

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to independent living; amending s. 39.013,
7 F.S.; authorizing a child in foster care to petition the
8 court to retain jurisdiction of his or her case; limiting
9 the court's continued jurisdiction to 1 year after the
10 child's 18th birthday; identifying the issues to be
11 considered by the court during its continued jurisdiction;
12 providing that a judicial review hearing is not required;
13 providing an exception; amending s. 39.701, F.S.;
14 requiring the Department of Children and Family Services
15 to include in its judicial review study report
16 verification that the child has been provided with certain
17 information about the Road-to-Independence Scholarship
18 Program and with notice that court jurisdiction continues
19 for a specified period of time; amending s. 409.1451,
20 F.S.; authorizing a child who is eligible for the Road-to-
21 Independence Scholarship Program to continue to reside
22 with a licensed foster family or a group care provider;
23 requiring the department to track children over age 14 in

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24 | the custody of the department; requiring a report to the
25 | Legislature; providing an effective date.

26 |

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

28 |

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

31 | 39.013 Procedures and jurisdiction; right to counsel.--

32 | (2) The circuit court shall have exclusive original
33 | jurisdiction of all proceedings under this chapter, of a child
34 | voluntarily placed with a licensed child-caring agency, a
35 | licensed child-placing agency, or the department, and of the
36 | adoption of children whose parental rights have been terminated
37 | under ~~pursuant to~~ this chapter. Jurisdiction attaches when the
38 | initial shelter petition, dependency petition, or termination of
39 | parental rights petition is filed or when a child is taken into
40 | the custody of the department. The circuit court may assume
41 | jurisdiction over any such proceeding regardless of whether the
42 | child was in the physical custody of both parents, was in the
43 | sole legal or physical custody of only one parent, caregiver, or
44 | some other person, or was in the physical or legal custody of no
45 | person when the event or condition occurred that brought the
46 | child to the attention of the court. When the court obtains
47 | jurisdiction of any child who has been found to be dependent,
48 | the court shall retain jurisdiction, unless relinquished by its
49 | order, until the child reaches 18 years of age. However, the
50 | dependency court on its own motion or the child or young adult
51 | until his or her 19th birthday may petition the court to extend

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52 | its jurisdiction under this chapter for a period not to exceed 1
 53 | year after the child's 18th birthday in order to:

54 | (a) Determine whether a dependent child or young adult who
 55 | was formerly in the legal custody of the department immediately
 56 | before becoming an adult received appropriate counseling and
 57 | that aftercare support, Road-to-Independence Scholarship
 58 | Program, transitional support, mental health, and developmental
 59 | disability services were available until the child's 18th
 60 | birthday to the extent otherwise authorized by law. A judicial
 61 | review hearing is not required under this paragraph unless
 62 | requested by the former dependent child or on the court's own
 63 | motion for good cause shown; or

64 | (b) Meet any requirement of federal law with respect to
 65 | the court's ongoing jurisdiction pending the federal
 66 | government's issuance of a Special Immigrant Juvenile Visa to a
 67 | child who was formerly a dependent child.

68 | Section 2. Paragraph (a) of subsection (6) of section
 69 | 39.701, Florida Statutes, is amended to read:

70 | 39.701 Judicial review.--

71 | (6)(a) In addition to ~~the provisions of~~ paragraphs (1)(a)
 72 | and (2)(a), the court shall hold a judicial review hearing
 73 | within 90 days after a child's 17th birthday and shall continue
 74 | to hold timely judicial review hearings. In addition, the court
 75 | may review the status of the child more frequently during the
 76 | year prior to the child's 18th birthday if necessary. At each
 77 | review held under ~~pursuant to~~ this subsection, in addition to
 78 | any information or report provided to the court, the foster
 79 | parent, legal custodian, guardian ad litem, and the child shall

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80 | be given the opportunity to address the court with any
 81 | information relevant to the child's best interests, particularly
 82 | as it relates to ~~the provision of~~ independent living transition
 83 | services. In addition to any information or report provided to
 84 | the court, the department shall include in its judicial review
 85 | social study report written verification that the child:

- 86 | 1. Has been provided with a current Medicaid card.
- 87 | 2. Has been provided with a certified copy of his or her
 88 | birth certificate and, if the child does not have a valid
 89 | driver's license, a Florida identification card issued under
 90 | ~~pursuant to~~ s. 322.051.

- 91 | 3. Has been provided information relating to Social
 92 | Security Insurance benefits if the child is eligible for these
 93 | ~~such~~ benefits. If the child has received these benefits and they
 94 | are being held in trust for the child, a full accounting of
 95 | those funds must ~~shall~~ be provided and the child must be
 96 | informed about how to access those funds.

- 97 | 4. Has been provided with information and training related
 98 | to budgeting skills, interviewing skills, and parenting skills.

- 99 | 5. Has been provided with all relevant information related
 100 | to the Road-to-Independence Scholarship, including, but not
 101 | limited to, eligibility requirements, forms necessary to apply,
 102 | and assistance in completing the forms. The child shall also be
 103 | informed that, if he or she is eligible for the Road-to-
 104 | Independence Scholarship Program, he or she may reside with the
 105 | licensed foster family or group care provider with whom the
 106 | child was residing at the time of attaining his or her 18th

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107 birthday or may reside in another licensed foster home arranged
108 by the department, if available.

109 6. Has an open bank account, or has identification
110 necessary to open ~~such~~ an account, and has been provided with
111 essential banking skills.

112 7. Has been provided with information on public assistance
113 and how to apply.

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

118 9. Has been provided with notice that the young adult, or
119 the court on its own motion, may extend the court's jurisdiction
120 for 1 year after the child's 18th birthday as specified in s.
121 39.013(2) and with information on how to obtain access to the
122 court.

123 10. Has had a guardian ad litem appointed by his or her
124 17th birthday, if available.

125 11. Has been encouraged to attend all judicial review
126 hearings occurring after his or her 17th birthday.

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

129 409.1451 Independent living transition services.--

130 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
131 CARE.--Based on the availability of funds, the department shall
132 provide or arrange for the following services to young adults
133 formerly in foster care who meet the prescribed conditions and
134 are determined eligible by the department. The categories of

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135 | services available to assist a young adult formerly in foster
136 | care to achieve independence are:

137 | (b) Road-to-Independence Scholarship Program.--

138 | 1. The Road-to-Independence Scholarship Program is
139 | intended to help eligible students who are former foster
140 | children in this state to receive the educational and vocational
141 | training needed to achieve independence. The amount of the award
142 | shall be based on the living and educational needs of the young
143 | adult and may be up to, but may ~~shall~~ not exceed, the amount of
144 | earnings that the student would have been eligible to earn
145 | working a 40-hour-a-week federal minimum wage job.

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

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

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

155 | c. Is a resident of this state as defined in s. 1009.40;
156 | and

157 | d. Meets one of the following qualifications:

158 | (I) Has earned a standard high school diploma or its
159 | equivalent as described in s. 1003.43 or s. 1003.435, or has
160 | earned a special diploma or special certificate of completion as
161 | described in s. 1003.438, and has been admitted for full-time

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162 enrollment in an eligible postsecondary education institution as
163 defined in s. 1009.533;

164 (II) Is enrolled full time in an accredited high school;
165 or

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

169 3. A young adult applying for a Road-to-Independence
170 Scholarship must apply for any other grants and scholarships for
171 which he or she may qualify. The department shall assist the
172 young adult in the application process and may use the federal
173 financial aid grant process to determine the funding needs of
174 the young adult.

175 4. The amount of the award, whether it is being used by a
176 young adult working toward completion of a high school diploma
177 or its equivalent or working toward completion of a
178 postsecondary education program, shall be determined based on an
179 assessment of the funding needs of the young adult. This
180 assessment must ~~shall~~ consider the young adult's living and
181 educational costs and other grants, scholarships, waivers,
182 earnings, and other income to be received by the young adult. An
183 award shall be available only to the extent that other grants
184 and scholarships are not sufficient to meet the living and
185 educational needs of the young adult, but an award may ~~shall~~ not
186 be less than \$25 in order to maintain Medicaid eligibility for
187 the young adult as provided in s. 409.903.

188 5.a. The department must advertise the availability of the
189 program and must ensure that the children and young adults

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190 leaving foster care, foster parents, or family services
191 counselors are informed of the availability of the program and
192 the application procedures.

193 b. A young adult must apply for the initial award during
194 the 6 months immediately preceding his or her 18th birthday, and
195 the department shall provide assistance with the application
196 process. A young adult who fails to make an initial application,
197 but who otherwise meets the criteria for an initial award, may
198 make one application for the initial award if the ~~such~~
199 application is made before the young adult's 21st birthday. If
200 the young adult does not apply for an initial award before his
201 or her 18th birthday, the department shall inform that young
202 adult of the opportunity to apply before turning 21 years of
203 age.

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

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

209 e. A young adult who is eligible for the Road-to-
210 Independence Program and who so desires shall be allowed to
211 reside with ~~remain in~~ the licensed foster family or group care
212 provider with whom he or she was residing at the time of
213 attaining his or her 18th birthday or to reside in another
214 licensed foster home arranged by the department, if available.

215 f. If the award recipient transfers from one eligible
216 institution to another and continues to meet eligibility
217 requirements, the award must be transferred with the recipient.

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218 | g. Scholarship funds awarded to any eligible young adult
219 | under this program are in addition to any other services
220 | provided to the young adult by the department through its
221 | independent living transition services.

222 | h. The department shall provide information concerning
223 | young adults receiving the Road-to-Independence Scholarship to
224 | the Department of Education for inclusion in the student
225 | financial assistance database, as provided in s. 1009.94.

226 | i. Scholarship funds are intended to help eligible
227 | students who are former foster children in this state to receive
228 | the educational and vocational training needed to become
229 | independent and self-supporting. The ~~Such~~ funds shall be
230 | terminated when the young adult has attained one of four
231 | postsecondary goals under ~~pursuant to~~ subsection (3) or reaches
232 | 23 years of age, whichever occurs earlier. In order to initiate
233 | postsecondary education, to allow for a change in career goal,
234 | or to obtain additional skills in the same educational or
235 | vocational area, a young adult may earn no more than two
236 | diplomas, certificates, or credentials. A young adult attaining
237 | an associate of arts or associate of science degree shall be
238 | permitted to work toward completion of a bachelor of arts or a
239 | bachelor of science degree or an equivalent undergraduate
240 | degree. Road-to-Independence Scholarship funds may ~~shall~~ not be
241 | used for education or training after a young adult has attained
242 | a bachelor of arts or a bachelor of science degree or an
243 | equivalent undergraduate degree.

244 | j. The department shall evaluate and renew each award
245 | annually during the 90-day period before the young adult's

246 birthday. In order to be eligible for a renewal award for the
247 subsequent year, the young adult must:

248 (I) Complete the number of hours, or the equivalent
249 considered full time by the educational institution, in the last
250 academic year in which the young adult earned a scholarship,
251 except for a young adult who meets the requirements of s.
252 1009.41.

253 (II) Maintain appropriate progress as required by the
254 educational institution, except that, if the young adult's
255 progress is insufficient to renew the scholarship at any time
256 during the eligibility period, the young adult may restore
257 eligibility by improving his or her progress to the required
258 level.

259 k. Scholarship funds may be terminated during the interim
260 between an award and the evaluation for a renewal award if the
261 department determines that the award recipient is no longer
262 enrolled in an educational institution as defined in sub-
263 subparagraph 2.d., or is no longer a state resident. The
264 department shall notify a student who is terminated and inform
265 the student of his or her right to appeal.

266 1. An award recipient who does not qualify for a renewal
267 award or who chooses not to renew the award may subsequently
268 apply for reinstatement. An application for reinstatement must
269 be made before the young adult reaches 23 years of age, and a
270 student may not apply for reinstatement more than once. In order
271 to be eligible for reinstatement, the young adult must meet the
272 eligibility criteria and the criteria for award renewal for the
273 scholarship program.

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274 (d) Payment of aftercare, scholarship, or transitional
 275 support funds.--Payment of aftercare, scholarship, or
 276 transitional support funds shall be made directly to the
 277 recipient unless the recipient requests in writing to the
 278 community-based care lead agency, or the department, that the
 279 payments or a portion of the payments be made directly on the
 280 recipient's behalf in order to secure services such as housing,
 281 counseling, education, or employment training as part of the
 282 young adult's own efforts to achieve self-sufficiency. The young
 283 adult who resides ~~continues~~ with a foster family may ~~shall~~ not
 284 be included as a child in calculating any licensing restriction
 285 on the number of children in the foster home.

286 Section 4. The Department of Children and Family Services
 287 shall submit a report to the Governor, the President of the
 288 Senate, and the Speaker of the House of Representatives that
 289 tracks the children who are in the custody of the department,
 290 starting at age 14, and provide the following information,
 291 including, but not limited to: whether the child received
 292 independent living transition services, the date of appointment
 293 and duration of the guardian ad litem's representation, if any,
 294 of the child, and whether there was an extension of jurisdiction
 295 after the child's 18th birthday.

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