

HB 1241

2011

1 A bill to be entitled
2 An act relating to independent living; amending s. 39.013,
3 F.S.; requiring the court to exercise jurisdiction until a
4 child is 21 years of age if the child elects to receive
5 Foundations for Success services; retaining jurisdiction
6 for the purpose of reviewing the child's transition and
7 permanency plans and services; creating s. 39.605, F.S.;
8 directing the Department of Children and Family Services
9 to administer a system of independent living transition
10 services to enable older children in out-of-home care to
11 make the transition to self-sufficiency as adults;
12 providing that the goals of independent living transition
13 services are to assist older children in planning
14 successful futures that lead to independence and assist
15 caregivers of older children in out-of-home care to teach
16 life skills to all children in their care; providing for
17 eligibility to receive independent living services;
18 requiring the department to provide these children with
19 skills for out-of-home, independent, self-sufficient
20 living; specifying the training, support, and services the
21 department must give to prepare a child for independent
22 living; providing for a detailed transition plan for each
23 child in the program; establishing educational goals;
24 requiring all children in out-of-home care to take part in
25 learning opportunities that result from participation in
26 community service activities; specifying services for
27 children living in foster care, including preindependent
28 living services, quality parenting services, performance

Page 1 of 37

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1241-00

29 | accountability, and early entry into the Foundations for
30 | Success program; requiring the department to adopt rules
31 | for the independent living program; creating s. 39.911,
32 | F.S.; defining terms; creating s. 39.912, F.S.; requiring
33 | the department to provide or arrange services for the
34 | Pathways to Success, Foundations for Success, and
35 | Jumpstart to Success programs; providing for portability
36 | of services between counties; providing that the Pathways
37 | to Success program is intended to help eligible students
38 | who were foster children in this state to receive the
39 | educational and vocational training needed to achieve
40 | independence; providing for a stipend that is based on a
41 | needs assessment of the young adult's educational and
42 | living needs; providing for the permissible use of the
43 | stipend; providing for the termination of the stipend;
44 | authorizing eligible children to participate in the
45 | Foundations for Success program; describing the structure
46 | and operations of the two Foundations for Success
47 | components; detailing eligibility criteria for the
48 | Foundations for Success program; requiring a review of the
49 | child's progress on the anniversary of his or her approval
50 | for Foundations for Success services; providing
51 | eligibility for the Jumpstart to Success program;
52 | providing for an appeals process for any decision relating
53 | to the three programs; directing the department to develop
54 | outcome measures; requiring the department to prepare a
55 | report for the Legislature; specifying the contents of the
56 | report; requiring the department to establish the

57 | Independent Living Services Advisory Council; providing
 58 | the functions and duties of the advisory council;
 59 | requiring a report; providing for the membership of the
 60 | advisory council; requiring the department to provide
 61 | administrative support to the advisory council; requiring
 62 | a report to the Legislature by a specified date; requiring
 63 | the department to enroll eligible children in the Florida
 64 | Kidcare program; requiring the department to adopt rules;
 65 | amending s. 409.903, F.S., conforming a cross-reference;
 66 | authorizing a child or young adult receiving Road-to-
 67 | Independence or transitional support services to choose to
 68 | terminate their existing services or continue in their
 69 | existing services until their eligibility for that benefit
 70 | program expires; providing an effective date.

71 |
 72 | Be It Enacted by the Legislature of the State of Florida:

73 |
 74 | Section 1. Section 39.013, Florida Statutes, is amended to
 75 | read:

76 | 39.013 Procedures and jurisdiction; right to counsel.—

77 | (1) All procedures, including petitions, pleadings,
 78 | subpoenas, summonses, and hearings, in this chapter shall be
 79 | conducted according to the Florida Rules of Juvenile Procedure
 80 | unless otherwise provided by law. Parents must be informed by
 81 | the court of their right to counsel in dependency proceedings at
 82 | each stage of the dependency proceedings. Parents who are unable
 83 | to afford counsel must be appointed counsel.

84 | (2) The circuit court has exclusive original jurisdiction

HB 1241

2011

85 | of all proceedings under this chapter, of a child voluntarily
86 | placed with a licensed child-caring agency, a licensed child-
87 | placing agency, or the department, and of the adoption of
88 | children whose parental rights have been terminated under this
89 | chapter. Jurisdiction attaches when a petition for an injunction
90 | pursuant to s. 39.504, the initial shelter petition, the
91 | dependency petition, or the termination of parental rights
92 | petition is filed or when a child is taken into the custody of
93 | the department. The circuit court may assume jurisdiction over
94 | any such proceeding regardless of whether the child was in the
95 | physical custody of both parents, was in the sole legal or
96 | physical custody of only one parent, caregiver, or some other
97 | person, or was in the physical or legal custody of no person
98 | when the event or condition occurred which ~~that~~ brought the
99 | child to the attention of the court. When the court obtains
100 | jurisdiction of any child who has been found to be dependent,
101 | the court shall retain jurisdiction, unless relinquished by its
102 | order, until the child reaches 18 years of age. ~~However, if a~~
103 | ~~youth petitions the court at any time before his or her 19th~~
104 | ~~birthday requesting the court's continued jurisdiction, the~~
105 | ~~juvenile court may retain jurisdiction under this chapter for a~~
106 | ~~period not to exceed 1 year following the youth's 18th birthday~~
107 | ~~for the purpose of determining whether appropriate aftercare~~
108 | ~~support, Road-to-Independence Program, transitional support,~~
109 | ~~mental health, and developmental disability services, to the~~
110 | ~~extent otherwise authorized by law, have been provided to the~~
111 | ~~formerly dependent child who was in the legal custody of the~~
112 | ~~department immediately before his or her 18th birthday.~~

HB 1241

2011

113 (3) When any child requests, or is approved for,
114 continuing Foundations for Success services pursuant to s.
115 39.912, the court shall exercise jurisdiction over the child
116 until the child reaches 21 years of age, or until Foundations
117 for Success services are terminated. Jurisdiction of the court
118 is retained for children between the ages of 18 to 21 in order
119 that the court may review the child's transition and permanency
120 plans and the status of the services provided. The court does
121 not have jurisdiction to review the amount of the stipend
122 provided to the child. The court shall hold an annual review
123 hearing for children between the ages of 18 and 21 but may
124 review the child's status more frequently at the request of any
125 party.

126 (4) If a petition for special immigrant juvenile status
127 and an application for adjustment of status have been filed on
128 behalf of a foster child and the petition and application have
129 not been granted by the time the child reaches 18 years of age,
130 the court may retain jurisdiction over the dependency case
131 solely for the purpose of allowing the continued consideration
132 of the petition and application by federal authorities. Review
133 hearings for the child shall be set solely for the purpose of
134 determining the status of the petition and application. The
135 court's jurisdiction terminates upon the final decision of the
136 federal authorities. Retention of jurisdiction in this instance
137 does not affect the transitional services available to a young
138 adult from the department pursuant to s. 409.175 ~~under s.~~
139 ~~409.1451~~. The court may not retain jurisdiction of the case
140 after the immigrant child's 22nd birthday.

141 (5)~~(3)~~ When a child is under the jurisdiction of the
 142 circuit court pursuant to this chapter, the circuit court
 143 assigned to handle dependency matters may exercise the general
 144 and equitable jurisdiction over guardianship proceedings under
 145 chapter 744 and proceedings for temporary custody of minor
 146 children by extended family under chapter 751.

147 (6)~~(4)~~ Orders entered pursuant to this chapter which
 148 affect the placement of, access to, parental time with, adoption
 149 of, or parental rights and responsibilities for a minor child
 150 shall take precedence over other orders entered in civil actions
 151 or proceedings. However, if the court has terminated
 152 jurisdiction, the order may be subsequently modified by a court
 153 of competent jurisdiction in any other civil action or
 154 proceeding affecting placement of, access to, parental time
 155 with, adoption of, or parental rights and responsibilities for
 156 the same minor child.

157 (7)~~(5)~~ The court shall expedite the resolution of the
 158 placement issue in cases involving a child who has been removed
 159 from the parent and placed in an out-of-home placement.

160 (8)~~(6)~~ The court shall expedite the judicial handling of
 161 all cases when the child has been removed from the parent and
 162 placed in an out-of-home placement.

163 (9)~~(7)~~ Children removed from their homes shall be provided
 164 equal treatment with respect to goals, objectives, services, and
 165 case plans, without regard to the location of their placement.

166 (10)~~(8)~~ For any child who remains in the custody of the
 167 department, the court shall, within the month that ~~which~~
 168 constitutes the beginning of the 6-month period before the

HB 1241

2011

169 child's 18th birthday, hold a hearing to review the progress of
170 the child while in the custody of the department.

171 (11)~~(9)~~(a) At each stage of the proceedings under this
172 chapter, the court shall advise the parents of the right to
173 counsel. The court shall appoint counsel for indigent parents.
174 The court shall ascertain whether the right to counsel is
175 understood. When right to counsel is waived, the court shall
176 determine whether the waiver is knowing and intelligent. The
177 court shall enter its findings in writing with respect to the
178 appointment or waiver of counsel for indigent parents or the
179 waiver of counsel by nonindigent parents.

180 (b) Once counsel has entered an appearance or been
181 appointed by the court to represent the parent of the child, the
182 attorney shall continue to represent the parent throughout the
183 proceedings. If the attorney-client relationship is
184 discontinued, the court shall advise the parent of the right to
185 have new counsel retained or appointed for the remainder of the
186 proceedings.

187 (c)1. A waiver of counsel may not be accepted if it
188 appears that the parent is unable to make an intelligent and
189 understanding choice because of mental condition, age,
190 education, experience, the nature or complexity of the case, or
191 other factors.

192 2. A waiver of counsel made in court must be of record.

193 3. If a waiver of counsel is accepted at any hearing or
194 proceeding, the offer of assistance of counsel must be renewed
195 by the court at each subsequent stage of the proceedings at
196 which the parent appears without counsel.

HB 1241

2011

197 (d) This subsection does not apply to any parent who has
 198 voluntarily executed a written surrender of the child and
 199 consents to the entry of a court order terminating parental
 200 rights.

201 ~~(12)~~~~(10)~~ Court-appointed counsel representing indigent
 202 parents at shelter hearings shall be paid from state funds
 203 appropriated by general law.

204 ~~(13)~~~~(11)~~ The court shall encourage the Statewide Guardian
 205 Ad Litem Office to provide greater representation to those
 206 children who are within 1 year of transferring out of foster
 207 care.

208 Section 2. Section 39.605, Florida Statutes, is created to
 209 read:

210 39.605 Services to older children in out-of-home care.—

211 (1) SYSTEM OF SERVICES.—

212 (a) The Department of Children and Family Services, its
 213 agents, or community-based providers operating pursuant to s.
 214 409.1671 shall administer a system of independent living
 215 transition services to enable older children in out-of-home care
 216 to make the transition to self-sufficiency as adults.

217 (b) The system for preparing children shall be
 218 comprehensive, measure progress, and include all the key
 219 participants working toward the same goals.

220 (c) The goals of independent living transition services
 221 are to assist older children to plan for successful futures that
 222 lead to independence and to assist caregivers of older children
 223 in out-of-home care to teach life skills to all children in
 224 their care. Independent living transition services shall help

225 older children establish a quality of life appropriate for their
 226 age and assume personal responsibility for becoming self-
 227 sufficient adults.

228 (d) State and federal funds for out-of-home care shall be
 229 used to establish a continuum of services for eligible children
 230 in out-of-home care.

231 (e) For children in out-of-home care, independent living
 232 transition services are not an alternative to adoption.
 233 Independent living transition services are never a replacement
 234 for the permanency goals of reunification, adoption, or
 235 permanent guardianship.

236 (2) ELIGIBILITY.—Children who are at least 13 years of age
 237 but are not yet 18 years of age and who are in out-of-home care
 238 are eligible to receive preindependent living services.

239 (3) PREPARATION FOR INDEPENDENT LIVING.—

240 (a) It is the intent of the Legislature that the
 241 Department of Children and Family Services and its community-
 242 based providers assist children in out-of-home care to make the
 243 transition to independent living and self-sufficiency as adults.
 244 The department shall encourage the adoption of quality parenting
 245 initiatives that will allow children to learn age-appropriate
 246 life skills in their families and communities, with
 247 consideration for addressing the special needs of the children.
 248 To facilitate this process, the department shall:

249 1. Provide caregivers the training, support, and services
 250 needed to allow the caregivers to teach children in out-of-home
 251 care the necessary life skills and to assist the children to
 252 build a transition to independent, self-sufficient adulthood.

HB 1241

2011

253 2. Ensure that training is provided to appropriate staff
254 and out-of-home caregivers in order to address the unique issues
255 of older children as they transition into adulthood. These
256 issues include, but are not limited to, providing information on
257 high school completion, grant applications, vocational school
258 opportunities, education and employment opportunities, and
259 opportunities to participate in appropriate daily activities.

260 3. Develop procedures to maximize the authority of
261 caregivers to approve a child's participation in age-appropriate
262 activities for out-of-home children in their care. The age-
263 appropriate activities and the authority of the caregiver to
264 approve participating in such activities shall be specified in a
265 written plan that the caregiver, the child, and the case manager
266 develop together, sign, and follow. This plan must include
267 specific goals and objectives and must be reviewed and updated
268 at least quarterly. Caregivers who develop a written plan are
269 not responsible for the acts of a child engaged in approved,
270 age-appropriate activities identified in the plan.

271 4. Provide opportunities for older children in out-of-home
272 care to interact with mentors.

273 5. Allow older children to directly access and manage the
274 personal allowance they receive from the department in
275 conjunction with training in financial literacy, budgeting, and
276 banking.

277 6. Make a good faith effort to fully explain, before the
278 execution of any required signatures, the content and import of
279 any document, report, form, or other record, whether written or
280 electronic, presented to a child pursuant to this chapter. The

281 department shall allow the child to ask appropriate questions
 282 necessary to fully understand the document. It is the
 283 responsibility of the person presenting the document to the
 284 child to fully comply with this subparagraph.

285 (b) It is further the intent of the Legislature that each
 286 child in out-of-home care, his or her caregivers, if applicable,
 287 and the department or community-based provider, create a
 288 detailed transition plan to regularly assess and monitor the
 289 child's progress in developing educational, social,
 290 developmental, and independent living skills. The transition
 291 plan must set early achievement and career goals for the child's
 292 postsecondary educational and work experience and shall
 293 emphasize high school completion for each child in care, with
 294 consideration for children with special needs. The department
 295 and community-based providers shall ensure that children in out-
 296 of-home care complete specific educational goals and be ready
 297 for postsecondary education and the workplace. For public school
 298 students in middle school and high school, the mandatory
 299 educational plan outlined in ss. 1003.4156(1) and 1009.531(4)
 300 shall be included in the educational path required for children
 301 in out-of-home care. Receiving a high school diploma shall take
 302 precedence as an educational goal over the receipt of an
 303 equivalent diploma or a GED.

304 1. The child, the child's caregivers, and the child's
 305 teacher or other school staff members shall be included to the
 306 fullest extent possible in developing the transition plan. The
 307 transition plan shall be reviewed at each judicial hearing as
 308 part of the case plan and shall accommodate the needs of

HB 1241

2011

309 children served in exceptional education programs. Children in
310 out-of-home care, with the assistance of their caregivers and
311 the department or community-based provider, shall choose one of
312 the following postsecondary goals:

313 a. Attending a 4-year college or university, a community
314 college and a university, or a military academy;

315 b. Receiving a 2-year postsecondary degree;

316 c. Attaining a postsecondary career and technical
317 certificate or credential; or

318 d. Beginning immediate employment, including
319 apprenticeship, after completion of a high school diploma or its
320 equivalent, or enlisting in the military.

321 2. In order to assist the child in out-of-home care in
322 achieving his or her chosen goal, the department or community-
323 based provider shall, with the participation of the child and
324 the child's caregivers, identify:

325 a. The core courses necessary to qualify for a chosen
326 goal.

327 b. Any elective courses that would provide additional help
328 in reaching a chosen goal.

329 c. The grade point requirement and any additional
330 information necessary to achieve a specific goal.

331 d. A teacher, other school staff member, employee of the
332 department or community-based care provider, or community
333 volunteer who would be willing to work with the child as an
334 academic advocate or mentor if caregiver involvement is
335 insufficient or unavailable.

336 e. The standardized tests that are necessary in order to

HB 1241

2011

337 be eligible to attain future goals as well as tutoring and
338 support services needed to succeed in standardized testing.

339 3. In order to complement educational goals, the
340 department and community-based providers are encouraged to form
341 partnerships with the business community to support internships,
342 apprenticeships, or other work-related opportunities.

343 4. The department and community-based providers shall
344 ensure that children in out-of-home care and their caregivers
345 are made aware of these postsecondary goals and shall assist in
346 identifying the coursework necessary to enable the child to
347 reach identified goals.

348 (c) All children in out-of-home care are required to take
349 part in learning opportunities that result from participating in
350 community service activities, taking into account the child's
351 level of functioning and educational achievement.

352 (d) Children in out-of-home care shall be provided with
353 the opportunity to change from one postsecondary goal to
354 another, and each postsecondary goal shall take into
355 consideration changes in the child's needs and preferences. Any
356 change, particularly a change that will require additional time
357 to achieve a goal, shall be made with the guidance and
358 assistance of the department or the community-based provider.

359 (4) SERVICES FOR CHILDREN IN OUT-OF-HOME CARE.—The
360 department and its community-based providers shall provide the
361 following services to older children in out-of-home care who
362 meet prescribed conditions and are determined eligible by the
363 department.

364 (a) *Preindependent living services.*—

HB 1241

2011

365 1. Although preparation for independence starts the moment
366 a child enters care, regardless of age or development, the
367 department shall offer preindependent living services to
368 children in out-of-home care starting at the age of 13. These
369 services must include, but are not limited to:

370 a. An annual life skills assessment conducted by
371 community-based providers to assess each child's competency in
372 demonstrating age-appropriate and developmentally appropriate
373 life skills. This assessment must include information from the
374 caregiver and the child and be included in the child's
375 transition plan.

376 b. Identification by the caregiver, case manager, and
377 child of needed life skills, how these skills will be taught to
378 the child, and how the child's progress will be evaluated.

379 c. The development and regular updating of a comprehensive
380 transition plan that includes all of the child's annual life
381 skills assessments and educational records and status, a
382 description of the child's progress in acquiring life skills,
383 and an individualized educational plan.

384 2. The department shall meet with appropriate staff before
385 each judicial review for each child who has reached 13 years of
386 age but is not yet 17 years of age. The meeting shall include a
387 review of the transition plan, particularly the most recent life
388 skills assessment, and an evaluation of the progress the child
389 has made acquiring the needed independent living skills. Based
390 on the results of the independent living assessment, services
391 and training identified in the assessment meeting shall be added
392 to the child's transition plan. The revised plan shall be

HB 1241

2011

393 provided to the court as part of the next scheduled judicial
394 review hearing.

395 3. At the first annual assessment meeting that occurs
396 after a child's 13th birthday, and at each subsequent annual
397 meeting, the department or the community-based provider shall
398 ensure that the child's transition plan includes an educational
399 and career path based upon his or her unique abilities and
400 interests. The department or community-based provider shall
401 provide to each child detailed and personalized information on
402 the Pathways to Success program, and the grants, scholarships,
403 and tuition waivers that may be available to the child with
404 assistance from the department.

405 4. The transition plan, signed by the child participant,
406 shall be included as a part of the written report required to be
407 provided to the court at each judicial review held pursuant to
408 s. 39.701.

409 (b) *Quality parenting services.*

410 1. Recognizing that the child-parent learning environment
411 is an effective and normal means of teaching life skills, the
412 department shall provide training, services, and support to
413 enable caregivers to teach independent life skills to children
414 in their care, including, but not limited to, banking and
415 budgeting, self-care, nutrition and food preparation, time-
416 management and organization, studying, transportation, and
417 interviewing and employment.

418 2. The department shall conduct a assessment meeting at
419 least once every 6 months for each child who has reached 16
420 years of age but is not yet 18 years of age. The meeting shall

HB 1241

2011

421 ensure that the independent living training and services
422 determined appropriate by the independent life skills assessment
423 are being received by the child and include an evaluation of the
424 progress the child is making in developing the needed
425 independent living skills. The results of the independent living
426 assessment meeting shall be included in the child's case plan
427 and provided to the court as part of the next scheduled judicial
428 review hearing.

429 3. The department shall provide to each child in licensed
430 out-of-home care during the calendar month following the child's
431 17th birthday an independent living assessment to determine the
432 child's skills and abilities to live independently and become
433 self-sufficient. The department shall conduct a assessment
434 meeting with the child and all other appropriate participants to
435 review the assessment and to assist the child in developing a
436 transition plan. The necessary services and training identified
437 in the assessment meeting shall be included in the transition
438 plan and provided to the court as part of the judicial review
439 required by s. 39.701. The transition plan must be completed
440 during the 90-day period before the child turns 18.

441 (c) Performance accountability.—The department and its
442 community-based providers shall establish a system that measures
443 progress on the part of the child, caregivers, and providers.
444 This system shall track performance in preparing the child for
445 adulthood and measure progress toward and achievement of key
446 self-care, social, educational, prevocational, and vocational
447 skills and goals using the following:

448 1. Starting at age 13, annual surveys of older children in

HB 1241

2011

449 out-of-home care designed to specifically determine the level of
 450 independent life skills achieved and how those skills are
 451 acquired.

452 2. Annual surveys of the adult caregivers living with and
 453 caring for the child.

454 3. Exit interviews for children leaving an out-of-home
 455 care setting where they have lived for more than 30 days.

456 4. Related data regarding educational progress, meeting
 457 case planning requirements, and biennial meetings.

458 5. Visits to the home to assess and report the child's
 459 progress in attaining developmental milestones and life skills.

460 (d) Early entry into the Foundations for Success program.—

461 1. Early entry into Foundations for Success under ss.
 462 39.911-39.912 allows a child to live independently of the daily
 463 care and supervision of an adult in a setting that may be, but
 464 is not required to be, licensed under s. 409.175.

465 2. A child who has reached 16 years of age but is not yet
 466 18 years of age is eligible for early entry into Foundations for
 467 Success if he or she is:

468 a. Adjudicated dependent under chapter 39, has been placed
 469 in licensed out-of-home care for at least 6 months before
 470 entering Foundations for Success, and has any permanency goal
 471 other than reunification; and

472 b. Able to demonstrate independent living skills, as
 473 determined by the department, using established procedures and
 474 assessments.

475 3. Early entry into Foundations for Success must be part
 476 of an overall plan leading to the total independence of the

HB 1241

2011

477 child from the department's supervision. The plan must include,
 478 but need not be limited to, a description of the skills of the
 479 child and a plan for learning additional identified skills; the
 480 behavior that the child has exhibited which demonstrates
 481 responsibility and a plan for developing additional
 482 responsibilities, as appropriate; a plan for future educational,
 483 vocational, and training skills; present financial and budgeting
 484 capabilities and a plan for improving resources and ability; a
 485 description of the proposed residence; documentation that the
 486 child understands the specific consequences of his or her
 487 conduct in the Foundations for Success program; documentation of
 488 proposed services to be provided by the department and other
 489 agencies, including the type of service and the nature and
 490 frequency of contact; and a plan for maintaining or developing
 491 relationships with the child's family, other adults, friends,
 492 and the community, as appropriate.

493 4. Stipends to the child shall be determined as part of
 494 the Foundations for Success application and approval process.

495 (5) RULEMAKING.-The department shall adopt by rule
 496 procedures to administer this section which balance the goals of
 497 normalcy and safety for the child and provide caregivers with
 498 skills that will enable the child to participate in normal life
 499 experiences.

500 Section 3. Section 39.911, Florida Statutes, is created to
 501 read:

502 39.911 Definitions.-As used in ss. 39.911-39.912, the
 503 term:

504 (1) "Child" means an individual younger than 21 years of

HB 1241

2011

505 age who requests Foundations for Success services, is
506 adjudicated dependent, and, on his or her 18th birthday, lives
507 in out-of-home care under the supervision of the department. An
508 individual who meets this definition remains eligible as an
509 adult for other agency programs for which the individual
510 qualifies.

511 (2) "Foundations for Success" means a program for children
512 who opt into extended out-of-home care, who meet the eligibility
513 criteria set forth in ss. 39.911-39.912, and who agree to
514 receive case management services on at least a monthly basis.
515 The following services shall be provided by the program to
516 eligible children:

517 (a) Case work.

518 (b) Support services, to be determined by the case manager
519 and the child, which are in keeping with the child's transition
520 plan. These services include, but are not limited to:

521 1. Mentoring and tutoring;

522 2. Mental health services;

523 3. Substance abuse treatment counseling;

524 4. Life skills activities and classes, including financial
525 literacy, credit management, and preventive health activities;

526 5. Parenting classes;

527 6. Job and career skills training; and

528 7. Financial assistance in an amount to be determined by a
529 needs assessment. The amount of financial assistance paid
530 directly to a child participating in the Foundations for Success
531 program shall be determined by the bills and expenses that the
532 child must pay directly, as noted in the transition plan.

HB 1241

2011

533 (c) Housing, which includes, but is not limited to,
534 licensed foster family homes, child-care institutions, and
535 supervised settings.

536 (d) Annual judicial reviews.

537 (3) "Jumpstart to Success" means a temporary support
538 system that serves young adults from their 18th birthday to
539 their 21st birthday who opt out of the Foundations for Success
540 program or who do not meet the eligibility criteria for Pathways
541 to Success or Foundations for Success. The following services
542 shall be provided by the program to eligible young adults:

543 (a) Limited cash assistance, with the amount determined by
544 a needs assessment and taking into consideration the goal of
545 moving the young adult to self-sufficiency, as identified in a
546 transition plan;

547 (b) Access to an independent living counselor in the
548 county in which the young adult resides, who will provide
549 information and referral services upon request; and

550 (c) Supportive services available to children in the
551 Foundations for Success program.

552 (4) "Needs assessment" means an assessment of a child's or
553 young adult's need for cash assistance, through the Pathways to
554 Success, Foundations for Success, or Jumpstart to Success
555 programs, which considers his or her out-of-pocket educational
556 expenses, including tuition, books and supplies, and necessary
557 computer and other equipment; housing and utilities; daily
558 living expenses, including, but not limited to, food,
559 transportation, medical, dental, and vision care, and day care;
560 and clothing. The needs assessment shall take into consideration

HB 1241

2011

561 the child's or young adult's income, both earned and unearned,
562 and savings. The needs assessment shall be adjusted to consider
563 any emergency needs that the child or young adult experiences.
564 The department may adopt rules that provide incentives for
565 earning and saving, including income and savings protection
566 allowances, and further definition of, and response to,
567 emergency needs.

568 (5) "Pathways to Success" means an education program for
569 eligible young adults from age 18 through age 22 who are
570 attending a postsecondary institution approved by the department
571 full-time and are continuing to progress toward independence
572 through educational success. After a needs assessment,
573 independent living assessment, and the creation of a transition
574 plan, a monthly cash stipend may be offered of up to 100 percent
575 of the federal minimum wage. Progress shall be reviewed annually
576 for successful completion of a full-time attendance course load
577 at or above a passing level.

578 (6) "Qualifying residential facility" means a juvenile
579 residential commitment or secure detention facility or an adult
580 correctional facility that is owned, operated, or licensed by a
581 governmental entity and that provides housing, including all
582 utilities and meals.

583 (7) "Young adult" means an individual who is at least 21
584 years of age but not more than 23 years of age.

585 Section 4. Section 39.912, Florida Statutes, is created to
586 read:

587 39.912 Provision of services.—

588 (1) (a) Based on the availability of funds, the department

HB 1241

2011

589 shall provide or arrange for Pathways to Success, Foundations
590 for Success, and Jumpstart to Success programs for children and
591 young adults who meet prescribed conditions and are determined
592 eligible by the department.

593 (b) The department or a community-based care lead agency
594 shall develop a plan to implement those services. A plan must be
595 developed for each community-based care service area in the
596 state. Each plan that is developed by a community-based care
597 lead agency shall be submitted to the department.

598 (c) Each plan must include:

599 1. The number of young adults to be served each month of
600 the fiscal year and must specify the number of young adults who
601 will reach 18 years of age and be eligible for services;

602 2. The number of young adults who will reach 21 years of
603 age and who will be eligible for Foundations to Success and
604 Jumpstart to Success;

605 3. The number of young adults in the Pathways to Success
606 program who will reach 23 years of age and who will become
607 ineligible for the program or who are otherwise ineligible
608 during each month of the fiscal year;

609 4. The staffing requirements and all related costs to
610 administer the services and program;

611 5. The expenditures to or on behalf of the eligible
612 recipients; costs of services provided to young adults through
613 an approved plan for housing, transportation, and employment;
614 and reconciliation of these expenses and any additional related
615 costs with the funds allocated for these services; and

616 6. An explanation of and a plan to resolve any shortages

HB 1241

2011

617 or surpluses in order to end the fiscal year with a balanced
618 budget.

619 (2) The services available to assist a child or young
620 adult to achieve independence must be provided through the
621 Pathways to Success, Foundations for Success, or Jumpstart to
622 Success programs. An eligible child or young adult may
623 participate in only one program at any given time, although an
624 eligible child or young adult may move from one program to
625 another at any time until his or her 23rd birthday for the
626 Pathways to Success program, or until his or her 21st birthday
627 for the Foundations for Success and Jumpstart to Success
628 programs.

629 (3) (a) For all children or young adults who move between
630 counties in this state and remain otherwise eligible for
631 services, the transition plan must be modified to reflect the
632 change of residence. The revised transition plan must be signed
633 by the case manager from the original county where the child or
634 young adult resided as well as the case manager in the receiving
635 county that will provide the services outlined in the transition
636 plan. The services for the child or young adult will be provided
637 by the county where the young adult resides, but the services
638 will be paid by the county of former residence.

639 (b) The department may enter into an agreement with
640 another state to provide independent living services to eligible
641 individuals from another state, but, unless it is required to do
642 so by federal law and funding is available, the department is
643 not required to accept financial responsibility for the
644 provision of independent living services for a child or young

HB 1241

2011

645 adult from another state.

646 (4) A child or a young adult who spent a minimum of 6
647 months in out-of-home care under the jurisdiction of a court in
648 this state and, on his or her 18th birthday, was living in out-
649 of-home care under supervision of the department is eligible for
650 independent living services provided through one of the three
651 independent living programs.

652 (5) For all children or young adults who participate in
653 any of the three independent living programs, a transition plan
654 must be updated within 30 days after the child or young adult
655 receives services or cash assistance from the independent living
656 program. At each review to determine a renewal of services, the
657 transition plan must be updated to reflect the child's or young
658 adult's progress to ensure as complete a preparation for
659 independence as possible. If necessary, the needs assessment and
660 independent living assessment shall be amended as the child's or
661 young adult's situation requires.

662 (6) The Pathways to Success program is intended to help
663 eligible students who are former foster children to receive the
664 educational and vocational training needed to achieve
665 independence. The amount of the stipend received by the
666 participant shall be based on a needs assessment of the
667 student's educational and living needs and may be up to, but may
668 not exceed, the amount of earnings that the student would have
669 been eligible to earn working a 40-hour-a-week federal minimum
670 wage job.

671 (a) A young adult who has earned a standard high school
672 diploma or its equivalent, as described in s. 1003.43 or s.

HB 1241

2011

673 1003.435, is eligible for the Pathways to Success program if he
674 or she meets the eligibility requirements for independent living
675 services and is attending a postsecondary or vocational
676 institution approved by the department. Full-time enrollment in
677 school is required for program eligibility unless the young
678 adult has a recognized disability preventing full-time
679 enrollment. The department shall adopt a rule to define what
680 constitutes full-time enrollment in postsecondary and vocational
681 institutions.

682 (b) A young adult is eligible to receive a stipend as a
683 full-time student at an educational institution in which he or
684 she is enrolled. The stipend shall be based on a needs
685 assessment considering the young adult's living and educational
686 costs and other grants, scholarships, waivers, earnings, and
687 other income received by the young adult. A stipend is available
688 only to the extent that other grants and scholarships are not
689 sufficient to meet the living and educational needs of the young
690 adult. The amount of the stipend may be disregarded for purposes
691 of determining the eligibility for, or the amount of, any other
692 federal or federally supported assistance administered by this
693 state.

694 (c) The department shall annually evaluate and renew each
695 stipend during the 90-day period before the young adult's
696 birthday. In order to be eligible for a renewal stipend for the
697 subsequent year, the young adult must:

698 1. Complete the required number of hours, or the
699 equivalent considered full-time by the educational institution,
700 unless the young adult has a recognized disability preventing

701 full-time attendance, in the last academic year in which the
 702 young adult earned a stipend.

703 2. Maintain appropriate progress as required by the
 704 educational institution.

705 3. Make substantial progress toward meeting the goals
 706 outlined in the transition plan. In order to be eligible for
 707 reinstatement, the young adult must meet the eligibility
 708 criteria, create a transition plan in conjunction with the case
 709 manager, and meet the criteria for stipend renewal for the
 710 program.

711 (d) The stipend shall be terminated when the young adult
 712 attains the postsecondary goals in the transition plan or
 713 reaches 23 years of age, whichever occurs earlier. Funds may be
 714 terminated during the interim between a stipend and the
 715 evaluation for a renewal stipend if the department determines
 716 that the stipend recipient is no longer enrolled in an
 717 educational institution. If the case manager determines that the
 718 young adult has disregarded eligibility criteria, failed to make
 719 progress toward goals within the reasonable timelines
 720 established in the transition plan, or provided false
 721 documentation, the young adult may be terminated for cause. The
 722 department shall notify a recipient who is terminated and inform
 723 the recipient of his or her right to appeal.

724 (7) All children who meet the eligibility requirements and
 725 who desire to participate in the extension of out-of-home care
 726 services to age 21 may voluntarily opt into the Foundations For
 727 Success program of services.

728 (a) Foundations For Success consists of two levels of

HB 1241

2011

729 services, one providing greater supervision and financial
730 direction for the child and the other providing greater
731 independence both as to supervision and financial direction,
732 based upon the child's demonstration of progress toward
733 achieving the goals identified in his or her transition plan.
734 Each time a child requests Foundations For Success services, the
735 case manager, in consultation with the child, shall determine
736 which services are appropriate. Foundations For Success includes
737 providing cash assistance paid directly to the child, with the
738 amount to be determined by a needs assessment.

739 1. A child who has not yet completed high school shall
740 receive basic services. A child who wishes to continue in the
741 Foundations For Success program after completing high school
742 shall receive more advanced services, subject to a determination
743 of and compliance with the services entry criteria described in
744 the transition plan.

745 2. Access to advanced services shall be based on a
746 demonstration of an acceptable level of independence and high
747 school graduation or its equivalent or successful completion of
748 a trade school.

749 3. The case manager, in consultation with the child, shall
750 determine whether the child exhibits an acceptable level of
751 independence to benefit from advanced services, and that
752 determination must be included in the transition plan. The
753 determination shall, at a minimum, consider whether the child
754 will benefit from activities related to successful completion of
755 financial literacy training and will comply with behavior
756 standards.

HB 1241

2011

757 (b) To be eligible for Foundations For Success, the case
758 manager, in consultation with the child, shall choose from the
759 following mandatory activities to equal a full-time or 40-hour
760 week:

761 1. Working to complete secondary education or a program
762 leading to an equivalent credential, including high school or
763 preparation for a general equivalency diploma exam;

764 2. Full-time enrollment in a university, college, or
765 vocational or trade school that provides postsecondary or
766 vocational education;

767 3. Part-time enrollment in an institution that provides
768 postsecondary or vocational education or a program designed to
769 promote or remove barriers to employment and part-time
770 employment at one or more places of employment; or

771 4. Participation in a full-time program or activity
772 designated to promote or remove barriers to employment.

773 (c) The application process for Foundations For Success
774 starts at the age of 17, although exceptionally independent
775 child may apply as early as 16. Once a child's application for
776 participation is approved, a transition plan shall be created at
777 least 90 days before the child's 18th birthday and shall be
778 approved at least 30 days before the child's 18th birthday. An
779 eligibility decision regarding an application by a child who is
780 no longer in out-of-home care shall be made within 10 days after
781 the application is received and a transition plan shall be
782 completed for the child within 30 days. Jumpstart to Success
783 services may be provided to the child for the 30 days during
784 which eligibility is being determined and the transition plan is

HB 1241

2011

785 being developed and approved.

786 (d) There shall be a judicial review on the 1-year
787 anniversary of the child's Foundations For Success application
788 approval date. The court shall review the child's progress
789 toward achieving independence, with reference to the specific
790 goals and activities in the transition plan. The court shall
791 also review the child's progress toward achieving permanent
792 connections with adults. There shall be an administrative
793 review, as defined by the department in rule, at the 6-month
794 anniversary of the child receiving the Foundations For Success
795 stipends. The administrative review shall include a
796 determination of the child's progress toward achieving
797 independence, with reference to the specific goals and
798 activities in the transition plan.

799 (e) Foundations For Success services, including any direct
800 cash assistance, shall be awarded for a 6-month period and may
801 be renewed in 6-month increments. In order to be eligible for
802 Foundations For Success renewal, the child must make substantial
803 progress toward the goals outlined in the transition plan, as
804 determined during the judicial or administrative review.

805 (f) The transition plan shall include specific activities
806 and goals for the child which are crucial to achieving
807 independence, taking into account the child's specific
808 circumstances. The activities and goals shall include timeframes
809 for completion of specific activities, and must include
810 indicators of progress for any activities that will continue
811 beyond the Foundations For Success stipend period. At any time
812 during the Foundations For Success stipend period, the case

HB 1241

2011

813 manager or child may request a reevaluation and modification of
 814 the chosen eligibility activity or goals and progress
 815 indicators.

816 (g) If at any point the child is determined to have
 817 disregarded eligibility criteria, failed to make progress toward
 818 goals within the reasonable timelines established in his or her
 819 transition plan, or provided false documentation, the child may
 820 be terminated for cause. The department shall notify a child who
 821 is terminated and inform the child of his or her right to
 822 appeal. During the process of court review, the child may
 823 receive Jumpstart to Success services until a determination has
 824 been reached. The child shall be terminated from the program on
 825 his or her 21st birthday or in accordance with the provisions of
 826 this section.

827 (8) A child who meets the eligibility requirements may
 828 voluntarily opt into the Jumpstart to Success program. An
 829 eligible child may opt into this program at any time until his
 830 or her 21st birthday; however, the Jumpstart to Success program
 831 is limited to a total of 12 cumulative months between the ages
 832 of 18 and 21. In extenuating circumstances, Jumpstart to Success
 833 services may be extended to the young adult's 23rd birthday or a
 834 total of 18 cumulative months. If a child requests entry into
 835 Foundations for Success after his or her 18th birthday and does
 836 not have a current transition plan, any cash assistance that is
 837 provided under Jumpstart to Success until the transition plan is
 838 developed does not count toward these time limitations.

839 (a) After the child submits the application for Jumpstart
 840 to Success services, the department shall, within 3 business

HB 1241

2011

841 days, determine if child is eligible for Jumpstart to Success
842 services and what services will be offered to him or her. For
843 Jumpstart to Success services offered beyond 30 days, a
844 transition plan is required. If no agreement on a transition
845 plan has been reached within 30 days, Jumpstart to Success
846 services are limited to a 30-day period. If necessary and
847 available, community services and emergency cash assistance may
848 be provided.

849 (b) The case manager will evaluate renewing Jumpstart to
850 Success services according to the specifications of each child's
851 individualized transition plan. As long as the case manager
852 determines the child to be showing substantial compliance in
853 completing the goals outlined in the transition plan, Jumpstart
854 to Success services may be continued and renewed up to 12
855 months, or 18 months in extenuating circumstances only. If the
856 case manager finds that the child is not in substantial
857 compliance with the transition plan, the child may be denied a
858 continuation of services. The department shall notify a child
859 who is terminated and inform the child of his or her right to
860 appeal.

861 (9) (a) 1. If the child is under the jurisdiction of the
862 court, the child shall appeal all adverse decisions to the
863 court. Any appeal challenging the amount of any stipend to be
864 paid to the child and any appeal objecting to a decision that
865 the child is not eligible for termination of program services
866 shall be decided solely by the court.

867 2. For a child or young adult who is not under the
868 jurisdiction of the court, the department shall adopt by rule a

HB 1241

2011

869 procedure by which the child may appeal a decision finding that
870 the child is not eligible for services, that the department has
871 failed to provide the services promised, or that the department
872 has unfairly terminated the child's access to the Pathways to
873 Success, Foundations for Success, or Jumpstart to Success
874 program services.

875 (b) Whenever cash assistance continues to be paid to a
876 child or young adult through the Jumpstart to Success program
877 pending a due process hearing, upon a ruling in favor of the
878 department, the months for which this assistance is paid shall
879 count against the time limitations for receipt of Jumpstart to
880 Success cash assistance.

881 (10) The department shall develop outcome and other
882 performance measures for the independent living program. The
883 department shall prepare a report on the outcome measures and
884 the department's oversight activities and submit the report to
885 the President of the Senate, the Speaker of the House of
886 Representatives, and the legislative committees in both houses
887 having jurisdiction over issues relating to children and
888 families by January 31 of each year. The report must include:

889 (a) An analysis of performance on the outcome measures
890 developed under this section, reported for each community-based
891 care lead agency and compared with the performance of the
892 department on the same measures.

893 (b) A description of the department's oversight of the
894 program, including, by lead agency, any programmatic or fiscal
895 deficiencies found and corrective actions required and the
896 current status of compliance.

HB 1241

2011

897 (c) Any rules adopted or proposed under this section since
898 the last report. For the purposes of the first report, any rules
899 adopted or proposed under this section must be included.

900 (11) The Secretary of Children and Family Services shall
901 establish the Independent Living Services Advisory Council. The
902 council shall review the independent living program and make
903 recommendations concerning the implementation and operation of
904 independent living transition services. The advisory council
905 shall continue to function until the Legislature determines that
906 the advisory council is no longer necessary and beneficial to
907 the furtherance of the department's efforts to achieve the goals
908 of the independent living transition services.

909 (a) The advisory council shall:

910 1. Assess the implementation and operation of the system
911 of independent living transition services and advise the
912 department on actions that would improve the ability of the
913 independent living transition services to meet established
914 goals. The advisory council shall keep the department informed
915 of problems with service delivery, barriers to the effective and
916 efficient integration of services and support across systems,
917 and successes.

918 2. Report to the secretary on the status of the
919 implementation of the system of independent living transition
920 services; efforts to publicize the availability of aftercare
921 support services, the Road-to-Independence Program, and
922 transitional support services; the success of the services;
923 problems identified; recommendations for department or
924 legislative action; and the department's implementation of the

HB 1241

2011

925 recommendations contained in the Independent Living Services
926 Integration Workgroup Report submitted to the Legislature on
927 December 31, 2002. The department shall submit a report by
928 December 31 of each year to the Governor, the President of the
929 Senate, and the Speaker of the House of Representatives which
930 includes a summary of the factors reported on by the council,
931 identifies the recommendations of the advisory council, and
932 describes the department's actions to implement the
933 recommendations or provides the department's rationale for not
934 implementing the recommendations.

935 (b) Members of the advisory council shall be appointed by
936 the secretary of the department. The membership of the advisory
937 council must include, at a minimum, representatives from the
938 headquarters and district offices of the department, community-
939 based care lead agencies, the Agency for Workforce Innovation,
940 the Department of Education, the Agency for Health Care
941 Administration, the State Youth Advisory Board, Workforce
942 Florida, Inc., the Statewide Guardian Ad Litem Office,
943 caregivers, recipients of Independent Living funding, and
944 advocates for foster children. The secretary shall determine the
945 length of the term to be served by each member appointed to the
946 advisory council, which may not exceed 4 years.

947 (c) The department shall provide administrative support to
948 the Independent Living Services Advisory Council to accomplish
949 its assigned tasks. The advisory council shall be afforded
950 access to all appropriate data from the department, each
951 community-based care lead agency, and other relevant agencies in
952 order to accomplish the tasks set forth in this subsection. The

HB 1241

2011

953 data collected may not include any information that would
954 identify a specific child or young adult.

955 (d) The advisory council report shall be submitted to the
956 substantive committees of the Senate and the House of
957 Representatives by December 31, 2012, and must include an
958 analysis of the system of independent living transition services
959 for young adults who attain 18 years of age while in out-of-home
960 care prior to completing high school or its equivalent and
961 recommendations for department or legislative action. The
962 council shall assess and report on the most effective method of
963 assisting these young adults to complete high school or its
964 equivalent by examining the practices of other states.

965 (12) Property acquired on behalf of clients of this
966 program shall become the personal property of the clients and
967 are not subject to the requirements of chapter 273 relating to
968 state-owned tangible personal property. Such property continues
969 to be subject to applicable federal laws.

970 (13) The department shall enroll each young adult who is
971 eligible and who has not yet reached his or her 19th birthday in
972 the Florida Kidcare program.

973 (a) A young adult who has not yet reached 19 years of age
974 and who, at the time of his or her 18th birthday, had previously
975 been in out-of-home care, may participate in the Kidcare program
976 by paying the premium for the Florida Kidcare program as
977 required in s. 409.814.

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

HB 1241

2011

981 (14) The department shall adopt rules necessary to
 982 administer this section.

983 Section 5. Subsection (4) of section 409.903, Florida
 984 Statutes, is amended to read:

985 409.903 Mandatory payments for eligible persons.—The
 986 agency shall make payments for medical assistance and related
 987 services on behalf of the following persons who the department,
 988 or the Social Security Administration by contract with the
 989 Department of Children and Family Services, determines to be
 990 eligible, subject to the income, assets, and categorical
 991 eligibility tests set forth in federal and state law. Payment on
 992 behalf of these Medicaid eligible persons is subject to the
 993 availability of moneys and any limitations established by the
 994 General Appropriations Act or chapter 216.

995 (4) A child who is eligible under Title IV-E of the Social
 996 Security Act for subsidized board payments, foster care, or
 997 adoption subsidies, and a child for whom the state has assumed
 998 temporary or permanent responsibility and who does not qualify
 999 for Title IV-E assistance but is in foster care, shelter or
 1000 emergency shelter care, or subsidized adoption. This category
 1001 includes ~~a young adults adult~~ adult who are ~~is~~ eligible to receive
 1002 transitional services pursuant to s. 409.175 ~~under s.~~
 1003 ~~409.1451(5)~~, until the young adult reaches 21 years of age,
 1004 without regard to any income, resource, or categorical
 1005 eligibility test that is otherwise required. This category also
 1006 includes a person who as a child was eligible under Title IV-E
 1007 of the Social Security Act for foster care or the state-provided
 1008 foster care and who is a participant in the Pathways to Success,

HB 1241

2011

1009 Foundations for Success, and Jumpstart to Success programs of
 1010 the Road-to-Independence Program.

1011 Section 6. Effective July 1, 2011, a child or young adult
 1012 who is currently receiving Road-to-Independence or transitional
 1013 support services shall choose to terminate his or her
 1014 participation in the existing program or continue in the
 1015 existing program until the term of that benefit program expires.
 1016 Road-to-Independence services continue for a maximum of 1 year
 1017 and transitional support services continue for up to 3 months.
 1018 There shall be no renewals, extensions, or new applications for
 1019 Road-to-Independence and transitional support services on or
 1020 after July 1, 2011. Aftercare services expire October 1, 2011.
 1021 Any child or young adult who turns 18 on or after July 1, 2011,
 1022 may apply for program services only as provided in this act.

1023 Section 7. This act shall take effect July 1, 2011.