

STORAGE NAME: h0245s1.hcc.doc
DATE: February 25, 2002

**HOUSE OF REPRESENTATIVES
COUNCIL FOR HEALTHY COMMUNITIES
ANALYSIS**

BILL #: CS/HB 245

RELATING TO: Road to Independence Act of 2002

SPONSOR(S): Council for Healthy Communities and Representative Detert

TIED BILL(S):

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

- (1) COMMITTEE ON CHILD & FAMILY SECURITY YEAS 8 NAYS 0
 - (2) HEALTH & HUMAN SERVICES APPROPRIATIONS YEAS 12 NAYS 0
 - (3) COUNCIL FOR HEALTHY COMMUNITIES YEAS 15 NAYS 0
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

Nearly one-third of children in foster care are teenagers. Each year youths exit the foster care system at age 18 with the expectation they can live self-sufficiently. Many have a difficult time making the transition. Some face serious problems, including homelessness, unemployment and early pregnancy.

This committee substitute, known as the Road to Independence Act of 2002, creates a new section of Florida Statutes (s. 409.1451, F.S.), that establishes the framework for Florida's independent living transition services for older children in foster care and young adults who were formerly in foster care to facilitate their successful transition to adulthood. Section 409.1451, F.S., incorporates existing statutory language for independent living services and provides for enhanced services allowed for with increased federal Chafee Foster Care Independent Living Program grant funds. Included in this framework are goals, service eligibility and an integration workgroup to address issues facing older youth in foster care and after they leave.

The services available to older children in foster care, ages 13 to 18, include: pre-independent living services, life skills services, and subsidized independent living services, as well as opportunities to participate in life skills activities that are normal for children not in foster care. The services available to the young adults, who were formerly in foster care, ages 18 to 23, include: aftercare support services and the road to independence scholarship program.

Amendments are made to existing statutes that provide for postsecondary fee exemptions and Medicaid for young adults to reflect the new service delivery framework and statutory reference. Continued foster care services payments to young adults enrolled in an educational institution are now provided through the scholarship program. A major portion of the services described in the committee substitute are already provided by the department, but only minimally due to limited funding.

The effective date is October 1, 2002.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Nearly one-third of children in foster care are teenagers. Each year youths exit the foster care system at age 18 with the expectation they can live self-sufficiently. These teens have experienced a difficult time growing up and face the world without a strong family support system. Many have a difficult time making the transition and some face serious problems, including homelessness, lack of employment, incarceration, substance abuse and early pregnancy.

To address the needs of older children in foster care, Congress established the Independent Living Program in 1986, in section 477 of Title IV-E of the Social Security Act. Under the program, states use federal, state, local and private funds to provide services that include: assistance to completing education and finding employment, and instruction in basic skills needed to live independently— money management, hygiene, housekeeping and nutrition. States also provide supervised, subsidized-living programs to some eligible youth that allow them to learn to live on their own prior to leaving the foster care system. The majority of the resources for these programs are provided from federal Title IV-E funds through a four-to-one match to state in-kind services, equipment, property, and cash.

In 1999, the General Accounting Office (GAO) found that state programs do not seek out sufficient employment opportunities in the community and offer few opportunities for youths to participate in real-life practice situations that other teens take for granted such as cooking, grocery shopping, driving or taking excursions outside their communities. The GAO found there were not enough supervised practice-living arrangements to enable youths to become proficient at living self-sufficiently.

To address weaknesses in support for teens in foster care, Congress in 1999 renamed the program the Chafee Foster Care Independence Program and enhanced its provisions, with increased funding available to the states. The federal Chafee bill included additional funding for:

- youths continuing their education after leaving care at age 18;
- youths who left care at age 18 needing assistance prior to age 21;
- youths "likely to remain in care until age 18" without regard to the youth's IV-E eligibility; and
- developing and providing training for staff and parents on issues facing adolescents preparing for independent living.

According to the National Conference of State Legislatures, 18 states considered foster care independent living legislation in 2000-2001. Most addressed education, Medicaid, and youth board provisions that Florida has already enacted.

Compared to other states, Florida has taken advantage of opportunities provided by federal legislation to provide educational and medical support to youth aging out of foster care. The major independent living service areas provided in Florida are:

- Youths ages 13 and 14 receive a pre-independent living assessment and classes that are tailored to youth such as positive values, using good judgment, and positive body image.
- Youths turning age 16 receive an assessment and services for youths ages 16 up to age 21 that include, but are not limited to, tutoring, mental health counseling, skills training, mentoring, parenting classes, preventive health classes, credit counseling, and job skills training.
- Subsidized independent living for youth meeting the program requirements.

The Florida independent living program has received expanded federal funding with \$5.2 million, through a federal, four-to-one match. It is administered by a statewide independent living coordinator and 15 district coordinators. A youth advisory board made up of 15 youths elected by their peers in each district provides input to statewide policy.

Despite progress in serving teens in foster care, Florida has not updated its statutes to provide for the services in place under federal legislation, and awareness and participation in the program is limited. Provisions for the program are scattered through different sections of Florida Statutes without clear state policy guidance. Current statutes s. 409.145 and s. 409.165, F.S., provide for:

- independent living services for older youths in foster care age 16 and older, who are not expected to be adopted;
- continued Medicaid coverage, tuition and support until age 21 for eligible youths in educational programs, and to age 23, if participants are enrolled full time in post-secondary education; and
- a specialized, subsidized independent living program that provides financial support for eligible older youths in foster care to live independently.

The state has implemented provisions of the Chafee program to expand provision of preparatory services to younger teens age 13 and 14 through its state plan and operating procedures.

Other new services made available under the Chafee bill include the ability to provide aftercare services to youths ages 18 to 21 who have aged out of foster care, but do not meet current educational requirements for extended foster care services. The department anticipates the operating procedures for aftercare supports will be finalized by February 2002.

The department has also developed a curriculum for foster parents and group home staff titled "Independent Living: Caregivers Assisting Youth in Transition." The department expects to deliver this curriculum statewide beginning January 2002.

In part because of a lack of clear policy in state statutes, awareness and participation in the program is limited. According to current department information, only 21 percent of eligible youths participated in the program in the last quarter of FY 2000-2001. The department's independent living coordinators report only 924 of the 4,361 eligible youths, age 15 to 23 years, were served. With the expanded funding, additional youth will be served. Of eligible youths:

- 3,401, the majority, are age 15-17 and still in foster care. Under the existing program they should receive support services such as coordination of existing education and employment services to prepare for self-sufficiency at age 18.
- 934, age 18 to 21, can receive continued guidance and Medicaid as they become independent.
- 26, age 22 or 23, who were formerly in foster care and are currently enrolled full time in post-secondary education are eligible for continued services.

Under the state's plan for implementation of Chafee provisions, an estimated 1,543 foster care teens, ages 13 and 14, became eligible for preparatory services on October 1, 2001.

C. EFFECT OF PROPOSED CHANGES:

The newly created s. 409.1451, F.S., sets forth the Legislature's directive for the Department of Children and Families' operation of independent living transition services. A continuum of independent living transition services is to be available to enable older children in foster care, and young adults who were formerly in foster care, to develop the skills necessary for successful transition to adulthood and self-sufficiency. The goals for this continuum of services are articulated and include assisting these older youths to obtain the life skills and education for independent living and employment, to experience life opportunities, and to assume personal responsibility for becoming self-sufficient.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Names the bill the "Road to Independence Act of 2002."

Section 2. Amends s. 409.145, F.S., Care of Children to add paragraph (e) to subsection (1), on goals of the program for dependent children, to include as a goal, the transition to self-sufficiency for older children who continue to be in foster care.

Section 3. Creates new s. 409.1451, F.S., providing for a system of independent living transition services for older youths in foster care and young adults formerly in foster care.

(1) System of Services—

- Requires the department to administer a system of independent living transition services to enable older children in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.
- The goals of the services are to assist these older youths and young adults to obtain life skills and education for independent living and employment, to have a quality of life appropriate to their age, and to assume personal responsibility for becoming self-sufficient adults.
- Provides for state foster care and federal funding of the services.
- Provides that independent living is not an alternative to adoption and services may occur concurrently with efforts to achieve permanency.

(2) Eligibility--

- Children age 13 to 18 that are in foster care shall be served by the program component of services for foster children provided in subsection (3).
- Young adults who are 18 to 23 and who were in foster care when they turned 18 shall be served by the program component of services for young adults formerly in foster care in subsection (5).

(3) Program Component of Services for Foster Children—

- **Pre-Independent Living Services:** Children in foster care ages 13 to 15 years may receive services such as life skills training and educational field trips, based on a pre-independent living assessment.
- **Life Skills Services:** Children in foster care ages 15 to 18 years may receive independent living skills training, educational support, employment training and counseling based on the child's needs identified in the Independent Life Skills Assessment.
- **Subsidized Independent Living Services:** Children in foster care ages 16 to 18 years who have been in licensed out-of-home care for at least 6 months and meet other eligibility criteria and conditions may be placed in a living arrangement that allows the child to live independently of the daily care and supervision of an adult.

(4) Participation in Life Skills Activities--

Older children ages 13 to 18 years are also to be provided with opportunities to participate in activities similar to other children their age who are not in foster care, including managing money they earn, taking driver's education and participating in extracurricular activities at school. Initiatives to support these activities include:

- Developing a list of age-appropriate activities and responsibilities for older children and foster parents,
- Providing training to staff and foster parents on the particular needs of older children in foster care,
- Maximizing the ability of foster parents to permit older children to participate in age appropriate activities,
- Providing for interactions with mentors, and
- Implementing mechanisms that allow older children to receive and manage their personal allowance directly.

(5) Program Component of Services for Young Adults Formerly in Foster Care--

Services for young adults formerly in foster care that are to be provided based on the availability of funds:

- **Aftercare Support Services:** Young adults 18 to 23 years who were in foster care until age 18 years may receive, if requested, an aftercare support services assessment and referral to needed community resources. Temporary assistance is also available to prevent homelessness.
- **Florida Road to Independence Scholarship Program:** Young adults ages 18 to 23 years who were in foster care and meet the prescribed eligibility criteria and program conditions may receive a scholarship to assist the young adult to gain the education and vocational training needed to achieve independence. Eligibility criteria, amount of the award, provision for reinstatement and for appeals are established.

The amount of the award is equivalent to a 40-hour a week minimum wage job, after considering any other grants or scholarships. Award recipients must be enrolled full time in high school, an education program to earn a high school diploma or its equivalent, or an eligible postsecondary educational institution (such as a Florida public university, community college or technical school). The award process is described and provides for informing older foster children and foster parents of the program, the time frame for applying for the scholarship, the award renewal process, termination of the award, and applying for reinstatement. This scholarship program mirrors, with minor differences, s. 409.145(3), F.S., in payment to the youth and eligibility, so that the same young adults are

being provided basically the same service. The difference is the service delivery structure is no longer a foster care client service, but a benefit available to ex-foster care young adults.

Since the jurisdiction of the dependency court ceases when the foster child turns 18 years of age, an appeals process is provided for the young adults who are over the age of 18 years. This process includes both an internal appeal within the department and an external appeal using the judicial review process provided for in s. 120.68, F.S.

(6) Accountability--

Requires the department to develop outcome and other performance measures.

(7) Independent Living Services Integration Workgroup—

The department is also required to form an independent living services integration workgroup that is charged with assessing the barriers to coordination of and access to services, to include the following specific issues:

- Addressing the possibility of expanding Medicaid to cover young adults formerly in foster care up to age 21 years, pursuant to the Foster Care Independence Act of 1999.
- Addressing the possibility of expanding Medicaid eligibility up to the age of 23 years for young adults formerly in foster care, who are completing a postsecondary education degree.
- Encouraging the Regional Workforce Boards to provide eligible foster care youth with priority employment training and support.
- Ensuring the appropriate transfers between schools when a youth changes foster care placements.

Members of the workgroup are to include representatives of the Department of Children and Families, Agency for Health Care Administration, Agency for Workforce Innovation, Workforce Florida, Inc., State Youth Advisory Board, Department of Education and foster parents. A report on the recommendations of the workgroup is to be submitted to the Legislature by December 31, 2002.

Section 4. Amends paragraph (f) of subsection (3) of s. 409.165, F.S., to make a technical change to a cross reference.

Section 5. Provides that subsection (4) of s. 239.117, F.S., relating to workforce development postsecondary student fee waivers for children in foster care shall be reenacted and not repealed January 7, 2003. Amends subsection (4) of s. 239.117, F.S to replace the current reference to students who are continuing to receive foster care payments, pursuant to s. 409.145, F.S., with a reference to students who have been awarded the Florida Road to Independence Scholarship.

This amendment replaces the description of the students eligible for the fee exemption to mirror the change in the program and statutory reference and continue the eligibility for the same group of students and provides that the fee exemption shall not be repealed January 7, 2003.

Section 6. Provides that subsection (5) of s. 240.235, F.S., relating to university fee waivers for foster care children shall be reenacted and not repealed January 7, 2003. Amends subsection (5) of 240.235, F.S., to replace the current reference to students who are continuing to receive foster care payments pursuant to s. 409.145, F.S., with a reference to students who have been awarded the Florida Road to Independence Scholarship.

Section 7. Provides that subsection (2) of s. 240.35, F.S., relating to community college fee waivers for foster care children shall be reenacted and not repealed January 7, 2003. Amends subsection (2) of 240.35, F.S., to replace the current reference to students who are continuing to receive foster care payments pursuant to s. 409.145, F.S., with a reference to students who have been awarded the Florida Road to Independence Scholarship.

Section 8. Amends subsection (4) of section 409.903, F.S., to provide for Medicaid eligibility to young adults who were formerly eligible as children in foster care, and existed foster care at age 18, and who have been awarded a road to independence scholarship.

Section 9. Repeals subsection (3) of s. 409.145, F.S., and subsection (4) of s. 409.165 that are incorporated into new section 409.1451, F.S. created by this bill.

Section 10. Provides that expanded funding for this program pursuant to this legislation shall only be used to expand services, and not to supplant other funds already used for the program.

Section 11. Provides the effective date of this bill is October 1, 2002.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

There are sufficient state matching funds appropriated to DCF to allow the department to draw down Florida's entire federal grant award of \$10,082,820. These funds may be used to help support the provisions in this committee substitute.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The Chafee grant allows states to provide services to young people between the ages of 18 and 21 who were in foster care on their 18th birthday. These young people must participate directly in designing their program activities and accept personal responsibility for achieving independence.

The Chafee grant requires a 20% state match on the total grant allocation. The grant allows 1.5% of program funds to be set aside for evaluation, technical assistance and performance measurement and data collection. There are two limitations associated with this funding. First, states may use up to no more than 30% of their program funds for room and board for young people 18 to 21 who have left foster care because they reached age 18, but are not 21. Secondly, in order to maximize funding for these people, the funds cannot be used to substitute for or to supplant any other funds already being used for the same general purposes in the state.

III. 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 spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill will not reduce the authority of municipalities and counties to raise revenues.

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

This bill will not reduce the state tax shared with counties and municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On November 27, 2001, the Committee on Child & Family Security adopted a strike-all amendment by Representative Detert, which incorporated an amendment to the amendment to name the bill the "Road to Independence Act of 2002," and reorganize and reword provisions of the bill to clarify and make technical changes.

On February 8, 2002, the Committee on Health and Human Services Appropriations adopted one amendment to the strike-all amendment by Representative Murman making the court jurisdiction for the length of time a person is eligible for services contingent upon an appropriation in the General Appropriations Act.

On February 19, 2002, the Council for Healthy Communities adopted a substitute amendment to incorporate provisions worked out with the Senate, the department and others. The provisions of the amended bill are analyzed in the section-by-section analysis above. The substitute amendment

removed the provision for extension of court jurisdiction for the length of time a person is eligible for services, that had a fiscal impact. The council adopted the amended bill as a committee substitute.

VI. SIGNATURES:

COMMITTEE ON COMMITTEE ON CHILD & FAMILY SECURITY:

Prepared by:

Staff Director:

Glenn Mitchell

Bob Brown-Barrios

AS REVISED BY THE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS:

Prepared by:

Staff Director:

Tom Weaver

Cynthia Kelly

AS FURTHER REVISED BY THE COUNCIL FOR HEALTHY COMMUNITIES:

Prepared by:

Council Director:

Glenn Mitchell

David De la Paz