

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1981 (PCB FFF 04-04) Independent Living
SPONSOR(S): Future of Florida's Families
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/CS/SB 512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Children's Services (Sub)	5 Y, 2 N	Preston	Liem
2) Future of Florida's Families	16 Y, 0 N	Preston	Liem
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill provides for the following revisions to the independent living transition services program:

- Recognizes community-based providers as entities that shall provide independent living transition services;
- Requires the Department of Children and Family Services (DCF) to work with children in foster care and their foster parents to set educational and career goals beginning when a child enters 9th grade;
- Encourages community service, internships, apprenticeships, and partnerships with the business community to supplement educational experiences for foster children;
- Requires DCF to conduct a pre-independent living assessment and conduct annual staffings for foster children 13 through 14 years of age;
- Requires DCF to conduct an independent life skills assessment and conduct semi-annual staffings for foster children 15 through 17 years of age;
- Requires information related to both assessments and all staffings to be included in the written report provided to the court for judicial reviews;
- Provides an adjustment to the amount of the award for those individuals eligible for Road-to-Independence Scholarship Program and requires applicants to apply for other sources of funding and to complete a needs assessment;
- Allows individuals receiving a special diploma or special certificate of completion to be eligible for a scholarship award;
- Provides for a minimum scholarship award to preserve Medicaid eligibility;
- Allows for some flexibility related to educational and career choices;
- Requires that judicial reviews include information related to the child's progress in obtaining appropriate independent living skills;
- Provides for a tuition exemption for postsecondary education institutions to include young adults eligible for the Road to Independence Scholarship even if funds are not available to issue an award; and
- Renames the Independent Living Services Workgroup, continues the group until terminated by the Legislature, and expands the representation on the group.

The Department of Children and Family Services has not determined a fiscal impact, if any, from the bill as amended, the Department of Education has not determined a fiscal impact, if any, and the Agency for Health Care Administration estimates no fiscal impact from the bill.

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

STORAGE NAME: h1981.fff.doc
DATE: April 20, 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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

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

B. EFFECT OF PROPOSED CHANGES:

Early History of Independent Living

When they become 18, many young adults, a great number of whom have grown up in foster care, lose the support they received while in care. Without the support of a family, they are on their own to obtain further education and preparation for employment, as well as health care, mental health care, and housing. Although youth in foster care have many strengths and talents and a desire to succeed, the reality is that an overwhelming number are leaving care ill prepared for the responsibilities of adulthood. They encounter tremendous obstacles that put their emotional, economic, and personal security at risk.

Aftercare is defined as the period of time following discharge from foster care. It is that time when young individuals who have been preparing for self-sufficiency while in care must begin to operationalize the skills they have been working to master. Aftercare services are typically defined as a system of services and resources designed for those youth who are 16-21 years of age, in post placement who are living in an independent living arrangement. Historically, aftercare services have been difficult and challenging to provide, many times because they have been “relegated to an out-of-sight, out-of-mind status”. It is now known that aftercare services should begin while the child is still in care.¹

Federal funds for independent living initiatives were first made available in the United States under the Consolidated Omnibus Budget Reconciliation Act of 1985. This act authorized funds to states to establish independent living initiatives to assist eligible youth 16 years of age and older to make the transition from foster care to independent living.² A total of 45 million dollars was authorized for the program across the nation, with state shares based on the number of children/youth in foster care.

The U.S. Department of Health and Human Services, Administration for Children, Youth and Families, issued the first set of program instructions to the states in early 1987. Each state was able to determine the nature and scope of their Independent Living Program, but guidelines from the federal government provided recommended specific program components. The recommended list included services such as GED or vocational training, daily living skills, job readiness and employability skills, and assistance obtaining higher education.

¹ See The John H. Chafee Foster Care Independence Program, Aftercare Services, The University of Oklahoma, National Resource Center for Youth Development, 2003.

² The Independent Living Program was initially authorized by Public Law 99-272, through the addition of section 477 to Title IV-E of the Social Security Act.

Funding for the independent living program was determined on an annual basis until Congress passed the Omnibus Budget Reconciliation Act of 1993, which permanently reauthorized the program effective October 1, 1992. This permanent reauthorization allowed funding to be automatically authorized each year without any further action from Congress.³

John H. Chafee Foster Care Independence Program

In a further effort to increase services and strengthen state programs for teens in foster care, Congress passed the Foster Care Independence Act of 1999, which was signed into law as the John H. Chafee Foster Care Independence Program. The Chafee Program made substantial changes in federal efforts targeted toward youth and young adults up to age 21 in the foster care component of the child welfare system. The law significantly improved the ability of states to achieve the national goals of safety, permanence and well-being for youth and young adults in the child welfare system.⁴ This new federal law doubled the appropriations nationally and increased Florida's allocation substantially, from \$990,074 to \$5.9 million for the first year of the new federal funding and up to \$8.2 million for the federal fiscal year 2003.

The Chafee Program legislation included provisions that:

- Doubled the Federal Title IV-E independent living funding nationwide to approximately \$140 million;
- Required states to make services available to youth up to 21 years of age;
- Required states to serve youth younger than 16 years of age for the first time;
- Permitted states to use up to 30% of their allocation for room and board costs and services for youth ages 18-21 who leave foster care on or after 18 years of age;
- Allowed states to provide Medicaid insurance to youth 18-21 years of age who leave foster care;
- Increased the limit on youth savings accounts from \$1,000 to \$10,000 so that youth in foster care can save and still be eligible for Title IV-E foster care benefits;
- Required states to develop outcome measures to assess state performance;
- Required states to use Title IV-E funds to train adoptive/foster care parents, workers in group homes, and case managers to help them address issues confronting adolescents preparing for independent living; and
- Authorized additional funds for adoption incentive payments to states that increased the number of children adopted from foster care.

Education and Training Vouchers

In 2002, Title IV-E of the Social Security Act, related to the Foster Care Independent Living program, was again amended to provide for vouchers for education and training, including postsecondary training and training, for youths aging out of foster care.⁵ Conditions applying to a state educational and training voucher program under this legislation include, but are not limited to, the following:

- Vouchers may be available to youths otherwise eligible for services under the state independent living program;
- Youths adopted from foster care after attaining age 16 may be considered to be youths otherwise eligible for services under the state program;
- States may allow youths participating in the voucher program on the date they attain 21 years of age to remain eligible until they attain 23 years of age, as long as they are enrolled in a post secondary education or training program and are making satisfactory progress toward completion of that program;

³ See P.L. 103-66.

⁴ See P.L. 106-169.

⁵ See P.L. 107-133.

- vouchers provided for an individual may be available for the cost of attendance at an institution of higher education⁶ and shall not exceed the lesser of \$5,000 per year or the total cost of attendance; and
- the amount of a voucher under this section shall be disregarded for the purposes of determining the recipient's eligibility for, or the amount of, any other federal or federally supported assistance, with some exceptions.

The federal budget earmarked \$42 million for Chafee Independent Living Education and Training Vouchers under appropriations for FY2003. Florida's share of that initial funding was \$2.4 million. The Department of Family Services received budget authority from the Legislative Budget Commission in February 2004 to spend those funds.

Florida Law

With the passage of the federal law and increased available funding, the 2002 Legislature established a new framework for Florida's independent living transition services to be provided to these older youth. Specifically provided for was a continuum of independent living transition services to enable older children who are 13 to 18 years of age and in foster care and young adults who are 18 to 23 years of age who were formerly in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. Service categories established include the following:

- **Pre-independent living services** which include life skills training, educational field trips and conferences for children in foster care who are 13 to 15 years of age;
- **Life skills services** which include independent living skills training, educational support, employment training and counseling for children in foster care who are 15 to 18 years of age; and
- **Subsidized independent living services** which are services provided in living arrangement that allow a child who is 16 to 18 years of age to live independently of adult supervision under certain specified circumstances.

A category of services for young adults formerly in foster care was also created to provide services, based on the availability of funds, which included aftercare support services, the Road to Independence Scholarship Program, and transitional support services. In addition, young adults who are awarded a Road to Independence Scholarship are exempt from the payment of tuition and fees for state universities, community colleges, and certain postsecondary career and technical programs and retain their Medicaid eligibility.⁷

The Department of Children and Family Services was directed to form an Independent Living Services Integration Workgroup for the purpose of assessing the barriers to the coordination of services and supporting the youths' transition to independent living with a report to be submitted to the Legislature by December 31, 2002.⁸ In 2003, the Independent Living Services Integration Workgroup was replaced with the Independent Living Services Workgroup.⁹ The representation on the workgroup remained the same with representatives from state agencies involved in service delivery to older foster children as well as representatives from the State Youth Advisory Board and foster parents. The charge to the workgroup was expanded to include assessing the implementation of the independent living transition services system, keeping the Department of Children and Families informed of the problems surfacing and successes experienced with the independent living transition services, and advising the department on strategies that would improve the ability of the system to meet its goals.

The experiences of the independent living transition services program since its inception have

⁶ See definition in section 102 of the Higher Education Act of 1965.

⁷ See §409.1451, Florida Statutes.

⁸ See Chapter 2002-19, Laws of Florida.

⁹ See Chapter 2003-146, Laws of Florida.

pointed to the importance of effective and early service delivery to meet the goals of building the youths' ability to transition to independence and self-sufficiency. However, questions continue to be raised as to whether there is adequate attention being paid to preparing youth for adulthood and independent living, whether there will be sufficient funds to support the increasing requests for services, whether services should be more supportive of young adults not pursuing postsecondary education, and whether there is sufficient guidance to the local areas that will ensure the effectiveness of the services and ensure that the goals of the program are met.

The bill amends §409.1451, Florida Statutes, related to independent living transition services, to include a number of new provisions. Specifically, the bill:

- Recognizes community-based providers as entities that shall provide independent living transition services;
- Requires the Department of Children and Family Services (DCF) to work with children in foster care and their foster parents to set educational and career goals beginning when a child enters 9th grade;
- Encourages community service, internships, apprenticeships, and partnerships with the business community to supplement educational experiences for foster children;
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- Requires information related to both assessments and all staffings to be included in the written report provided to the court for judicial reviews;
- Provides an adjustment to the amount of the award for those individuals eligible for Road-to-Independence Scholarship Program and requires applicants to apply for other sources of funding and to complete a needs assessment;
- Allows individuals receiving a special diploma or special certificate of completion to be eligible for a scholarship award;
- Provides for a minimum scholarship award to preserve Medicaid eligibility;
- Allows for some flexibility related to educational and career choices;
- Requires that judicial reviews include information related to the child's progress in obtaining appropriate independent living skills;
- Provides for a tuition exemption for postsecondary education institutions to include young adults eligible for the Road to Independence Scholarship even if funds are not available to issue an award; and
- Renames the Independent Living Services Workgroup, continues the group until terminated by the Legislature, and expands the representation on the group.

The bill also amends §39.701, Florida Statutes, to require that information regarding independent living needs and services must be provided to the court at the time of each judicial review for all youth between 13 and 18 years and requires the court to consider at these reviews the adequacy of the youth's preparation for independence. During the two reviews that occur between a child's 17th and 18th birthdays, the department must provide verification to the court that the child has been provided specified information and documents. The fee exemption for tuition and fees at state universities, community colleges, and career and technical programs provided in §1009.25, F.S., for Road to Independence Scholarship recipients is modified to allow for the exemption if the young adult is determined eligible for the scholarship, even if funds are not available to issue the award.

The bill requires the Office of the Auditor General to conduct both an operational and a performance audit of the independent living program and submit a report by February 28, 2005.

C. SECTION DIRECTORY:

Section 1. Amends §409.1451, Florida Statutes, related to independent living transition services, to provide for a number of substantive changes related to service provision for children in foster care and young adults who were formerly in foster care.

Section 2. Amends §39.701, Florida Statutes, related to judicial reviews, to require that information regarding independent living needs and services must be provided to the court during each judicial review for all youth between 13 and 18 years and requires the court to consider at these reviews the adequacy of the youth's preparation for independence. During the two reviews that occur between a child's 17th and 18th birthdays, the department must provide verification to the court that the child has been provided specified information and documents.

Section 3. Amends §1009.25, Florida Statutes, related to fee exemptions, to allow for the exemption even if the young adult is determined eligible for the Road to Independence Scholarship, and funds are not available to issue the award.

Section 4. Requires the Auditor General to conduct both an operational and a performance audit of the independent living program and provide and report by February 28, 2005.

Section 5. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Children and Family Services has not determined a fiscal impact, if any, from the bill as amended, the Department of Education has not determined a fiscal impact, if any, the Agency for Health Care Administration estimates no fiscal impact from the bill, and the Office of the State Courts Administrator estimates no fiscal impact from the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not affect county or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill removes the department's rule-making authority related to the independent living program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES