

STORAGE NAME: H2155a.jj

DATE: April 16, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
ANALYSIS**

BILL #: HB 2155

RELATING TO: Juveniles/Dependency Proceedings

SPONSOR(S): Representative Bullard

COMPANION BILL(S): Identical CS/SB 2100

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUVENILE JUSTICE YEAS 8 NAYS 2
 - (2) JUDICIARY
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

House Bill (HB) 2155 allows the circuit court to retain jurisdiction of an youth found to be dependent until the person reaches age 21. Annual reviews would be held for any person age 18 to 21 retained in the custody of the Department of Children and Families (department) and under the jurisdiction of the circuit court.

Services of the foster care program could be terminated upon completion of or withdrawal or permanent expulsion from high school, a program leading to a high school equivalency diploma or a full-time career education, subject to review by the juvenile court.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 39.013, F.S., 1998 Supplement, provides that the circuit court shall have exclusive jurisdiction of all dependency hearings for a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency or the department. The court also has exclusive jurisdiction over proceedings involving the adoption of children whose parental rights have been terminated. The court retains jurisdiction of any youth in its custody until the youth reaches age 18, unless the court relinquishes jurisdiction sooner. Any child in the department's custody will have a review done by the court six months before his 18th birthday.

The bill also amends section 409.145, F.S., 1998 Supplement, which provides foster care services for persons 18 to 21. Services are provided for individuals continuously enrolled in high school, in a program leading to a high school equivalency diploma or in a full-time career education program. Services must 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.

B. EFFECT OF PROPOSED CHANGES:

Under HB 2155, the circuit court could retain jurisdiction of persons until age 21 if those persons were found to be dependent and placed with the department as minors. 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.

In addition, persons 18 to 21 could continue to receive foster care services whether they are terminated from, withdraw from or permanently expelled from high school, a program leading to a high school equivalency diploma or a full-time career education program. This provision is subject to the review of the juvenile court. If HB 2155 becomes law, the department could be in a position to provide foster care services for individuals who do not receive those services under current law.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The authority of the circuit court is expanded to be able to include jurisdiction of those persons 18 to 21 years of age who were previously committed to the department and who were under the jurisdiction of the court.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, the department could be in a position to continue foster care services for certain youth and the circuit court would have expanded custody of persons 18 to 21 who were previously committed to the department.

(3) any entitlement to a government service or benefit?

Foster care services for persons between 18 and 21 years of age would not be automatically terminated upon completion of, withdrawal from, or expulsion from high school, a program leading to a general equivalency diploma or a full-time educational career program. Instead such persons would be entitled to a hearing in the circuit court before such services could be terminated. The court would have the authority to order continued foster care services at its discretion until the person reaches 21 years of age.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Persons would be subject to the jurisdiction of the circuit court for a longer period of time due to their prior status as a "dependent" child.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

See Comments Section.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 39.013, F.S. and Section 409.145, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1, amends 39.013, F.S., 1998 Supplement, to provide that the circuit court may retain jurisdiction of a person age 18 if the person was committed to the department and under the jurisdiction of the circuit court as a minor. The court could retain this jurisdiction until the person

reaches age 21. The court shall conduct an annual review of those persons under its jurisdiction age if they are between the ages of 18 and 21.

Section 2, amends 409.145, F.S., 1998 Supplement, to provide that foster care services may be terminated upon completion of or withdrawal or expulsion from high school, a program leading to a high school equivalency diploma or a full-time career education program, subject to review by the juvenile court.

Section 3, provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The Department of Children and Families reported that there would be no fiscal impact resulting from the bill.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

The staff of the Judiciary Committee reviewed the constitutionality of whether the rights of a person age 18 to 21 would be jeopardized if the circuit court retained custody of individuals found to be dependent and expressed concern that equal protection violation might exist because there may be an issue regarding a rational basis to extend circuit court jurisdiction for this division of the class of all individuals 18 to 21.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Staff Director:

Bridget Edmond

David De La Paz