Road-to-Independence, Transitioning from Foster Care

This Act directs the state child services department to establish a program to help people in foster care become self-sufficient when they are old enough to leave foster care. The program will service adolescents who are in foster care but are approaching the age at which they will leave it, as well as young adults who have recently left foster care and are living on their own.

Submitted as:
Florida
HB 245
Status: enacted into law in 2002.

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “The Road-to-Independence Act.”

Section 2. [Care of Children.] The [department] shall conduct, supervise, and administer a program for dependent children and their families. The services of the program are to be directed toward the transition to self-sufficiency for older children who continue to be in foster care as adolescents.

Section 2. [Independent Living Transition Services.]

(1) System of Services. --
(a) The [Department of Children and Family Services] or its agents shall administer a system of independent living transition services to enable older children in foster care and young adults who exit foster care at age [eighteen (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 independent living transition services and provide the service components for services for foster children, as provided in subsection (3), and services for young adults who were formerly in foster care, 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 are [thirteen (13)] to [eighteen (18)] years of age and who are in foster care through the program component of services for foster children provided in subsection (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 are [eighteen (18)] to [twenty-three (23)] years of age and who were in foster care when they turned [eighteen (18)] years of age through the program component of services for young adults who were formerly in foster care in subsection (5). Children to be served must meet the eligibility requirements set forth for specific services in this section and through [department] rule.
(3) Program Component of Services for Foster Children. -- 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) Pre-independent-living services. --

1. Pre-independent-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 pre-independent-living assessment.

2. A child [thirteen (13)] to [fifteen (15)] years of age who is in foster care is eligible for such services.

(b) Life skills services. --

1. Life skills services may include, but are not limited to, independent living skills training, educational support, employment training, and counseling. The specific services to be provided to a child shall be determined using an independent life skills assessment.

2. A child [fifteen (15)] to [eighteen (18)] years of age who is in foster care is eligible for such services.

(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 [insert citation].

2. A child [sixteen (16)] to [eighteen (18)] years of age is eligible for such services if he or she:

   (i) Is adjudicated dependent under [insert citation]; has been placed in licensed out-of-home care for at least [six (6)] months prior to entering subsidized independent living; and has a permanency goal of adoption, independent living, or long-term licensed care; and

   (ii) 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 [thirteen (13)] to [eighteen (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 include, but are not limited to, referrals to resources in the community for:

   (i) Mentoring and tutoring.
   (ii) Mental health services and substance abuse counseling.
   (iii) Life skills classes, including credit management and preventive health activities.
   (iv) Parenting classes.
   (v) Job skills training.

   The specific services to be provided under this subparagraph shall be determined by an aftercare services assessment. Temporary assistance may be provided to prevent homelessness within the limitations defined by the [department].

2. A young adult [eighteen (18)] to [twenty-three (23)] years of age who leaves foster care at [eighteen (18)] years of age but who requests services prior to reaching [twenty-three (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 equal the 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 [insert citation].

2. A young adult [eighteen (18)] to [twenty-one (21)] years of age is eligible for the initial award, and a young adult under [twenty-three (23)] years of age is eligible for renewal awards, if he or she:

   (i) Is a dependent child, pursuant to [insert citation], and is living in licensed foster care or in subsidized independent living at the time of his or her [18th] birthday;
   (ii) Has spent at least [six (6)] months living in foster care before reaching his or her [18th] birthday;
   (iii) Is a resident of this state as defined in [insert citation]; and
   (iv) Meets one of the following qualifications:

      (A) Has earned a standard high school diploma or its equivalent as described in [insert citation], and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in [insert citation];
(B) Is enrolled full time in an accredited high school, is within [two (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 (2)] semesters preceding the date of his or her [18th] birthday; or

(C) 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 [two (2)] years of graduation.

3. (i) 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.

(ii) A young adult must apply for the initial award during the [six (6)] months immediately preceding his or her [18th] birthday. 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.

(iii) 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.

(iv) An award shall be issued at the time the eligible student reaches [eighteen (18)] years of age.

(v) 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.

(vi) 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.

(vii) 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 [insert citation].

(viii) Scholarship funds shall be terminated when the young adult has attained a bachelor of arts or bachelor of science degree, or equivalent undergraduate degree, or reaches [twenty-three (23)] years of age, whichever occurs earlier.

(ix) 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 at least [twelve (12)] semester hours or the equivalent in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of [insert citation].

(II) Maintain the cumulative grade point average required by the scholarship program, except that, if the young adult’s grades are insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving the grade point average to the required level.

(x) 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.(iv), 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.

(xi) 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 [twenty-three (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.

4. A young adult receiving continued services of the foster care program under former [insert citation] must transfer to the scholarship program by [July 1, 2003].

(c) Transitional Support Services. --
1. In addition to any services provided through aftercare 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 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 is [eighteen (18)] to [twenty-three (23)] years of age, was a dependent child pursuant to [insert citation], 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 [six (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 shall be made directly to the recipient unless the recipient requests 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 if such funds are available. The procedure developed by the [department] must be readily available to young adults 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 [insert citation].

6) Accountability. -- The [department] shall develop outcome measures for the program and other performance measures.

7) Independent Living Services Integration Workgroup. -- The [Secretary of Children and Family Services] shall establish the independent living services integration 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], and foster parents. The workgroup shall assess barriers to the effective and efficient integration of services and support across systems for the transition of older children in foster care to independent living. The workgroup shall recommend methods to overcome these barriers and shall ensure that the state plan for federal funding for the independent living transition services includes these recommendations. The workgroup shall report to appropriate legislative committees of the [Senate and the House of Representatives] by [insert date]. Specific issues and recommendations to be addressed by the workgroup include:

(a) Enacting the Medicaid provision of the federal Foster Care Independence Act of 1999, Pub. L. No. 106-169, which allows young adults formerly in foster care to receive medical coverage up to [twenty-one (21)] years of age.

(b) Extending the age of Medicaid coverage from [twenty-one (21)] to [twenty-three (23)] years of age for young adults formerly in foster care in order to enable such youth to complete a postsecondary education degree.

(c) Encouraging the [regional workforce boards] to provide priority employment and support for eligible foster care participants receiving independent living transition services.

(d) Facilitating transfers between schools when changes in foster care placements occur.

(e) Identifying mechanisms to increase the legal authority of foster parents and staff of the [department] or its agent to provide for the age-appropriate care of older children in foster care, including
enrolling a child in school, signing for a practice driver’s license for the child, cosigning loans and insurance
for the child, signing for the child’s medical treatment, and authorizing other similar activities as appropriate.

(f) Transferring the allowance of spending money that is provided by the [department] each
month directly to an older child in the program through an electronic benefit transfer program. The purpose of
the transfer is to allow these children to access and manage the allowance they receive in order to learn
responsibility and participate in age-appropriate life skills activities.

(g) Identifying other barriers to normalcy for a child in foster care.

Section 3. [Rulemaking.] The [department] shall adopt by rule procedures to administer this Act,
including provision for the proportional reduction of scholarship awards when adequate funds are not
available for all applicants. The [department] shall engage in appropriate planning to prevent, to the extent
possible, a reduction in scholarship awards after issuance.

Section 4. [Severability.] [Insert severability clause.]

Section 5. [Repealer.] [Insert repealer clause.]

Section 6. [Effective Date.] [Insert effective date.]