

1 A bill to be entitled

2 An act relating to independent living; amending s. 39.013,
3 F.S.; authorizing a child in foster care to petition the
4 court to retain jurisdiction of his or her case; limiting
5 the court's continued jurisdiction to 1 year after the
6 child's 18th birthday; identifying the issues to be
7 considered by the court during its continued jurisdiction;
8 providing that the jurisdiction of the court terminates
9 under specified conditions; providing that the court
10 encourage the Statewide Guardian Ad Litem Office to
11 provide greater representation to certain children;
12 amending s. 39.701, F.S.; requiring the Department of
13 Children and Family Services to include in its judicial
14 review study report verification that the child has been
15 provided with certain information about the Road-to-
16 Independence Scholarship Program and with notice that
17 court jurisdiction continues for a specified period of
18 time; amending s. 409.1451, F.S.; authorizing a child who
19 is eligible for the Road-to-Independence Scholarship
20 Program to continue to reside with a licensed foster
21 family or a group care provider; requiring that the
22 department enroll certain young adults who were formerly
23 in foster care in the Florida KidCare program if they do
24 not otherwise have health insurance or are not eligible
25 for Medicaid; requiring the department to track children
26 over age 14 in the custody of the department; requiring
27 the Independent Living Services Advisory Council to
28 conduct a study related to the health insurance needs of

29 | certain young adults and provide a report to the
30 | Legislature; requiring the Office of Program Policy
31 | Analysis and Government Accountability to conduct a study
32 | related to the effect of the appointment of guardians ad
33 | litem on certain young adults and provide a report to the
34 | Legislature; providing an appropriation; requiring the
35 | Department of Children Family Services to promulgate
36 | rules; providing an effective date.

37

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

39

40 | Section 1. Subsection (2) of section 39.013, Florida
41 | Statutes, is amended, and subsection (12) is added to said
42 | section, to read:

43 | 39.013 Procedures and jurisdiction; right to counsel.--

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

57 | person when the event or condition occurred that brought the
58 | child to the attention of the court. When the court obtains
59 | jurisdiction of any child who has been found to be dependent,
60 | the court shall retain jurisdiction, unless relinquished by its
61 | order, until the child reaches 18 years of age. However, if a
62 | youth petitions the court at any time before his or her 19th
63 | birthday requesting the court's continued jurisdiction, the
64 | juvenile court may retain jurisdiction under this chapter for a
65 | period not to exceed 1 year following the youth's 18th birthday
66 | for the purpose of determining whether appropriate aftercare
67 | support, Road-to-Independence Scholarship, transitional support,
68 | mental health, and developmental disability services, to the
69 | extent otherwise authorized by law, have been provided to the
70 | formerly dependent child who was in the legal custody of the
71 | department immediately before his or her 18th birthday. If a
72 | petition for special immigrant juvenile status and an
73 | application for adjustment of status have been filed on behalf
74 | of a foster child and the petition and application have not been
75 | granted by the time the child reaches 18 years of age, the court
76 | may retain jurisdiction over the dependency case solely for the
77 | purpose of allowing the continued consideration of the petition
78 | and application by federal authorities. Review hearings for the
79 | child shall be set solely for the purpose of determining the
80 | status of the petition and application. The court's jurisdiction
81 | terminates upon the final decision of the federal authorities.
82 | Retention of jurisdiction in this instance does not affect the
83 | services available to a young adult under s. 409.1451. The court

84 may not retain jurisdiction of the case after the immigrant
 85 child's 22nd birthday.

86 (12) The court shall encourage the Statewide Guardian Ad
 87 Litem Office to provide greater representation to those children
 88 who are within 1 year of transitioning out of foster care.

89 Section 2. Paragraph (a) of subsection (6) of section
 90 39.701, Florida Statutes, is amended to read:

91 39.701 Judicial review.--

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

107 1. Has been provided with a current Medicaid card and has
 108 been provided with all necessary information concerning the
 109 Medicaid program sufficient to prepare the child to apply for
 110 coverage upon reaching his or her 18th birthday, if such
 111 application would be appropriate.

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

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

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

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

134 6. Has an open bank account, or has identification
135 necessary to open ~~such~~ an account, and has been provided with
136 essential banking skills.

137 7. Has been provided with information on public assistance
138 and how to apply.

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

143 9. Has been provided with notice that the young adult, or
144 the court on its own motion, may extend the court's jurisdiction
145 for 1 year after the child's 18th birthday as specified in s.
146 39.013(2) and with information on how to obtain access to the
147 court.

148 10. Has been encouraged to attend all judicial review
149 hearings occurring after his or her 17th birthday.

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

154 409.1451 Independent living transition services.--

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

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

163 1. The Road-to-Independence Scholarship Program is
164 intended to help eligible students who are former foster
165 children in this state to receive the educational and vocational
166 training needed to achieve independence. The amount of the award

167 shall be based on the living and educational needs of the young
168 adult and may be up to, but may ~~shall~~ not exceed, the amount of
169 earnings that the student would have been eligible to earn
170 working a 40-hour-a-week federal minimum wage job.

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

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

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

180 c. Is a resident of this state as defined in s. 1009.40;
181 and

182 d. Meets one of the following qualifications:

183 (I) Has earned a standard high school diploma or its
184 equivalent as described in s. 1003.43 or s. 1003.435, or has
185 earned a special diploma or special certificate of completion as
186 described in s. 1003.438, and has been admitted for full-time
187 enrollment in an eligible postsecondary education institution as
188 defined in s. 1009.533;

189 (II) Is enrolled full time in an accredited high school;
190 or

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

194 3. A young adult applying for a Road-to-Independence
195 Scholarship must apply for any other grants and scholarships for
196 which he or she may qualify. The department shall assist the
197 young adult in the application process and may use the federal
198 financial aid grant process to determine the funding needs of
199 the young adult.

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

213 5.a. The department must advertise the availability of the
214 program and must ensure that the children and young adults
215 leaving foster care, foster parents, or family services
216 counselors are informed of the availability of the program and
217 the application procedures.

218 b. A young adult must apply for the initial award during
219 the 6 months immediately preceding his or her 18th birthday, and
220 the department shall provide assistance with the application
221 process. A young adult who fails to make an initial application,

222 but who otherwise meets the criteria for an initial award, may
 223 make one application for the initial award if the ~~such~~
 224 application is made before the young adult's 21st birthday. If
 225 the young adult does not apply for an initial award before his
 226 or her 18th birthday, the department shall inform that young
 227 adult of the opportunity to apply before turning 21 years of
 228 age.

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

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

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

240 f. If the award recipient transfers from one eligible
 241 institution to another and continues to meet eligibility
 242 requirements, the award must be transferred with the recipient.

243 g. Scholarship funds awarded to any eligible young adult
 244 under this program are in addition to any other services
 245 provided to the young adult by the department through its
 246 independent living transition services.

247 h. The department shall provide information concerning
 248 young adults receiving the Road-to-Independence Scholarship to

249 | the Department of Education for inclusion in the student
250 | financial assistance database, as provided in s. 1009.94.

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

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

273 | (I) Complete the number of hours, or the equivalent
274 | considered full time by the educational institution, in the last
275 | academic year in which the young adult earned a scholarship,

276 | except for a young adult who meets the requirements of s.
277 | 1009.41.

278 | (II) Maintain appropriate progress as required by the
279 | educational institution, except that, if the young adult's
280 | progress is insufficient to renew the scholarship at any time
281 | during the eligibility period, the young adult may restore
282 | eligibility by improving his or her progress to the required
283 | level.

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

291 | l. An award recipient who does not qualify for a renewal
292 | award or who chooses not to renew the award may subsequently
293 | apply for reinstatement. An application for reinstatement must
294 | be made before the young adult reaches 23 years of age, and a
295 | student may not apply for reinstatement more than once. In order
296 | to be eligible for reinstatement, the young adult must meet the
297 | eligibility criteria and the criteria for award renewal for the
298 | scholarship program.

299 | (d) Payment of aftercare, scholarship, or transitional
300 | support funds.--Payment of aftercare, scholarship, or
301 | transitional support funds shall be made directly to the
302 | recipient unless the recipient requests in writing to the
303 | community-based care lead agency, or the department, that the

304 | payments or a portion of the payments be made directly on the
 305 | recipient's behalf in order to secure services such as housing,
 306 | counseling, education, or employment training as part of the
 307 | young adult's own efforts to achieve self-sufficiency. The young
 308 | adult who resides ~~continues~~ with a foster family may ~~shall~~ not
 309 | be included as a child in calculating any licensing restriction
 310 | on the number of children in the foster home.

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

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

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

323 | Section 4. The Independent Living Services Advisory
 324 | Council shall conduct a study to determine the most effective
 325 | way to address the health insurance needs of young adults who
 326 | are in the independent living program of the Department of
 327 | Children and Family Services once the young adults are no longer
 328 | eligible for the Florida KidCare program. The department and the
 329 | Agency for Health Care Administration shall assist the advisory
 330 | council in conducting the study. The advisory council shall
 331 | provide a report containing recommendations to the President of

332 the Senate and the Speaker of the House of Representatives by
333 January 2, 2006.

334 Section 5. The nonrecurring sum of \$1,100,000 from the
335 General Revenue Fund shall be appropriated to the Department of
336 Children and Family Services for Fiscal Year 2005-2006 to
337 implement the provisions of this act.

338 Section 6. The Department of Children and Family Services
339 shall promulgate rules to carry out the provisions of this act.

340 Section 7. This act shall take effect July 1, 2005.