DATE: September 30, 2005

TO: Zone Program Administrators, District/Region Administrators, Community-Based Care CEOs

THROUGH: David Fairbanks, Director, Provider Relations Greg Keller, Assistant Secretary for Operations

FROM: Beth Englander, Director Office of Family Safety

RE: Subsidized Independent Living - Program Guidelines (Section 409.1451, F.S.)

The Subsidized Independent Living Program has been available for children in Florida’s foster care system since at least the late 1980’s. Because of statutory changes over the past few years, the current department operating procedures for this program are outdated and contain information that is not consistent with current statutes (s.409.1451, F.S.).

Currently, the department is in the process of promulgating revised child welfare rules which will include sections addressing the Subsidized Independent Living Program. Until these rules are promulgated, the Office of Family Safety intends to issue revised guidelines for this program.

At this point, these guidelines are being provided for your review and comment. The Office of Family Safety plans to review comments and issue guidance based on the input received. Please review these documents and provide comments to Beth Englander no later than October 17.

Thank you for taking the time to review these guidelines.

Attachments

cc: Don Winstead, Deputy Secretary
Josefina Tamayo, General Counsel
Judith Levine, Assistant General Counsel
1. **Purpose.** In accordance with s. 409.1451, paragraphs (4)(c), Florida Statutes (F.S.), these guidelines cover the eligibility requirements and other policies and procedures of the subsidized independent living program.

2. **Scope.** These guidelines apply to all staff and designees providing services to youth in custody of the department whom are 16 but not yet reached 18 years of age.

3. **Definitions.** For the purposes of these guidelines, the following terms shall be understood to mean:

   a. **Desigenee** is a person, contractual provider or other agency or entity named by the department to perform duties assigned by the department.

   b. **Subsidized Independent Living (SIL)** is an unlicensed living arrangement for youth 16 and 17 years of age allowing him/her to live independent of the daily care and supervision of an adult, under the provisions of s. 409.1451, F.S.

   c. **Custody of the Department:** means a child who has been court ordered into the temporary or permanent custody of the Department of Children and Families or contracted service provider. This includes children who have been ordered into shelter status and placed in licensed care with the department, as well as, those children that have been adjudicated dependent.

4. **Youth Eligibility for Subsidized Independent Living.**

   a. In order to be approved to live in a subsidized living arrangement, a youth must meet the following criteria as required by F.S.409.1451:

      1. **Age.** Must be 16 or 17 years of age and not yet reached their 18th birthday (F.S. 409.1451(4)(c)2.). At minimum, the youth’s parents and the court must be notified that a placement in Subsidized Independent Living has been made. It must be noted that some Districts/Regions or Community Based Care Agencies may choose to gain approval from the court or the youth’s parents prior to placement in Subsidized Independent Living and while this is acceptable, it is not required under law or these guidelines.

      2. **Legal Status.** Must be adjudicated dependent, as defined in Chapter 39, F.S. and have been in custody of the department, at least 6 months prior to entering subsidized independent living, with a goal of either adoption, long-term licensed care or independent living (F.S. 409.1451(4)(c)2.a.).
b. According to F.S. 409.1451(4)(c)2.b., the youth must be able to demonstrate independent living skills. The following criteria are ways that the youth can demonstrate these skills, but exceptions to some of these criteria may be allowed by the District Administrator or Independent Living Coordinator with approval of the District Administrator with consideration of the child’s safety and best interests:

(1) Employment or Extra-curricular activities. Must be employed at least part-time earning a minimum of $100.00 per month or be involved in extra-curricular activities as deemed appropriate by the Independent Living Coordinator. These extra-curricular activities may include but not be limited to: participation on sports teams, cheerleading squads, school bands, internships, school advisory boards or any other beneficial activity that would be important to the youth’s personal development but would also limit the youth’s ability to obtain employment.

(2) Savings. Must have sufficient earned savings or other means to pay move-in and first month’s living expenses, until the first subsidy check arrives. The youth may submit a statement that includes the projected move-in cost and proof of available resources to meet these costs.

(3) Education. Must be enrolled in a full-time educational program. Full-time is defined as: regular attendance at high school, at least 12 credit hours per semester at an accredited college or university, or full time as defined by the GED/Vocational Technical program which the youth is attending.

(4) Grades. Must maintain a 2.0 grade point average on a 4.0 scale or equivalent in school or educational program. For vocational schools, GED programs or other educational programs that do not award grade points a statement must be received from an instructor or administrator that confirms sufficient progress in the program.

(5) Assessment. Assessment of Skills by completion of curriculum determined by the independent living coordinator. Should indicate that living in an unlicensed setting with minimal supervision is potentially viable. The youth must be able to articulate and demonstrate their ability to perform certain skills as determined by the Independent Living Coordinator.

(6) Behavior. Participants in the Subsidized Independent Living program are expected to exhibit responsible behavior. Prospective participants who have displayed irresponsible behavior, such as running away from home, committing violent acts toward others, delinquencies, or property crimes, within six months of requesting entrance into the Subsidized Independent Living program must be strictly evaluated to determine whether SIL placement is in their best interest and if they are at risk of exhibiting future irresponsible behaviors. Letters of reference from school, mental health personnel, foster parents, caseworkers and Department of Juvenile Justice should be requested if there is a history of irresponsible behavior.

(7) Staffing/Approval. Staffing and approval by the district independent living coordinator. The coordinator must approve the youth’s living arrangement, including the cost and selection of a roommate, if applicable. The safety of the youth is a paramount consideration. Youth and caseworker must attend the staffing which the independent living coordinator chairs. The caseworker must invite the youth’s parent (if parental rights are still intact) to the staffing and any other persons involved or important to the youth, such as guardian ad litem, teachers, therapists, relatives and mentors.
c. Dependent youth in custody of the department with disabilities are eligible for this program and may not be deemed ineligible from this program on the basis of the disability, according to the Americans with Disabilities Act of 1990, Title II. Though a youth with a disability may need additional supports from other organizations or agencies such as Developmental Services, Mental Health or Vocational Rehabilitation, the youth is still eligible for any and all services offered in the independent living program, including subsidized independent living. Reasonable accommodations must be provided to insure that each youth has access to the services provided by the program. Transitional staffings should be initiated by the family services counselor, with Developmental Services or other program, on dual clients on or before the youth’s 17th birthday. If the youth requires continued supported living, a written plan must be in place by the youth’s 18th birthday in order to transition youth from foster care and/or SIL to another supported living program.

5. Instructions for Implementation.

   a. Parental Notification. The caseworker, at minimum, must notify the parents of any youth placed in a subsidized independent living arrangement no longer than 10 days after the placement has been made. It is preferred that this notification is in writing, but, at minimum, any attempts at notification must be entered into the HomeSafenet chronological notes.

   b. Subsidized Independent Living Agreement. A written agreement must be developed between the youth and the department prior to the beginning of SIL. The agreement must be reviewed and updated annually, but more frequently as needed. The agreement must include, at a minimum:

      (1) A description of the youth’s educational program, school or college, including start date, ending date and educational goals.

      (2) The youth’s responsibilities, including and not limited to regular attendance and/or completion of life skills training, submission of payment stubs from work monthly or report from an official conducting the youth’s extracurricular activities that verifies continued involvement, and verification of school attendance.

      (3) The department’s responsibilities, including and not limited to regular staffings, frequent counselor contacts, provision of life skills training, counseling, and therapy.

      (4) Requirements for continued eligibility in the SIL arrangement.

      (5) A target date for discharge and the completion of the goals and objectives in the case plan.

      (6) An acknowledgement that this placement is in the child’s best interest and that safety concerns have been addressed. In addition, to prevent the independent living program from losing community support, gaining a poor public image and possibly losing statutory authority, the youth must be informed in writing by the Independent Living Coordinator of the consequences of behavior that violates the law or community standards. Program participants have a responsibility beyond themselves, extending to the department and to fellow program participants.

      (7) A full explanation of the consequences of the youth’s non-compliance with the Independent Living requirements.
c. **Case Plan.** Independent living arrangements established for a youth must be part of the case plan, including the goals and objectives leading to the total independence of the youth from department supervision.

   (1) The case plan must be reviewed and updated, at a minimum, on an annual basis.

   (2) The case plan must include, but is not limited to:

   (a) A description of the youth’s skills and a plan for learning additional skills as identified in the independent living assessment.

   (b) Documentation of proposed services by the department, such as educational and employment-related assistance, counseling, therapy, skills training, and services of other agencies, including the type of service, nature, and frequency of contact.

   (c) A description of behaviors the youth has exhibited that indicate an ability to be responsible and a plan for developing additional, responsible behaviors such as increasing decision-making skills.

   (d) Documentation that the youth understands the specific consequences of his or her conduct in the independent living program.

   (e) A plan for maintaining or developing personal support relationships with family members, other adults, friends, and community support groups, among others as appropriate.

d. **Frequency and Purpose of Counselor Contact.**

   (1) During the first three months the youth is living in a SIL arrangement, the counselor and the participant must have at least two contacts per week. At least one of these contacts must be in the residence of the youth. These contacts must be used to assess the participant’s strengths and needs in maintaining oneself in the living arrangement. The counselor must maintain weekly contact with the Independent Living Coordinator during the first three months as to the youth’s progress in adjusting to their subsidized independent living arrangement. After the first three months, the counselor must maintain contact with the independent living coordinator at a minimum of once a month.

   (2) After the first three months the number of contacts that the counselor has with the youth may be reduced, but only if the youth is progressing satisfactorily. However, these contacts must not be less than once per month and must be in the residence of the youth. The number of contacts must be increased if the youth demonstrates the need for more supervision.

   (3) The HomeSafenet chronological notes must describe, at minimum, the issues discussed, any safety factors addressed and progress made during the contacts between the counselor and the youth. This record can be used to measure progress, identify resources, and establish a clear understanding of the areas where the youth and the counselor are concentrating their efforts.
e. **Periodic Review.**

(1) Since 16- and 17-year-old youths in a subsidized independent living arrangement are still in the legal custody of the department, their cases are subject to regular six-month judicial reviews.

(2) Staffings should be scheduled around the youth’s school, work and extra-curricular activity schedule. The youth may invite anyone the he/she chooses to the staffing such as, but not limited to, guardian ad litem, personal friend, potential roommate, relative, employer or teacher.

f. **Financial Supports.**

(1) **Independent Living Board Rate Payment (Subsidy).** Payments must be drawn from out-of-home care, room and board state funds. The subsidy check may be mailed directly to the youth, or it may be sent to staff so that the youth can report to his/her counselor or the coordinator at the time the check is picked up.

(2) **Clothing Allowance.** Youth in SIL will continue to receive the annual $300.00 clothing allowance from the out-of-home care budget in addition to the monthly subsidy payment.

g. **Budgeting for Subsidized Independent Living.**

(1) The independent living coordinator, the counselor and the youth must work together to determine a fair and reasonable budget for living independently. The youth must maintain the budget on a month-to-month basis. Suitable lodging must be located and funds for rent and utility deposits, phone deposits, etc. must be put aside in preparation for the youth’s move into the living arrangement. The first month’s living expenses and move-in expenses are the responsibility of the youth. The youth may obtain move-in costs either through savings by earned income, unearned income or by any other legal methods including gifts by relatives or other concerned parties. However, the youth must also be able to demonstrate the ability to budget and meet on-going monthly financial obligations.

(2) The counselor must provide assistance in locating a safe and stable living arrangement that will be affordable based on the youth’s financial situation. The location of the placement must be easily accessible to school, work and other needed resources.

(3) Youth may be assisted in accessing any community resource that might help in arranging their utility deposits.

(4) A youth may chose to live alone, with a roommate (non-cohabitation) in a college dormitory, or rent a room from a family. The counselor must assess the living arrangement and present a report to the independent living coordinator for approval. Each individual’s situation must be considered when determining the budget with the youth and the amount of the subsidy check. The factors in #2 above must also be considered as well as background checks of any other persons age 12 and over living in the home.
h. Monthly Subsidy Rate Determination

(1) The amount of the monthly subsidy should be determined on an individual basis, considering the cost-of-living and the youth’s monthly expenses. The maximum amount of the youth’s board rate is based on what an individual can earn working a 40-hour week at minimum wage. There is no set subsidy rate because the minimum wage may change from year to year. Districts have discretion in the amount of the subsidy rate.

(2) Program Incentives. Districts/Regions/Community Based Care providers have the option of providing financial incentives in addition to the monthly subsidy amount. Incentives may be based upon attendance at skills training or other required monthly meetings, timely submission of payment stubs, participation on youth advisory boards, public speaking promoting the program, etc., with each incentive adding $10-50 to the base amount.

i. Out-of-State Supervision of a Youth in SIL.

(1) Some youth in custody of the department, under the Jurisdiction of Florida courts, reside in foster or group homes in other states. These youth must be given the same opportunities to participate in the Subsidized Independent Living program as youth that reside in state as long as they meet eligibility criteria. Although it is rare for a youth under 18 to attend college, arrangements may be made for a youth to attend college in another state and still receive a subsidy check and/or other services and supports from the department.

(2) Some states offer courtesy supervision through the independent living program. Other options might be to ask the college for staff or volunteer assistance, or to contract with a provider in that state to provide supervision.

(3) For a youth under the age of 18, attendance at a college exempts the youth from the Interstate Compact for the Placement of Children (ICPC.) However, if a youth needs supervision, submit ICPC form 100A and check the “other” box under “type of care” and write in “College ILP.” A cover letter should explain that the judge and/or the department would appreciate arrangements for supervision.

j. Other Guidelines concerning for youth in custody of the department and young adults formerly in foster care:

(1) Guidelines: Independent Living Transition Services (Ages 13 up to 18)

(2) Implementation Plan: Programs for Young Adults Formerly in Foster Care