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A bill to be entitled
 An act relating to independent living; amending s. 39.013,
 F.S.; authorizing a child in foster care to petition the
 court to retain jurisdiction of his or her case; limiting
 the court's continued jurisdiction to 1 year after the
 child's 18th birthday; identifying the issues to be
 considered by the court during its continued jurisdiction;
 providing that a judicial review hearing is not required;
 providing an exception; amending s. 39.701, F.S.;
 requiring the Department of Children and Family Services
 to include in its judicial review study report
 verification that the child has been provided with certain
 information about the Road-to-Independence Scholarship
 Program and with notice that court jurisdiction continues
 for a specified period of time; amending s. 409.1451,
 F.S.; authorizing a child who is eligible for the Road-to-
 Independence Scholarship Program to continue to reside
 with a licensed foster family or a group care provider;
 providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 39.013, Florida
 Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.--
 (2) The circuit court shall have exclusive original
 jurisdiction of all proceedings under this chapter, of a child
 voluntarily placed with a licensed child-caring agency, a

29 licensed child-placing agency, or the department, and of the
 30 adoption of children whose parental rights have been terminated
 31 under ~~pursuant to~~ this chapter. Jurisdiction attaches when the
 32 initial shelter petition, dependency petition, or termination of
 33 parental rights petition is filed or when a child is taken into
 34 the custody of the department. The circuit court may assume
 35 jurisdiction over any such proceeding regardless of whether the
 36 child was in the physical custody of both parents, was in the
 37 sole legal or physical custody of only one parent, caregiver, or
 38 some other person, or was in the physical or legal custody of no
 39 person when the event or condition occurred that brought the
 40 child to the attention of the court. When the court obtains
 41 jurisdiction of any child who has been found to be dependent,
 42 the court shall retain jurisdiction, unless relinquished by its
 43 order, until the child reaches 18 years of age. However, the
 44 juvenile court on its own motion or the child up to his or her
 45 19th birthday may petition the court to extend its jurisdiction
 46 under this chapter for a period not to exceed 1 year after the
 47 child's 18th birthday in order to:

48 (a) Determine whether a dependent child who was formerly
 49 in the legal custody of the department immediately before
 50 becoming an adult received appropriate aftercare support, Road-
 51 to-Independence Scholarship Program, transitional support,
 52 mental health, and development disability services to the extent
 53 otherwise authorized by law. A judicial review hearing is not
 54 required under this paragraph unless requested by the former
 55 dependent child or on the court's own motion for good cause
 56 shown; or

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

61 Section 2. Paragraph (a) of subsection (6) of section
 62 39.701, Florida Statutes, is amended to read:

63 39.701 Judicial review.--

64 (6)(a) In addition to ~~the provisions of~~ paragraphs (1)(a)
 65 and (2)(a), the court shall hold a judicial review hearing
 66 within 90 days after a child's 17th birthday and shall continue
 67 to hold timely judicial review hearings. In addition, the court
 68 may review the status of the child more frequently during the
 69 year prior to the child's 18th birthday if necessary. At each
 70 review held under ~~pursuant to~~ this subsection, in addition to
 71 any information or report provided to the court, the foster
 72 parent, legal custodian, guardian ad litem, and the child shall
 73 be given the opportunity to address the court with any
 74 information relevant to the child's best interests, particularly
 75 as it relates to ~~the provision of~~ independent living transition
 76 services. In addition to any information or report provided to
 77 the court, the department shall include in its judicial review
 78 social study report written verification that the child:

- 79 1. Has been provided with a current Medicaid card.
- 80 2. Has been provided with a certified copy of his or her
 81 birth certificate and, if the child does not have a valid
 82 driver's license, a Florida identification card issued under
 83 ~~pursuant to~~ s. 322.051.
- 84 3. Has been provided information relating to Social

85 Security Insurance benefits if the child is eligible for these
 86 ~~such~~ benefits. If the child has received these benefits and they
 87 are being held in trust for the child, a full accounting of
 88 those funds must ~~shall~~ be provided and the child must be
 89 informed about how to access those funds.

90 4. Has been provided with information and training related
 91 to budgeting skills, interviewing skills, and parenting skills.

92 5. Has been provided with all relevant information related
 93 to the Road-to-Independence Scholarship, including, but not
 94 limited to, eligibility requirements, forms necessary to apply,
 95 and assistance in completing the forms. The child shall also be
 96 informed that, if he or she is eligible for the Road-to-
 97 Independence Scholarship Program, he or she may reside with the
 98 licensed foster family or group care provider with whom the
 99 child was residing at the time of attaining his or her 18th
 100 birthday or may reside in another licensed foster home arranged
 101 by the department.

102 6. Has an open bank account, or has identification
 103 necessary to open ~~such~~ an account, and has been provided with
 104 essential banking skills.

105 7. Has been provided with information on public assistance
 106 and how to apply.

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

111 9. Has been provided with notice of the court's continuing
 112 jurisdiction for 1 year after the child's 18th birthday as

113 specified in s. 39.013(2) and with information on how to obtain
 114 access to the court.

115 10. Has had a guardian ad litem appointed by his or her
 116 17th birthday.

117 Section 3. Paragraphs (b) and (d) of subsection (5) of
 118 section 409.1451, Florida Statutes, are amended to read:

119 409.1451 Independent living transition services.--

120 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
 121 CARE.--Based on the availability of funds, the department shall
 122 provide or arrange for the following services to young adults
 123 formerly in foster care who meet the prescribed conditions and
 124 are determined eligible by the department. The categories of
 125 services available to assist a young adult formerly in foster
 126 care to achieve independence are:

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

128 1. The Road-to-Independence Scholarship Program is
 129 intended to help eligible students who are former foster
 130 children in this state to receive the educational and vocational
 131 training needed to achieve independence. The amount of the award
 132 shall be based on the living and educational needs of the young
 133 adult and may be up to, but may ~~shall~~ not exceed, the amount of
 134 earnings that the student would have been eligible to earn
 135 working a 40-hour-a-week federal minimum wage job.

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

140 a. Was a dependent child, under ~~pursuant to~~ chapter 39,

141 and was living in licensed foster care or in subsidized
 142 independent living at the time of his or her 18th birthday;

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

145 c. Is a resident of this state as defined in s. 1009.40;
 146 and

147 d. Meets one of the following qualifications:

148 (I) Has earned a standard high school diploma or its
 149 equivalent as described in s. 1003.43 or s. 1003.435, or has
 150 earned a special diploma or special certificate of completion as
 151 described in s. 1003.438, and has been admitted for full-time
 152 enrollment in an eligible postsecondary education institution as
 153 defined in s. 1009.533;

154 (II) Is enrolled full time in an accredited high school;
 155 or

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

159 3. A young adult applying for a Road-to-Independence
 160 Scholarship must apply for any other grants and scholarships for
 161 which he or she may qualify. The department shall assist the
 162 young adult in the application process and may use the federal
 163 financial aid grant process to determine the funding needs of
 164 the young adult.

165 4. The amount of the award, whether it is being used by a
 166 young adult working toward completion of a high school diploma
 167 or its equivalent or working toward completion of a
 168 postsecondary education program, shall be determined based on an

169 assessment of the funding needs of the young adult. This
170 assessment must ~~shall~~ consider the young adult's living and
171 educational costs and other grants, scholarships, waivers,
172 earnings, and other income to be received by the young adult. An
173 award shall be available only to the extent that other grants
174 and scholarships are not sufficient to meet the living and
175 educational needs of the young adult, but an award may ~~shall~~ not
176 be less than \$25 in order to maintain Medicaid eligibility for
177 the young adult as provided in s. 409.903.

178 5.a. The department must advertise the availability of the
179 program and must ensure that the children and young adults
180 leaving foster care, foster parents, or family services
181 counselors are informed of the availability of the program and
182 the application procedures.

183 b. A young adult must apply for the initial award during
184 the 6 months immediately preceding his or her 18th birthday, and
185 the department shall provide assistance with the application
186 process. A young adult who fails to make an initial application,
187 but who otherwise meets the criteria for an initial award, may
188 make one application for the initial award if the ~~such~~
189 application is made before the young adult's 21st birthday. If
190 the young adult does not apply for an initial award before his
191 or her 18th birthday, the department shall inform that young
192 adult of the opportunity to apply before turning 21 years of
193 age.

194 c. If funding for the program is available, the department
195 shall issue awards from the scholarship program for each young
196 adult who meets all the requirements of the program.

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

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

205 f. If the award recipient transfers from one eligible
 206 institution to another and continues to meet eligibility
 207 requirements, the award must be transferred with the recipient.

208 g. Scholarship funds awarded to any eligible young adult
 209 under this program are in addition to any other services
 210 provided to the young adult by the department through its
 211 independent living transition services.

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

216 i. Scholarship funds are intended to help eligible
 217 students who are former foster children in this state to receive
 218 the educational and vocational training needed to become
 219 independent and self-supporting. The ~~Such~~ funds shall be
 220 terminated when the young adult has attained one of four
 221 postsecondary goals under ~~pursuant to~~ subsection (3) or reaches
 222 23 years of age, whichever occurs earlier. In order to initiate
 223 postsecondary education, to allow for a change in career goal,
 224 or to obtain additional skills in the same educational or

225 vocational area, a young adult may earn no more than two
226 diplomas, certificates, or credentials. A young adult attaining
227 an associate of arts or associate of science degree shall be
228 permitted to work toward completion of a bachelor of arts or a
229 bachelor of science degree or an equivalent undergraduate
230 degree. Road-to-Independence Scholarship funds may ~~shall~~ not be
231 used for education or training after a young adult has attained
232 a bachelor of arts or a bachelor of science degree or an
233 equivalent undergraduate degree.

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

238 (I) Complete the number of hours, or the equivalent
239 considered full time by the educational institution, in the last
240 academic year in which the young adult earned a scholarship,
241 except for a young adult who meets the requirements of s.
242 1009.41.

243 (II) Maintain appropriate progress as required by the
244 educational institution, except that, if the young adult's
245 progress is insufficient to renew the scholarship at any time
246 during the eligibility period, the young adult may restore
247 eligibility by improving his or her progress to the required
248 level.

249 k. Scholarship funds may be terminated during the interim
250 between an award and the evaluation for a renewal award if the
251 department determines that the award recipient is no longer
252 enrolled in an educational institution as defined in sub-

253 subparagraph 2.d., or is no longer a state resident. The
254 department shall notify a student who is terminated and inform
255 the student of his or her right to appeal.

256 1. An award recipient who does not qualify for a renewal
257 award or who chooses not to renew the award may subsequently
258 apply for reinstatement. An application for reinstatement must
259 be made before the young adult reaches 23 years of age, and a
260 student may not apply for reinstatement more than once. In order
261 to be eligible for reinstatement, the young adult must meet the
262 eligibility criteria and the criteria for award renewal for the
263 scholarship program.

264 (d) Payment of aftercare, scholarship, or transitional
265 support funds.--Payment of aftercare, scholarship, or
266 transitional support funds shall be made directly to the
267 recipient unless the recipient requests in writing to the
268 community-based care lead agency, or the department, that the
269 payments or a portion of the payments be made directly on the
270 recipient's behalf in order to secure services such as housing,
271 counseling, education, or employment training as part of the
272 young adult's own efforts to achieve self-sufficiency. The young
273 adult who resides ~~continues~~ with a foster family may ~~shall~~ not
274 be included as a child in calculating any licensing restriction
275 on the number of children in the foster home.

276 Section 4. This act shall take effect July 1, 2005.