

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 512

SPONSOR: Committee on Children and Families and Senator Lynn

SUBJECT: Independent Living Transition Services

DATE: December 1, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>AHS</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for SB 512 provides for the following revisions to the independent living transition services program:

- Redefines the youth to be served in the independent living transition services program from youth “in foster care” to youth “in the legal custody of the Department of Children and Families”;
- Recognizes community-based providers as entities that are providing independent living transition services;
- Requires the Department of Children and Families to conduct an independent living assessment and inform youth of the Road to Independence Scholarship program upon turning 17 years of age;
- Redesigns the Road to Independence Scholarship to provide two types of scholarships with revisions to the eligibility criteria, the maximum scholarship amounts, and the method for determining the awards;
- Creates enrollment periods for processing renewal awards;
- Replaces the Department of Children and Families’ rulemaking authority to proportionally reduce the scholarship awards if funds are not sufficient with specific options in statute;
- Prioritizes the Transitional Support Services for young adults not receiving a Road to Independence Scholarship award;
- Requires judicial review of the youths’ preparation for independent living;
- Expands the tuition waiver for postsecondary education institutions to include young adults eligible for the Road to Independence Scholarship regardless of whether funds are available to issue an award;

- Renames workgroups as Independent Living Services Workgroup, continues the group until terminated by the Legislature, and expands the representation on the group;
- Requires that core expectations be developed and applied statewide for ensuring that the goals of the independent living transition services program are met; and
- Requires districts and lead community-based providers to annually report their previous year's achievements and up-coming year's plans for meeting the core expectations;

This bill substantially amends sections 39.701, 409.1451, and 1009.25 of the Florida Statutes.

II. Present Situation:

In 1999, Congress enacted the Foster Care Independence Act (P.L. 106-169) to address weaknesses in the states' programs for teens in foster care such as those found by the General Accounting Office which include insufficient opportunities for employment, for participation in real-life situations, and for supervised practice living arrangements to improve youths' ability to live self-sufficiently. 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.

With the passage of the federal law and increased available funding, the 2002 Legislature created s. 409.1451, F.S., which established the framework for Florida's independent living transition services to be provided to these older youth. Specifically, s. 409.1451, F.S., provides for a continuum of independent living transition services to enable older children in foster care and young adults who were formerly in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. The services available to older children in the foster care system are the pre-independent living services, life skills services, and subsidized independent living services. The older children ages 13 to 18 years are also to be provided with life skills activities which emulate the experiences of other children their age not in foster care. The services for young adults formerly in foster care are to be provided based on the availability of funds and include 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 (s. 1009.25, F.S.).

The system of independent living transition services provided for in s. 409.1451, F.S., is available to older children and young adults who either are or were in foster care. Children adjudicated dependent may be placed by the court in the legal custody of the department which usually results in a placement in a licensed foster home. However, some children in licensed foster homes may run away or commit a delinquent act and be placed in a Department of Juvenile Justice (DJJ) facility. While on run away status or in a DJJ facility, a child remains in the legal custody of the Department of Children and Families but does not meet the statutory criteria for being in foster care. Other children in the legal custody of the department may be placed in other settings, such as a subsidized independent living arrangement or a residential mental health facility. The ch. 39, F.S., definition of "foster care" (s. 39.01(29), F.S.) identifies as foster care settings other than licensed foster home, specifically, a "boarding home, group home, agency boarding home, child care institution, or any combination thereof." The Department of Children and Families reports, however, that for the purposes of independent

living transition services, the districts and lead community-based providers have been instructed to interpret “foster care” in the broadest sense to include not only children in licensed foster homes but those in the legal custody of the department .

Chapter 2002-19, L.O.F., directed the department 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. With ch. 2003-146, L.O.F., the Independent Living Services Integration Workgroup was replaced with the Independent Living Services Workgroup. 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. Also, the workgroup was directed to report to the appropriate substantive committees of the Senate and the House of Representatives each of the next 2 years. However, the period of time the workgroup was intended to function was not specified. With the requirement for the workgroup to submit a report to the Legislature in 2003 and 2004, it has been interpreted that the workgroup is to be in existence for only these two years.

Youth who have been placed in the legal custody of the Department of Children and Families by the court pursuant to ch. 39, F.S., are under the jurisdiction of the court. Section 39.701, F.S., requires that the status of these youth be reviewed by the court at least every 6 months. The information required to be provided to the court for these judicial reviews is identified in s. 39.701(6)(a), F.S., and the aspects of the youths’ status that the court is required to seek to determine are stipulated in s. 39.701(7), F.S. Currently, the status of the youths’ ability to transition to adulthood and independence is not explicitly a component of the judicial review.

The experiences of the independent living transition services program since its inception have 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 have been raised as to whether there is adequate attention to preparing youth for adulthood and independent living, whether there will be sufficient funds to support the bulging 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.

III. Effect of Proposed Changes:

The CS/SB 512 amends the statutory description of eligibility for independent living transition services from youth “in foster care” to youth “in the legal custody of the department.” The term “foster care” is replaced with “legal custody of the department” throughout s. 409.1451, F.S. This amendment more clearly defines the youth eligible for independent living transition services and is reported to be consistent with current practice. With the transition of foster care services from the department to community-based care, it is not known if the court’s placement of

custody is always with the department and may, instead, be with the lead community-based provider. The bill, therefore, stipulates that for the purposes of the independent living transition services section, "legal custody of the department" also includes children for whom the court places the legal custody with the lead community-based provider. The bill also recognizes that community-based providers are the entities that are providing the independent living transition services in many districts, and once community-based care is fully implemented, in all districts.

Committee Substitute for SB 512 broadens the responsibility of the department to assist the youth transition to independent living by requiring that the department provide to each youth turning 17 years of age with an independent living assessment to determine the services and training needed to prepare them for adulthood and self-sufficiency during the upcoming year and with information on the Road to Independence Scholarship program, as well as other available grants and scholarships. The department is also required by the bill to inform the youth of the availability of the Road to Independence Scholarship program at the time the youth begins to receive independent living services and when the youth turns 18 years of age and leaves the custody of the department.

The Road to Independence Scholarship program is redesigned by the bill to provide two types of scholarships: one for young adults continuing in high school or working on a high school diploma or equivalent and one for young adults going to a postsecondary education institution. A priority is given to assisting young adults complete high school. The requirements for eligibility for the high school scholarship do not require a 2.0 grade point and if funds for the awards must be reduced due to insufficient funds, the young adults receiving the high school scholarship who are within one year of graduation have priority to retain the full amount. The maximum amount and method for determining the awards have been changed to balance the fact that funds are limited with the need to assist as many youth as possible. For postsecondary education awards, the maximum award amount is reduced from \$892 a month to 150% of the federal education and training voucher amount which is currently \$624. In order to receive this award, the young adults must apply for other grants and scholarships. These other grants and scholarships, as well as earnings and the youth's living and education costs, will be considered in determining the amount of the award. For high school scholarship awards, the young adults would receive the standard foster care board rate which is \$455, unless they were in the subsidized independent living program in which case they would continue to receive that amount which is approximately \$654. This foster care board rate would continue to be paid to the foster parents thus allowing the young adults to continue to live with their foster parents without disruption, or at the request of a young adult, paid directly to the young adult. Young adults are eligible to receive the high school scholarship until the age of 21 years, while the postsecondary education scholarship continues to be available until the young adult reaches 23 years of age.

The bill provides for a grace period for young adults reapplying for the scholarship award to allow those who cannot show the 2.0 grade point (because they had not been in school) to receive the scholarship for one semester, after which all renewal requirements would apply. The department is required to assist the youth complete the forms for the scholarship award and apply for other grants and scholarships.

Instead of the current rule making authority to proportionally reduce the scholarship awards, the bill provides the department with specific options in statute which include the ability to reduce

the awards but with limits for the reductions that can be imposed during the award year and at renewal, and the ability to cease issuing new scholarships. Enrollment periods of 30 days each are created by the bill for processing renewal awards. The department is required to offer at least two enrollment periods a year. These enrollment periods are intended to improve the department's ability to monitor the expenditure of funds and determine early if a reduction in awards or a cessation of issuing new awards is necessary.

For the Transitional Support Services, the funds that can be expended on young adults already receiving scholarship awards is limited to a yet-to-be determined amount, and young adults not receiving a scholarship award would have priority for the funds. This allows for more dollars through the Transitional Support Services to be available for the young adults who are not eligible for the scholarship awards.

Committee Substitute for SB 512 amends s. 39.701, F.S. to require that information regarding independent living needs and services must be provided to the court for 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.

The waiver for tuition and fees at state universities, community colleges, and career and technical programs provided in s. 1009.25, F.S., for Road to Independent Scholarship recipients is modified to allow for the fee waiver if the young adult is determined eligible for the scholarship, even if funds are not available to issue the award.

The Independent Living Services Workgroup is renamed by the bill to be the Independent Living Services Advisory Group. The existence and work of the advisory group is continued until specifically terminated by the Legislature. The representation on the advisory group is expanded to include lead community-based providers, advocates for foster children, the Statewide Guardian Ad Litem Office, and both headquarter and district offices of the Department of Children and Families.

Further, the bill requires that core expectations for meeting the goals of the independent living transition services program be developed and applied statewide. Specifically, the Independent Living Services Advisory Group is charged with developing and recommending to the department core expectations that are necessary to ensure that the goals of the program are met statewide. The department is required to establish core expectations for the independent living transition services which districts and lead community-based providers must meet. Each year the districts and lead community-based providers are to prepare both a plan for meeting the core expectations during the upcoming year and a report on the outcome of the previous year's efforts and expenditure of funds. Departmental approval of the plans is required prior to authorizing a district or provider's expenditure of the independent living transition services funds. The advisory group is to participate in the department's annual review of the plans. The report due from the advisory group by December 31, 2004, is to include the core expectations developed and recommended to the department.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The modifications to the Road to Independence Scholarship program both decreases the funding expended per young adult and increases the number of young adults who may qualify. The net effect is not yet known. The Department of Children and Families has not yet had the opportunity to determine the fiscal impact.

Revisions that should decrease the funding expended include the following:

- The awards for the young adults in high school is reduced from \$892 a month to either \$455 or \$654 per month.
- The awards for young adults in high school are no longer available until the age of 23 years, but only until the age of 21 years.
- The awards for the young adults in a postsecondary education institution are reduced from \$892 to a maximum of \$624. In addition, the amount of the awards may be reduced further because other grants, scholarships, and earnings may be considered, as well as the young adults living and educational expenditures.

Revisions that should increase the young adults eligible for the scholarship include the following:

- The 2.0 grade point is no longer a requirement to receive the scholarship for young adults completing high school.
- A grace period is offered for young adult reinstating the postsecondary education scholarship where the 2.0 grade point is not required for one semester.

The exemption for tuition and fees to certain postsecondary education institutions to cover young adults eligible for the Road to Independence Scholarship but not able to receive the award will increase the tuition and fees these institutions will not collect. The Department of Education has not yet had the opportunity to determine the fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
