Florida Foster Care – Revamped!

Highlights of 2013 Legislative Changes

The 2013 Legislative Session brought the biggest changes to foster care we've seen in years.

"The Quality Parenting Act." HB 215. Signed into law on 4/11/2013.

"The Nancy C. Detert Common Sense and Compassion Independent Living Act." SB1036. Signed into law on 6/24/2013

This document is intended to provide you with a quick overview of the changes.

Out of Home Caregivers Will Have Greater Flexibility and Greater Responsibility To Give Children in Care The Best Shot at Healthy Development.

What The Law Says:

- All children in out of home care are entitled to participate in "age-appropriate extracurricular, enrichment and social activities. 409.145(3)(b)1
- Caregivers are empowered to decide when children can participate in activities without obtaining prior approval of case managers or the court. 409.145(3)(b)2
- All out of home caregivers – not just licensed caregivers – are expected to provide quality parenting to the children they care for – including active participation in their health care and education, participation in case planning and court hearings. 409.145(2)(c)
- "Pre-independent & Independent Living Services" will shift from the responsibility of agencies to the responsibility of the caregivers - who are required to help teens 13-17 learn and master independent living skills. 409.145 (2)(a)8
- Provides additional funds to foster parents to provide independent life skills and normalcy supports. 409.145(4)(d)
- Limits the circumstances under which children can be moved from their out-of-home placements and requires gradual transitions whenever possible. 409.145(2)(c)

Florida's Children First has used its best efforts in collecting and preparing material included in this publication, but does not warrant that the information herein is complete or accurate, and does not assume, and hereby disclaims, any liability to any person for any loss or damage caused by errors or omissions herein, whether such errors or omissions result from negligence, accident or any other cause. This publication is intended for use as a general reference source for young people in or who have recently exited state care along with their advocates and case workers. It is not meant to provide legal opinions or advice, and is not a substitute for the advice of counsel.

How This Will Help

- The law gives the freedom, flexibility and protection from liability to enable to caregivers to not only allow, but encourage children to engage in activities.
- This law should eliminate unnecessary barriers that currently prevent children from engaging in activities.
- Children in relative and non-relative placements will have the same opportunities as those in licensed care.
- Independent living "classes" are not an effective way for teens to learn life skills – learning from caregivers at home should be more effective.
- Reducing abrupt transitions will significantly reduce the trauma on children and their caregivers.

Who This Will Not Help

- Relative and non-relative caregivers will have greater responsibilities but are not given any additional financial assistance to meet them.

Florida Will Offer "Continuing Care" or Extended Foster Care to Young People up to Age 21 (or 22 if they have disabilities).

What The Law Says:

- Young adults who are in licensed care at the time they turn 18 will have the option of remaining in state care so long as they are attending school, working at least part time, in job training, or incapable of one of those activities due to disability. §39.6251(2)
- Young adults have the option of staying in their foster or group home, or moving to another type of supervised living which could be a dorm or an apartment. §39.6251(4)(a)
- By staying in care, their room & board, or rent & utilities would be paid for directly by the local child welfare provider. Young adults who are in post-secondary education will also receive some financial assistance to help with other expenses. §409.145(4); 409.1451(2)(c)
- Young adults in continued care will receive case management services. §39.6251(7)
- The dependency court will retain jurisdiction over those young people while they remain in care. §39.6251(2)
- Young adults who leave care and then change their mind can petition for reinstatement into continuing care. §39.6251(6)

How This Will Help

- Young adults will not be automatically moved on their 18th birthday – an especially challenging situation for high school students.

- Continued support is not linked to full-time educational attendance. Young adults who can't manage full time school or who are working or engaged in job training can obtain sustained support.
- Young adults will not simply be handed a check and sent to make their way in the world. Many youth become targets of unscrupulous people when handed large checks without a solid financial basis to manage their own affairs.
- Young adults with disabilities will have the opportunity to benefit from sustained support from child to adult services.
- The law accommodates the developmental needs of young adults by not penalizing them for changing their minds.
- Young adults who were ineligible for Transitional Support or RTI because they had not spent 6 months in licensed care prior to turning 18 while in licensed care can elect to remain in (or re-enter) care.

Who This Will Not Help

- Young adults who turn were placed with relatives or non-relatives will not have access to this continued support.

The "Road to Independence" Stipend will be available to young adults engaged in full-time attendance at a qualified post-secondary institution.

What the Law Says:

- Full-time post secondary students are eligible to receive a stipend to help them pay their living expenses if they are enrolled at a school that is eligible to receive Bright Futures funding. §409.145(2)(a)4
  - Full time is defined as 9 credit hours.
  - Students with recognized disabilities or other challenges or circumstances that prevent full time attendance may enroll part time.
- Eligibility is reviewed annually. In order to be renewed, students must maintain academic progress as defined by the institution. If they do not meet that requirement they may remain enrolled in the program why attempting to restore eligibility as long as they are making progress toward the required level. §409.145(2)(d)3.b
- This stipend is available to young adults who were in licensed care when they turned 18, were adopted or placed into guardianship after age 16 – and had spent at least six months in licensed care prior to turning 18, getting adopted or placed into guardianship. §409.145(2)(a)1
- Young adults who chose to remain in continued care can stay in their foster or group home or can live in an apartment or dorm. §409.145(2)(b)2

- Young adults do not have to remain in care in order to get financial support. If they do not choose to stay in care, they will not have case management services or come under the jurisdiction of the court. §409.145(2)(b)1
- The stipend is payable only during the months for which the student is enrolled in a post-secondary institution. §409.145(2)(b)7 Aftercare is available for the months out of school. §409.145(3)(a)2

How This Will Help:

- It provides financial assistance for post-secondary education to young adults who achieved permanency after the age of 16 and are therefore not eligible for continued care.
- Young adults who can manage full time post-secondary education can receive financial support without undergoing the requirements of case management and court jurisdiction.

Who This Will Not Help

- Young adults who attend schools out of state or schools that are not eligible to receive Bright Futures funding.
- Young adults who were living with relative or non-relative caregivers when they turned 18.
- Young adults in licensed care at age 18 who had not spent at least six months in licensed care before turning 18.

Florida Colleges & Universities will Create Campus Coaches to Help Young Adults Succeed in Higher Education*

What the Law Says: (Section 10, no statutory provision)

- DCF can contract with the State Universities and Colleges to create campus coaches who, as employees of the educational institution will provide support to current and former foster children and young adults.

How This Will Help:

- This will help young adults adjust and hopefully succeed in college by providing them a local adult supporter with expertise and experience in that particular institution.

*Note, this provision of the statute was not funded.

The Transitional Support Services & Subsidized Independent Living Components of the Existing Independent Living Program are Eliminated

What the Law Says:

- In the re-write of 409.1451 Subsidized Independent Living (for youth under 18) and Transitional Support Services (for youth 18-23) are eliminated.

Who this Will Hurt:

- Older teens who are competent to care for themselves in semi-supervised living prior to age 18 will not have the opportunity to do so with the elimination of Subsidized Independent Living.
- Many young people rely on Transitional Support services to obtain funds needed to establish independence and the language providing

Aftercare Will Be Available to Only to Young Adults Who Are Not Receiving other Assistance.

What the Law Says:

- Young adults who were in foster care at age 18 and are not receiving Road to Independence assistance and are not in continued care may access services and supports through Aftercare. §409.1451(6)
- Services include: mentoring, tutoring, mental health & substance abuse, life skills, parenting, job and career skills, and temporary financial assistance for emergencies. §409.1451(6)
- Financial assistance is available for education supplies, transportation expenses, security deposits for rent and utilities, furnishing, household goods and other basic expenses. (Though not limited to that list) §409.145(3)(b)7
- Young adults who receive Road to Independence Stipend while enrolled in school are eligible for Aftercare during those months not enrolled. §409.145(3)(a)2

How This Will Help:

- It provides a safety net for young adults who are attempting to make it on their own without substantial support from the state.

Transition Between Current & New Independent Living Law

What the Law Says: (Section 11 of the bill – a non-statutory provision)

- On January 1st, young adults who receive Independent Living services will be transferred to a program under the new bill - continued care or RTI for post-secondary only.
- Although the "program" switches on January 1, 2014 the amount of the stipend may not be reduced, the method of payment of the stipend may not be changed and the young adult may not be required to change his or her living arrangement.
    - Participants will continue under the same conditions until they cease to meet the eligibility requirements that the entered the program in.
- Young adults applying or reapplying for Road to Independence after January 1, 2014 may only apply for the new programs.

How This Will Help:

- This provision explains the transition for young adults who are currently receiving RTI.
- It provides continuity for young adults who are currently receiving RTI, ensuring that recipients who are eligible now, but would not be eligible in the future, do not have to alter their situation.

Who This Will Not Help

- Young adults who are receiving Transition funding in December, 2013 will not have access to those funds in January, 2014.
- It is not clear what will happen to youth in Subsidized Independent Living after January 1, 2014.