

CHAMBER ACTION

1 The Health & Families Council 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 the court on its own motion or a child
8 in foster care to petition the court to retain
9 jurisdiction of his or her case; limiting the court's
10 continued jurisdiction to 1 year after the child's 18th
11 birthday for the purpose of determining if services were
12 provided; limiting the court's continued jurisdiction up
13 to age 22 for purposes of attaining special immigrant
14 juvenile status; providing that a judicial review hearing
15 is not required; providing an exception; amending s.
16 39.701, F.S.; requiring the Department of Children and
17 Family Services to include in its judicial review study
18 report verification that the child has been provided with
19 certain information about the Road-to-Independence
20 Scholarship Program and with notice that court
21 jurisdiction continues for a specified period of time;
22 amending s. 409.1451, F.S.; authorizing a child who is
23 eligible for the Road-to-Independence Scholarship Program

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24 | to continue to reside with a licensed foster family or a
 25 | group care provider; requiring that the department enroll
 26 | certain young adults who were formerly in foster care in
 27 | the Florida KidCare program if they do not otherwise have
 28 | health insurance or are not eligible for Medicaid;
 29 | requiring the department to track children over age 14 in
 30 | the custody of the department; requiring a report to the
 31 | Legislature; providing an effective date.

32 |
 33 | Be It Enacted by the Legislature of the State of Florida:

34 |
 35 | Section 1. Subsection (2) of section 39.013, Florida
 36 | Statutes, is amended to read:

37 | 39.013 Procedures and jurisdiction; right to counsel.--

38 | (2)(a) The circuit court shall have exclusive original
 39 | jurisdiction of all proceedings under this chapter, of a child
 40 | voluntarily placed with a licensed child-caring agency, a
 41 | licensed child-placing agency, or the department, and of the
 42 | adoption of children whose parental rights have been terminated
 43 | under ~~pursuant to~~ this chapter. Jurisdiction attaches when the
 44 | initial shelter petition, dependency petition, or termination of
 45 | parental rights petition is filed or when a child is taken into
 46 | the custody of the department. The circuit court may assume
 47 | jurisdiction over any such proceeding regardless of whether the
 48 | child was in the physical custody of both parents, was in the
 49 | sole legal or physical custody of only one parent, caregiver, or
 50 | some other person, or was in the physical or legal custody of no
 51 | person when the event or condition occurred that brought the

52 | child to the attention of the court. When the court obtains
 53 | jurisdiction of any child who has been found to be dependent,
 54 | the court shall retain jurisdiction, unless relinquished by its
 55 | order, until the child reaches 18 years of age.

56 | (b) Notwithstanding the provisions of paragraph (a), the
 57 | dependency court on its own motion or the child in foster care
 58 | or the young adult formerly in foster care until his or her 19th
 59 | birthday may petition the court to retain its jurisdiction under
 60 | this chapter. Jurisdiction of the court may be retained for a
 61 | period not to exceed 1 year after the child's 18th birthday only
 62 | upon a finding by the court that:

63 | 1. The services required under s. 409.1451 were not
 64 | available; or

65 | 2. The services required under s. 409.1451 were available
 66 | but were not provided.

67 | (c) A judicial review hearing is not required under
 68 | paragraph (b) unless requested by the former dependent child or
 69 | on the court's own motion for good cause shown.

70 | (d) Notwithstanding the provisions of paragraph (a), if a
 71 | petition for special immigrant juvenile status and an
 72 | application for adjustment of status have been filed on behalf
 73 | of a foster child and the petition and application have not been
 74 | granted by the time the child reaches 18 years of age, the court
 75 | may retain jurisdiction over the dependency case solely for the
 76 | purpose of allowing the continued consideration of the petition
 77 | and application by federal authorities. Review hearings for the
 78 | child shall be set solely for the purpose of determining the
 79 | status of the petition and application. The court's jurisdiction

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80 terminates upon the final decision of the federal authorities.
 81 Retention of jurisdiction in this instance does not affect the
 82 services available to a young adult under s. 409.1451. The court
 83 may not retain jurisdiction of the case after the immigrant
 84 child's 22nd birthday.

85 Section 2. Paragraph (a) of subsection (6) of section
 86 39.701, Florida Statutes, is amended to read:

87 39.701 Judicial review.--

88 (6)(a) In addition to ~~the provisions of~~ paragraphs (1)(a)
 89 and (2)(a), the court shall hold a judicial review hearing
 90 within 90 days after a child's 17th birthday and shall continue
 91 to hold timely judicial review hearings. In addition, the court
 92 may review the status of the child more frequently during the
 93 year prior to the child's 18th birthday if necessary. At each
 94 review held under ~~pursuant to~~ this subsection, in addition to
 95 any information or report provided to the court, the foster
 96 parent, legal custodian, guardian ad litem, and the child shall
 97 be given the opportunity to address the court with any
 98 information relevant to the child's best interests, particularly
 99 as it relates to ~~the provision of~~ independent living transition
 100 services. In addition to any information or report provided to
 101 the court, the department shall include in its judicial review
 102 social study report written verification that the child:

- 103 1. Has been provided with a current Medicaid card.
- 104 2. Has been provided with a certified copy of his or her
- 105 birth certificate and, if the child does not have a valid
- 106 driver's license, a Florida identification card issued under
- 107 ~~pursuant to~~ s. 322.051.

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

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

116 5. Has been provided with all relevant information related
 117 to the Road-to-Independence Scholarship, including, but not
 118 limited to, eligibility requirements, forms necessary to apply,
 119 and assistance in completing the forms. The child shall also be
 120 informed that, if he or she is eligible for the Road-to-
 121 Independence Scholarship Program, he or she may reside with the
 122 licensed foster family or group care provider with whom the
 123 child was residing at the time of attaining his or her 18th
 124 birthday or may reside in another licensed foster home arranged
 125 by the department, if available.

126 6. Has an open bank account, or has identification
 127 necessary to open ~~such~~ an account, and has been provided with
 128 essential banking skills.

129 7. Has been provided with information on public assistance
 130 and how to apply.

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

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135 9. Has been provided with notice that the young adult, or
 136 the court on its own motion, may extend the court's jurisdiction
 137 for 1 year after the child's 18th birthday as specified in s.
 138 39.013(2) and with information on how to obtain access to the
 139 court.

140 10. Has had a guardian ad litem appointed by his or her
 141 17th birthday, if available.

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

144 Section 3. Paragraphs (b) and (d) of subsection (5) of
 145 section 409.1451, Florida Statutes, are amended, present
 146 subsection (9) of said section is renumbered as subsection (10),
 147 and a new subsection (9) is added to said section, to read:

148 409.1451 Independent living transition services.--

149 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
 150 CARE.--Based on the availability of funds, the department shall
 151 provide or arrange for the following services to young adults
 152 formerly in foster care who meet the prescribed conditions and
 153 are determined eligible by the department. The categories of
 154 services available to assist a young adult formerly in foster
 155 care to achieve independence are:

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

157 1. The Road-to-Independence Scholarship Program is
 158 intended to help eligible students who are former foster
 159 children in this state to receive the educational and vocational
 160 training needed to achieve independence. The amount of the award
 161 shall be based on the living and educational needs of the young
 162 adult and may be up to, but ~~may shall~~ not exceed, the amount of

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163 earnings that the student would have been eligible to earn
164 working a 40-hour-a-week federal minimum wage job.

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

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

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

174 c. Is a resident of this state as defined in s. 1009.40;
175 and

176 d. Meets one of the following qualifications:

177 (I) Has earned a standard high school diploma or its
178 equivalent as described in s. 1003.43 or s. 1003.435, or has
179 earned a special diploma or special certificate of completion as
180 described in s. 1003.438, and has been admitted for full-time
181 enrollment in an eligible postsecondary education institution as
182 defined in s. 1009.533;

183 (II) Is enrolled full time in an accredited high school;
184 or

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

188 3. A young adult applying for a Road-to-Independence
189 Scholarship must apply for any other grants and scholarships for
190 which he or she may qualify. The department shall assist the

191 young adult in the application process and may use the federal
 192 financial aid grant process to determine the funding needs of
 193 the young adult.

194 4. The amount of the award, whether it is being used by a
 195 young adult working toward completion of a high school diploma
 196 or its equivalent or working toward completion of a
 197 postsecondary education program, shall be determined based on an
 198 assessment of the funding needs of the young adult. This
 199 assessment must ~~shall~~ consider the young adult's living and
 200 educational costs and other grants, scholarships, waivers,
 201 earnings, and other income to be received by the young adult. An
 202 award shall be available only to the extent that other grants
 203 and scholarships are not sufficient to meet the living and
 204 educational needs of the young adult, but an award may ~~shall~~ not
 205 be less than \$25 in order to maintain Medicaid eligibility for
 206 the young adult as provided in s. 409.903.

207 5.a. The department must advertise the availability of the
 208 program and must ensure that the children and young adults
 209 leaving foster care, foster parents, or family services
 210 counselors are informed of the availability of the program and
 211 the application procedures.

212 b. A young adult must apply for the initial award during
 213 the 6 months immediately preceding his or her 18th birthday, and
 214 the department shall provide assistance with the application
 215 process. A young adult who fails to make an initial application,
 216 but who otherwise meets the criteria for an initial award, may
 217 make one application for the initial award if the ~~such~~
 218 application is made before the young adult's 21st birthday. If

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219 | the young adult does not apply for an initial award before his
 220 | or her 18th birthday, the department shall inform that young
 221 | adult of the opportunity to apply before turning 21 years of
 222 | age.

223 | c. If funding for the program is available, the department
 224 | shall issue awards from the scholarship program for each young
 225 | adult who meets all the requirements of the program.

226 | d. An award shall be issued at the time the eligible
 227 | student reaches 18 years of age.

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

234 | f. If the award recipient transfers from one eligible
 235 | institution to another and continues to meet eligibility
 236 | requirements, the award must be transferred with the recipient.

237 | g. Scholarship funds awarded to any eligible young adult
 238 | under this program are in addition to any other services
 239 | provided to the young adult by the department through its
 240 | independent living transition services.

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

245 | i. Scholarship funds are intended to help eligible
 246 | students who are former foster children in this state to receive

247 the educational and vocational training needed to become
 248 independent and self-supporting. The ~~Such~~ funds shall be
 249 terminated when the young adult has attained one of four
 250 postsecondary goals under ~~pursuant to~~ subsection (3) or reaches
 251 23 years of age, whichever occurs earlier. In order to initiate
 252 postsecondary education, to allow for a change in career goal,
 253 or to obtain additional skills in the same educational or
 254 vocational area, a young adult may earn no more than two
 255 diplomas, certificates, or credentials. A young adult attaining
 256 an associate of arts or associate of science degree shall be
 257 permitted to work toward completion of a bachelor of arts or a
 258 bachelor of science degree or an equivalent undergraduate
 259 degree. Road-to-Independence Scholarship funds may ~~shall~~ not be
 260 used for education or training after a young adult has attained
 261 a bachelor of arts or a bachelor of science degree or an
 262 equivalent undergraduate degree.

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

267 (I) Complete the number of hours, or the equivalent
 268 considered full time by the educational institution, in the last
 269 academic year in which the young adult earned a scholarship,
 270 except for a young adult who meets the requirements of s.
 271 1009.41.

272 (II) Maintain appropriate progress as required by the
 273 educational institution, except that, if the young adult's
 274 progress is insufficient to renew the scholarship at any time

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275 | during the eligibility period, the young adult may restore
 276 | eligibility by improving his or her progress to the required
 277 | level.

278 | k. Scholarship funds may be terminated during the interim
 279 | between an award and the evaluation for a renewal award if the
 280 | department determines that the award recipient is no longer
 281 | enrolled in an educational institution as defined in sub-
 282 | subparagraph 2.d., or is no longer a state resident. The
 283 | department shall notify a student who is terminated and inform
 284 | the student of his or her right to appeal.

285 | 1. An award recipient who does not qualify for a renewal
 286 | award or who chooses not to renew the award may subsequently
 287 | apply for reinstatement. An application for reinstatement must
 288 | be made before the young adult reaches 23 years of age, and a
 289 | student may not apply for reinstatement more than once. In order
 290 | to be eligible for reinstatement, the young adult must meet the
 291 | eligibility criteria and the criteria for award renewal for the
 292 | scholarship program.

293 | (d) Payment of aftercare, scholarship, or transitional
 294 | support funds.--Payment of aftercare, scholarship, or
 295 | transitional support funds shall be made directly to the
 296 | recipient unless the recipient requests in writing to the
 297 | community-based care lead agency, or the department, that the
 298 | payments or a portion of the payments be made directly on the
 299 | recipient's behalf in order to secure services such as housing,
 300 | counseling, education, or employment training as part of the
 301 | young adult's own efforts to achieve self-sufficiency. The young
 302 | adult who resides ~~continues~~ with a foster family may ~~shall~~ not

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303 be included as a child in calculating any licensing restriction
304 on the number of children in the foster home.

305 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER
306 CARE.--The department shall enroll in the Florida KidCare
307 program, outside the open enrollment period, each young adult
308 who is eligible as described in s. 409.1451(2)(b) and who has
309 not yet reached his or her 19th birthday.

310 (a) A young adult who was formerly in foster care at the
311 time of his or her 18th birthday and who is 18 years of age but
312 not yet 19 shall pay the premium for the Florida KidCare program
313 as required in s. 409.814.

314 (b) A young adult who has health insurance coverage from a
315 third party through his or her employer or who is eligible for
316 Medicaid is not eligible for enrollment under this subsection.

317 Section 4. The Department of Children and Family Services
318 shall submit a report to the Governor, the President of the
319 Senate, and the Speaker of the House of Representatives that
320 tracks the children who are in the custody of the department,
321 starting at age 14, and provide the following information,
322 including, but not limited to: whether the child received
323 independent living transition services, the date of appointment
324 and duration of the guardian ad litem's representation, if any,
325 of the child, and whether there was an extension of jurisdiction
326 after the child's 18th birthday.

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