

By Representative Detert

1 A bill to be entitled
2 An act relating to foster care; creating the
3 "Road to Independence Act of 2002"; amending s.
4 409.145, F.S.; providing transition to
5 self-sufficiency as a goal for older children
6 who are likely to remain in foster care until
7 18 years of age; creating s. 409.1451, F.S.;
8 directing the Department of Children and Family
9 Services or its agents to administer a system
10 of independent living transition services;
11 providing for the use of state foster care or
12 federal funds to establish a continuum of
13 independent living transition services;
14 providing for opportunities for participation
15 in everyday, quality-of-life activities;
16 providing for department and program
17 accountability; establishing an independent
18 living services integration workgroup;
19 providing workgroup membership and duties;
20 specifying requirements for a subsidized
21 independent living program; specifying services
22 for youth age 18 and older; amending s.
23 409.165, F.S.; conforming provisions relating
24 to alternate care for children; repealing ss.
25 409.145(3) and 409.165(4), F.S., relating to
26 services for youth age 18 and older and to the
27 use of state foster care funds to establish a
28 continuum of services and establishment of an
29 independent living program; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. This act may be cited as the "Road to
4 Independence Act of 2002."

5 Section 2. Paragraph (e) is added to subsection (1) of
6 section 409.145, Florida Statutes, to read:

7 409.145 Care of children.--

8 (1) The department shall conduct, supervise, and
9 administer a program for dependent children and their
10 families. The services of the department are to be directed
11 toward the following goals:

12 (e) The transition to self-sufficiency for older
13 children who continue to be in foster care as adolescents.

14 Section 3. Section 409.1451, Florida Statutes, is
15 created to read:

16 409.1451 Independent living transition services.--

17 (1) SYSTEM OF SERVICES.--The Department of Children
18 and Family Services or its agents shall administer a system of
19 independent transition living services to enable older
20 children in foster care to make the transition to
21 self-sufficiency as adults. The department shall serve
22 eligible children 13 years of age and older who are in foster
23 care and former foster care recipients 18 to 21 years of age
24 who have been terminated from foster care due to age.

25 Independent living transition services are not an alternative
26 to adoption for these children. Independent living transition
27 services can occur concurrent with continued efforts to locate
28 and achieve placement in adoptive families for older children
29 in foster care. The goals of the system of services are to
30 assist these children to obtain life skills for independent
31 living, education, and employment and to have a quality of

1 life appropriate to their age. Older children in foster care
2 shall have opportunities to participate in activities in their
3 foster families and communities. These activities shall
4 include opportunities to have financial responsibility and
5 communication privileges and to socialize with friends.

6 (a) The system of services shall identify older
7 children who are likely to remain in foster care until 18
8 years of age and assist them in obtaining a high school
9 diploma, career exploration, vocational training, job
10 placement and retention, training in daily living skills,
11 training in budgeting and financial management skills,
12 substance abuse prevention, and preventive health activities,
13 including smoking avoidance, nutrition education, and
14 pregnancy prevention. Services shall help these children
15 receive the education, training, and services necessary to
16 obtain employment and help them prepare for and enter
17 postsecondary training and education institutions.

18 (b) The system of services shall provide personal and
19 emotional support to children being terminated from foster
20 care due to age, through mentors and interactions with
21 dedicated adults and through opportunities to participate in
22 activities in their foster families and communities,
23 appropriate to their age.

24 (c) The system of services shall provide financial
25 support, housing, counseling, employment, education, and other
26 appropriate support and services to former foster care
27 recipients 18 to 21 years of age, to complement their own
28 efforts to achieve self-sufficiency and to ensure that
29 participants recognize and accept their personal
30 responsibility for preparing for and then making the
31 transition from adolescence to adulthood.

1 (2) CONTINUUM OF SERVICES.--State foster care or
2 federal funds shall be used to establish a continuum of an
3 array of independent living transition services to assist
4 eligible foster children to develop skills that will
5 contribute to a successful transition to adulthood. The
6 continuum of services may begin with pre-independent-living
7 services as early as 13 years of age and continue with
8 transitional services beginning at 18 years of age, as needed,
9 until the child is terminated from foster care or reaches 21
10 years of age, or 23 years of age if continuing postsecondary
11 education. Aftercare services may be provided when
12 participants in independent transition living services leave
13 foster care at any age. The continuum may include options that
14 range from assisted living in a group home to fully
15 independent living, depending on the skills and maturity of
16 the child. Services may include, but are not limited to,
17 education and vocational training, homemaking skills, money
18 management, social skills training, and developing personal
19 support systems. The continuum of services includes:
20 (a) Assessment and preparatory pre-independent-living
21 services.--Children 13 through 15 years of age who are likely
22 to remain in foster care until 18 years of age shall receive a
23 pre-independent-living assessment and classes concerning such
24 topics as positive values, using good judgment, positive body
25 image, and mediation. Foster parents and group home staff
26 shall serve as coaches.
27 (b) Independent living services.--Older children 16
28 through 20 years of age who are likely to remain in foster
29 care shall receive independent living services that include an
30 independent living assessment completed with the local
31 independent living coordinator, independent living skills

1 training, education support and employment training, and
2 support. Older children in foster care shall have the
3 opportunity to receive a college tuition exemption and may
4 remain in foster care until 23 years of age if they are in a
5 postsecondary education program.

6 (c) Subsidized independent living services.--Eligible
7 older children 16 to 23 years of age may receive a stipend to
8 live in a setting without daily direct adult supervision, when
9 appropriate. The child must have been in the custody of the
10 department a minimum of 6 months; must be employed at least
11 part-time; must be enrolled in a full-time educational
12 program, maintaining a 2.0 grade point average; must have
13 sufficient earned savings or other means to move in and pay
14 the first month's living expenses; must have demonstrated
15 abstinence from irresponsible behavior for at least 6 months;
16 and must have approval from the district independent living
17 coordinator.

18 (d) Transitional services.--Eligible youth 18 years of
19 age and older who continue with their education may receive
20 case management services, a board payment on their behalf, a
21 clothing allowance, and Medicaid up to 21 years of age.
22 Individuals can continue to receive foster care services up to
23 23 years of age if enrolled full-time in a postsecondary
24 educational institution.

25 (e) Aftercare.--Older children and youth not in
26 transitional services or a subsidized living program who leave
27 foster care may be assisted with room and board, counseling,
28 and referral for services as needed.

29 (3) PARTICIPATION IN EVERYDAY, QUALITY-OF-LIFE
30 ACTIVITIES.--To assist older children in foster care with the
31 transition to independent living as adults, the program shall

1 provide them with opportunities to participate in
2 quality-of-life activities in their foster families and
3 communities that are reasonable and appropriate to their age.
4 These activities include, but are not limited to, locating
5 employment, managing money earned from a job, taking driver's
6 education, telephone privileges, visiting friends and family,
7 participating in community-based organizations such as the
8 local YMCA, Big Brothers, Girl Scouts, and 4-H Club, attending
9 church, participating in afterschool or extracurricular
10 activities, and participating in family decisionmaking. To
11 support these opportunities for participation in
12 age-appropriate, quality-of-life activities, the department
13 shall:

14 (a) Develop with children in the program and foster
15 parents a list of age-appropriate rights and responsibilities
16 to be presented to all children involved in independent living
17 transition services and their foster parents.

18 (b) Provide training for staff and foster parents that
19 addresses issues of older children in foster care and the
20 transition to adulthood, including supporting education and
21 employment and providing opportunities to participate in
22 appropriate daily activities.

23 (c) Provide department staff or the foster family with
24 the legal authority for children served under this program to
25 enroll the child in school, to sign for a practice driver's
26 license for the child, to cosign loans and insurance for the
27 child, to sign for the child's medical treatment, and to
28 authorize other such activities as appropriate.

29 (d) Provide for transfer of the spending money
30 allowance provided by the department each month directly to
31 the older child in the program, through an electronic benefit

1 transfer program. The purpose of the transfer is to allow
2 these children to access and manage the allowance they receive
3 so they can learn responsibility and participate in
4 age-appropriate, quality-of-life activities.

5 (4) ACCOUNTABILITY.--The department and program shall
6 develop outcome and other performance measures.

7 (5) INDEPENDENT LIVING SERVICES INTEGRATION

8 WORKGROUP.--The Secretary of Children and Family Services
9 shall establish the independent living services integration
10 workgroup, which, at a minimum, shall include representatives
11 from the following agencies, departments, and
12 persons: Department of Children and Family Services, Agency
13 for Workforce Innovation, Department of Education, Agency for
14 Health Care Administration, State Youth Advisory Board, and
15 foster parents. The workgroup shall assess barriers to the
16 effective and efficient integration of services and support
17 across systems for the transition of older children in foster
18 care to independent living. The workgroup shall recommend
19 methods to overcome these barriers and shall ensure that state
20 plans for independent living transition services include these
21 recommendations, and shall report to appropriate legislative
22 committees of the House of Representatives and the Senate by
23 December 1, 2002. Specific issues to be addressed by the
24 workgroup shall include:

25 (a) The possibility of enacting the Medicaid provision
26 of the federal Foster Care Independence Act of 1999, Pub. L.
27 No. 106-169, that allows adolescents in foster care to receive
28 medical coverage up to 21 years of age.

29 (b) The possibility of extending the age of Medicaid
30 coverage from 21 to 23 years of age for youth who remain under
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1 the supervision of the department, to enable such youth to
2 complete a postsecondary educational degree.

3 (c) Ensuring that the Agency for Workforce Innovation
4 provides priority employment training and support for eligible
5 foster care participants in independent transition living
6 services.

7 (d) Ensuring that transfers between schools are
8 facilitated when changes in foster care placements occur.

9 (6) SUBSIDIZED INDEPENDENT LIVING PROGRAM

10 REQUIREMENTS.--As a part of the continuum of independent
11 living transition services, the department shall establish a
12 subsidized independent living program in which a minor 16
13 years of age or older lives independent of the daily care and
14 supervision of a responsible adult, in a setting that need not
15 be licensed under the provisions of s. 409.175, provided the
16 following conditions exist:

17 (a) Subsidized independent living arrangements
18 established for the child must be part of an overall plan
19 leading to the total independence of the child from department
20 supervision. The plan must include, but is not limited to: a
21 description of the skills of the child and a plan for learning
22 additional identified skills; the behavior that the child has
23 exhibited that indicates an ability to be responsible and a
24 plan for developing additional responsibilities, as
25 appropriate; a plan for future educational, vocational, and
26 training skills; present financial and budgeting capabilities
27 and a plan for improving resources and ability; a description
28 of the proposed residence; documentation that the child
29 understands the specific consequences of his or her conduct in
30 the subsidized independent living program; documentation of
31 proposed services by the department and other agencies,

1 including the type of service, and the nature and frequency of
2 contact; and a plan for maintaining or developing
3 relationships with the family, other adults, friends, and the
4 community, as appropriate.

5 (b) Subsidized independent living stipends in an
6 amount established by the department may be made directly to
7 children in subsidized independent living situations who meet
8 the requirements for continued foster care, under direct
9 supervision of a caseworker or other responsible adults
10 approved by the department. Youth who meet the criteria for
11 transitional services as specified in subsection (7) may also
12 remain eligible for subsidized independent living stipends.

13 (c) The department shall establish procedures and
14 criteria to assess and determine a child's ability to
15 demonstrate independent living skills.

16 (7) SERVICES FOR YOUTH 18 YEARS OF AGE AND OLDER.--

17 (a) The department is authorized to continue to
18 provide the services of the children's foster care program to
19 youth 18 to 21 years of age who are enrolled in high school,
20 in a program leading to a high school equivalency diploma as
21 defined in s. 229.814, or in a full-time career education
22 program, and to continue to provide services of the children's
23 foster care program to youth 18 to 23 years of age who are
24 enrolled full-time in a postsecondary educational institution
25 granting a degree, a certificate, or an applied technology
26 diploma, if the following requirements are met:

27 1. The individual was committed to the legal custody
28 of the department for placement in foster care as a dependent
29 child;

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1 2. All other resources have been thoroughly explored,
2 and it can be clearly established that there are no
3 alternative resources for placement; and

4 3. A written service agreement which specifies
5 responsibilities and expectations for all parties involved has
6 been signed by a representative of the department, the
7 individual, and the foster parent or licensed child-caring
8 agency providing the placement resources.

9 (b) The services of the foster care program shall
10 continue for those individuals 18 to 21 years of age only for
11 the period of time the individual is continuously enrolled in
12 high school, in a program leading to a high school equivalency
13 diploma as defined in s. 229.814, or in a full-time career
14 education program; and shall continue for those individuals 18
15 to 23 years of age only for the period of time the individual
16 is continuously enrolled full-time in a postsecondary
17 educational institution granting a degree, a certificate, or
18 an applied technology diploma. Services shall be terminated
19 upon completion of or withdrawal or permanent expulsion from
20 high school, the program leading to a high school equivalency
21 diploma, the full-time career education program, or the
22 postsecondary educational institution granting a degree, a
23 certificate, or an applied technology diploma. In addition,
24 the department may, based upon the availability of funds,
25 provide assistance to those individuals who leave foster care
26 when they attain 18 years of age and subsequently request
27 assistance prior to their 21st birthday. The following are
28 examples of assistance that may be provided: referrals for
29 employment, services for educational or vocational
30 development, and housing assistance.

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1 (c)1. The department is authorized to provide the
2 services of the children's foster care program to an
3 individual who is enrolled full-time in a postsecondary
4 vocational-technical education program, full-time in a
5 community college program leading toward a vocational degree
6 or an associate degree, or full-time in a college or
7 university, if the following requirements are met:

8 a. The individual was committed to the legal custody
9 of the department for placement in foster care as a dependent
10 child;

11 b. The permanency planning goal pursuant to part VIII
12 of chapter 39 for the individual is long-term foster care or
13 independent living;

14 c. The individual has been accepted for admittance to
15 a postsecondary vocational-technical education program, to a
16 community college, or to a college or university;

17 d. All other resources have been thoroughly explored,
18 and it can be clearly established that there are no
19 alternative resources for placement; and

20 e. A written service agreement which specifies
21 responsibilities and expectations for all parties involved has
22 been signed by a representative of the department, the
23 individual, and the foster parent or licensed child-caring
24 agency providing the placement resources, if the individual is
25 to continue living with the foster parent or placement
26 resource while attending a postsecondary vocational-technical
27 education program, community college, or college or
28 university. An individual who is to be continued in or placed
29 in independent living shall continue to receive services
30 according to the provisions of this subsection and the
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1 agreement of responsibilities signed by the department and the
2 individual.

3 2. Any provision of this chapter or any other law to
4 the contrary notwithstanding, when an individual who meets the
5 requirements of subparagraph 1. is in attendance at a
6 community college, college, or university, the department may
7 make foster care payments to such community college, college,
8 or university in lieu of payment to the foster parents or
9 individual, for the purpose of room and board, if not
10 otherwise provided, but such payments shall not exceed the
11 amount that would have been paid to the foster parents had the
12 individual remained in the foster home.

13 3. The services of the foster care program shall
14 continue only for an individual under this paragraph who is a
15 full-time student but shall continue for not more than:

16 a. Two consecutive years for an individual in a
17 postsecondary vocational-technical education program;

18 b. Two consecutive years or four semesters for an
19 individual enrolled in a community college, unless the
20 individual is participating in college preparatory instruction
21 or is requiring additional time to complete the college-level
22 communication and computation skills testing program, in which
23 case such services shall continue for not more than 3
24 consecutive years or six semesters; or

25 c. Four consecutive years, eight semesters, or 12
26 quarters for an individual enrolled in a college or
27 university, unless the individual is participating in
28 college-preparatory instruction or is requiring additional
29 time to complete the college-level communication and
30 computation skills testing programs, in which case such
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1 services shall continue for not more than 5 consecutive years,
2 10 semesters, or 15 quarters.

3 4.a. As a condition for continued foster care
4 services, an individual shall have earned a grade point
5 average of at least 2.0 on a 4.0 scale for the previous term
6 and shall be eligible for continued enrollment in the
7 institution. If the postsecondary vocational-technical school
8 program does not operate on a grade point average as described
9 above, then the individual shall maintain a standing
10 equivalent to the 2.0 grade point average.

11 b. Services shall be terminated upon completion of,
12 graduation from, or withdrawal or permanent expulsion from a
13 postsecondary vocational-technical education program,
14 community college, or college or university. Services shall
15 also be terminated for failure to maintain the required level
16 of academic achievement.

17 Section 4. Paragraph (f) of subsection (3) of section
18 409.165, Florida Statutes, is amended to read:

19 409.165 Alternate care for children.--

20 (3) With the written consent of parents, custodians,
21 or guardians, or in accordance with those provisions in
22 chapter 39 that relate to dependent children, the department,
23 under rules properly adopted, may place a child:

24 (f) In a subsidized ~~an~~ independent living situation,
25 subject to the provisions of s. 409.1451(6)~~subsection (4)~~,

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27 under such conditions as are determined to be for the best
28 interests or the welfare of the child. Any child placed in an
29 institution or in a family home by the department or its
30 agency may be removed by the department or its agency, and
31 such other disposition may be made as is for the best interest

1 of the child, including transfer of the child to another
2 institution, another home, or the home of the child.
3 Expenditure of funds appropriated for out-of-home care can be
4 used to meet the needs of a child in the child's own home or
5 the home of a relative if the child can be safely served in
6 the child's own home or that of a relative if placement can be
7 avoided by the expenditure of such funds, and if the
8 expenditure of such funds in this manner is calculated by the
9 department to be a potential cost savings.

10 Section 5. Subsection (3) of section 409.145, Florida
11 Statutes, and subsection (4) of section 409.165, Florida
12 Statutes, are repealed.

13 Section 6. This act shall take effect October 1, 2002.

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16 HOUSE SUMMARY

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18 Creates the "Road to Independence Act of 2002." Directs
19 the Department of Children and Family Services or its
20 agents to administer a system of independent living
21 transition services for older children in foster care.
22 Specifies requirements for a continuum of independent
23 living transition services and opportunities for the
24 child's participation in everyday, quality-of-life
25 activities. Provides for department and program
26 accountability. Specifies requirements for a subsidized
27 independent living program and services for youth age 18
28 and older, and repeals duplicative existing provisions.
29 Establishes an independent living services integration
30 workgroup to make assessments and recommendations
31 regarding an effective and efficient integration of
services for the transition from foster care to
independent living.

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