI Program will be transferred to the program services explained in this bill. However, for these individuals, the monthly stipend may not be reduced, the method of payment of the monthly stipend may not be changed, and the young adult cannot be required to change his or her living arrangement. These conditions will remain in effect for a child or young adult until he or she no longer meets eligibility for the RTI program. All individuals applying to or reapplying to the RTI Program after October 1, 2012, must apply according to the requirements contained in the bill.

The bill provides specific transfers of funds between DCF appropriation categories for the campus coaching program, legal case reviews, and computer related expenses for Fiscal Year 2013-2014. For these years, the bill requires the following sums must be transferred:

- The sum of \$601,029 1472 in recurring funds and \$26,334 in nonrecurring funds from the General Revenue Fund in the Grants and Aids - Community Based Care for Providers of Child Welfare Services appropriation category within DCF is transferred to the Grants and Aids - Child Protection appropriation category, also within DCF, for legal case reviews;

³⁰ S. 409.1451(5)(e)(1), F.S.
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- The sum of \$1,044,000 from the General Revenue Fund in the Grants and Aids - Community Based Care for Providers of Child Welfare Services appropriation category within DCF is transferred to the Computer Related Expenses appropriation category, also within DCF, for enhancements to the 1486 Florida Safe Families Network
- The sum of \$523,269 in recurring funds from the General Revenue Fund and \$41,382 in nonrecurring funds from the General Revenue Fund in the Grants and Aids - Community Based Care for Providers of Child Welfare Services appropriation category DCF is transferred to the Grants and Aids - Child Protection appropriation category, also within DCF, for the purposes of providing oversight and resources for the postsecondary educational campus coaching positions.

The bill provides an effective date of January 1, 2014.

B. SECTION DIRECTORY:

- Section 1: Amends s. 39.013, F.S., related to procedures and jurisdiction
 Section 2: Amends s. 39.6013, F.S., related to case plan amendments
 Section 3: Creates s. 39.6035, F.S., related to transition plan
 Section 4: Creates s. 39.6251, F.S., related to continuing care for young adults
 Section 5: Amends s. 39.701, F.S., related to judicial review
 Section 6: Amends s. 409.145, F.S., related to care of children
 Section 7: Amends s. 409.1451, F.S., related to the Road-to-Independence Program
 Section 8: Amends s. 409.175, F.S., related to the Licensure of family foster homes, residential child-caring agencies, and child-placing agencies
 Section 9: Amends s. 409.903, F.S., related to mandatory payments for eligible persons
 Section 10: Creates an unnumbered section of law, related to participants of the Road-to-Independence Program
 Section 11: Creates an unnumbered section of law, related to transfer of funds.
 Section 13: Provides an effective date of January 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DCF has estimated a cost of \$48,176,152 during FY 2013-14 and a cost of \$47,604,325 during FY 2014-15, for the cost associated with the Independent Living program proposed in this bill.³¹ This cost model assumes that 79% of young adults turning 18 participate in extended foster care or RTI and that of that 79%, 76% opt into extended foster care and 24% enroll in RTI program.

The following chart provides a comparison of Independent Living expenditure categories for FY 2011-12, FY 2013-14, and FY 2014-15. The chart also includes DCF narrative explaining the basis for the change in cost between years.³² The funding for the Independent Living program expenditures during FY 2011-12 consists of \$29.4 million in budgeted funds for Independent Living and \$19.5 million in other funds provided to Community Based Care lead agencies.³³

³¹ The expenditures for the Independent Living program during FY 2011-12 was \$49,039,158

³² Department of Children and Families comparison of actual FY 2011-12 independent living expenditures to FY 2013-14 proposed budget for extended foster care and independent living, dated 3/8/13, (on file with Healthy Families Committee Staff), and modified by Health Care Appropriations Subcommittee staff to reflect the impact of amendments adopted April 10, 2013.

³³ DCF presentation on Independent Living to the 2/7/13 Healthy Families Subcommittee.

SERVICE CATEGORIES	FY 2011-12 EXPENDITURES	FY 2013-14 PROPOSED BUDGET	FY 2014-15 PROPOSED BUDGET	ESTIMATED BASIS FOR CHANGE
Independent Living (IL) Case Coordination (CC)	\$13,066,982	\$8,136,373	\$3,651,864	For the first half of FY 2013-14, IL CC will be provided to the existing population for 18 to 22 year olds in high school and post-secondary education. For the second half of the year, IL CC will only be provided to post-secondary education participants. In FY 2014-15, the decrease in the proposed budget is due to a reduction in eligible participants.
Road-to-Independence (RTI)	\$29,858,300	\$25,467,042	\$20,976,243	For FY 2011-12, 3,418 received at least one payment during the year. It is projected that during FY 2013-14, 2,548 will receive a RTI payment. In FY 2014-15 the estimated number of RTI participants is 2,023. As of October 1, 2013 eligibility for the new program is limited to students enrolled in post-secondary education institutions. The proposed budgets for FY 2013-14 and 2014-15 include the "grandfather in" existing population who will retain their current RTI payment amounts until they leave the program.
Transitional Support Services/Aftercare Services	\$5,837,115	\$2,443,244	\$866,144	For July - Sept 2013 Transitional Support Services have been included in Aftercare. The amount for Transitional Support Services for the first quarter is \$1,362,715 and Aftercare is \$136,021. The computation for the first quarter was based on an average of FY 2011-12 and FY 2012-13 actual expenditures. The amount for Aftercare for the remaining 3/4 of the year is \$944,508 which was projected using a percentage of eligible population multiplied by \$1,121 (average payment for Aftercare in FY 2011-12). As of October 1, 2013 the bill eliminates Transitional Support Services. For FY 2014-15 Aftercare is projected using a percentage of eligible population multiplied by \$1,121. The budget is reduced due to the change in eligibility requirements. Aftercare is only available to young adults who opted out of foster care and are not enrolled in the RTI program.
Subsidized Independent Living	\$276,761	\$0	\$0	The proposed bill eliminates this service category effective October 1, 2013.
Foster Care Case Management (for 18-21 year olds in extended foster care)	\$0	\$6,764,219	\$13,408,572	This is a new component of foster care for 18 - 21 year olds who choose to remain in foster care. It is projected that 1,409 will receive case management at a cost of \$821 per case per month for six months in FY 2013-14. For FY 2014-15 it is projected that 1,361 will receive case management at a cost of \$821 per case per month.
Florida Safe Families Network (FSFN)	\$0	\$1,020,000	\$200,000	For FY 2013-14 modifications to the FSFN system are necessary due to changes in the IL and Extended Foster Care programs. Ongoing maintenance for the system is included in FY 2014-15.
Children's Legal Services (CLS)	\$0	\$627,363	\$601,029	In FY 2013-14 seven additional attorneys are needed for the judicial reviews for the extended foster care population and the budget includes the nonrecurring expenses for these positions.
Extended Foster Care 18-21 (Room and Board Rate)	\$0	\$1,461,570	\$4,639,792	Foster care room and board payments are added for the extension of foster care to 18 - 21 year olds who elect to remain in foster care effective October 2013 to June 30, 2014. It is estimated that there will be 430 new participants. The monthly room and board rate is \$515. For FY 2014-15 it is estimated that there will be 833 participants with a room and board rate of \$527.46. In addition, the proposed budgets include estimates of \$243,595 for FY 2013-14 and \$773,299 for FY 2014-15 based on 20% of the minimum allowance to account for CBC negotiation flexibility. It should be noted that this population under the old program

SERVICE CATEGORIES	FY 2011-12 EXPENDITURES	FY 2013-14 PROPOSED BUDGET	FY 2014-15 PROPOSED BUDGET	ESTIMATED BASIS FOR CHANGE
				would have received an average monthly RTI payment of \$1,152.
College Coaches/Network Coordinator	\$0	\$564,651	\$913,027	Ten college coaches (starting in January 2014) and one network coordinator (starting in October 2013) (DCF employee) to provide post-secondary education support for RTI students. For FY 2014-15 the costs are projected for twelve months.
Supplemental Room and Board Rate	\$0	\$390,731	\$713,391	Provides payments to the foster parents of the 13 - 17 year olds for the Life Skills and normalcy activities. For FY 2013-14 the monthly payment per child is 10% (\$51.50) of the room and board rate (\$515). In FY 2014-15 the monthly payment per child is 10% (\$52.75) of the room and board rate (\$527.46) due the provision of a cost of living increase based on the Consumer Price Index. During FY 2014-15 20% of the children placed in group homes are projected to move into foster homes in an effort to provide youth with family connections.
Foster Care Cost of Living Increase	\$0	\$52,452	\$225,534	In FY 2013-14 the foster care monthly room and board rates are increased that are below the minimum to the statutorily mandated minimum board rates. \$429 for 0 - 5 years, \$440 for 6 - 12 years and \$515 for 13 - 21 years. In FY 2014-15 all of the board rates are increased by 2.42% (average of ten years of the Consumer Price Index).
Foster Parent Life Skills Training	\$0	\$1,040,377	\$511,804	The responsibility for Life Skills Training for 13 - 17 year olds has been transferred from providers to foster parents. In FY 2011-12 the costs for Life Skills Training was included in the total expenditures for Case Coordination. However, the amount associated with it is unable to be determined. For FY 2013-14 the proposed budget includes: curriculum development for 4 levels/12 modules per level of Life Skills Training, participant materials, trainer manuals, pre and post tests and formal Levels 1 and 2 classroom training for foster parents. In addition an online training curriculum and pre and post tests for 18 -21 year olds will be developed to prepare young adults transitioning to adulthood. For FY 2014-15 the budget includes formal classroom training on all levels.
Maintenance Adoption Subsidy (MAS) For the Extended Foster Care for 18-21 Year Olds	\$0	\$208,130	\$896,925	MAS will need to be extended for the 18 - 21 year olds who meet the eligibility requirements. It was projected that there will be 86 phased in during FY 2013-14. In FY 2014-15 the 86 will receive payments for twelve months and 86 new participants will be phased in over the year.
Total	\$49,039,158	48,176,152	\$47,604,325	

Note: Since the bill introduces a new program for Independent Living, the choices which will be made by youth turning 18 may be different than proposed in the cost above. For comparison purposes, DCF prepared two alternative models, illustrated in the chart below.³⁴

	Scenario	Year 1	Year 2
Model 1	100% of young adults turning 18 remain in extended foster care.	\$49,619,705	\$56,090,021
Model 2	0% of young adults turning age 18 opt into extended foster care and 24% enroll in RTI.	\$44,676,074	\$34,694,377

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

³⁴ Modified by Health Care Appropriations Subcommittee staff to reflect the impact of amendments adopted on April 10, 2013.

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not provide additional financial resources for the Independent Living program, which is funded with \$29,476,721 of designated Independent Living budget authority and \$19,562,437 of flexible budget from other CBC state fund sources, for a total program cost of \$49,039,158. If program costs exceed the designated budget, CBCs will be required to utilize the more flexible budget used for other CBC services.

The CBC state fund sources include those appropriated for core services (e.g., child protective services, adoption services, licensure and oversight of foster or group homes) and the “carry forward” of prior years’ unexpended funds. Carry forward funding is used by CBCs to mitigate instances when operational costs exceed the annual contract amount. To the extent the actual fiscal impact varies from this estimate, CBCs will either realize a program savings or be required to use additional core service funds, reduce services, fundraise, or use carry forward. In FY 2011-12, all 20 CBC contracts amounted to \$764,876,288, with a total carry forward balance of \$26,964,324, or 0.8 percent of the total contract amount. There were two CBCs operating in deficit. In the same year, the total program cost was \$49,039,158, of which \$6,504,452 -- or 13.3 percent -- was funded with carry forward.

The expenditure impact provided in Section II of this analysis is based on 14 categories identified by DCF as having either a positive or negative fiscal impact upon the program. In many categories, the FY 2011-12 actual expenditure data is used to forecast the bill’s impact on fiscal years 2013-14 and 2014-15. While based on actual data, it is not necessarily indicative of foster children’s future behavior as the options in this bill were not available during FY 2011-12. The actual fiscal impact to state government will be determined by the individual choices the young adults make and the types of services they may require.

The estimates provided by DCF separate Foster Care and RTI. It is unclear whether DCF accounted for young adults who choose to remain in foster care and also receive RTI benefits. The estimates fail to note the future impact that may result from the cost of living increase to the foster parent board rate. Additionally, the Maintenance Adoption Subsidy (MAS) cost will increase under the bill, since they will be extended to all individuals in extended foster care who are adopted up to age 21. It’s projected that if CBCs reach their adoption targets in the current year, the Maintenance Adoption Subsidy (MAS) may create an approximate \$2 million deficit for FY 2012-13.³⁵

The bill requires those who stay in foster care to have judicial review hearings. The State Court System acknowledges this workload increase but anticipates it can be absorbed within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

³⁵ Phone conversation with Nevin Smith, budget director at the Department of Children and Families, March 15, 2013.

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides DCF rulemaking authority for implementation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Line 1132: It is unclear whether the foster parents who begin caring for children after 2013 will receive the base rate named in statute and receive an annual cost of living increase based on that amount, or if they will receive the higher rate that existing foster parents are receiving.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2013, the Healthy Families Subcommittee adopted a strike-all amendment. The amendment made the following changes:

- Makes a number of technical changes;
- Clarifies the payment rate and process for young adults who choose to leave their foster home or group home temporarily for post-secondary education purposes;
- Makes the definition of reasonable and prudent parent standard consistent with HB 215 which has already passed the House this session;
- Specifies that the annual cost of living increase applies to the minimum board rate paid to foster parents;
- Clarifies that DCF will make the determination that a child is unable to participate in programs or activities due to a disability, as required to be eligible for extended foster care; and
- Requires a child to be removed from a caregiver's home if the caregiver is no longer able or willing to care for the child.

On April 10, 2013, the Health Care Appropriations Subcommittee adopted two amendments and reported the bill favorably as a committee substitute for a committee substitute. The amendments remove the requirement that former foster care youth attending a postsecondary institution be provided with a mentor and remove the designation of special category in the General Appropriations Act for funding provided for independent living services.

On April 16, 2013, the Health and Human Services Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute for a committee substitute for a committee substitute. The strike-all amendment:

- Makes technical changes;
- Requires DCF to design and disseminate training for caregivers on skill building for life skills necessary for youth in foster care;
- Requires DCF to annually make available the adjusted room and board rates;
- Requires the CBC lead agencies to pay a supplemental room and board rates to foster parents for providing independent life skills and normalcy supports;
- Allows students who choose not to attend school full time, to take 9 credit hours per semester and work part-time in order to qualify for the Road-to-Independence Program;
- Prohibits the CBC lead agencies from charging a fee to administer the Road-to-Independence payments;
- Allows former foster children to apply for the Road-to-Independence program more than once;
- Provides DCF rulemaking authority related to renewal of the Road-to-Independence award;
- Provides greater flexibility to implement the campus coaching program;
- Provides specific transfers of funds between DCF appropriation categories for the campus coaching program, legal case reviews, and computer related expenses; and

- Changes the effective date of the bill to January 1, 2014.

This analysis is drafted to the committee substitute for the committee substitute for the committee substitute for HB 1315.