

Committee Substitute for Committee Substitute for
Committee Substitute for Senate Bill No. 512

An act relating to independent living transition services; amending s. 409.1451, F.S.; authorizing community-based providers to administer an independent living transition services system; providing legislative intent regarding assistance to older children in foster care; requiring the Department of Children and Family Services to provide certain skills assessment and training to such children; providing guidelines to develop such training; providing certain educational goals; revising provisions governing a young adult's preparation for independent living; requiring the department to conduct an assessment and inform the child of certain scholarships, grants, and awards; providing that such assessment be included in a certain report during judicial review; removing life skills activities guidelines for young adults who were formerly in foster care; revising aftercare services; providing a limitation on the amount of an award; providing additional qualifications to receive the award; providing that a young adult who is eligible to receive such award may remain with the foster family or group care provider beyond his or her age of majority; providing a limitation on the number of diplomas, certificates, or the equivalent an award recipient may receive; revising payment options for aftercare, scholarship, or transitional support funds; abolishing the independent living services workgroup; creating the Independent Living Services Advisory Council; providing duties and responsibilities; requiring an annual report; providing membership criteria; revising the department's rulemaking authority; amending s. 39.701, F.S.; requiring a judicial review hearing within a certain timeframe for each child in foster care; requiring that the court certify that such child has received certain information; providing that the department may be held in contempt; requiring that information from the preindependent living assessment be provided to the courts; requiring the court to determine the child's preparation for independence; amending s. 1009.25, F.S.; revising requirements specifying the students who are exempt from paying tuition and fees; requiring the Auditor General to perform an audit of the program and submit a report; requiring the Office of Program Policy Analysis and Government Accountability to develop recommendations and submit a report; providing an effective date.

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

Section 1. Section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.—

(1) SYSTEM OF SERVICES.—

(a) The Department of Children and Family Services, ~~or its agents, or~~ community-based providers operating pursuant to s. 409.1671 shall admin-

ister a system of independent living transition services to enable older children in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.

(b) The goals of independent living transition services are to assist older children in foster care and young adults who were formerly in foster care to obtain life skills and education for independent living and employment, to have a quality of life appropriate for their age, and to assume personal responsibility for becoming self-sufficient adults.

(c) State funds for foster care or federal funds shall be used to establish a continuum of services for eligible children in foster care and eligible young adults who were formerly in foster care which accomplish the goals for the system of independent living transition services by providing and provide the service components for services for foster children, pursuant to as provided in subsection (4) (3), and services for young adults who were formerly in foster care, pursuant to as provided in subsection (5).

(d) For children in foster care, independent living transition services are not an alternative to adoption. Independent living transition services may occur concurrently with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(2) ELIGIBILITY.—

(a) The department shall serve children who have reached are 13 years of age but are not yet to 18 years of age and who are in foster care by providing services pursuant to through the program component of services for foster children provided in subsection (4) (3). Children to be served must meet the eligibility requirements set forth for specific services as provided in this section and through department rule.

(b) The department shall serve young adults who have reached are 18 years of age but are not yet to 23 years of age and who were in foster care when they turned 18 years of age by providing services pursuant to through the program component of services for young adults who were formerly in foster care in subsection (5). Young adults Children to be served must meet the eligibility requirements set forth for specific services in this section and through department rule.

(3) PREPARATION FOR INDEPENDENT LIVING.—

(a) It is the intent of the Legislature for the Department of Children and Family Services to assist older children in foster care and young adults who exit foster care at age 18 in making the transition to independent living and self-sufficiency as adults. The department shall provide such children and young adults with opportunities to participate in life skills activities in their foster families and communities which are reasonable and appropriate for their respective ages, and shall provide them with services to build the skills and increase their ability to live independently and become self-sufficient. To support the provision of opportunities for participation in age-appropriate life skills activities, the department shall:

1. Develop a list of age-appropriate activities and responsibilities to be offered to all children involved in independent living transition services and their foster parents.

2. Provide training for staff and foster parents to address the issues of older children in foster care in transitioning to adulthood, which shall include information on supporting education and employment and providing opportunities to participate in appropriate daily activities.

3. Develop procedures to maximize the authority of foster parents to approve participation in age-appropriate activities of children in their care.

4. Provide opportunities for older children in foster care to interact with mentors.

5. Develop and implement procedures for older children to directly access and manage the personal allowance they receive from the department in order to learn responsibility and participate in age-appropriate life skills activities to the extent feasible.

(b) It is further the intent of the Legislature that each child in foster care, his or her foster parents, if applicable, and the department or community-based provider set early achievement and career goals for the child's postsecondary educational and work experience. The department and community-based providers shall implement the model set forth in this paragraph to help ensure that children in foster care are ready for postsecondary education and the workplace.

1. Children in foster care entering the ninth grade, their foster parents, and the department or community-based provider shall be active participants in choosing a post-high school goal based upon both the abilities and interests of each child. The goal shall accommodate the needs of children served in exceptional education programs to the extent appropriate for each individual. Such children may continue to follow the courses outlined in the district school board student progression plan. Children in foster care, with the assistance of their foster parents, and the department or community-based provider shall choose one of the following postsecondary goals:

a. Attending a 4-year college or university, a community college plus university, or a military academy;

b. Receiving a 2-year postsecondary degree;

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

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

2. In order to assist the child in foster care in achieving his or her chosen goal, the department or community-based provider shall, with the participation of the child and foster parents, identify:

- a. The core courses necessary to qualify for a chosen goal.
 - b. Any elective courses which would provide additional help in reaching a chosen goal.
 - c. The grade point requirement and any additional information necessary to achieve a specific goal.
 - d. A teacher, other school staff member, employee of the department or community-based care provider, or community volunteer who would be willing to work with the child as an academic advocate or mentor if foster parent involvement is insufficient or unavailable.
3. In order to complement educational goals, the department and community-based providers are encouraged to form partnerships with the business community to support internships, apprenticeships, or other work-related opportunities.
4. The department and community-based providers shall ensure that children in foster care and their foster parents are made aware of the postsecondary goals available and shall assist in identifying the coursework necessary to enable the child to reach the chosen goal.
- (c) All children in foster care and young adults formerly in foster care are encouraged to take part in learning opportunities that result from participation in community service activities.

(d) Children in foster care and young adults formerly in foster care shall be provided with the opportunity to change from one postsecondary goal to another, and each postsecondary goal shall allow for changes in each individual's needs and preferences. Any change, particularly a change that will result in additional time required to achieve a goal, shall be made with the guidance and assistance of the department or community-based provider.

~~(4)(3) PROGRAM COMPONENT OF SERVICES FOR FOSTER CHILDREN IN FOSTER CARE.~~—The department shall provide the following transition to independence services to children in foster care who meet prescribed conditions and are determined eligible by the department. The service categories available to children in foster care which facilitate successful transition into adulthood are:

- (a) Preindependent-living services.—
 1. Preindependent-living services include, but are not limited to, life skills training, educational field trips, and conferences. The specific services to be provided to a child shall be determined using a preindependent-living assessment.
 2. A child who has reached 13 years of age but is not yet 15 years of age who is in foster care is eligible for such services.
 3. The department shall conduct an annual staffing for each child who has reached 13 years of age but is not yet 15 years of age to ensure that the preindependent-living training and services to be provided as determined by

the preindependent-living assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. At the first annual staffing that occurs following a child's 14th birthday, and at each subsequent staffing, the department shall provide to each child detailed information on services provided by the Road-to-Independence Scholarship Program, including requirements for eligibility; on other grants, scholarships, and waivers that are available and should be sought by the child with assistance from the department, including, but not limited to, the Bright Futures Scholarship Program, as provided in ss. 1009.53-1009.538; on application deadlines; and on grade requirements for such programs.

5. Information related to both the preindependent-living assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(b) Life skills services.—

1. Life skills services may include, but are not limited to, independent living skills training, including training to develop banking and budgeting skills, interviewing skills, parenting skills, educational support, employment training, and counseling. Children receiving these services should also be provided with information related to social security insurance benefits and public assistance. The specific services to be provided to a child shall be determined using an independent life skills assessment.

2. A child who has reached 15 years of age but is not yet ~~to~~ 18 years of age who is in foster care is eligible for such services.

3. The department shall conduct a staffing at least once every 6 months for each child who has reached 15 years of age but is not yet 18 years of age to ensure that the appropriate independent living training and services as determined by the independent life skills assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. The department shall provide to each child in foster care during the calendar month following the child's 17th birthday an independent-living assessment to determine the child's skills and abilities to live independently and become self-sufficient. Based on the results of the independent-living assessment, services and training shall be provided in order for the child to develop the necessary skills and abilities prior to the child's 18th birthday.

5. Information related to both the independent life skills assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(c) Subsidized independent living services.—

1. Subsidized independent living services are living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175.

2. A child who has reached 16 years of age but is not yet 18 years of age is eligible for such services if he or she:

a. Is adjudicated dependent under chapter 39; has been placed in licensed out-of-home care for at least 6 months prior to entering subsidized independent living; and has a permanency goal of adoption, independent living, or long-term licensed care; and

b. Is able to demonstrate independent living skills, as determined by the department, using established procedures and assessments.

3. Independent living arrangements established for a child must be part of an overall plan leading to the total independence of the child from the department's supervision. The plan must include, but need not be limited to, a description of the skills of the child and a plan for learning additional identified skills; the behavior that the child has exhibited which indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving resources and ability; a description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services to be provided by the department and other agencies, including the type of service and the nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

4. Subsidy payments in an amount established by the department may be made directly to a child under the direct supervision of a caseworker or other responsible adult approved by the department.

~~(4) PARTICIPATION IN LIFE SKILLS ACTIVITIES.—In order to assist older children in foster care, ages 13 to 18 years of age, with the transition to independent living as adults, the program must provide them with opportunities to participate in and learn from life skills activities in their foster families and communities which are reasonable and appropriate for their age. Such activities may include, but are not limited to, managing money earned from a job, taking driver's education, and participating in after-school or extracurricular activities. To support these opportunities for participation in age-appropriate life skills activities, the department may:~~

~~(a) Develop, with children in the program and their foster parents, a list of age-appropriate activities and responsibilities to be presented to all children involved in independent living transition services and their foster parents.~~

~~(b) Provide training for staff and foster parents which addresses issues of older children in foster care and the transition to adulthood, including supporting education and employment and providing opportunities to participate in appropriate daily activities.~~

~~(c) Develop procedures to maximize the authority of foster parents to approve participation in age-appropriate activities of children in their care.~~

~~(d) Provide opportunities for older children in foster care to interact with mentors.~~

~~(e) Develop and implement procedures for older children to directly access and manage the personal allowance they receive from the department in order to learn responsibility and participate in age-appropriate life skills activities to the extent feasible.~~

(5) ~~PROGRAM COMPONENT OF 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:

(a) Aftercare support services.—

1. Aftercare support services are available to assist young adults who were formerly in foster care in their efforts to continue to develop the skills and abilities necessary for independent living. The aftercare support services available include, but are not limited to, the following referrals to resources in the community for:

- a. Mentoring and tutoring.
- b. Mental health services and substance abuse counseling.
- c. Life skills classes, including credit management and preventive health activities.
- d. Parenting classes.
- e. Job skills training.
- f. Counselor consultations.
- g. Temporary financial assistance.

The specific services to be provided under this subparagraph shall be determined by an aftercare services assessment and may be provided by the department or through referrals in the community. ~~Temporary assistance may be provided to prevent homelessness shall be provided as expeditiously as possible and~~ within the limitations defined by the department.

2. A young adult who has reached 18 years of age but is not yet to 23 years of age who leaves foster care at 18 years of age but who requests services prior to reaching 23 years of age is eligible for such services.

(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 shall not exceed, equal the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job, after considering other grants and scholarships that are in excess of the educational institutions' fees and costs, and contingent upon available funds. Students eligible for the Road-to-Independence Scholarship Program may also be eligible for educational fee waivers for workforce development postsecondary programs, community colleges, and universities, pursuant to s. 1009.25(2)(c).~~

2. A young adult who has reached 18 years of age but is not yet to 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 Is a dependent child, pursuant to chapter 39, and was is living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday;

b. ~~Has 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, is within 2 years of graduation, and has maintained a grade point average of at least 2.0 on a scale of 4.0 for the two semesters preceding the date of his or her 18th birthday; 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, is making satisfactory progress in that program as certified by the program, and is within 2 years of graduation.~~

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 towards completion of a high school diploma or its equivalent or working towards completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment 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 shall not be less than \$25 in order to maintain Medicaid eligibility for the young adult as provided in s. 409.903.

5.3.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 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 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.

f.e. 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.f. 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.g. 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.h. 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. Such funds shall be terminated when the young adult has attained one of four postsecondary goals pursuant to subsection (3) a bachelor of arts or bachelor of science degree, or equivalent undergraduate degree, 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 towards completion of a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree. Road-to-Independence Scholarship funds 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.i. 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 at least 12 semester 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 the cumulative grade point average required by the scholarship program, except that, if the young adult's progress is grades are insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress the grade point average to the required level.

k.j. 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.k. 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.

l. ~~A young adult receiving continued services of the foster care program under former s. 409.145(3) must transfer to the scholarship program by July 1, 2003.~~

(c) Transitional support services.—

1. In addition to any services provided through after care support or the Road-to-Independence Scholarship, a young adult formerly in foster care, may receive other appropriate short-term services, which may include financial, housing, counseling, employment, education, mental health, disability, and other services, if the young adult demonstrates that the services are critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system.

2. A young adult formerly in foster care is eligible to apply for transitional support services if he or she ~~has reached is~~ 18 years of age but is not yet to 23 years of age, was a dependent child pursuant to chapter 39, was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday, and had spent at least 6 months living in foster care before that date.

3. If at any time the services are no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated.

(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 that the payments or a portion of the payments be made directly to a licensed foster family or group care provider with whom the recipient was residing at the time of attaining the 18th birthday and with whom the recipient desires to continue to reside. If a young adult and the former foster parent agree that the young adult shall continue to live in the foster home while receiving aftercare, scholarship, or transitional support funds, the caregiver shall establish written expectations for the young adult's behavior and responsibilities. The young adult who continues with a foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(e) Appeals process.—

1. The Department of Children and Family Services shall adopt by rule a procedure by which a young adult may appeal an eligibility determination or the department's failure to provide aftercare, scholarship, or transitional support services, or the termination of such services, if such funds are available.

2. The procedure developed by the department must be readily available to young adults, must provide timely decisions, and must provide for an appeal to the Secretary of Children and Family Services. The decision of the secretary constitutes final agency action and is reviewable by the court as provided in s. 120.68.

(6) ACCOUNTABILITY.—The department shall develop outcome measures for the program and other performance measures.

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL WORKGROUP.—The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a

valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(a) ~~Specifically, the advisory council workgroup, which, at a minimum, shall include representatives from the Department of Children and Family Services, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., and foster parents. The workgroup shall assess the implementation and operation of the system of independent living transition services and advise the department on actions that would improve the ability of the independent living transition services to meet the established goals. The advisory council workgroup shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of independent living transition services has achieved. The department shall consider, but is not required to implement, the recommendations of the advisory council workgroup.~~

(b) ~~For the 2002-2003 and 2003-2004 fiscal years, The advisory council workgroup shall report to the appropriate substantive committees of the Senate and the House of Representatives on the status of the implementation of the system of independent living transition services; efforts to publicize the availability of aftercare support services, the Road-to-Independence Scholarship Program, and transitional support services; specific barriers to financial aid created by the scholarship and possible solutions; the success of the services; problems identified; recommendations for department or legislative action; and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the Senate and the House substantive committees December 31, 2002. This advisory council workgroup report shall is to be submitted by December 31 of each year that the council is in existence December 31, 2003, and December 31, 2004, and shall be accompanied by a report from the department which identifies the recommendations of the advisory council workgroup and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.~~

(c) ~~Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.~~

(8) PERSONAL PROPERTY.—Property acquired on behalf of clients of this program shall become the personal property of the clients and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.

(9) RULEMAKING.—The department shall adopt by rule procedures to administer this section, including ~~balancing provision for the proportional reduction of scholarship awards when adequate funds are not available for all applicants. These rules shall balance the goals of normalcy and safety for the youth and~~ providing provide the caregivers with as much flexibility as possible to enable the youth to participate in normal life experiences. The department shall not adopt rules relating to reductions in scholarship awards. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance.

Section 2. Subsections (6) through (8) of section 39.701, Florida Statutes, are renumbered as subsections (7) through (9), respectively, present subsection (6) is amended, paragraph (j) is added to present subsection (7), and a new subsection (6) is added to said section, to read:

39.701 Judicial review.—

(6)(a) In addition to the provisions of s. 39.701(1)(a) and (2)(a), the court shall hold a judicial review hearing within 90 days after a child'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 child's 18th birthday if necessary. At each review held 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.
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 pursuant to s. 322.051.
3. Has been provided information relating to Social Security Insurance benefits if the child is eligible for 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 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.
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.

(b) At the first judicial review hearing held subsequent to the child's 17th birthday, in addition to the requirements of subsection (7), the department shall provide the court with an updated case plan that includes specific information related to independent living services that have been provided since the child's 13th birthday, or since the date the child came into foster care, whichever came later.

(c) At the time of a judicial review hearing held pursuant to this subsection, if, in the opinion of the court, the department has not complied with its obligations as specified in the written case plan or in the provision of independent living services as required by s. 409.1451 and this subsection, the court shall issue a show cause order. If cause is shown for failure to comply, the court shall give the department 30 days within which to comply and, on failure to comply with this or any subsequent order, the department may be held in contempt.

~~(7)(6)~~(a) Prior to every judicial review hearing or citizen review panel hearing, the social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish to the court or citizen review panel a written report that includes, but is not limited to:

1. A description of the type of placement the child is in at the time of the hearing, including the safety of the child and the continuing necessity for and appropriateness of the placement.

2. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.

3. The amount of fees assessed and collected during the period of time being reported.

4. The services provided to the foster family or legal custodian in an effort to address the needs of the child as indicated in the case plan.

5. A statement that either:

a. The parent, though able to do so, did not comply substantially with the provisions of the case plan, and the agency recommendations;

b. The parent did substantially comply with the provisions of the case plan; or

c. The parent has partially complied with the provisions of the case plan, with a summary of additional progress needed and the agency recommendations.

6. A statement from the foster parent or legal custodian providing any material evidence concerning the return of the child to the parent or parents.

7. A statement concerning the frequency, duration, and results of the parent-child visitation, if any, and the agency recommendations for an expansion or restriction of future visitation.

8. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.

9. The number of times a child's educational placement has been changed, the number and types of educational placements which have occurred, and the reason for any change in placement.

10. If the child has reached 13 years of age but is not yet 18 years of age, the results of the preindependent-living, life-skills, or independent-living assessment, the specific services needed, and the status of the delivery of the identified services.

~~11.10.~~ Copies of all medical, psychological, and educational records that support the terms of the case plan and that have been produced concerning the child, parents, or any caregiver since the last judicial review hearing.

(b) A copy of the social service agency's written report and the written report of the guardian ad litem must be served on all parties whose whereabouts are known; to the foster parents or legal custodians; and to the citizen review panel, at least 72 hours before the judicial review hearing or citizen review panel hearing. The requirement for providing parents with a copy of the written report does not apply to those parents who have voluntarily surrendered their child for adoption or who have had their parental rights to the child terminated.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. If the child cannot be placed for adoption, a report on the progress made by the child towards alternative permanency goals or placements, including, but not limited to, guardianship, long-term custody, long-term licensed custody, or independent living, must be submitted to the court. The report must be submitted to the court at least 72 hours before each scheduled judicial review.

(d) In addition to or in lieu of any written statement provided to the court, the foster parent or legal custodian, or any preadoptive parent, shall be given the opportunity to address the court with any information relevant to the best interests of the child at any judicial review hearing.

~~(8)(7)~~ The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem if one has been

appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

(j) For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living.

Section 3. Paragraph (c) of subsection (2) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career and technical programs, community college, or state university:

(c) A student ~~who to whom~~ the state has ~~determined is eligible for the awarded~~ a Road-to-Independence Scholarship, ~~regardless of whether an award is issued or not,~~ or a student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085, or who is adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in vocational-preparatory instruction and completion of the college-level communication and computation skills testing program. Such an exemption is available to any student who was in the custody of a relative under s. 39.5085 at the time he or she reached 18 years of age or was adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption remains valid for no more than 4 years after the date of graduation from high school.

Section 4. Pursuant to section 11.45(2), Florida Statutes, the Auditor General shall perform both an operational audit and a performance audit, as defined in section 11.45(1), Florida Statutes, of the independent living transition services program within the Department of Children and Family Services and shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Children and Family Services, and the appropriate substantive committees of the Senate and the House of Representatives no later than February 28, 2005.

Section 5. The Office of Program Policy Analysis and Government Accountability develop recommendations for the minimum system standards for the independent living transition services system required in section 409.1451(6), Florida Statutes. These recommendations shall be developed with advice from the key stakeholders in the independent living transition service system, including, but not limited to, independent living services

staff of the Department of Children and Family Services and community-based care lead agencies, representatives of the State Youth Advisory Board, other youth and young adults who are or have been in the foster care system, foster parents, and representatives from other state agencies and community service providers who are involved in serving this population. These recommendations shall be provided to the Department of Children and Family Services on or before November 30, 2004.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 24, 2004.

Filed in Office Secretary of State June 24, 2004.