

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1903 (PCB FFF 04-02)
SPONSOR(S): Future of Florida's Families & Fiorentino
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Future of Florida's Families	14 Y, 0 N	Preston/Meyer	Liem
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill is prepared at the request of the Department of Children and Family Services (DCF).

The bill makes two substantive changes to chapter 39, Florida Statutes, related to risk assessment in cases of suspected child abuse, abandonment, or neglect and related to citizen review panels that are utilized in the judicial review process. It makes clarifying changes in the statutes related to the department's homelessness program and to protective services provided to vulnerable adults, and directs the department to support persons receiving services from the Developmental Services program in efforts to obtain and maintain gainful employment. The bill transfers responsibility for conducting Fair Hearings related to Medicaid programs and services from the department to the Agency for Health Care Administration (AHCA).

No fiscal impact is projected.

The bill takes effect upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1903.fff.doc
DATE: April 1, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Risk Assessments in Child Protective Investigations

Current law requires DCF, via the central abuse hotline, to maintain the capability of receiving and investigating reports of known or suspected child abuse, abandonment, or neglect 24 hours a day, 7 days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee, that the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse, abandonment, or neglect reports, a child protective investigation shall be commenced within 24 hours after receipt of the report to the hotline.¹ Current law also contains a number of provisions related to protective investigations and risk assessment:

- An assessment of risk and the perceived needs of the child and family must be conducted and such assessment must include a face-to-face interview with the child, other siblings, parents, and other adults in the household and an onsite assessment of the child's residence;²
- An onsite child protective investigation must be performed for each report received that meets one or more statutorily specified criteria ... the investigation shall include a face-to-face interview with the child; other siblings; parents, legal custodians, or caregivers; and other adults in the household and an onsite assessment of the child's residence ... in order to determine the immediate and long-term risk to each child by using standardized risk assessment instruments ... such risk assessment must be completed within 48 hours after the initial contact; and ³
- An enhanced onsite protective investigation must be performed for each report received that meets one or more statutorily prescribed criteria ... the enhanced onsite investigation must include a face-to-face interview with the child, other siblings, parents or legal custodians or caregivers, and other adults in the household and an onsite assessment of the child's residence an updated assessment is required in these investigations... such risk assessment must be completed within 48 hours after the initial contact.⁴

¹ See §39.201(4) and (5), Florida Statutes.

² See §39.301(6), Florida Statutes.

³ See §39.301(9), Florida Statutes.

⁴ See §39.301(10), Florida Statutes.

In addition, instructions related to the HomeSafenet/Child Safety Assessment process require that the risk assessment be completed within 48 hours from the time the hotline receives the report and updated within 48 hours of initial contact with the child or alleged to be victim and the family.

The bill clarifies that a risk assessment shall be conducted for each hotline report that is accepted for investigation and requires that the risk assessment must be initiated immediately upon receipt of the report from the hotline. The bill also provides that such risk assessment shall be continuously updated during the department's involvement with the family and provides that a case plan, a safety plan, or both must be developed and implemented if determined necessary by the risk assessment.

Citizen Review Panels

Foster care review has a 30-year history of helping to ensure child safety and facilitating permanency. In the early 1970s, more than 500,000 children were in the foster care system nationally. Once placed in out of home care, children often experienced what became known as foster care "drift," being moved from one placement to another with only a small chance of either returning home or being placed with a permanent family. This gave rise to an "out-of-sight, out-of-mind" approach to foster care casework, with caseworkers focusing primarily on placement, rather than on the quality of the care or on the permanency of the setting. Once children were placed "temporarily" in a foster family, they were less visible to the child welfare system and the community and as a result, were no longer considered a priority.⁵

During the 1970s, a number of demonstration projects helped to address legal, attitudinal, and practice barriers to permanency, and suggested ways to help achieve permanency for children in foster care. Two major strategies that emerged out of these demonstration projects were focused casework that involved contracting with parents to provide necessary services and systematic reexamination and monitoring of foster care cases at timely intervals, which later became known as foster care review. The primary goal of review was to focus casework practice on achieving permanency for children in care. Serving as a periodic reminder of the child's needs, foster care review was expected to curb foster care drift and eliminate the prevailing out-of-sight, out-of-mind approach.⁶

As a result of findings from the demonstration projects, states began to establish foster care review programs. These citizen review panels were used to review cases and provide recommendations to judges. Citizen panels were responsible for assessing case progress towards permanency and developing strategies to move children through and out of the child welfare system. As foster care review programs continued to be implemented in states, the federal government determined a need for the review process to be standardized. In 1980, Congress enacted significant legislation in an effort to address the many problems confronting the nation's foster care children and systems. A major focus of the law was on the concept of permanency planning, its practice, and its impact on children. Included in the Act were provisions for the periodic review of every case for the purpose of improving the child's outcomes and for community education about the needs of children in foster care.

States were required to provide for periodic review of the status of all children in the system to ensure that they did not linger unnecessarily in foster care. The mandated reviews did not end when parental rights were terminated or when a child was placed in permanent or long-term foster care, but continued until such placement was finalized. States must have a two-tiered case review system, periodic reviews, and permanency hearings in order to receive Title IV-E foster care funding.

Permanency (formerly dispositional) hearings must be held every twelve months a child is in care and must be held by a court or court-appointed body. These hearings are mandated to determine the future

⁵ See D.M. Dinitto, *Social Welfare: Politics and Public Policy* (3rd Ed.) Prentice Hall: New Jersey. 1991.

⁶ See National Association of Foster Care Reviewers. 1998. *Safe Passage to Permanency: Guidelines for Foster Care Review*.

status of the child including whether the child should be returned to the parent, should be continued in foster care for a specific period, should be placed for adoption, or should be continued in foster care on a permanent or long-term basis. Periodic reviews are required at least every six months while a child is in care and must be held by a court, court appointed, or administrative body.

Federal statute defines administrative review as a review open to the participation of the parents and child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of or the delivery of services to either the child or the parents who are the subject of the review.⁷

When states elect an alternative to having the court conduct periodic case reviews, they typically choose from among a variety of administrative review mechanisms involving citizen review boards external to the child welfare agency, state hearing examiners, other special reviewers employed by the agency, or agency personnel. Some states alternate between administrative and court reviews throughout the life of a case; other states combine features of the various models. Some of the models include representatives from outside the system who may be professionals or volunteer citizen reviewers. The use of third-party reviewers, particularly citizens, in the review process is designed to provide an independent perspective on cases, to improve agency accountability, and to enhance community awareness of foster care issues.

The Florida Legislature began permitting the use of citizen review panels in 1990. Current law provides that citizen review panels may be established in each judicial circuit and shall be authorized by an administrative order executed by the chief judge of each circuit. Citizen review panels shall be administered by an independent not-for-profit agency and shall be composed of five volunteer members who shall serve without compensation. Based on the information provided to each citizen review panel pursuant to §39.701, Florida Statutes, each citizen review panel shall provide the court with a report and recommendations regarding the placement and dispositional alternatives that the court shall consider before issuing a judicial review order.⁸

In 1998 the Legislature requested that the review programs in Florida be evaluated by the Dependency Court Improvement Program. At the time of the review, there were citizen review panels in ten counties, with two of those believed to be in existence today. The final report submitted to the Legislature provided:

There is little doubt that the citizen review process relieves a burden on the courts as the programs hold hearings that would normally be docketed on a court calendar. There is also little doubt that the community has become more involved with dependency issues and that the citizen review panels provide an independent perspective of dependency cases ... Yet, the question remains, "Do these benefits actually result in improved permanency outcomes for foster care children in comparison to a purely judicial review model?" ... This study's findings, as with prior studies, provide no proof that the citizen review process achieves better outcomes for children in foster care that judicial reviews.⁹

The same report also stated that qualitative data collected related to the citizen review panel process in Florida showed a number of deficiencies in that process, with a lack of statewide coordination with administration, funding, data collection, and training apparent in all ten programs. There were additional concerns with due process and adherence to statutory requirements for hearings.¹⁰

⁷ See P.L. 96-272, The Adoption Assistance and Child Welfare Act.

⁸ See what was enacted as §39.4531, Florida Statutes, Chapter 90-306, Laws of Florida and is now §39.702, Florida Statutes (Chapter 98-403, Laws of Florida).

⁹ See Florida's Foster Care Citizen Review Programs: An Overview and Analysis of the Foster Care Citizen Review Process in the State of Florida. Office of the State Courts Administrator. 1999.

¹⁰ See Florida's Foster Care Citizen Review Programs: An Overview and Analysis of the Foster Care Citizen Review Process in the State of Florida. Office of the State Courts Administrator. 1999.

The bill provides some clarification related to the activities of citizen review panels in Florida, with the intent of enabling the state to receive Title IV-E funding for these panels, which the state does not currently receive.

Fair Hearings

Before the creation of AHCA, DCF was the federally required “single state agency” responsible for the administration of the Medicaid program. Federal regulations require that a Medicaid applicant or recipient be afforded an opportunity for a Fair Hearing relating to either the eligibility determination or benefit payments. Responsibility for conducting those Fair Hearings belonged to DCF pursuant to subsection 409.285 and 120.80, F.S. Also, s. 120.80 grants permission to the department to hold hearings that were not conducted by an administrative law judge. When AHCA was established, it was named as the “single state agency” with the responsibility for the administration of the Medicaid program. In effecting the division between the two departments, s. 409.902, F.S., assigned to DCF responsibility for Medicaid eligibility determinations and to AHCA the responsibility for benefit payments. At the time of the separation, DCF entered into an inter-agency agreement with AHCA that the department would continue to conduct all of the federally-required Fair Hearings under 42 CFR 431.200, including those for decisions made on benefits by AHCA staff.

Persons with Developmental Disabilities

Chapter 393.0639(12), F.S., defines a developmental disability as “a disorder or syndrome that is attributable to retardation, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.” Other pertinent definitions include:

- (3) “Autism” means a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.
- (4) “Cerebral palsy” means a group of disabling symptoms of extended duration which results from damage to the developing brain that may occur before, during, or after birth and that results in the loss or impairment of control over voluntary muscles. For the purposes of this definition, cerebral palsy does not include those symptoms or impairments resulting solely from a stroke.
- (42) “Retardation” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the period from conception to age 18. “Significantly subaverage general intellectual functioning,” for the purpose of this definition, means performance which is two or more standard deviations from the mean score on a standardized intelligence test specified in the rules of the department. “Adaptive behavior,” for the purpose of this definition, means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of his or her age, cultural group, and community.
- (32) “Normalization principle” means the principle of letting the client obtain an existence as close to the normal as possible, making available to the client patterns and conditions of everyday life which are as close as possible to the norm and patterns of the mainstream of society

In s. 393.062, F.S., the Legislature declares its intent that priority be given to programs and services which will *“enable such individuals to achieve their greatest potential for independent and productive living, which will enable them to live in their own homes or in residences located in their own communities...”*.

The Legislature has been continually supporting the idea that persons with developmental disabilities should lead what the department has called “everyday lives”—that they live in communities with other people of varying abilities; that persons with developmental disabilities not be segregated into ghettos or enclaves of similarly affected persons. That philosophy of integration or inclusion has not been realized in the area of employment, however.

National statistics reveal that people with disabilities have the highest unemployment rate of any minority group. Unemployment of people with disabilities has been as high as 85% in national surveys. A recent study in Florida funded by the Florida Developmental Disabilities Council found that 75% of the individuals in segregated non-community based work programs would like to have a job in their community. Florida continues to reflect the unemployment and underemployment of people with developmental disabilities. The bill expresses the importance of gainful employment and directs the department to support Medicaid recipients receiving services from the Developmental Services program in initiating and maintaining gainful employment.

In 1995 (95-228, L.O.F.) the Legislature created chapter 435, F.S., in an effort to consolidate all standards for background screening and requirements related to “good moral character” for licensure or employment into one statutory scheme. The chapter also provides a process for granting an exemption for employment disqualification. Specifically s. 435.01 says: “Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of this chapter shall apply.” Section 393.063 includes this definition related to background screening:

- (43) “Screening,” for purposes of employment, contracting, or certification, means the act of assessing the background of direct service providers and independent support coordinators, who are not related to clients for whom they provide services, and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation; except that screening for volunteers included under the definition of personnel includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if different; and statewide criminal records correspondence checks through the Department of Law Enforcement.

Homelessness

The Office on Homelessness was established in 2001 in DCF to serve as a central point of contact within state government on the issue of homelessness. The Office's primary duty is to coordinate the services of the various state agencies and programs to serve those persons or families who have become homeless or are facing becoming homelessness. Based on the Department's June 2003 report, there are an estimated 72,632 men, women, and children who are homeless on any given day. Families and children continue to be a growing part of Florida's homeless population. Children under

18 years of age are one-third of the homeless population, and there are only 3 beds available for every 10 persons who are homeless.¹¹

The Office works with a statewide "Council on Homelessness". The 15 member Council develops policy recommendations to direct the work of the Office and other state programs that serve homeless people. The Council prepares an annual report to the Governor and Florida Legislature with recommendations to reduce homelessness. The Office also manages grants to help serve the homeless through local community providers of service. The grant assistance includes the following:

- Assists in carrying out projects and services that are outlined in local homeless assistance continuum of care plans.
- Helps to fund the construction or repair of permanent or transitional housing reserved for the homeless to occupy.
- Assists local provider agencies to repair, equip, and operate emergency shelters, and transitional housing, as well as to provide homeless prevention assistance.
- Helps to fund staff capacity in each of Florida's local homeless coalitions.
- Provides a one-time payment of up to \$400 to help families facing the loss of housing due to eviction for non-payment of rent or mortgage or due to disasters such as fire and flood.

The bill corrects the name of the Florida Coalition for Supportive Housing; its legal name is the Florida Supportive Housing Coalition. The bill clarifies the uses of the Homeless Housing Assistance Grant. The current law only states the purpose of the grant is for construction and rehabilitation of housing for homeless persons. The statute does not define what construction or rehabilitation activities include and the bill clarifies and enumerates the eligible activities under construction and rehabilitation of housing for homeless persons.

The bill changes the date of the submission of the Department's annual report on homeless conditions in Florida. This report is now due annually on June 30 for submission to the Governor and Legislature. The statute also mandates an annual report from the Council on Homelessness. The Council's annual report is due December 31. The bill changes the submission date for the Department's annual report to coincide with the Council's report submission date. This puts both reports in the Governor's and Legislature's offices at the same time and should allow for greater linkage of the information on the extent of homelessness with the suggested recommendations to reduce homelessness.

The Grant-in-Aid Program was established years before the Legislature created the Homeless Continuum of Care. The bill ensures that the Grant-in-Aid Program and its spending on homeless services is consistent with the statutorily authorized continuum of care plans (s. 420.624, F.S.).

Protective Services for Vulnerable Adults

The Adult Protective Services program, mandated by Chapter 415, Florida Statutes, is a system of specialized social services directed toward protecting vulnerable adults who are unable to manage their own affairs from further occurrences of abuse, neglect, or exploitation. The department sends staff to make an assessment of an individual's need for protective services after a reported allegation of abuse, neglect, or exploitation is received at the Hotline. Adult Protective Services includes four basic elements:

1. The on-site investigation of all reports of alleged abuse, neglect, or exploitation;
2. Determination of immediate risk to the vulnerable adult and the provision of necessary emergency services;
3. Evaluation of the need for and provision of on-going protective supervision; and,

¹¹ Based on information prepared by the Department of Children and Family Services and published on their web site at: <http://http://www.dcf.state.fl.us>

4. Provision or arrangement of on-going protective services.

If a vulnerable adult is in danger of continued abuse, neglect, or exploitation, staff from the Aging Services Program provides services through the authority of the Protective Supervision Program.

The bill specifies that a vulnerable adult may be judged to have neglected him or herself and thus be eligible for protective services from the Department. The current definition of "neglect" in Chapter 415, F.S., does not explicitly include neglect caused by the vulnerable adult to him or herself. The Department reports that its authority to provide services in this type investigation has been questioned by the courts. However, section 415.102(27), F.S., provides this definition which includes a person who would be in need of services because of neglecting to care for themselves:

"Vulnerable adult in need of services" means a vulnerable adult who has been determined by a protective investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.

The bill provides that a person who is accused of making a false report to the Hotline may have an attorney present at the administrative hearing and that he or she must be notified of this right when they receive the hearing notice.

C. SECTION DIRECTORY:

Section 1. Amends s. 39.301, F.S., related to protective investigations, to provide that assessments of risk and perceived needs for abuse reports accepted for investigation must be commenced immediately upon receipt of the Hotline report. The section also requires the risk assessment process to be continuously reviewed and updated during departmental involvement with the child and family and provides for the development and implementation of a safety plan, a case plan, or both, if determined necessary by the risk assessment.

Section 2. Amends s. 39.701, F.S., related to judicial reviews, to clarify that activities of citizen review panels are not a judicial function and that citizen review panels do not hold hearings and do not issue orders. The section also requires the court to specifically find whether the department has specific knowledge of the care the child is receiving, if the court holds a review hearing without the child being present.

Section 3. Amends s. 120.80, F.S., to conform with the transfer of responsibility for Fair Hearings from DCF to AHCA to provide that hearings held by the agency as well as those held by the department need not be conducted by an administrative law judge.

Section 4. Amends s. 393.062, F.S., to declare that is a priority of the Department that persons with developmental disabilities be given support so that they become and remain employed.

Section 5. Amends s. 393.0655, F.S., related to background screening, is amended to require Level II background screening for direct service providers, support coordinators, managers, and supervisors of residential programs or comprehensive education programs, and other persons who provide care or services, or have access to a client's living area, or have access to a client's funds or personal property. Employment history checks are also required.

Section 6. Amends section 393.066, F.S., related to community services to direct the department to provide, within available resources, support to waiver enrollees who wish to pursue gainful employment.

Section 7. Amends ss. (8), (15), and (16) of s. 400.0255, F.S., to assign responsibility for administrative hearings to AHCA for hearings related to the transfer or discharge of residents from nursing homes.

Section 8. Amends s. 408.15, F.S., to grant authority to AHCA to conduct Medicaid Fair Hearings that are not related to eligibility determinations.

Section 9. Amends s. 409.91195, F.S., to assign responsibility for Medicaid Fair Hearings related to the Medicaid Pharmacy Program to AHCA.

Section 10. Repeals subsection (6) of s. 410.604, F.S., related to fees for the Community Care for the Disabled Program.

Section 11. Amends subsection (15) of s. 415.102, F.S. "Definitions" to provide that the term "neglect" include the failure of a vulnerable adult to provide for him or herself the care, supervision, and services necessary to maintain his or her physical and mental health.

Section 12. Amends s. 415.1113, F.S., to provide that a person accused of making a false report of abuse, neglect, or exploitation of a vulnerable adult may have an attorney present at the administrative hearing and must be advised of this right in the notice of the hearing.

Section 13. Amends s. 420.622, F.S., to include specific criteria related to projects that are funded by grants that the State Office or the Council on Homelessness awards. The bill clarifies the eligible uses of the Homeless Housing Assistance Grant. The bill clarifies and enumerates the activities that are eligible under construction and rehabilitation of housing for homeless persons.

Section 14. Amends subsection (4) of s. 420.623, F.S., to require that annual reports be submitted by December 31 of each year from the Local Coalitions for the Homeless.

Section 15. Amends subsection (5) of s. 420.625, F.S., to add a requirement that the lead agencies of homeless assistance coalitions develop spending plans that are in harmony with the local homeless coalition's written plan for its continuum of care.

Section 14. This act will take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

No new expenditures are predicted.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The changes to s. 39.701, Florida Statutes, related to judicial reviews and citizen review panels, may allow the panels to earn additional federal funding, thus increasing their total funding.

D. FISCAL COMMENTS:

The technical changes in the Grant Assistance Programs are intended to make it easier for private housing providers to use the Homeless Housing Grant to fund gaps in existing sources to build housing targeted to the homeless.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 1. Instructions related to the HomeSafenet/Child Safety Assessment process require that the risk assessment be completed within 48 hours from the time the Hotline receives the report and updated within 48 hours of initial contact with the child or alleged to be victim and the family. The department reports that a problem with tracking the current statutory requirement is that the investigator and the supervisor would often have different deadlines for different children in the same report based on the date and time of the initial contact with each child.

The bill clarifies that a risk assessment shall be conducted for each Hotline report that is accepted for investigation and requires that the risk assessment must be initiated immediately upon receipt of the report from the Hotline. While this appears to be a helpful clarification to the risk assessment requirements, it is not clear how requiring a risk assessment to begin immediately upon receipt of a report from the Hotline will eliminate the problem of conflicting deadlines for investigators and supervisors.

Section 2. On line 118 of the bill, the word "once" is added as a clarifier; it may also need to be added on line 131 of the bill for consistency.

Section 11. The bill adds language to the definition of "neglect" to try to provide clear authority for the Department to serve persons who need services because of their own action or inaction. However,

paragraph (27) of that subsection provides a definition of a “vulnerable adult in need of services” that describes this situation and references the Department providing services to them. The department may be better served by creating a new section that provides explicit direction related to the provision of voluntary, involuntary, and emergency.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Future of Florida’s Families adopted one amendment that added to the expression of Legislative intent in section 393.066, F.S., direction to the department that individuals enrolled in a Medicaid home and community-based waiver will be supported in seeking gainful employment, if they choose to pursue employment.