

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2100

SPONSOR: Committee on Children and Families and Senator Jones

SUBJECT: Juveniles

DATE: March 30, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosby</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

The Committee Substitute for Senate Bill 2100 provides that the circuit court shall continue to retain jurisdiction in dependency proceedings until a child reaches the age of 18 and may retain jurisdiction in dependency proceedings until a person reaches the age of 21. This bill provides for an annual review during the time that a child remains in the custody or under the supervision of the Department of Children and Family Services. This bill provides that foster care services may be terminated when a child leaves an educational program, subject to review of the court.

This bill substantially amends the following sections of the Florida Statutes, 1998 Supplement: 39.013 and 409.145.

## II. Present Situation:

Section 39.013, F.S., 1998 Supp., regarding procedures and jurisdiction and right to counsel in dependency proceedings, provides in pertinent part that the circuit court shall have exclusive original jurisdiction of all proceedings under ch. 39, F.S., of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the Department of Children and Family Services (department), and of the adoption of children whose parental rights have been terminated pursuant to this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, caregiver, or some other person, or was in the physical or legal custody of no person when the event or condition occurred that brought the child to the attention of the court. When the court obtains jurisdiction of any child who has been found to be dependent, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age.

Furthermore, this section provides that, for any child who remains in the custody or under the supervision of the department, the court shall, within the 6-month period before the child's 18th birthday, hold a hearing to review the progress of the child while in the custody or under the supervision of the department.

Section 409.145, F.S., 1998 Supp., regarding care of children, provides in pertinent part that the department may continue to provide the services of the children's foster care program to individuals 18 to 21 years of age who are enrolled in high school, in a program leading to a high school equivalency diploma, or in a full-time career education program, if the following requirements are met:

- The individual was committed to the legal custody of the department for placement in foster care as a dependent child;
- All other resources have been thoroughly explored and it can be clearly established that there are no alternative resources for placement; and
- A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department, the individual, and the foster parent or licensed child-caring agency providing the placement resources.

The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time that the individual is continuously enrolled in high school, in a program leading to a high school equivalency diploma, or in a full-time career education program. Services shall be terminated upon completion of or withdrawal or permanent expulsion from high school, the program leading to a high school equivalency diploma, or the full-time career education program.

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

Section 1 amends s. 39.013, F.S., 1998 Supp., to provide that the court shall retain jurisdiction, unless relinquished by its order, until the child reaches the age of 18 and may retain jurisdiction until the person reaches the age of 21. This section is also amended to provide that an annual review shall be conducted during the period of time that the child remains in the custody of or under the supervision of the department after that child reaches 18 years of age.

Section 2 amends s. 409.145, F.S., 1998 Supp., regarding care of children, to provide that department services *may* (rather than the mandatory *shall*) be terminated upon completion of or withdrawal or expulsion from high school or its equivalent, subject to the review of the juvenile court.

Section 3 provides that this act shall take effect July 1, 1999.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The Department of Children and Family Services reports no fiscal impact associated with this bill. The extended court jurisdiction and related judicial reviews relating to youth from ages 18 to 21 would have a moderate but undetermined impact on the dependency courts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.