DATE: October 26, 2005

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

FROM: Beth Englander, Director Office of Family Safety

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

RE: Implementation Guidelines for Laws of Florida, Chapter 2005-179 (Formerly Senate Bill 1314) and Checklist

On July 1, 2005 Senate Bill 1314 became law, impacting sections of 409.1451, F.S., 39.701, F.S., and 39.013, F.S. Questions have surfaced regarding the implementation of this legislation. On September 16, 2005, I provided you the DRAFT Implementation Guidelines for your review and comment. We have revised these guidelines based on your input.

Attached are the approved Implementation Guidelines for the Laws of Florida, Chapter 2005-179 (Formerly Senate Bill 1314) along with answers to frequently asked questions. In addition, a checklist has been developed in order to document caseworker compliance with the requirements of s. 39.701(6)(a) 1-10, F.S.

The Office of Family Safety plans to include these guidelines in administrative rule, but until the rule promulgation process is complete please use these guidelines as direction for implementation of the law.

Thank you.

cc: Don Winstead, Deputy Secretary
Josefina Tamayo, General Counsel
Judith Levine, Assistant General Counsel
Greg Keller, Assistant Secretary for Operations

Attachments
Attachment 2 – Checklist of Required Documents, s.39.701(6)(a)1-10, F. S.
IMPLEMENTATION GUIDELINES
(Laws of Florida, Chapter 2005-179 (Formerly Senate Bill 1314) – Affecting s. 39.013, F.S., s. 39.701, F.S., and s. 409.1451, F.S.,)

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CONTINUED COURT JURISDICTION FOR YOUNG ADULTS FORMERLY IN THE LEGAL CUSTODY OF THE DEPARTMENT – Section 39.013, F.S.

1. Purpose. These guidelines cover the policies and procedures relative to continued court jurisdiction for young adults formerly in the legal custody of the department.

2. Scope. These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in foster care who wish to petition the court for continued jurisdiction, as well as, young adults whose jurisdiction has been retained for the purpose of allowing continued consideration of a special immigrant juvenile petition and application.

3. Authority. (Section 39.013, Florida Statutes (F.S.), Procedures and jurisdiction; right to counsel)

4. Definition. “Special Immigrant Juvenile Status” - This is an immigration benefit that allows undocumented children who have been abused, abandoned or neglected to petition for permanent resident status as long as he or she meets the following criteria:
   - The child is eligible for long term foster care;
   - It is in the best interest of the child to remain in the United States; and
   - The child remains under the jurisdiction of the juvenile court.

5. Reasons for Continuing Court Jurisdiction for Young Adults:

   (1) A youth may petition the court, for continued jurisdiction, anytime before his or her 19th birthday. This jurisdiction may continue for a period not to exceed one year beyond the youth’s 18th birthday. The youth does not maintain “foster care” status as those who are under the age of 18, but instead the courts maintain jurisdiction for the purpose of determining whether the young adult is receiving appropriate “adult” services, which may include:

      a. Aftercare Support;
      b. Road-to-Independence Scholarship;
      c. Transitional Support;
      d. Mental Health; and
      e. Developmental Disabilities Services.

   These services shall be provided using established policies and procedures.

   (2) The court may retain jurisdiction over a dependency case solely for the purpose of allowing continued consideration of a petition for special immigrant juvenile status and an application for adjustment that was not granted by the time the youth reached 18 years of age. Court jurisdiction in these cases:
a. Terminates upon the final decision of the federal authorities or upon the young adult’s 22\textsuperscript{nd} birthday.

b. Does not affect the status of the services available to a young adult under s. 409.1451, F.S.

c. Does not require a petition from the youth. Courts themselves may retain jurisdiction.


(1) Continued jurisdiction to monitor adult services. Although the statute does not specifically mention a requirement for judicial review hearings for young adults it should be anticipated that many courts will expect a review of the case at some interval or at least a report from the agency providing services.

(2) Continued jurisdiction to monitor special immigrant juvenile status. Review hearings for the young adults will be for the sole purpose of determining the status of the petition and application. Some courts may require a face-to-face hearing and others may only require some sort of status report.

7. Case Management responsibilities.

(1) Case management to ensure delivery of appropriate young adult services. Case management for young adults is not required. However, because the agency will be required to report to the court in many cases, the assignment of a caseworker is recommended. Responsibilities of the case manager will be to:

a. Monitor the provision of aftercare support, RTI scholarship and transitional support services to ensure that services are being provided as authorized by law.

b. Collaborate with staff from adult mental health and developmental disability services to ensure appropriate services are being provided as authorized by law.

c. Provide judicial review and/or other status reports to the courts as directed.

(2) Case management for special immigrant juvenile cases. Once the petition and application has been filed on behalf of the foster child very little case management responsibilities exist once they are adults. Disposition of the case rests with the federal authorities and the only case management responsibilities will be to check the status of the case periodically and report to the court when directed to do so.
NEW JUDICIAL REVIEW REQUIREMENTS – Section 39.701, F.S.

1. **Purpose.** These guidelines cover the new requirements (Laws of Florida 2005-179 – Formerly SB 1314) for the judicial review hearing to be held within 90 days after a youth’s 17th birthday as required by s. 39.701, F.S.

2. **Scope.** These guidelines apply to all staff providing services to children in custody of the department who are responsible for completing judicial review documents and/or providing testimony during the judicial review hearing.

3. **Authority.** (Section 39.701, Florida Statutes, Judicial review.)

4. **Requirements.** Section 39.701(6)(a), F.S., requires the department or Community-Based Care (CBC) provider to verify in writing that the youth has been provided with certain documents, information and resources. Four additions were made to this section of the statute, which includes:

   (1) **Medicaid.** Section 39.701(6)(a)1., F.S., requires, in addition to providing the youth with his or her Medicaid card, the department or CBC must also provide all necessary information concerning the Medicaid program sufficient to prepare the youth to apply for coverage upon reaching age 18. Medicaid for many young adults will continue automatically because of his or her eligibility for the RTI scholarship. However, many other young adults leave the foster care system without Medicaid eligibility and must with the information needed to access this resource.

   (2) **Foster or Group Home Placement After the Age of 18.** Section 39.701(6)(a) 5., F.S., requires, in addition to providing relevant information regarding the RTI scholarship, the department or CBC must also inform the youth that, if he or she is eligible for the RTI scholarship, he or she may elect to reside in a licensed placement as arranged by the department or CBC. Payment of the foster care or group home board rate must be paid from the young adult’s RTI scholarship award. Because of certain group home costs and policies many young adults may not be able to remain in these placements after the age of 18. These youth must be identified early to plan for placement with close proximity to school, work, extra-curricular activities and other resources.

   (3) **Notice of the Right to Petition the Court for Continued Jurisdiction After the Age of 18.** Section 39.701(6)(a)9., F.S., requires the department or CBC to provide notice to the youth of his or her right to petition for continued court jurisdiction for 1 year after his or her 18th birthday and with information on how to access the court.

   (4) **Attendance at Judicial Review Hearings.** Section 39.701(6)(a)10., F.S., requires the department or CBC to encourage the youth to attend all judicial review hearings occurring after his or her 17th birthday. Judicial review hearings prior to age 17 are also important for the youth to be in attendance, however the legislature continues to put an emphasis on ensuring that certain information is available to youth during his or her 17th year. All efforts shall be taken to ensure the youth’s attendance at the judicial review hearings.
PROVISION OF FOSTER AND GROUP HOME PLACEMENT FOR YOUNG ADULTS WHO ARE ELIGIBLE FOR THE ROAD-TO-INDEPENDENCE SCHOLARSHIP – Section 409.1451, F.S., and 39.701, F.S.

1. **Purpose.** These guidelines cover the policies and procedures relative to the licensed care placements for young adults formerly in foster care.

2. **Scope.** These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in foster care and the responsibility to inform the youth of the option for placement in licensed care after reaching age 18 and to arrange for these placements.

3. **Authority.** (Section 409.1451, Florida Statutes, Independent living transition services. Section 39.701, Florida Statutes, Judicial review.)

4. **Case Management responsibilities for licensed placement after age 18.**

   (1) **Children Under the Age of 18.** Prior to the youth reaching the age of 18, the department or CBC must ensure that the youth is aware of licensed care placement options after the age of 18. In order to ensure that the youth is aware of this option the department or CBC must:

   a. Provide the youth with all necessary information relating to the RTI scholarship, including eligibility requirements, application forms and assistance in completing the forms.

   b. Inform the youth that, if he or she is eligible for the RTI scholarship, he or she may reside in a licensed foster care placement, arranged by the department or CBC, after the age of 18.

   c. Consult with the youth and his or her foster parents or group home provider as early as possible during the youth’s 17th year to discuss the possibility of continued placement after the youth’s 18th birthday.

   d. If the youth’s current placement will not be available once he or she reaches age 18 and the youth wishes to be placed in another licensed home that will provide residence after age 18, the department or CBC will research other placement options as early as possible in order to provide a smooth transition.

   (2) **Young Adults Age 18 and Over.** A young adult formerly in the legal custody of the department is eligible to remain in his or her foster or group home, or another licensed placement arranged by the department or CBC as long as he or she remains eligible for the RTI scholarship.

5. **Payment of Board Rate.** The board rate payment for foster or group home placement will come from the young adult’s RTI scholarship award. Although board rate amounts for family foster homes may be negotiated, it is encouraged that the board rate established for teens in foster care be used as a standard rate for young adults. Group home rates are in many cases higher than the RTI award. In these cases a lower rate should be negotiated or other arrangements made, such as young adult contribution from earned income or state or community funds available to the CBC agency to make up the difference.
The young may choose one of two ways to receive his or her RTI scholarship award and ensure board rate payment:

(1) Receive 100% of his or her scholarship award and enter into a contract with the foster parent or group to make monthly board payments; OR

(2) Elect to have two checks generated for his or her scholarship award. One check would be generated by the department or CBC and paid directly to the foster or group for board rate payment and a second check would be generated for any remaining award funds to be sent directly to the young adult.

It is recommended to advise the young adult to select the second (2) method as this would ensure that each party receives the funds due each month. It would also avoid damaging the relationship between the young adult and foster parent because of finances and money issues in case of delinquent or late payments. In many cases this will be students in high school who are trying to complete his or her studies and do not want to worry about making board rate payments each month.

6. Conduct and House Rules. Although it is not required by statute, it is recommended that the department CBC work with the young adult and foster or group home placement in order to establish reasonable expectations and rules. Although these students are considered adults they must realize and be informed of rules that they must follow in order to be able to continue in the placement. A written document outlining basic house and unacceptable actions is encouraged.
MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER CARE –
Section 409.1451, F.S.

1. **Purpose.** Currently, only students who are eligible for the RTI scholarship can automatically receive Medicaid once they exit the foster care system at age 18. These guidelines cover the enrollment of young adults, who have reached age 18 but are not yet 19 years of age, into the Florida KidCare Program and the responsibility for the department or CBC to develop knowledge of community medical care resources for young adults who are not eligible for other forms of medical coverage.

2. **Scope.** These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in foster care and the responsibility to enroll into the Florida KidCare Program young adults, age 18 but not yet 19 years of age, as well as, develop knowledge of community medical care resources for young adults who are not eligible for other forms of medical coverage.

3. **Authority.** (Section 409.1451, Florida Statutes, Independent living transition services.)

4. **Eligibility.** The department or CBC is obligated to enroll in the Florida KidCare Program, outside the enrollment period:

   a. Each young adult who has reached age 18 years of age but is not yet 19 years of age and who was in licensed foster care when he or she turned 18 years of age, except;

   b. A young adult who has health insurance coverage from a third party through his or her employer or who is eligible for Medicaid is NOT eligible for enrollment.

5. **Payment of Premiums.** Each young adult who the department or CBC has enrolled into the Florida KidCare Program is required to pay the coverage premiums.

6. **Procedures.**

   (1) Applications. The department or CBC shall consult the Florida KidCare website at [www.floridakidcare.org](http://www.floridakidcare.org) for information regarding the application process and required documents.

   a. The department or CBC shall make application to Florida’s KidCare Program for all young adults under age 19 who have exited the foster care system and:

      • Have been denied in his or her initial application for the RTI scholarship award; OR

      • Are not eligible to apply for the initial RTI scholarship award; OR

      • Choose not to apply for the initial RTI scholarship award; OR

      • Have had his or her RTI scholarship award terminated.
AND

- Have no access to other medical insurance coverage.

(2) Notification. The department or CBC shall provide written notification to the young adult of the availability of Florida KidCare insurance coverage and how to obtain more information about the program.

7. Other Medical Insurance/Care Options for Young Adults Formerly in Foster Care. The department or CBC shall explore the community in order to develop a resource list of possible medical insurance/care options for young adults formerly in foster care who do not or no longer qualify for Medicaid or Florida KidCare coverage. This list shall contain eligibility criteria, procedure for application and costs, when available.

If a young adult no longer qualifies for Medicaid or Florida KidCare insurance, the caseworker shall provide the young adult with the resource list and discuss the available medical insurance/care resources within the community.

Examples of possible medical insurance/care include but are not limited to:

- County Health Department – many services are available at no charge or a small fee based on income.
- Student Health Care Services – this service is available at many but may not be available at every educational institution and services may vary.
- Private insurance through employment – often employers offer low cost group insurance to even part-time employees.
- Emergency Services – 911 and emergency room services. The young adult must be informed that these services are not free and in most cases the young adult will be billed, if he or she has no insurance coverage.
- Walk-in hospitals and clinics – these services are not free but resources should be explored and provided to the young adult.
FREQUENTLY ASKED QUESTIONS

What is the eligibility criteria for young adults who wish to reside with the licensed foster family or group care provider with whom they were residing at the time they attained their 18th birthday or another foster family or group care provider as arranged by the department? Section 39.701(6)(a) 5., F.S., provides that students eligible for the Road-to-Independence (RTI) Scholarship Program are eligible to remain in his or her current foster or group home or another licensed placement arranged by the department. The student does NOT have to petition the court for continued jurisdiction to be eligible for this service.

Who pays the board rate for these placements? Since only RTI scholarship recipients are eligible, the board rate will be paid through the student’s scholarship award. Although the student can be paid the full amount of scholarship and pay the foster parent themselves, it is recommended that you advise the student to have the board part of the RTI Scholarship paid directly to the foster parent and the remaining amount to the student. This may avoid placement problems and disputes over finances.

What if a group care provider’s license prohibits the student from providing placement to youth over the age of 18? Planning for a youth must occur early. Section 39.701(6)(a)8., F.S., provides that during the Judicial Review Hearing within 90 days after the youth’s 17th birthday, the youth must have a clear understanding of where he or she will be living on his or her 18th birthday. Staff should know ahead of time whether or not the youth will be able to stay at the group home (or foster home for that matter) after he or she reaches age 18. If he or she cannot remain in his or her placement, planning must occur and alternate placement arrangements made with consideration for proximity to school, work and extra-curricular activities.

What are the eligibility criteria for youth who wish to petition the court for continued jurisdiction? Since jurisdiction must be established as a child, the eligibility criteria would include any child adjudicated dependent and in the legal custody of the department on his or her 18th birthday.

Can the youth petition the court for “reinstatement” of jurisdiction after they reach age 18? Yes, the law allows for the young adult to petition the court any time before his or her 19th birthday. However jurisdiction is only valid for 1 year after the 18th birthday, unless jurisdiction is continued for the sole purpose of allowing continued consideration of a petition and application for special immigrant juvenile status, in such cases jurisdiction will be terminated upon the final decision of the federal authorities or upon the young adult’s 22nd birthday.

What is the purpose of continued jurisdiction? There are two purposes for continued jurisdiction:

1) Continued jurisdiction for the purpose of determining whether appropriate aftercare support, RTI scholarship, transitional support, mental health, and developmental disabilities services, to the extent authorized by law, have been provided.

2) Continued jurisdiction for the sole purpose of allowing continued consideration of a petition and application for special immigrant juvenile status if the petition and application have not been granted by
the time the youth reaches 18 years of age. If the court does not maintain jurisdiction, the federal authorities will no longer consider the petition and application. In these cases, the youth is not required to file a petition for continued jurisdiction but the caseworker or department attorney must ensure that the courts are aware of the youth’s status and does not terminate jurisdiction on the 18th birthday. Retention of jurisdiction in these cases does not affect the services available to a young adult. Unless jurisdiction is also continued for the reasons mentioned in #1 above, jurisdiction will be terminated upon the final decision of the federal authorities or upon the young adult’s 22nd birthday.

Does this mean the young adult is in extended foster care? No, this means that the courts will monitor the case to ensure that appropriate adult services are being provided to help the young adult with his or her transition.

Are judicial reviews required for the cases with continued jurisdiction? The law does not specifically require judicial reviews for these cases. However, it is highly likely that an individual judge will require review hearings at certain intervals or at least some sort of status report in order to monitor the progress.

Who provides case management for these young adults? Central Office will not designate an agency or provider within each district to provide case management. Each zone/district/CBC should have input regarding these decisions based on available resources and best interest of the young adult.

What should we say in court if ordered to place the youth in another home or facility and we are unable to find a provider willing to care for an 18-year-old? If a licensed home cannot be found the agency should ensure that the young adult has a safe place to live that is in reasonable proximity to school, work and support resources. The young adult should participate with the assigned caseworker in locating an appropriate living arrangement. If the youth is satisfied with the placement he or she may withdraw his or her request for a licensed placement.

What are the current and proposed licensing regulations regarding youth turning 18 and wishing to remain in his or her licensed family foster home? Do the CBC agencies have any authority to make these regulations more or less restrictive? This is currently not addressed in rule however the Child Welfare Program Office has provided technical assistance to licensing staff and has encouraged staff to allow the youth to stay. If he or she were sharing a room with a child under 18 the placement was not disrupted, however if the younger child moved out another child would not be placed in the room with the young adult.

Proposed rule: Children over the age of twelve months shall not share a bedroom with an adult. The only exception to this would be if one of the children sharing a bedroom reaches his or her eighteenth birthday and the out-of-home caregiver and the supervising agency approve this sleeping arrangement. This exception applies only to the circumstances described above and not to any new placements in the home.
What are the current and proposed licensing regulations for young adults who are currently over the age of 18 and wish to be placed in a licensed foster home? Do the CBC agencies have any authority to make these regulations more or less restrictive? The Child Welfare Program Office has left this up to the foster parents and CBCs and has encouraged foster parents to rent a room to IL kids if they are interested. This is currently not addressed in rule however the Child Welfare Program Office has provided technical assistance to licensing staff and has encouraged staff to allow the youth to stay. The youth would not have to be screened as long as they are clients of CWCBC. The only real restrictive part is the sharing of a room with a younger child if they are just moving in. If they are sharing a room when they turn 18, we allow it to keep from disrupting any placements.

What are the current and proposed licensing regulations regarding youth turning 18 and wishing to remain in his or her licensed group home? Do the CBC agencies or group homes have any authority to make these regulations more or less restrictive? The Child Welfare Program Office has not addressed the group care issue in the rules but has provided technical assistance to the licensing specialist when group care facilities want to maintain the youth until they graduated, etc. The same room situation would apply, if they are currently sharing a room with a younger person, this placement would not be disrupted, however, a youth under eighteen would not be placed in person in the room after this placement ends. This would be the major restriction. Depending on the group care facility, they may have room to separate the younger teenagers from youth over the age of 18 by a separate hallway. This isn't necessarily required but could be an option.

What are the current and proposed licensing regulations for young adults who are currently over the age of 18 and wish to be placed in a licensed group home? Do the CBC agencies have any authority to make these regulations more or less restrictive? A youth over the age of 18 coming into a group care facility would have to have his or her own room or share a room with another youth over the age of 18. This is being addressed in the DRAFT rule 65C-14. The differences in the questions are that one is for youth who are in a foster or group home and want to stay there and the second is for young adults who either want to be moved from one licensed placement to another or have expressed the desire to be placed back into a licensed placement. Again, as far as licensing, the only real issue would be the sleeping arrangements.

What should we do if the juvenile court orders a young adult into a specific placement and/or orders the department or CBC to pay for the placement after the age of 18? Laws of Florida, Chapter 2005-179 (Formerly Senate Bill 1314) provides a young adult the opportunity to petition the court for continued jurisdiction for a period ending on his or her 19th birthday. Jurisdiction is continued in order to determine whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, mental health, and develop mental disabilities services, have been provided, to the extent authorized by law. This does not mean that juvenile courts have the authorization to order young adults into specific placements and require the department or CBC pay for these placements. In addition, this does not mean that the courts have authorization to order young adults into mental health treatment and require the department or CBC to pay for the treatment. It does mean that the department or CBC must coordinate services with the adult system long before the youth reaches age 18.
The DCF General Counsel’s Office informed the CWLS attorneys on the monthly CWLS conference call, in August of 2005, that if the court orders questionable services (those beyond authority of the law) as mentioned above then the CWLS attorney should, in consultation with the department or CBC, consider an appeal of the order. In addition any caseworker, supervisor, administrator or other staff who become aware of an order that appears questionable should contact the CWLS or contracted attorney for the district or agency immediately to inform them of the details.

It may be advisable for managing attorneys to meet with dependency judges and CBC leads to discuss implementation of the legislation and apprise the courts of available resources and funding considerations in accommodating as many young adults as possible.
Checklist of Required Documents and Information Provided to a Youth In Licensed Care
Prior to the Judicial Review Within 90 Days After the Youth’s 17th Birthday

Youth’s Name:  
Date of Birth:  
Caseworker:  
Court Date:  

<table>
<thead>
<tr>
<th>Date or NA</th>
<th>Document or Information Provided</th>
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<tbody>
<tr>
<td></td>
<td>Current Medicaid card and all necessary information concerning the Medicaid program sufficient to prepare the youth to apply for coverage upon reaching age 18.</td>
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<td></td>
<td>Certified copy of his or her birth certificate and, if the youth does not have a valid driver's license, a Florida identification card.</td>
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<td>Information relating to SS Insurance benefits if the youth is eligible for these benefits.</td>
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<td>If the youth has received SSI benefits he or she has been provided information on how to access funds held in a trust account.</td>
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<td>Information and training related to budgeting skills, interviewing skills, and parenting skills.</td>
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<td></td>
<td>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.</td>
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<tr>
<td></td>
<td>The youth has been informed that, if he or she is eligible for the Road-to-Independence Scholarship Program, he or she may reside with the licensed foster family or group care provider with whom the youth was residing at the time of attaining his or her 18th birthday or may reside in another licensed foster home or with a group care provider arranged by the department.</td>
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<td></td>
<td>The youth has an open bank account, or has identification necessary to open an account, and has been provided with essential banking skills.</td>
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<td>The youth has been provided with information on public assistance and how to apply.</td>
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<td></td>
<td>The youth 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.</td>
</tr>
<tr>
<td></td>
<td>The youth has been provided with notice of the youth's right to petition for the court's continuing jurisdiction for 1 year after the youth's 18th birthday as specified in s. 39.013(2) and with information on how to obtain access to the court.</td>
</tr>
<tr>
<td></td>
<td>The youth has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.</td>
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</table>

Youth’s Signature  
Date  

Caseworker’s Signature  
Date  

Checklist - JR w/in 90 days of 17th birthday  
Section 39.701 F.S.  
Department of Children and Families  
10/13/05