

**Laws of Florida 2007-147 (Formerly Senate Bill 2114)
Guidelines for Implementation**

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INDEPENDENT LIVING TRANSITION SERVICES - Section 409.1451, F.S.

- 1. Purpose.** These guidelines cover the policies and procedures relative to Independent Living Transition Services for youth in the custody of the department and young adults formerly in the custody of the department.
- 2. Scope.** These guidelines apply to all staff providing services to children in custody of the department and to young adults formerly in the custody of the department.
- 3. Authority.** Section 409.1451, F.S., Independent Living Transition Services

SPECIFIC PROGRAMMATIC CHANGES:

Age Appropriate Activities. (Section 409.1451(3)(a) 3, F.S.) The revised provisions remove responsibility under administrative rules and law and prohibit the sanctioning of a foster parent's license as a result of actions a child engaged in activities specified in his or her written plan.

Previous requirements in law maximized the authority of foster parents to approve participation in age-appropriate activities by requiring a written plan for such activities. These written plans must be developed for children beginning at age 13 but may be and are encouraged to be developed earlier.

- **Requirement:** Develop a written plan for each youth in foster care providing the opportunity to participate in age appropriate activities and the authority to make decisions granted to the foster parent or caregiver. These plans must contain specific goals and objectives, signed by all participants.
- **Participants:** Foster parent or caregiver, the child and the case manager.
- **Review and update requirements:** Not less than quarterly.
- **Resources:** *Normalcy for Children in the Custody of the Department* Memorandum dated June 30, 2005 and *Age Appropriate Activities and Responsibilities* document developed by the State Youth Advisory Board March 2003 in Tallahassee, Florida, Sample templates. These resources can be found at Florida's Center for the Advancement of Child Welfare Practice at <http://centerforchildwelfare.fmhi.usf.edu/>.

Expanded Eligibility Population for the Road to Independence Program. (ss. 409.1451(5) (b) 2.a.) The provisions in this subsection expand the population eligible for the RTI Program. In addition to the population currently eligible, the population includes young adults who have reached 18 years of age and:

- Were adopted from foster care after reaching 16 years of age, or
- After reaching 16 years of age, was placed in a guardianship by the court;
- Both of the provisions above require that the youth had spent at least 6 months in the custody of the department immediately prior to placement or adoption.
- **Service Eligibility:** Youth in these categories will be eligible for Road to Independence Program awards but will not be eligible for Aftercare Support or Transitional Support Services.

- **Guardianship clarification:** In order to be eligible for the Road to Independence Program youth placed in guardianship will have to meet the criteria set forth in s. 39.6221, F.S., “Permanent guardianship of a dependent child.” One criterion for placement in “permanent guardianship” is that the child “...has been in the placement for not less than the preceding 6 months.” This would require a “temporary custody order for at least 6 months prior to being able to order the youth into permanent guardianship. The new requirement for Road to Independence Program eligibility is that the youth had spent at least 6 months in the custody of department immediately preceding placement in guardianship.

Clarification on this issue was requested because there was confusion about whether it was possible for youth to be placed directly from department custody into a permanent guardianship situation. However, as long as the youth is placed in the temporary custody of the relative or non-relative after reaching age 16 and after spending at least the immediate previous 6 months in department custody and subsequently being ordered into permanent guardianship of the same relative or non-relative, he/she will meet this eligibility requirement.

- **Potentially Eligible Age Categories:** As of July 1st, 2007, all young adults who meet the new eligibility criteria and are age 18, 19 or 20 will be potentially eligible for an “initial” Road to Independence Program award. Since a young adult must be awarded the initial Road to Independence Program benefit prior to reaching age 21, any young adult who may have met other eligibility criteria but are age 21 or 22 as of July 1st, 2007 will not be eligible for the initial or renewal awards.
- **Requirement:** Identify potentially eligible youth and complete the process for initial application just as is done for the current population receiving the RTI Program awards.
- **Payment of RTI awards:** Awards for young adults placed in guardianship at age 16 or older must be paid out of state funds only. Awards for young adults adopted at age 16 or after must be paid out of state funds unless the young adult is attending a post-secondary educational institution. In these cases, up to \$6,250 per year in the Education and Training Voucher fund category may be used. After reaching the \$6,250 mark, state funds must be used to support the students’ award for the remainder of the year. More instructions on payment of awards can be found in the “Independent Living Program Payment Guide and Coding Definitions” booklet which can be found at Florida’s Center for the Advancement of Child Welfare Practice at <http://centerforchildwelfare.fmhi.usf.edu/>.
- **Implementation:** Each Community-Based Care lead agency should immediately convene a meeting with appropriate staff from program areas being impacted by this new legislation. This meeting should be used to discuss training of staff and specific program area responsibilities for the new population including; outreach, verification of adoption or guardianship, initial application processing, needs assessments processing, renewal and reinstatement request processing, establishing specific contacts within program areas and method for receiving requests and questions. Program areas of adoption, out-of-home care and independent living should be included at minimum.

Subsidized Independent Living. (Section 409.1451(4)(c)2., F.S.) Subsidized Independent Living services are arrangements that allow a youth in the custody of the department to living in settings that are not required to be licensed. These arrangements are sometimes in the best

interest of the youth to allow a smooth transition to adulthood and/or to begin learning to pay rent, use community resources and live on a budget while still under the supervision and support of the community-based care agency.

- **Requirement:** Each youth who has reached age 16 and is living in licensed foster care:
 - Must be formally evaluated for placement in the subsidized independent program; and
 - If eligible and appropriate for placement, a timeframe for placement in subsidized independent living must be decided and plan for independence described in s. 409.1451(4)(c)3. be developed; or
 - If the youth is not eligible or appropriate at the time of the evaluation but still wishes to be considered for subsidized independent living, a plan must be developed which describes the youth's deficiencies and the steps they must take in order to become eligible for the program.

- **Implementation:** Each agency must develop a plan to identify all youth in licensed care age 16 through 18 and evaluate his or her readiness for subsidized independent living. In addition, each agency must develop a tracking system to ensure that the youth have been evaluated as soon as possible after reaching age 16. These evaluations may take place during the semi annual independent living staffings that are currently required by statute.

DRIVER'S LICENSES FOR YOUTH IN FOSTER CARE – Section 322.09, F.S.

1. Purpose. These provisions allow a caseworker for a youth to sign an application for a learner's driver's license or a regular driver's license without being held liable for damages caused by the minor.

2. Scope. These guidelines apply to all staff providing services to youth age 15 through 17 who are in the custody of the department.

3. Responsibilities. Prior to signing the application, the caseworker must notify the foster parent or other responsible party of the intent to sign the application.

4. Authority. Section 322.09(4) and (5), F.S., Application of Minors; responsibility for negligence or misconduct of minor.

MEDICAID ELIGIBILITY - Section 409.903, F.S.

1. Purpose. These guidelines are intended to provide information regarding the increase in age limit and the expanded population eligible for Medicaid coverage as a result of Senate Bill 2114.

2. Scope. These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in custody of the department.

3. Authority. Section 409.903, F.S., Mandatory Payments for Eligible Persons

Age Limit Increased. The age limit for young adults eligible for Medicaid benefits increased from age 20 to age 21. Young adults exiting the licensed foster care are eligible for Medicaid benefits if they are eligible for:

- Aftercare Support Services – in order to qualify for Aftercare Support Services a young adult must:
 - Have reached 18 years of age and exited foster care at age 18; and
 - Have not reached age 23.
- Transitional Support Services - A young adult formerly in foster care is eligible to apply for transitional support services if he or she has:
 - Reached 18 years of age but is not yet 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

Young adults currently eligible for the Road to Independence Program will continue to receive Medicaid until age 21.

Eligibility Population Expanded. The revisions to subsection 409.1451(5)(b)2., F.S., expands the population eligible to receive the Road to Independence Program. Because subsection (4) of 409.903 includes young adults who are eligible to receive services under s. 409.1451(5) as eligible for Medicaid coverage after reaching the age of 18, it will now expand the eligibility group. Young adults eligible for Medicaid coverage due to this revision would include participants in the Road to Independence Program who:

- Were adopted from foster care after reaching 16 years of age, or
- After reaching 16 years of age, were placed in a guardianship by the court;
- Both of the provisions above require that the youth had spent at least 6 months in the custody of the department immediately prior to placement or adoption.

Procedure. Each zone/district/community-based care providers are currently using locally developed procedures for communicating between casework staff, Revenue Maximization staff,

and child-in-care staff to ensure that RTI recipients are receiving Medicaid coverage. These same procedures may be used for this expanded population. The CF-ES 2694 form is used for such communications and is available electronically online.

- When the youth turns age 18, check the “Change” box in Section II; and
- Enter remarks in the “Comments” space to the effect that “youth is eligible for services per 409.1451(5), F.S.

REMOVAL OF THE DISABILITIES OF NONAGE OF MINORS - Section 743.044, F.S.

1. Purpose. These guidelines are intended to provide information regarding the removal of disability of nonage of minors, allowing youth in foster care the ability to execute agreements for opening saving and checking accounts beginning at age 16.

2. Scope. These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in custody of the department.

3. Authority. Section 743.044, F.S., Removal of Disabilities of Minors; executing agreements for depository financial services.

Explanation of Benefits. Youth in out-of-home care are in need of banking services in order to learn how to save money and budget his or her earnings prior to turning 18 years of age. The legislature has provided youth in foster care with a tool for acquiring checking and savings accounts without the need for co-signers by removing the “disabilities of minors” for executing agreements for depository financial services. These youth are authorized to make and execute all documents, contracts, or agreements necessary for the purpose of obtaining banking services upon the youth's 16th birthday.

Eligibility. The disability of nonage of minors is removed for all youth who:

- Have reached 16 years of age;
 - Have been adjudicated dependent; and
 - Are residing in an out-of-home placement; and
 - Have completed a financial literacy class.
- Youth seeking to enter into agreements for depository financial services must present an order from the court removing the disabilities of nonage of the minor.