

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

BILL: CS/SB 2192

INTRODUCER: Committee on Health and Human Services Appropriations and Senator Storms

SUBJECT: Independent Living Transition Services for Youth in Foster Care

DATE: April 22, 2008 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Toman | Jameson | CF | Favorable |
| 2. | | | ED | Withdrawn |
| 3. | Hardy | Peters | HA | Fav/CS |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

- A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes
 B. AMENDMENTS..... Technical amendments were recommended
 Amendments were recommended
 Significant amendments were recommended

I. Summary:

Senate Bill 2192 authorizes group home providers, residential agencies and other authorized caregivers to participate in the development and implementation of written plans for youth in their care who are transitioning out of foster care.

The bill also requires the Independent Living Services Advisory Council to include in its 2008 report a specific analysis and recommendations regarding youth who have turned 18 while in foster care and who have not completed high school or its equivalent or earned a special diploma or certificate of completion.

The bill removes the disability of nonage of minors for youths who have reached 17 years of age, have been adjudicated dependent, and are in the legal custody of the Department of Children and Family Services through foster care or subsidized independent living. The bill authorizes these minors to execute all instruments necessary to secure utility services at a residential property.

This bill substantially amends the following sections of the Florida Statutes: 409.1451.

II. Present Situation:

Independent Living Transition Services

Adolescence is a time of growth, learning, and developing independence, and most youth, with the support of their families, make a successful transition to adulthood. However, youth in the foster care system often lack the guidance, support, and training to learn the skills necessary to function independently when they leave the system.¹ Independent living transition services are designed to help foster youth and young adults formerly in foster care obtain life skills and education so that they can live independently.

In 1999, Congress passed the Foster Care Independence Act of 1999 (Public Law 106-169) to provide funding to states for independent living services. The act also mandates reporting requirements and provides flexibility for state programs.²

In 2002, the Legislature created s. 409.1451, F.S., which established a framework for Florida's independent living program.³ Florida law provides for a continuum of independent living transition services to enable older children aged 13 to 18 who are currently in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency.⁴ Florida also provides a category of services for young adults aged 18 to 23 who were in foster care on their 18th birthdays.⁵ Young adults must meet additional eligibility requirements specified for particular services.⁶ Based on the availability of funds, these services include aftercare support services, the Road to Independence Program, and transitional support services.⁷

Independent Living Services Advisory Council

Section 409.1451(7), F.S., establishes the Independent Living Services Advisory Council (ILSAC) for the purpose of reviewing and making recommendations concerning the implementation and operation of independent living transition services. Members of the ILSAC are appointed by the Secretary of the Department of Children and Families (DCF or the department) and must include representatives from the following:

- Headquarters and district offices of DCF;
- Community-based care lead agencies;
- Agency for Workforce Innovation;
- Department of Education;
- Agency for Health Care Administration;
- State Youth Advisory Board;
- Workforce Florida, Inc.;
- Statewide Guardian Ad Litem Office;
- Foster parents;

¹ OPPAGA, *Independent Living Minimum Standards Recommended for Children in Foster Care*, Report No. 04-78 (November 2004).

² *Id.*

³ *Id.* See also, Chapter 2002-19, L.O.F.

⁴ *Id.* See also, s. 409.1451 (2)(a), F.S.

⁵ *Id.* See also, s. 409.1451 (2)(b), F.S.

⁶ Section 409.1451(2)(b), F.S.

⁷ Section 409.1451(5), F.S.

- Recipients of Road-to-Independence Program funding; and
- Advocates for foster children.

The ILSAC is required to submit a report of its work to the Legislature by December 31 of each year. The report must be accompanied by a report from the department which identifies the recommendations of the advisory council and either describes the department's actions to implement the recommendations or provides the department's rationale for not implementing the recommendations.

The ILSAC reports that Florida's current and former foster youth repeatedly identify the ability to engage in age-appropriate activities as critical to the development of independent living skills and a sense of normalcy.⁸ In response, s. 409.1451, F.S., requires the department to develop procedures that "maximize the authority of foster parents or caregivers to approve participation in age-appropriate activities of children in their care."⁹

The statute requires the foster parent or caregiver, the child and the case manager to develop a written plan that specifies the activities in which the child will participate, and delineates the scope of the authority of the foster parent or caregiver to approve the identified activities. Foster parents or caregivers who have developed a written plan cannot be held responsible under administrative rules or laws pertaining to state licensure or have their licensure status in any manner jeopardized as a result of the actions of a child engaged in the approved age-appropriate activities specified in the written plan.¹⁰

According to ILSAC, this provision does not specifically apply to young people who reside in group homes or residential settings and, as a result, a large segment of transitioning youth are left out of the process.¹¹ In its 2007 Report, ILSAC recommended that s. 409.1451(3)(a)3, F.S., be amended so that all youth in out-of-home care can participate in age-appropriate activities.¹²

III. Effect of Proposed Changes:

Section 1

Amends s. 409.1451(3)(a)3, F.S., to allow group home providers, residential agencies and "other authorized caregivers" (in addition to foster parents) to participate in the development of written plans that specify age-appropriate activities and authorize the caregiver to approve the activities for youth in their care.

This section also requires ILSAC to include in its report for 2008 a specific analysis and recommendations regarding youth who have turned 18 while in foster care and who have not completed high school or its equivalent or earned a special diploma or certificate of completion. The bill requires ILSAC to consider practices in other states, evidence-based practices, and

⁸ Independent Living Services Advisory Council (ILSAC), *2007 Report of Independent Living Services for Florida's Foster Youth*, at p. 18.

⁹ Section 409.1451(3)(a) 3, F.S.

¹⁰ *Id.*

¹¹ ILSAC, *supra* note 8.

¹² *Id.*

promising state and national strategies and to make specific statutory or policy recommendations.

Section 2

Removes the disability of nonage of minors for youths who have reached 17 years of age, have been adjudicated dependent, and are in the legal custody of the Department of Children and Family Services through foster care or subsidized independent living. This section authorizes these minors to execute all instruments necessary to secure utility services at a residential property.

Section 3

Provides an effective date of July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill expands the categories of caregivers who are authorized to participate in the age-appropriate activities planning process for transitioning youth to include "other authorized caregivers." Pursuant to s. 409.1451(2), F.S., only youth who are in foster care or were in foster care on their 18th birthdays are eligible for independent living transition services; youth in relative or other care situations are not eligible. The inclusion of "other authorized caregivers" in the bill, therefore, appears to be unnecessary, and may cause confusion.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health and Human Services Appropriations on April 22, 2008:

Removes the disability of nonage of minors for youths who have reached 17 years of age, have been adjudicated dependent, and are in the legal custody of the Department of Children and Family Services through foster care or subsidized independent living for the purpose of executing all instruments necessary to secure utility services at a residential property.

B. Amendments:

None.