

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 Committee on Children, Families, and Elder Affairs

BILL: SB 564

INTRODUCER: Senator Garcia

SUBJECT: Young Adult Aftercare Services

DATE: January 8, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	Pre-meeting
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

I. Summary:

Florida law provides services and supports to young adults who are transitioning out of the foster care system to help them achieving self-sufficiency. Such programs include extended foster care (EFC), Postsecondary Education Services and Support (PESS), and Aftercare.

SB 564 expands Aftercare eligibility by allowing young adults who turned 18 years of age, but are not yet 23 years of age, and were placed in out-of-home care for at least six months after turning 14 years of age, to access Aftercare. The bill also allows young adults who receive PESS or are in EFC to receive Aftercare only if needed services are not provided by the other independent living programs. This will allow more young adults to access needed services.

The bill permits the Department of Children and Families to distribute federal funds to all young adults deemed eligible by the funding source in the event of a state or national emergency even if the young adult does not meet eligibility requirements for PESS or Aftercare.

The bill has an indeterminate, negative fiscal impact on state government. The bill has no fiscal impact on the private sector. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Florida's Child Welfare System

Chapter 39, F.S., creates Florida's dependency system charged with protecting children who have been abused, neglected, or abandoned. Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care lead agencies (CBCs) work with those families to address the problems endangering children, if possible. If those identified problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.¹

When children are placed in out-of-home care, the DCF and CBCs must find safe, permanent homes for them as quickly as possible. In most cases, children are reunified with their families upon the parents' completion of a specific case plan. When reunification is not possible, the DCF will seek to place a child in a permanent home with relatives or a possible adoptive home. The DCF strives to achieve permanency for all children in care before their 18th birthday.² However, a child will age out of care at the age of 18 if a permanent placement is not found.³

Young adults who age out of foster care have challenges achieving self-sufficiency. Compared to young adults without foster care involvement, these young adults are less likely to earn a high school diploma or GED, or attend college.⁴ They are more likely to suffer from mental health problems, have a higher rate of criminal justice system involvement, have difficulty achieving financial independence, need public assistance, and experience housing instability and homelessness.⁵

From October 1, 2022, to September 30, 2023, there were 801 young adults who aged out of Florida's foster care system.⁶

Federal - The Chafee Foster Care Independence Program

States can receive federal reimbursement to assist in providing services to young adults transitioning to adulthood after aging out of care. The Chafee Foster Care Independence Program (Chafee) is a capped entitlement for which states are entitled reimbursement for claims it submits to the federal government, up to a certain level, related to preparing young adults for self-sufficiency. With federal reimbursement provided by Chafee, a state can provide independent living services and support to

¹ Chapter 39, F.S.

² Section 39.01, F.S. Section 39.621, F.S., lists the permanency goals in order of preference as 1. reunification; 2. adoption, if a petition for termination of parental rights has been or will be filed; 3. permanent guardianship; 4. permanent placement with a fit and willing relative; or 5. placement in another planned permanent living arrangement.

³ Rule 65C-30.022, F.A.C.

⁴ Gypen, L., Vanderfaeillie, J., et al., "Outcomes of Children Who Grew Up in Foster Care: Systematic-Review", Children and Youth Services Review, vol. 76, pp. 74-83, available at <http://dx.doi.org/10.1016/j.childyouth.2017.02.035> (last visited December 11, 2023).

⁵ *Id.*

⁶ Florida Department of Children and Families, *Office of Child and Family Well-Being Dashboard*, available at: <https://www.myflfamilies.com/ocfw-dashboard> (last visited Jan. 4, 2024).

young adults, such as education, employment, financial management, housing, emotional support, and connections to caring adults.⁷

Federal eligibility for Chafee programs includes:

- Youth in foster care, ages 14 and older.
- Young people in or formerly in foster care, ages 18 to 21, or 23 in some jurisdiction.
- Youth who left foster care through adoption or guardianship at age 16 or older.
- Youth “likely to age out of foster care” to receive assistance to participate in age appropriate and normative activities.

In 2022, Florida was allotted \$7,175,951 in federal dollars through Chafee to help fund its independent living services.⁸

Florida’s Independent Living Services

Florida provides independent living services to young adults to help them transition out of foster care and to prepare them to become self-sufficient adults. Florida’s independent living services include extended foster care (EFC), which applies to young adults who were in licensed foster care upon turning 18 years of age.⁹ Florida also offers two other independent living programs: Postsecondary Education Services and Support (PESS) and Aftercare services (Aftercare). The following table provides information on the eligibility requirements to participate in Florida’s independent living programs and the services provided by each.

Program	Eligibility	Services
Extended Foster Care (EFC) ¹⁰	Young adults who turned 18 in foster care and are: <ul style="list-style-type: none"> • Completing high school or its equivalent; or • Enrolled in college or vocational schooling; or • Working at least 80 hours per month. To stay in EFC, the young adult must: <ul style="list-style-type: none"> • Meet with a case manager every month. • Continue to participate in a required activity. • Attend court reviews every six months. 	Young adults may choose to remain in licensed foster care and receive foster care services until the age of 21 (22 with a disability).
Postsecondary Education Services and Support (PESS) ¹¹	<ol style="list-style-type: none"> 1. Young adults who turned 18 in foster care and spent at least 6 months in licensed out-of-home care before turning 18. 2. Young adults who are at least 18 and were adopted from foster care after age 16 or were 	\$1,720 per month for: <ul style="list-style-type: none"> • Housing • Utilities • Living expenses Available until the age 23.

⁷ U.S. Department of Health & Human Services Children’s Bureau, *John H. Chafee Foster Care Program for Successful Transition to Adulthood*, available at: <https://www.acf.hhs.gov/cb/grant-funding/john-h-chafee-foster-care-independence-program> (last visited Dec. 11 2023).

⁸ Administration for Children and Families U.S. Department of Health and Human Services, *FY 2022 Allotment for Chafee Foster Care Program for Successful Transition to Adulthood Grants*, available at: <https://www.acf.hhs.gov/cb/policy-guidance/pi-23-01> (last visited Jan. 6, 2024).

⁹ Ch. 2013-178, Laws of Florida

¹⁰ Section 39.6251, F.S.

¹¹ Section 409.1451(2), F.S.

Program	Eligibility	Services
	placed with a court-approved guardian after sending at least 6 months in licensed foster care within the 12 months immediately preceding such adoption or placement; and <ul style="list-style-type: none"> • Have earned a high school diploma or equivalent; and • Are attending a college or vocational school that is Florida Bright Futures eligible. 	
Aftercare ¹²	Young adults who turned 18 while in licensed foster care, but are not yet 23, and <ul style="list-style-type: none"> • Are not in EFC; or • Are not in PESS. 	Mentoring Tutoring Substance abuse treatment Counseling Job and career skills training Temporary financial assistance for necessities

To prepare an older youth for the possibility of aging out of care, current law requires DCF and CBCs to develop a transition plan with the youth during the year after he or she reaches 16 years of age, with the requirement to update the plan before reaching 18 years of age.¹³ The transition plan must provide information on independent living services that are tailored to the individual needs and plans of the youth, the advantages and disadvantages of participation in each program, and the financial value of each program.¹⁴

The following table shows the total number of young adults receiving independent living services by program type for the last two state fiscal years (SFY).¹⁵

SFY	Aftercare	EFC	PESS
2020-21	366	1498	832
2021-22	433	1418	864

Aftercare Services (Aftercare)

Section 409.1451(3), F.S., allows a young adult to receive Aftercare if he or she turned 18 years of age while in licensed foster care, but has not yet turned 23 years of age, and:

- Is not in EFC; or
- Is not receiving PESS.

¹² Section 409.1451(3), F.S.

¹³ Section 39.6035, F.S.

¹⁴ *Id.*

¹⁵ Florida Department of Children and Families, *Independent Living Services Annual Report February 2023*, available at: https://www.myflfamilies.com/sites/default/files/2023-07/Independent_Living_Services_Report_2022.pdf (last visited Jan. 5, 2024).

The Aftercare provided to a young adult is based on a needs assessment and is intended to be temporary.¹⁶ The services are often used as a bridge to EFC and PESS and may include mentoring, tutoring, mental health, substance abuse, counseling, and financial assistance.¹⁷ Aftercare is currently used as a safety net for a young adult who does not meet eligibility criteria for more long-term independent living programs.¹⁸

However, current eligible requirements for Aftercare limits similarly situated young adults from accessing needed services by:

- Allowing only young adults who were in licensed foster care at the age of 18 to be eligible for services. Young adults who were placed by the court with a relative, nonrelative, or another responsible adult are not considered to be in licensed foster care and therefore are not eligible for Aftercare even if permanency was not achieved by the age of 18.
- Making young adults ineligible for Aftercare if they are in EFC. A young adult in licensed foster care on his or her 18th birthday can choose to remain in licensed care until the age of 21 (or 22 with a disability).¹⁹ While in EFC, the young adult lives independently but is provided supervision, case management, and supportive services.²⁰ While Aftercare and EFC offer some overlapping services, young adults in EFC are not eligible to receive certain financial benefits that only Aftercare provides, such as financial assistance for an emergency.²¹
- Making young adults ineligible for Aftercare if they are receiving PESS. A young adult who currently receives PESS is only eligible for temporary financial assistance under Aftercare to address emergency situations, including, but not limited to, automobile repairs or large medical expenses.²² However, other Aftercare services, such as tutoring, mentoring, or financial literacy training, could be beneficial for young adults receiving PESS even if there is not an emergency.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 409.1451(3), F.S., to expand the eligibility requirements for Aftercare. The bill makes Aftercare available to a young adult who:

- Has reached 18 years of age, but is not 23 years of age; and
- Was placed and lived in out-of-home care for at least 6 months after turning 14 years of age, pursuant to a court order under s. 39.811, F.S.

The bill also allows a young adult to receive Aftercare even if he or she is also receiving PESS or is in EFC, if services and supports are not provided by those programs. This ensures young adults do not receive duplicate services but allows access to needed Aftercare even if they are participating in PESS or EFC.

The bill removes the eligibility requirement that prohibits a young adult from receiving Aftercare if the young adult is not in foster care. By removing the “in foster care” requirement and expanding the eligibility criteria to certain young adults who were in out-of-home care, the bill allows more young

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 39.6251, F.S.

²⁰ *Id.*

²¹ R 65C-41, F.A.C.; R. 65C-42.003, F.A.C.

²² Section 409.1451(3)(a)2., F.S.

adults who were formerly in care, regardless of the out-of-home placement type, to receive services, if a permanent placement is not achieved by 18.

The bill removes the criteria that a young adult who receives financial assistance from PESS is ineligible to receive Aftercare services. This change permits young adults to receive both PESS funds as well as Aftercare services, provided that none of the services are duplicated.

The bill expands the eligibility of young adults to receive funding during emergency situations. The bill removes the provision that permits a young adult between the ages of 18 and 22 who receives PESS funds and is experiencing an emergency situation, but lacks resources to cover the emergency situation, to receive Aftercare. The bill expands this eligibility to permit the DCF to distribute federal funds to all young adults deemed eligible by the funding source in the event of a state or national emergency, notwithstanding the eligibility criteria established.

Section 2 of the bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate negative fiscal impact on the DCF due to the potential increase of young adults that will be eligible for Aftercare services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 409.1451 of the Florida Statutes.

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

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

None.

B. Amendments:

None.