

Committee Substitute for Committee Substitute for  
Committee Substitute for Senate Bill No. 1314

An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that the jurisdiction of the court terminates under specified conditions; providing that the court encourage the Statewide Guardian Ad Litem Office to provide greater representation to certain children; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; providing an appropriation; requiring the department to adopt rules; providing an effective date.

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

Section 1. Subsection (2) of section 39.013, Florida Statutes, is amended, and a new subsection (12) is added to that section, to read:

39.013 Procedures and jurisdiction; right to counsel.—

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated under pursuant to this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, caregiver, or some other person, or was in the physical or legal custody of no person when the event or condition occurred that brought the child to the attention of the court. When the court obtains jurisdiction of any child who has been found to be dependent, the court shall retain jurisdiction, unless relinquished by its

order, until the child reaches 18 years of age. However, if a youth petitions the court at any time before his or her 19th birthday requesting the court's continued jurisdiction, the juvenile court may retain jurisdiction under this chapter for a period not to exceed 1 year following the youth's 18th birthday for the purpose of determining whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, mental health, and developmental disability services, to the extent otherwise authorized by law, have been provided to the formerly dependent child who was in the legal custody of the department immediately before his or her 18th birthday. If a petition for special immigrant juvenile status and an application for adjustment of status have been filed on behalf of a foster child and the petition and application have not been granted by the time the child reaches 18 years of age, the court may retain jurisdiction over the dependency case solely for the purpose of allowing the continued consideration of the petition and application by federal authorities. Review hearings for the child shall be set solely for the purpose of determining the status of the petition and application. The court's jurisdiction terminates upon the final decision of the federal authorities. Retention of jurisdiction in this instance does not affect the services available to a young adult under s. 409.1451. The court may not retain jurisdiction of the case after the immigrant child's 22nd birthday.

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

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

39.701 Judicial review.—

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

1. Has been provided with a current Medicaid card and has been provided all necessary information concerning the Medicaid program sufficient to prepare the youth to apply for coverage upon reaching age 18, if such application would be appropriate.

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

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

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

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

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

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

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

9. Has been provided with notice of the youth's right to petition for the court's continuing jurisdiction for 1 year after the youth's 18th birthday as specified in s. 39.013(2) and with information on how to obtain access to the court.

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

Section 3. Paragraphs (b) and (d) of subsection (5) of section 409.1451, Florida Statutes, are amended, present subsection (9) of that section is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

409.1451 Independent living transition services.—

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

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

1. The Road-to-Independence Scholarship Program is intended to help eligible students who are former foster children in this state to receive the educational and vocational training needed to achieve independence. The amount of the award shall be based on the living and educational needs of the young adult and may be up to, but ~~may shall~~ not exceed, the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job.

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

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

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

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

d. Meets one of the following qualifications:

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

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

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

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

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

5.a. The department must advertise the availability of the program and must ensure that the children and young adults leaving foster care, foster

parents, or family services counselors are informed of the availability of the program and the application procedures.

b. A young adult must apply for the initial award during the 6 months immediately preceding his or her 18th birthday, and the department shall provide assistance with the application process. A young adult who fails to make an initial application, but who otherwise meets the criteria for an initial award, may make one application for the initial award if the such application is made before the young adult's 21st birthday. If the young adult does not apply for an initial award before his or her 18th birthday, the department shall inform that young adult of the opportunity to apply before turning 21 years of age.

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

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

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

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

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

h. The department shall provide information concerning young adults receiving the Road-to-Independence Scholarship to the Department of Education for inclusion in the student financial assistance database, as provided in s. 1009.94.

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

a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree.

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

(I) Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of s. 1009.41.

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

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

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

(d) Payment of aftercare, scholarship, or transitional support funds.—Payment of aftercare, scholarship, or transitional support funds shall be made directly to the recipient unless the recipient requests in writing to the community-based care lead agency, or the department, that the payments or a portion of the payments be made directly on the recipient's behalf in order to secure services such as housing, counseling, education, or employment training as part of the young adult's own efforts to achieve self-sufficiency. The young adult who ~~resides~~ continues with a foster family may ~~shall~~ not be included as a child in calculating any licensing restriction on the number of children in the foster home.

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

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

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

Section 4. The Independent Living Services Advisory Council shall conduct a study to determine the most effective way to address the health insurance needs of young adults who are in the Independent Living Program of the Department of Children and Family Services once the young adults are no longer eligible for the Florida KidCare program. The department and the Agency for Health Care Administration shall assist the advisory council in conducting the study. The advisory council shall provide a report containing recommendations to the Legislature by January 2, 2006.

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

Section 6. The Department of Children and Family Services shall adopt rules to administer this act.

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

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.