

STORAGE NAME: h0245.hhsa.doc
DATE: February 7, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
HEALTH & HUMAN SERVICES APPROPRIATIONS
ANALYSIS**

BILL #: HB 245
RELATING TO: Road to Independence Act of 2002
SPONSOR(S): Representative(s) 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
 - (3) COUNCIL ON HEALTHY COMMUNITIES
 - (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 bill, known as the Road to Independence Act of 2002, targets teenagers in foster care who are no longer likely candidates for adoption. The proposed bill is designed to enhance integration and access to services that provide life management, employment and education skills that teens need for a successful transition from foster care to young adulthood, and to enable teens in foster care to participate in and learn from, real life activities that other teens take for granted. The proposed legislation creates a new s. 409.1451, F.S., which establishes an overall framework for the continuum of independent living transition services. It updates current statute to be consistent with federal law and department practice and transfers provisions of s. 409.145(3) and s. 409.165(4) to the new section.

The bill provides that independent living transition services are not an alternative to adoption but can be provided along with continued efforts to place older children in adoptive families. The bill defines the current continuum of services to include: preparation beginning at age 13, independent living services from ages 16 through 20, and aftercare services when older children leave foster care. The bill requires the department to improve opportunities for youth to participate in every day activities, including learning to drive and receiving their allowance through a debit-type electronic benefit card. The bill requires performance measures for accountability and for an interagency workgroup to address improved integration of existing services.

The independent living program is funded through a federal grant which requires states to provide a 20% match. There are sufficient state matching funds appropriated to the Department of Children and Family Services to allow the department to draw down Florida's entire grant award. These funds will be available help support the provisions in this bill.

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It is administered by a statewide independent living coordinator and 15 district coordinators. According to the department, 4,361 youths, age 15 to 23 years, were eligible for services in the last quarter of the 2000-2001 fiscal year. The number served was 924.

The bill has an effective date of October 1, 2002.

On November 27, 2001, the Committee on Child & Family Security adopted a strike-all amendment that is traveling with the bill. An amendment to the amendment, extending court jurisdiction for the length of time a person is eligible for services, was adopted and incorporated into the strike-all amendment. See Section VI. of this analysis for an explanation of the strike-all amendment.

According the DCF, the provision in the strike-all amendment, extending court jurisdiction for the length of time a person is eligible for services, has a recurring fiscal impact of \$2.2 million.

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 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 youths 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 youth 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 youth 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 youth, age 15 to 23 years, were served. With the expanded funding additional youth will be served. Of eligible youth:

- 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, October 1, 2001.

C. EFFECT OF PROPOSED CHANGES:

The proposed legislation will help improve integration and access to services for older children in foster care by creating a new s. 409.1451, F.S., which establishes an overall framework for the continuum of independent living transition services. It updates current statute to be consistent with federal law and department practice, and transfers provisions of s. 409.145(3) and s. 409.165(4) to the new section.

The bill provides that independent living transition services are not an alternative to adoption but can be provided along with continued efforts to place older children in adoptive families. The bill defines the current continuum of services from preparation for self-sufficiency beginning at age 13 to independent living services from ages 16 through 20, with transitional and aftercare services when older children leave foster care. The bill requires the department to improve opportunities for youths to participate in every day activities in their foster families and communities. The bill also requires performance measures for accountability and for an interagency workgroup to address improved integration of existing services for teens in foster care.

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 transition to self-sufficiency for older children who continue to be in foster care as a goal.

Section 3. Creates new s. 409.1451, F.S., providing for a system of independent living transition services for older youths in foster care that incorporates provisions of current section 409.145 (3) and section 409.165 (4).

Creates subsection (1) of s. 409.1451, F.S., System of Services—that requires the department to administer a system of independent living transition services to enable older children in foster care to make the transition to self-sufficiency as adults.

- Requires the department to serve eligible children who are 13 years of age and older who are in foster care, and former foster care recipients 18 to 21 years of age who were terminated due to age.
- Establishes that independent living transition services are not an alternative to adoption and can occur concurrently with permanency goals.
- Establishes the goals of the program to assist children to obtain life skills for independent living, education and employment to have a quality of life appropriate to their age.

- Requires that older children in foster care have opportunities to participate in activities in their foster families and communities that include financial responsibility, communication privileges and socialization with friends.
- Requires the system of services to identify older children likely to remain in foster care until age 18 and assist them in acquiring daily living skills, education and employment with opportunities to learn from mentors and dedicated adults and activities appropriate to their age.
- Requires the system of services to provide support to former foster care recipients age 18 to 21 to complement their own efforts to achieve self-sufficiency and accept their personal responsibility for making the transition from adolescence to adulthood.

Creates subsection (2) of s. 409.1451, F.S., Continuum of Services, that establishes state foster care or federal funds shall be used to establish a continuum of services that includes:

- Assessment and preparatory pre-independent-living services—for children age 13 through 15 who are likely to remain in foster care until age 18, which include assessment and life skills classes.
- Independent living services—for older children age 16 through 20 which include assessment, skills training, educational support, and employment training and support, and tuition exemption to age 23 if eligible.
- Subsidized independent living services, including a stipend—for children 16 to age 23 who live without daily direct supervision when that are employed part time and enrolled in full-time educational program and meet other requirements.
- Transitional services—for eligible youth 18 years of age and older who continue with their education, which may include case management, living allowance and Medicaid up to age 21 and up to 23 if enrolled full time in a post-secondary institution.
- Aftercare—for older youths not receiving transitional or subsidized services, who may receive support services as needed.

Creates subsection (3) of s. 409.1451, F.S., Participation in Everyday, Quality-Of-Life Activities—that provides for youths to have opportunities to participate in activities in their foster families and communities that are reasonable and appropriate to their age, including managing money they earn, phone privileges and visiting friends.

- Requires the department to develop a list of age-appropriate rights and responsibilities and provide training to staff and foster parents to support the transition to adulthood.
- Requires the department to provide staff or foster parents the legal authority to enroll children in school, sign an application for a practice drivers license to cosign loans and insurance and sign for the child's medical treatment.
- Requires the department to provide for the transfer of the spending money allowance given to older children directly to the child through an electronic benefit transfer card like a debit card.

Creates subsection (4) of s. 409.1451, F.S., Accountability—that requires the department to develop outcome and other performance measures.

Creates subsection (5) of s. 409.1451, F.S., Independent Living Services Integration Workgroup—that requires the department to establish an interagency workgroup with specified representation to assess barriers to integration of services, make recommendations, and report to the Legislature by December 1, 2002.

- Specific issues the workgroup is required to address include expansion of Medicaid coverage to age 21; and to age 23 if under the supervision of the department and

completing a postsecondary degree; ensuring that the Agency of Workforce Innovation provides priority employment training and support to eligible independent living transition participants; ensuring that transfers between schools are facilitated when changes in foster care placements occur.

Creates subsection (6) of s. 409.1451, F.S., Subsidized independent living program—that incorporates provisions of current subsection (4) of s. 409.165 regarding the eligibility and requirements of the subsidized independent living program with technical changes for use of terms consistent with this bill.

Creates subsection (7) of s. 409.1451, F.S., Services For Youth Age 18 And Older—that incorporates the provisions of current subsection (3) of section 409.145 regarding eligibility and requirements for continued provision of foster care services to individuals 18 to 21 completing their education and to age 23 if enrolled full time in a post-secondary program.

Section 4. Amends paragraph (f) of subsection (3) of s. 409.165, F.S., to make a technical change and cross reference to subsection (6) of the s. 409.1451 established by this bill regarding the subsidized independent living program.

Section 5. Repeals subsection (3) of s. 409.145, F.S., and subsection (4) of s. 409.165 that are transferred to s. 409.1451 created by this bill.

Section 6. 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 bill.

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.

Implementation of the Electronic Benefit Transfer, or debit-type card as is used for transfer of other economic benefits for older foster care children so they can receive their spending money allowance directly, is dependent on the implementation by the department of the new HomeSafeNet (SACWIS) information system. Costs of the electronic benefit transfer are estimated to be limited, but are dependent upon having a current month-to-month electronic database in order to make the transfer.

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.

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

Section 2. Paragraph (e) is added to subsection (1) of section 409.145, F.S., to include transition to self-sufficiency for older children who continue to be in foster care as a goal of the program for dependent children.

Section 3. Creates section 409.1451, F.S., which substantially reorganizes and rewords provisions of the bill to clarify and make technical changes.

Subsection (1). System of Services—requires department or its agent to administer system—establishes that services are not an alternative to adoption and can occur concurrently with permanency goals.

Subsection (2). Eligibility—Requires the department to serve eligible children who are 13 years of age and older who are in foster care, and former foster care recipients 18 to 21 years of age who were terminated due to age. Adds provision that full-time students are eligible until age 23, pursuant to s. 409.145(3). Establishes that independent living transition services are not an alternative to adoption and can occur concurrently with permanency goals.

Subsection (3). Goals—Establishes the goals of the program to assist children to obtain life skills for independent living, education and employment to have a quality of life appropriate to their age.

Subsection (4). Services—establishes that state foster care or federal funds shall be used to establish a continuum of services that include:

- Assessment and preparatory pre-independent-living services—for children age 13 through 15 who are likely to remain in foster care until age 18 that include assessment and life skills classes. Same as the bill.
- Independent living services—for older children age 16 through 20 that include assessment, skills training, educational support and employment training and support and tuition exemption to age 23 if eligible. Same as the bill.
- Subsidized independent living services—including a stipend—for children 16 to age 23 who live without daily direct supervision when they are employed part time and enrolled in full-time educational programs and meet other requirements. Provided for by reference to existing statute s. 409.165(4).
- Educational Support Services—transitional services for eligible youths 18 years of age and older who continue with their education that may include case management, living allowance, and Medicaid up to age 21; and up to 23, if enrolled full time in a post-secondary institution. Provisions same as the bill, provided for by reference to s. 409.145(3).
- Aftercare—for older youths, not receiving transitional or subsidized services, they may receive support services as needed. With reference to existing statute s. 409.145(3)(b).
- Subsection (5). Participation in Life Skills Activities—Requires that older children in foster care have opportunities to participate in activities in their foster families and communities that include financial responsibility, communication privileges and socialization with friends.

- Requires the department to develop a list of age-appropriate rights and responsibilities and provide training to staff and foster parents to support the transition to adulthood.
- Requires the department to provide staff or foster parents the legal authority to enroll children in school, sign an application for a practice drivers' license, to cosign loans and insurance, and sign for the child's medical treatment.
- Requires the department to provide for the transfer of the spending money allowance given to older children directly to the child through an electronic benefit transfer card like a debit card.

Subsection (6). Accountability—requires the department to develop outcome and other performance measures.

Subsection (7). Independent Living Services Integration Workgroup—requires DCF to establish an interagency workgroup to assess barriers to integration of services, make recommendations and report to the Legislature by December 1, 2002. Specific issues the workgroup is required to address include: expansion of Medicaid coverage to age 21; and to age 23, if under the supervision of the department while completing a postsecondary degree; ensuring that the Agency of Workforce Innovation provides priority employment training and support to eligible participants; and ensuring that transfers between schools are facilitated when changes in foster care placements occur.

Section 4. Amends paragraph (f) of subsection (3) of section 409.165, F.S., to make a technical change in reference to the subsidized independent living program.

Section 5. Amends subsections (2) and (8) of s. 39.013, F.S., to extend court jurisdiction for the length of time a person is eligible to receive services under the program. It requires the court to retain jurisdiction until age 21, or to age 23, if the individual is continuously enrolled full time in a postsecondary educational institution granting a degree, a certificate, or an applied technology diploma. Requires an annual review by the court of each such individual.

Section 6. Provides the effective date of this bill is October 1, 2002.

The bill was then reported favorable as amended with the strike-all amendment traveling with the bill.

VI. SIGNATURES:

COMMITTEE ON COMMITTEE ON CHILD & FAMILY SECURITY:

Prepared by:

Glenn Mitchell

Staff Director:

Bob Brown-Barrios

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

Prepared by:

Tom Weaver

Staff Director:

Cynthia Kelly
