

1 39.013 Procedures and jurisdiction; right to
2 counsel.--

3 (2) The circuit court shall have exclusive original
4 jurisdiction of all proceedings under this chapter, of a child
5 voluntarily placed with a licensed child-caring agency, a
6 licensed child-placing agency, or the department, and of the
7 adoption of children whose parental rights have been
8 terminated under ~~pursuant to~~ this chapter. Jurisdiction
9 attaches when the initial shelter petition, dependency
10 petition, or termination of parental rights petition is filed
11 or when a child is taken into the custody of the department.

12 The circuit court may assume jurisdiction over any such
13 proceeding regardless of whether the child was in the physical
14 custody of both parents, was in the sole legal or physical
15 custody of only one parent, caregiver, or some other person,
16 or was in the physical or legal custody of no person when the
17 event or condition occurred that brought the child to the
18 attention of the court. When the court obtains jurisdiction of
19 any child who has been found to be dependent, the court shall
20 retain jurisdiction, unless relinquished by its order, until
21 the child reaches 18 years of age. However, the juvenile court
22 may extend its jurisdiction under this chapter for a period
23 not to exceed 1 year after the child's 18th birthday in order
24 to:

25 (a) Determine whether a dependent child who was
26 formerly in the legal custody of the department immediately
27 before becoming an adult received appropriate aftercare
28 support, Road-to-Independence Scholarship, transitional
29 support, mental health, and development disability services to
30 the extent otherwise authorized by law. A judicial review
31 hearing is not required under this paragraph unless requested

1 by the former dependent child or upon the court's own motion
2 for good cause shown; or

3 (b) Meet any requirement of federal law with respect
4 to the court's ongoing jurisdiction pending the federal
5 government's issuance of a Special Immigrant Juvenile Visa to
6 a child who was formerly a dependent child.

7 Section 2. Paragraph (a) of subsection (6) of section
8 39.701, Florida Statutes, is amended to read:

9 39.701 Judicial review.--

10 (6)(a) In addition to ~~the provisions of~~ paragraphs
11 (1)(a) and (2)(a), the court shall hold a judicial review
12 hearing within 90 days after a child's 17th birthday and shall
13 continue to hold timely judicial review hearings. In addition,
14 the court may review the status of the child more frequently
15 during the year prior to the child's 18th birthday if
16 necessary. At each review held under ~~pursuant to~~ this
17 subsection, in addition to any information or report provided
18 to the court, the foster parent, legal custodian, guardian ad
19 litem, and the child shall be given the opportunity to address
20 the court with any information relevant to the child's best
21 interests, particularly as it relates to ~~the provision of~~
22 independent living transition services. In addition to any
23 information or report provided to the court, the department
24 shall include in its judicial review social study report
25 written verification that the child:

26 1. Has been provided with a current Medicaid card.

27 2. Has been provided with a certified copy of his or
28 her birth certificate and, if the child does not have a valid
29 driver's license, a Florida identification card issued under
30 ~~pursuant to~~ s. 322.051.

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1 3. Has been provided information relating to Social
2 Security Insurance benefits if the child is eligible for these
3 ~~such~~ benefits. If the child has received these benefits and
4 they are being held in trust for the child, a full accounting
5 of those funds must ~~shall~~ be provided and the child must be
6 informed about how to access those funds.

7 4. Has been provided with information and training
8 related to budgeting skills, interviewing skills, and
9 parenting skills.

10 5. Has been provided with all relevant information
11 related to the Road-to-Independence Scholarship, including,
12 but not limited to, eligibility requirements, forms necessary
13 to apply, and assistance in completing the forms. The child
14 shall also be informed that, if he or she is eligible for the
15 Road-to-Independence Scholarship Program, he or she may reside
16 with the licensed foster family or group care provider with
17 whom the child was residing at the time of attaining his or
18 her 18th birthday or may reside in another licensed foster
19 home arranged by the department.

20 6. Has an open bank account, or has identification
21 necessary to open ~~such~~ an account, and has been provided with
22 essential banking skills.

23 7. Has been provided with information on public
24 assistance and how to apply.

25 8. Has been provided a clear understanding of where he
26 or she will be living on his or her 18th birthday, how living
27 expenses will be paid, and what educational program or school
28 he or she will be enrolled in.

29 9. Has been provided with notice of the court's
30 continuing jurisdiction for 1 year after the child's 18th
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1 birthday as specified in s. 39.013(2) and with information on
2 how to obtain access to the court.

3 Section 3. Subsection (4) of section 409.903, Florida
4 Statutes, is amended to read:

5 409.903 Mandatory payments for eligible persons.--The
6 agency shall make payments for medical assistance and related
7 services on behalf of the following persons who the
8 department, or the Social Security Administration by contract
9 with the Department of Children and Family Services,
10 determines to be eligible, subject to the income, assets, and
11 categorical eligibility tests set forth in federal and state
12 law. Payment on behalf of these Medicaid eligible persons is
13 subject to the availability of moneys and any limitations
14 established by the General Appropriations Act or chapter 216.

15 (4) A child who is eligible under Title IV-E of the
16 Social Security Act for subsidized board payments, foster
17 care, or adoption subsidies, and a child for whom the state
18 has assumed temporary or permanent responsibility and who does
19 not qualify for Title IV-E assistance but is in foster care,
20 shelter or emergency shelter care, or subsidized adoption.
21 This category includes a young adult under 21 years of age
22 ~~child~~ who was eligible under Title IV-E of the Social Security
23 Act for foster care or the state-provided foster care, who
24 exited foster care due to attaining the age of 18 years, ~~and~~
25 ~~who has been awarded a Road to Independence Scholarship.~~

26 Section 4. Paragraphs (b) and (d) of subsection (5) of
27 section 409.1451, Florida Statutes, are amended to read:

28 409.1451 Independent living transition services.--

29 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
30 CARE.--Based on the availability of funds, the department
31 shall provide or arrange for the following services to young

1 adults formerly in foster care who meet the prescribed
2 conditions and are determined eligible by the department. The
3 categories of services available to assist a young adult
4 formerly in foster care to achieve independence are:

5 (b) Road-to-Independence Scholarship Program.--

6 1. The Road-to-Independence Scholarship Program is
7 intended to help eligible students who are former foster
8 children in this state to receive the educational and
9 vocational training needed to achieve independence. The amount
10 of the award shall be based on the living and educational
11 needs of the young adult and may be up to, but ~~may shall~~ not
12 exceed, the amount of earnings that the student would have
13 been eligible to earn working a 40-hour-a-week federal minimum
14 wage job.

15 2. A young adult who has reached 18 years of age but
16 is not yet 21 years of age is eligible for the initial award,
17 and a young adult under 23 years of age is eligible for
18 renewal awards, if he or she:

19 a. Was a dependent child, under ~~pursuant to~~ chapter
20 39, and was living in licensed foster care or in subsidized
21 independent living at the time of his or her 18th birthday;

22 b. Spent at least 6 months living in foster care
23 before reaching his or her 18th birthday;

24 c. Is a resident of this state as defined in s.
25 1009.40; and

26 d. Meets one of the following qualifications:

27 (I) Has earned a standard high school diploma or its
28 equivalent as described in s. 1003.43 or s. 1003.435, or has
29 earned a special diploma or special certificate of completion
30 as described in s. 1003.438, and has been admitted for
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1 full-time enrollment in an eligible postsecondary education
2 institution as defined in s. 1009.533;

3 (II) Is enrolled full time in an accredited high
4 school; or

5 (III) Is enrolled full time in an accredited adult
6 education program designed to provide the student with a high
7 school diploma or its equivalent.

8 3. A young adult applying for a Road-to-Independence
9 Scholarship must apply for any other grants and scholarships
10 for which he or she may qualify. The department shall assist
11 the young adult in the application process and may use the
12 federal financial aid grant process to determine the funding
13 needs of the young adult.

14 4. The amount of the award, whether it is being used
15 by a young adult working toward completion of a high school
16 diploma or its equivalent or working toward completion of a
17 postsecondary education program, shall be determined based on
18 an assessment of the funding needs of the young adult. This
19 assessment must ~~shall~~ consider the young adult's living and
20 educational costs and other grants, scholarships, waivers,
21 earnings, and other income to be received by the young adult.
22 An award shall be available only to the extent that other
23 grants and scholarships are not sufficient to meet the living
24 and educational needs of the young adult, but an award may
25 ~~shall~~ not be less than \$25 in order to maintain Medicaid
26 eligibility for the young adult as provided in s. 409.903.

27 5.a. The department must advertise the availability of
28 the program and must ensure that the children and young adults
29 leaving foster care, foster parents, or family services
30 counselors are informed of the availability of the program and
31 the application procedures.

1 b. A young adult must apply for the initial award
2 during the 6 months immediately preceding his or her 18th
3 birthday, and the department shall provide assistance with the
4 application process. A young adult who fails to make an
5 initial application, but who otherwise meets the criteria for
6 an initial award, may make one application for the initial
7 award if the ~~such~~ application is made before the young adult's
8 21st birthday. If the young adult does not apply for an
9 initial award before his or her 18th birthday, the department
10 shall inform that young adult of the opportunity to apply
11 before turning 21 years of age.

12 c. If funding for the program is available, the
13 department shall issue awards from the scholarship program for
14 each young adult who meets all the requirements of the
15 program.

16 d. An award shall be issued at the time the eligible
17 student reaches 18 years of age.

18 e. A young adult who is eligible for the
19 Road-to-Independence Program and who so desires shall be
20 allowed to reside with ~~remain in~~ the licensed foster family or
21 group care provider with whom he or she was residing at the
22 time of attaining his or her 18th birthday or to reside in
23 another licensed foster home arranged by the department.

24 f. If the award recipient transfers from one eligible
25 institution to another and continues to meet eligibility
26 requirements, the award must be transferred with the
27 recipient.

28 g. Scholarship funds awarded to any eligible young
29 adult under this program are in addition to any other services
30 provided to the young adult by the department through its
31 independent living transition services.

1 h. The department shall provide information concerning
2 young adults receiving the Road-to-Independence Scholarship to
3 the Department of Education for inclusion in the student
4 financial assistance database, as provided in s. 1009.94.

5 i. Scholarship funds are intended to help eligible
6 students who are former foster children in this state to
7 receive the educational and vocational training needed to
8 become independent and self-supporting. ~~The Such~~ funds shall
9 be terminated when the young adult has attained one of four
10 postsecondary goals under ~~pursuant to~~ subsection (3) or
11 reaches 23 years of age, whichever occurs earlier. In order to
12 initiate postsecondary education, to allow for a change in
13 career goal, or to obtain additional skills in the same
14 educational or vocational area, a young adult may earn no more
15 than two diplomas, certificates, or credentials. A young adult
16 attaining an associate of arts or associate of science degree
17 shall be permitted to work toward completion of a bachelor of
18 arts or a bachelor of science degree or an equivalent
19 undergraduate degree. Road-to-Independence Scholarship funds
20 ~~may shall~~ not be used for education or training after a young
21 adult has attained a bachelor of arts or a bachelor of science
22 degree or an equivalent undergraduate degree.

23 j. The department shall evaluate and renew each award
24 annually during the 90-day period before the young adult's
25 birthday. In order to be eligible for a renewal award for the
26 subsequent year, the young adult must:

27 (I) Complete the number of hours, or the equivalent
28 considered full time by the educational institution, in the
29 last academic year in which the young adult earned a
30 scholarship, except for a young adult who meets the
31 requirements of s. 1009.41.

1 (II) Maintain appropriate progress as required by the
2 educational institution, except that, if the young adult's
3 progress is insufficient to renew the scholarship at any time
4 during the eligibility period, the young adult may restore
5 eligibility by improving his or her progress to the required
6 level.

7 k. Scholarship funds may be terminated during the
8 interim between an award and the evaluation for a renewal
9 award if the department determines that the award recipient is
10 no longer enrolled in an educational institution as defined in
11 sub-subparagraph 2.d., or is no longer a state resident. The
12 department shall notify a student who is terminated and inform
13 the student of his or her right to appeal.

14 l. An award recipient who does not qualify for a
15 renewal award or who chooses not to renew the award may
16 subsequently apply for reinstatement. An application for
17 reinstatement must be made before the young adult reaches 23
18 years of age, and a student may not apply for reinstatement
19 more than once. In order to be eligible for reinstatement, the
20 young adult must meet the eligibility criteria and the
21 criteria for award renewal for the scholarship program.

22 (d) Payment of aftercare, scholarship, or transitional
23 support funds.--Payment of aftercare, scholarship, or
24 transitional support funds shall be made directly to the
25 recipient unless the recipient requests in writing to the
26 community-based care lead agency, or the department, that the
27 payments or a portion of the payments be made directly on the
28 recipient's behalf in order to secure services such as
29 housing, counseling, education, or employment training as part
30 of the young adult's own efforts to achieve self-sufficiency.
31 The young adult who resides ~~continues~~ with a foster family may

1 ~~shall~~ not be included as a child in calculating any licensing
2 restriction on the number of children in the foster home.

3 Section 5. This act shall take effect July 1, 2005.

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6 SENATE SUMMARY

7 Provides for a child in foster care to petition the court
8 to retain jurisdiction of his or her case. Limits the
9 court's continued jurisdiction to 1 year after the
10 child's 18th birthday. Identifies the issues to be
11 considered by the court during its continued
12 jurisdiction. Provides that a judicial review hearing is
13 not required. Requires the Department of Children and
14 Family Services to include in its judicial review study
15 report verification that the child has been provided
16 certain information. Expands Medicaid eligibility for
17 certain young adults. Provides for a child who is
18 eligible for the Road-to-Independence Scholarship Program
19 to continue to reside with a licensed foster family or a
20 group care provider.
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