

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.)

Prepared By: Children and Families Committee

BILL: CS/SB 1314

SPONSOR: Children and Families Committee and Senator Rich

SUBJECT: Independent Living

DATE: March 16, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rousseau/Sanford	Whiddon	CF	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	HA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute for Senate Bill 1314:

- Authorizes young adults formerly in foster care at the time of their 18th birthday to petition the court at any time prior to their 19th birthday to extend the court's jurisdiction until their 19th birthday for the purposes of:
 - *Determining whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, mental health, and developmental disability services have been provided.
 - *Meeting any requirement of federal law with respect to the court's ongoing jurisdiction pending the federal government's issuance of a Special Immigrant Juvenile Visa.
- Authorizes a young adult who is eligible for the Road-to-Independence Scholarship to reside in a licensed foster home arranged by the Department of Children and Family Services (DCF or the department).
- Requires the department to include in its Judicial Review social study report verification that a child has been provided information about the right to petition for continued court jurisdiction, information about the Medicaid program and how to apply and, if eligible, of the right to continue to reside in his or her foster placement or in another licensed foster home arranged by the department.
- Requires that the department enroll certain former foster children in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid.
- Provides for a study and a report regarding the health insurance needs of young adults who are no longer eligible for the KidCare program.

This committee substitute substantially amends the following sections of the Florida Statutes: s. 39.013, F.S., s. 39.701, F.S., and s. 409.1451, F.S.

II. Present Situation:

The department administers a system of foster care services for children birth through age 17. Subsection 39.01(29), F.S., defines “foster care” to mean “care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution or any combination thereof.” Subsection 39.01(12), F.S., defines “child” to mean “any unmarried person under the age of 18 years who has not been emancipated by order of the court.”

An array of services is provided to children ages birth through 17 in foster care. Services are also provided to their families to achieve safety, permanency, and well-being for the children. Chapter 39, F.S., provides for assessment, case planning, service delivery and case review for children in foster care. In addition, the statute provides for medical, mental health and residential treatment services for children in foster care. These services are funded by a combination of federal (primarily Title IV-E and Medicaid) and state general revenue funds. Children in foster care currently have a judicial review of their case at least every six months.

As one of the services provided to children in foster care, the department administers a system of independent living services throughout Florida. The two eligible populations are children ages 13 through 17 in foster care and young adults formerly in foster care ages 18 through 22. The state law governing this program is s. 409.1451, F.S. These services are funded through a combination of federal funds (Chafee Grant and the Education and Training Voucher) and state general revenue funds. According to the department, as of October 31, 2004, there were 29,510 children in out-of-home care in Florida, including 14,838 children in licensed foster care and 14,672 children in relative/non-relative care. Of the 14, 838 children in licensed foster care, there were 4,467 children ages 13 through 17 who were eligible for independent living services. As of September 28, 2004, there were 4,362 former foster youth ages 18 through 22 who were potentially eligible to receive Independent Living services. Children in relative/non-relative care are not eligible for these services.

Many stakeholders in Florida and across the United States are concerned about the population of young people exiting the nation's foster care system at age 18. The primary concerns are about young people's ability to be self-supporting, achieve independence without the support of a family and the quality of preparation for independence that foster children ages 13 through 17 are given. Some states, including Texas, Illinois and New York, retain children in foster care until the age of 21, if doing so is determined to be in the best interest of the child.

Programs including independent living services were implemented at the national and state levels in order to provide support to young people to assist them in transition to adulthood. These programs are focused on providing educational and employment services and to prevent young people from being homeless, unemployed, poverty stricken, unmarried parents, high school drop outs, incarcerated, and from exhibiting other high-risk behaviors. These services are based on the five key purposes outlined in the Federal John H. Chafee Foster Care Independence Program. Those purposes are to:

- Identify children who are likely to remain in foster care until 18 years of age and help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities.
- Help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment.
- Help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions.
- Provide personal and emotional support to children aging out of foster care through mentors and the promotion of interactions with dedicated adults.
- Provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to ensure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

Florida's Road-to-Independence (RTI) Scholarship Program is intended to help former foster children, ages 18-23 years, receive the educational and vocational training needed to achieve independence. In Florida, of all former foster children in licensed foster care or subsidized independent living on their 18th birthday, approximately 30 percent are eligible to participate in this program. In order to receive RTI Scholarship benefits, recipients must be former foster youth who have earned a standard high school diploma or its equivalent and are enrolled full-time in an eligible postsecondary education institution as defined in s. 1009.533, F.S. Participants are allowed to live in their former foster home placements where they were residing at the time of their 18th birthday (s. 409.1451(5)(b), F.S.), and when the foster parent is willing for the young person to remain in his/her home, there are many benefits for the youth. Former foster youth who receive the Road-to-Independence scholarship are automatically eligible to receive Medicaid coverage (s. 409.903(4), F.S.), but other former foster children are not, and many struggle to obtain health coverage.

For foster children transitioning to adulthood, obtaining adequate health care coverage is one of the biggest challenges. Any child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program. The Florida KidCare program includes health benefits coverage provided to children through Medicaid, Medikids, Florida Healthy Kids, Employer-sponsored group health insurance plans, and Children's Medical Services network. Except for coverage under the Medicaid program, coverage under the Florida KidCare program is not an entitlement. KidCare applications are accepted twice a year during one-month enrollment periods in August and in September. The federal government provides a 71.23% match with state dollars for those enrolled until 19 years of age.

All former foster children in licensed foster care or subsidized independent living on their 18th birthday, including those who are not eligible for the RTI program, may be eligible to receive Aftercare Support Services which continue to develop the skills and abilities necessary for independent living. The services available include, but are not limited to, mentoring and tutoring, mental health services and substance abuse counseling, life skills classes, parenting classes, job

skills training and temporary financial assistance (s. 409.1451 (5)(a), F.S.). In addition to any services provided through aftercare support or the Road-to-Independence Scholarship, a young adult who was in foster care or in subsidized independent living on their 18th birthday may receive other short-term services, which may include financial, housing, counseling, employment, education, mental health, disability and other services (s. 409.1451 (5)(c), F.S.). According to the department, as of September 28, 2004, there were 3,429 such former foster children ages 18, 19 and 20. Of that number, approximately 700 receive the Road-to-Independence Scholarship. The department also reports that 969 young adults received transitional services and 478 received aftercare support services. However, these services are available to both RTI and non-RTI eligible youth since an individual may receive services in multiple categories.

Non-Permanent Status:

The Special Immigrant Juvenile Status (SIJS) law is a federal statute which allows undocumented aliens who are children under the jurisdiction of the state juvenile court to become lawful permanent residents. It is only available to a child who is under the jurisdiction of a state juvenile court and who has been deemed eligible for long-term foster care by that state juvenile court. Federal regulations have defined “deemed eligible for long-term foster care” to mean that the court has found that family reunification is not a viable option for the child.¹ Finally, the juvenile court must make a finding that it is not in the child’s best interest to be returned to his or her home country.

Florida dependency law does not specifically address dependent children who may be undocumented aliens. The Florida Administrative Code requires that dependent children who are undocumented aliens must receive the same services as U.S. citizens.² However, these services are for the most part provided through the use of general revenue dollars, since the federal funding for this population is generally prohibited. Currently, juvenile court jurisdiction over all dependent children ends when the child reaches 18 years of age. Child advocates report that the inability of the courts to retain jurisdiction in appropriate cases is one of the primary barriers to obtaining permanent residency for children who might otherwise qualify for it.

III. Effect of Proposed Changes:

The committee substitute for SB 1314 authorizes the young adult formerly in foster care to petition the court to extend its jurisdiction for up to one year to determine whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, mental health, and developmental disability services to the extent otherwise authorized by law have been provided and to meet the requirements of federal law with respect to a pending Special Immigrant Juvenile Visa. Although this bill does not require a judicial review hearing during the extended time the court has jurisdiction, courts may require and the young adult may request these hearings in order to be able to monitor the services provided to a young person after reaching 18 years of

¹ See 8 CFR section 204.11(a)(1993).

² 65C-9 F.A.C.

age. It is unclear whether the expansion would require visitations, case planning, and staffing by the department.

The committee substitute requires the department to inform the former foster youth that if they are eligible for the Road-to-Independence Scholarship program, they may reside with the licensed foster family or group care provider with whom they were residing at the time of their 18th birthday or may reside in another licensed foster home arranged by the department. The bill appears to require the department to arrange for licensed foster home placements for young adults if they desire which could cause a significant impact on placement providers. An undetermined number of additional foster families will be needed in order to provide homes for these young adults.

This committee substitute attempts to assure that all eligible 18 year olds who have aged out of foster care will be enrolled in the KidCare program and provides for their enrollment outside the 2 one-month enrollment periods. The bill does not expand KidCare coverage. Young adults who are Medicaid eligible or who receive health insurance coverage from a third party provider are not eligible for enrollment in KidCare.

This committee substitute directs the Independent Living Advisory Council to conduct a study to determine the most effective way to help address the health insurance needs of young adults in the Independent Living program once they are no longer eligible for KidCare. The department and the Agency for Health Care Administration must provide assistance to the advisory council during the study. The advisory council is required to provide a report with recommendations to the Legislature by January 2, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The committee substitute requires each young adult enrolled in the KidCare program to pay the co-pay as described in s. 409.814, F.S., but provides the young adult with affordable health care coverage.

C. Government Sector Impact:

The department estimates that implementation of this committee substitute will cost \$1,295,380 in FY 2005-2006 and \$1,202,778 in FY 2006-2007. The national standard for caseworker to child caseload is set at 1 to 15. There is no caseload standards for young adults. This estimate assumes a reasonable caseload ratio for caseworker to young adult would be set at 1 to 25. This estimate includes the cost for 21 caseworkers and 2.5 supervisors to handle case management. This estimate also assumes that 33 percent of the eligible 18 year old population would petition the court for continued jurisdiction.

There are 906 former foster children age 18, (not including those eligible for RTI and, therefore Medicaid), an undetermined number of whom are currently enrolled in the KidCare program. The net cost to cover all 906 young adults on KidCare would be \$1,025,338, the state share of which would be \$294,990.

The court system has not been able to estimate the financial impact on the courts at this time.

VI. Technical Deficiencies:**VII. Related Issues:**

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

VIII. Summary of Amendments:

None.

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