HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1215 Independent Living Transition Services
SPONSOR(S): Glorioso
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2114

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Healthy Families	8 Y, 0 N	Preston	Mitchell
2) Healthcare Council		Preston	Gormley
3) Policy & Budget Council			
4)			
5)			

SUMMARY ANALYSIS

The bill provides for a number of changes related to older children who are in the foster case system, including:

- Authorizing the caseworker at the agency at which the state has placed a child to sign a minor's application for a driver's license. The caseworker is required to notify the foster parents or other responsible party of his or her intent to sign the application;
- Making young adults who were placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 and have spent a minimum of 6 months in foster care within the 12 months preceding such adoption or placement eligible to be provided with independent living transition services;
- Providing that foster parents or caregivers cannot have their licensure status jeopardized as a result of actions of a child engaged in approved independent living activities;
- Requiring a child who has reached 16 years of age to be formally evaluated for a subsidized independent living arrangement;
- Expanding the Medicaid eligibility criteria to include 20 year old young adults who have aged out of foster care; and
- Removing the disability of nonage for minors for the purposes of securing depository financial services such as checking and savings accounts.

The Department of Children and Family Services estimates the fiscal impact of the bill to the department to be $1,201,676 for FY 2007-2008 and $1,201,676 for FY 2008-2009. The Agency for Health Care Administration has not provided an estimate for increasing the age of Medicaid eligibility.

The bill provides an effective date of July 1, 2007. Certain specified provisions of the bill are subject to specific appropriation.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill will require additional staff for the Department of Children and Family Services to implement provisions of the bill. The bill also expands the age for Medicaid eligibility.

Safeguard individual liberty – The bill provides an additional individual that may sign a minor's driver's application and allows for the removal of disability of nonage for certain financial purposes.

Promote personal responsibility – The bill provides for the removal of disability of nonage for certain financial purposes which may result in increased financial independence of minors in foster care.

Empower families – The bill expands the age for Medicaid eligibility.

B. EFFECT OF PROPOSED CHANGES:

Background

Driver's Licenses

Section 322.09, Florida Statutes, requires that when a youth applies for a driver's license, the application must be signed by a parent, guardian, or, when there is no parent or guardian, some other responsible adult. Other responsible adult would include a foster parent or authorized representative of a residential group home.

Independent Living Transition Services

Early History of Independent Living

When they become 18, many young adults, a great number of whom have grown up in foster care, lose the support they received while in care. Without the support of a family, they are on their own to obtain further education and preparation for employment, as well as health care, mental health care, and housing. These young adults encounter tremendous obstacles that may put their emotional, economic, and personal security at risk.

Aftercare is defined as the period of time following discharge from foster care. It is that time when young individuals who have been preparing for self-sufficiency while in care must begin to operationalize the skills they have been working to master. Aftercare services are typically defined as a system of services and resources designed for those youth who are 16-21 years of age, in post placement who are living in an independent living arrangement. Historically, aftercare services have been difficult and challenging to provide, many times because they have been "relegated to an out-of-sight, out-of-mind status." It is now known that aftercare services should begin while the child is still in care.[1]

Federal funds for independent living initiatives were first made available in the United States under the Consolidated Omnibus Budget Reconciliation Act of 1985. This act authorized funds to states to establish independent living initiatives to assist eligible youth 16 years of age and older to make the

[1] See The John H. Chafee Foster Care Independence Program, Aftercare Services, The University of Oklahoma, National Resource Center for Youth Development, 2003.

transition from foster care to independent living.[2] A total of 45 million dollars was authorized for the program across the nation, with state shares based on the number of children/youth in foster care. The U.S. Department of Health and Human Services, Administration for Children, Youth and Families, issued the first set of program instructions to the states in early 1987. Each state was able to determine the nature and scope of their Independent Living Program, but guidelines from the federal government provided recommended specific program components. The recommended list included services such as GED or vocational training, daily living skills, job readiness and employability skills, and assistance obtaining higher education.

John H. Chafee Foster Care Independence Program

In a further effort to increase services and strengthen state programs for teens in foster care, Congress passed the Foster Care Independence Act of 1999, which was signed into law as the John H. Chafee Foster Care Independence Program. The Chafee Program made substantial changes in federal efforts targeted toward youth and young adults up to age 21 in the foster care component of the child welfare system. The law significantly improved the ability of states to achieve the national goals of safety, permanence and well-being for youth and young adults in the child welfare system.[3] The new federal law doubled the appropriations nationally and increased Florida's allocation substantially. The Chafee Program legislation included provisions that:

- Required states to make services available to youth up to 21 years of age;
- Required states to serve youth younger than 16 years of age for the first time;
- Permitted states to use up to 30% of their allocation for room and board costs and services for youth ages 18-21 who leave foster care on or after 18 years of age;
- Allowed states to provide Medicaid insurance to youth 18-21 years of age who leave foster care;
- Increased the limit on youth savings accounts from $1,000 to $10,000 so that youth in foster care can save and still be eligible for Title IV-E foster care benefits;
- Required states to develop outcome measures to assess state performance;
- Required states to use Title IV-E funds to train adoptive/foster care parents, workers in group homes, and case managers to help them address issues confronting adolescents preparing for independent living; and
- Authorized additional funds for adoption incentive payments to states that increased the number of children adopted from foster care.

Education and Training Vouchers

In 2002, Title IV-E of the Social Security Act, related to the Foster Care Independent Living program, was again amended to provide for vouchers for education and training, including postsecondary training, and training for youths aging out of foster care.[4] Conditions required for a state educational and training voucher program under this legislation include, but are not limited to, the following:

- Vouchers may be available to youths otherwise eligible for services under the state independent living program;
- Youths adopted from foster care after attaining age 16 may be considered to be youths otherwise eligible for services under the state program;
- States may allow youths participating in the voucher program on the date they attain 21 years of age to remain eligible until they attain 23 years of age, as long as they are enrolled in a post secondary education or training program and are making satisfactory progress toward completion of that program;

[2] The Independent Living Program was initially authorized by Public Law 99-272, through the addition of section 477 to Title IV-E of the Social Security Act.
[3] See P.L. 106-169.
[4] See P.L. 107-133.

- Vouchers provided for an individual may be available for the cost of attendance at an institution of higher education[5] and shall not exceed the lesser of $5,000 per year or the total cost of attendance; and
- The amount of a voucher under this section shall be disregarded for the purposes of determining the recipient's eligibility for, or the amount of, any other federal or federally supported assistance, with some exceptions.

Florida Law

With the passage of the federal law and increased available funding, the 2002 Legislature established a new framework for Florida's independent living transition services to be provided to these older youth. Specifically provided for was a continuum of independent living transition services to enable older children who are 13 to 18 years of age and in foster care and young adults who are 18 to 23 years of age who were formerly in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. Service categories established include the following:

- Pre-independent living services which include life skills training, educational field trips and conferences for children in foster care who are 13 to 15 years of age;
- Life skills services which include independent living skills training, educational support, employment training and counseling for children in foster care who are 15 to 18 years of age; and
- Subsidized independent living services which are services provided in living arrangements that allow a child who is 16 to 18 years of age to live independently of adult supervision under certain specified circumstances.

A category of services for young adults formerly in foster care was also created to provide services, based on the availability of funds, which included aftercare support services, the Road to Independence Scholarship Program, and transitional support services. In addition, young adults who are awarded a Road to Independence Scholarship are exempt from the payment of tuition and fees for state universities, community colleges, and certain postsecondary career and technical programs and retain their Medicaid eligibility.[6]

The Department of Children and Family Services was directed to form an Independent Living Services Integration Workgroup for the purpose of assessing the barriers to the coordination of services and supporting the youths' transition to independent living with a report to be submitted to the Legislature by December 31, 2002.[7] In 2003, the Independent Living Services Integration Workgroup was replaced with the Independent Living Services Workgroup.[8] The representation on the workgroup remained the same with representatives from state agencies involved in service delivery to older foster children as well as representatives from the State Youth Advisory Board and foster parents. The charge to the workgroup was expanded to include assessing the implementation of the independent living transition services system, keeping the Department of Children and Families informed of the problems surfacing and successes experienced with the independent living transition services, and advising the department on strategies that would improve the ability of the system to meet its goals.

The experiences of the independent living transition services program since its inception have pointed to the importance of effective and early service delivery to meet the goals of building the youths' ability to transition to independence and self-sufficiency. However, questions continue to be raised as to whether there is adequate attention being paid to preparing youth for adulthood and independent living, whether funding is sufficient to support the increasing requests for services, whether services should be more supportive of young adults not pursuing postsecondary education, and whether there is sufficient guidance and oversight being provided to the community-based care agencies that will ensure the effectiveness of the services and ensure that the goals of the program are met.

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[5] See definition in section 102 of the Higher Education Act of 1965.
[6] See s. 409.1451, Florida Statutes.
[7] See Chapter 2002-19, Laws of Florida.
[8] See Chapter 2003-146, Laws of Florida.

Removal of Disabilities of Minors

Florida law currently provides for the removal of the disability of nonage for a number of specific purposes, including executing residential leases, borrowing money for educational purposes, blood donation without parental consent, and receiving emergency care or treatment without parental consent.

The Bill

● Authorizes the caseworker at the agency at which the state has placed a child to sign a minor's application for a driver's license. The caseworker is required to notify the foster parents or other responsible party of his or her intent to sign the application;
● Makes young adults who were placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 and have spent a minimum of 6 months in foster care within the 12 months preceding such adoption or placement eligible to be provided with independent living transition services;
● Provides that foster parents or caregivers cannot have their licensure status jeopardized as a result of actions of a child engaged in approved independent living activities;
● Requires a child who has reached 16 years of age to be formally evaluated for a subsidized independent living arrangement;
● Expands the Medicaid eligibility criteria to include 20 year old young adults who have aged out of foster care; and
● Removes the disability of nonage for minors for the purposes of securing depository financial services such as checking and savings accounts.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.09, Florida Statutes, relating to the application of minor's for a driver's license.

Section 2. Amends s. 409.1451. Florida Statutes, relating to independent living transition services.

Section 3. Amends s. 409.903, Florida Statutes, relating to mandatory Medicaid payments for eligible persons.

Section 4. Amends s. 743.044, Florida Statutes, relating to removal of disabilities of nonage of minors.

Section 5. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The Department of Children and Family Services estimates the fiscal impact of the bill to the department to be $1,201,676 for FY 2007-2008 and $1,201,676 for FY 2008-2009. The cost is broken down as follows:

Case Coordinator	
Projected # of eligible clients for services	276
Desired ratio of Case Coordinators (18-23)/1:25 (276 divided by 25)	11
Cost per FTE (based on prior year CBC Survey)	$62,500
Case Coordinator's cost (at 60% which is based on IL LBR need)	$414,000
Direct Services	
Projected # of eligible clients for services	276
Annual amount per client (based on IL LBR need)	$9,513
Direct services need (at 60% which is based on IL LBR need and attrition)	$787,676
TOTAL NEED	**$1,201,676**

Note: The fiscal impact above is based on historical data. During state fiscal year 2005/06, 82 children who were placed for adoption at age 16 or 17 and 194 children who were placed with guardians, after the age of 16 and after spending at least 6 months in licensed care, reached age 18. The funding estimate above includes costs for case coordination (staff costs) and direct services (payments to young adults to attend school) for the estimated total of 276 children.

The Agency for Health Care Administration has not provided an estimate for increasing the age of Medicaid eligibility.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

I do not agree with the fiscal analysis for the need to increase staff. I believe the current Road to Independence program does not budget for these positions.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 20, 2007, the Committee on Healthy Families adopted 1 amendment by the bill sponsor that provides that changes made to s. 409.1451(2) and (5), Florida Statutes, in Section 2. of the bill, and to s. 409.903, Florida Statutes, in Section 3. of the bill, shall take effect only if a specific appropriation to fund those provisions is made in the General Appropriations Act for fiscal year 2007-2008.

HB 1215 was reported favorable with 1 amendment.