

By Senator Saunders

25-891-02

1 A bill to be entitled
2 An act relating to foster care; creating the
3 "Road to Independence Act"; 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 quality-of-life activities; providing for
16 department and program accountability;
17 establishing an independent-living-services
18 integration workgroup; providing workgroup
19 membership and duties; specifying requirements
20 for a subsidized independent-living program;
21 specifying services for youth age 18 and older;
22 amending s. 409.165, F.S.; conforming
23 provisions relating to alternate care for
24 children; repealing ss. 409.145(3) and
25 409.165(4), F.S., relating to services for
26 youth age 18 and older and to the use of state
27 foster care funds to establish a continuum of
28 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."

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-living transition services to enable older
20 children in foster care to make the transition to
21 self-sufficiency as adults.

22 (2) CONTINUUM OF SERVICES.--State foster care or
23 federal funds shall be used to establish a continuum of an
24 array of independent-living transition services to assist
25 eligible foster children to develop skills that will
26 contribute to a successful transition to adulthood. The
27 continuum of services may begin with pre-independent-living
28 services as early as 13 years of age and continue with
29 transitional services beginning at 18 years of age, as needed,
30 until the child reaches 21 years of age, or 23 years of age if
31 continuing postsecondary education.

1 (3) PARTICIPATION IN QUALITY-OF-LIFE ACTIVITIES.--To
2 assist older children in foster care with the transition to
3 independent living as adults, the program shall provide them
4 with opportunities to participate in quality-of-life
5 activities in their foster families and communities which are
6 reasonable and appropriate to their age. To support these
7 opportunities for participation in age-appropriate,
8 quality-of-life activities, the department shall:

9 (a) Provide training for staff and foster parents that
10 addresses issues of older children in foster care and the
11 transition to adulthood, including supporting education and
12 employment and providing opportunities to participate in
13 appropriate daily activities.

14 (b) Provide for transfer of the spending-money
15 allowance provided by the department each month directly to
16 the older child in the program through an electronic-benefit
17 transfer program.

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

20 (5) INDEPENDENT-LIVING-SERVICES INTEGRATION
21 WORKGROUP.--Subject to the availability of funds, the
22 Secretary of Children and Family Services shall establish the
23 independent-living-services integration workgroup, which, at a
24 minimum, shall include representatives from the following
25 agencies, departments, and persons: the Department of
26 Children and Family Services, the Agency for Workforce
27 Innovation, the Department of Education, the Agency for Health
28 Care Administration, the State Youth Advisory Board, and
29 foster parents. The workgroup shall assess barriers to the
30 effective and efficient integration of services and support
31 across systems for the transition of older children in foster

1 care to independent living. The workgroup shall recommend
2 methods to overcome these barriers and shall ensure that state
3 plans for independent-living transition services include these
4 recommendations, and shall report to appropriate legislative
5 committees of the House of Representatives and the Senate by
6 December 1, 2002. Specific issues to be addressed by the
7 workgroup shall include:

8 (a) The possibility of enacting the Medicaid provision
9 of the federal Foster Care Independence Act of 1999, Pub. L.
10 No. 106-169, which allows adolescents in foster care to
11 receive medical coverage up to 21 years of age.

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

16 (c) Ensuring that the Agency for Workforce Innovation
17 provides priority employment training and support for eligible
18 foster care participants in independent-living transition
19 services.

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

22 (6) SUBSIDIZED-INDEPENDENT-LIVING-PROGRAM
23 REQUIREMENTS.--As a part of the continuum of
24 independent-living transition services, the department may
25 establish a subsidized independent-living program in which a
26 minor 16 years of age or older lives independently of the
27 daily care and supervision of a responsible adult, in a
28 setting that need not be licensed under the provisions of s.
29 409.175, provided that the following conditions exist:

30 (a) Subsidized independent-living arrangements
31 established for the child must be part of an overall plan

1 leading to the total independence of the child from department
2 supervision. The plan must include, but is not limited to: a
3 description of the skills of the child and a plan for learning
4 additional identified skills; the behavior that the child has
5 exhibited which indicates an ability to be responsible and a
6 plan for developing additional responsibilities, as
7 appropriate; a plan for future educational, vocational, and
8 training skills; present financial and budgeting capabilities
9 and a plan for improving resources and ability; a description
10 of the proposed residence; documentation that the child
11 understands the specific consequences of his or her conduct in
12 the subsidized independent-living program; documentation of
13 proposed services by the department and other agencies,
14 including the type of service, and the nature and frequency of
15 contact; and a plan for maintaining or developing
16 relationships with the family, other adults, friends, and the
17 community, as appropriate.

18 (b) Subsidized-independent-living stipends in an
19 amount established by the department may be made directly to
20 children in subsidized independent-living situations who meet
21 the requirements for continued foster care, under direct
22 supervision of a caseworker or other responsible adults
23 approved by the department. Youth who meet the criteria for
24 transitional services as specified in subsection (7) may also
25 remain eligible for subsidized-independent-living stipends.

26 (c) The department shall establish procedures and
27 criteria to assess and determine a child's ability to
28 demonstrate independent-living skills.

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

30 (a) The department is authorized to continue to
31 provide the services of the children's foster care program to

1 youth 18 to 21 years of age who are enrolled in high school,
2 in a program leading to a high school equivalency diploma as
3 defined in s. 229.814 or in a full-time career education
4 program, and to continue to provide services of the children's
5 foster care program to youth 18 to 23 years of age who are
6 enrolled full-time in a postsecondary educational institution
7 granting a degree, a certificate, or an applied-technology
8 diploma, if the following requirements are met:

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

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

15 3. A written service agreement that specifies
16 responsibilities and expectations for all parties involved has
17 been signed by a representative of the department, the
18 individual, and the foster parent or licensed child-caring
19 agency providing the placement resources.

20 (b) The services of the foster care program shall
21 continue for those individuals 18 to 21 years of age only for
22 the period of time the individual is continuously enrolled in
23 high school, in a program leading to a high school equivalency
24 diploma as defined in s. 229.814, or in a full-time career
25 education program; and shall continue for those individuals 18
26 to 23 years of age only for the period of time the individual
27 is continuously enrolled full-time in a postsecondary
28 educational institution granting a degree, a certificate, or
29 an applied-technology diploma. Services shall be terminated
30 upon completion of or withdrawal or permanent expulsion from
31 high school, the program leading to a high school equivalency

1 diploma, the full-time career education program, or the
2 postsecondary educational institution granting a degree, a
3 certificate, or an applied-technology diploma. In addition,
4 the department may, based upon the availability of funds,
5 provide assistance to those individuals who leave foster care
6 when they attain 18 years of age and subsequently request
7 assistance prior to their 21st birthday. The following are
8 examples of assistance that may be provided: referrals for
9 employment, services for educational or vocational
10 development, and housing assistance.

11 (c)1. The department is authorized to provide the
12 services of the children's foster care program to an
13 individual who is enrolled full-time in a postsecondary
14 vocational-technical education program, full-time in a
15 community college program leading toward a vocational degree
16 or an associate degree, or full-time in a college or
17 university, if the following requirements are met:

18 a. The individual was committed to the legal custody
19 of the department for placement in foster care as a dependent
20 child;

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

24 c. The individual has been accepted for admittance to
25 a postsecondary vocational-technical education program, to a
26 community college, or to a college or university;

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

30 e. A written service agreement that specifies
31 responsibilities and expectations for all parties involved has

1 been signed by a representative of the department, the
2 individual, and the foster parent or licensed child-caring
3 agency providing the placement resources, if the individual is
4 to continue living with the foster parent or placement
5 resource while attending a postsecondary vocational-technical
6 education program, community college, or college or
7 university. An individual who is to be continued in or placed
8 in independent living shall continue to receive services
9 according to the provisions of this subsection and the
10 agreement of responsibilities signed by the department and the
11 individual.

12 2. Any provision of this chapter or any other law to
13 the contrary notwithstanding, when an individual who meets the
14 requirements of subparagraph 1. is in attendance at a
15 community college, college, or university, the department may
16 make foster care payments to such community college, college,
17 or university in lieu of payment to the foster parents or
18 individual, for the purpose of room and board, if not
19 otherwise provided, but such payments may not exceed the
20 amount that would have been paid to the foster parents had the
21 individual remained in the foster home.

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

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

27 b. Two consecutive years or four semesters for an
28 individual enrolled in a community college, unless the
29 individual is participating in college-preparatory instruction
30 or is requiring additional time to complete the college-level
31 communication and computation skills testing program, in which

1 case such services shall continue for not more than 3
2 consecutive years or 6 semesters; or

3 c. Four consecutive years, 8 semesters, or 12 quarters
4 for an individual enrolled in a college or university, unless
5 the individual is participating in college-preparatory
6 instruction or is requiring additional time to complete the
7 college-level communication and computation skills testing
8 programs, in which case such services shall continue for not
9 more than 5 consecutive years, 10 semesters, or 15 quarters.

10 4.a. As a condition for continued foster care
11 services, an individual must have earned a grade-point average
12 of at least 2.0 on a 4.0 scale for the previous term and shall
13 be eligible for continued enrollment in the institution. If
14 the postsecondary vocational-technical school program does not
15 operate on a grade-point average as described above, the
16 individual must maintain a standing equivalent to the 2.0
17 grade-point average.

18 b. Services shall be terminated upon completion of,
19 graduation from, or withdrawal or permanent expulsion from a
20 postsecondary vocational-technical education program,
21 community college, or college or university. Services shall
22 also be terminated for failure to maintain the required level
23 of academic achievement.

24 Section 4. Paragraph (f) of subsection (3) of section
25 409.165, Florida Statutes, is amended to read:

26 409.165 Alternate care for children.--

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

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1 (f) In a subsidized independent-living ~~an independent~~
2 ~~living~~ situation, subject to the provisions of s. 409.1451(6)
3 ~~subsection (4)~~,

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5 under such conditions as are determined to be for the best
6 interests or the welfare of the child. Any child placed in an
7 institution or in a family home by the department or its
8 agency may be removed by the department or its agency, and
9 such other disposition may be made as is for the best interest
10 of the child, including transfer of the child to another
11 institution, another home, or the home of the child.

12 Expenditure of funds appropriated for out-of-home care can be
13 used to meet the needs of a child in the child's own home or
14 the home of a relative if the child can be safely served in
15 the child's own home or that of a relative if placement can be
16 avoided by the expenditure of such funds, and if the
17 expenditure of such funds in this manner is calculated by the
18 department to be a potential cost savings.

19 Section 5. Subsection (3) of section 409.145, Florida
20 Statutes, and subsection (4) of section 409.165, Florida
21 Statutes, are repealed.

22 Section 6. This act shall take effect October 1, 2002.
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LEGISLATIVE SUMMARY

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