

INDEPENDENT LIVING SERVICES

ADVISORY COUNCIL

2018 ANNUAL REPORT

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# BACKGROUND OVERVIEW

## Chafee Foster Care Independence Act (1999)

- Federal Law
- Increased state funding to promote the development of self-sufficiency.
- Education, Preparation for Post-Secondary, Daily Life Skills, Employment, Substance Abuse Services, Pregnancy Prevention, and Preventative Health Activities.

## Road to Independence Act (2002)

- State Law
- A system of independent living transitional services.
- Provide direct stipend payments to young adults while they pursue full-time education opportunities in areas of continuing education, or vocational training for post-secondary degrees.

## Senator Nancy Detert Common Sense & Compassion Independent Living Act (2013)

- State Law
- Extends care for foster teens until the age of 21.
- Directs the Department of Children and Families work in collaboration to address the need for comprehensive support in the academic area.

Laws exist on the state and local levels to help older foster youth. Over the years these laws have changed. Youth, and youth advocates helped educate policy makers about the increasing needs of this special population. These changes have been promulgated by the overarching question, "How well is the foster care system preparing foster youth for the age of majority?" Since 2014, the laws have changed and now, we ask a different question - "How well are we preparing youth for independence through new laws related to extended foster care, Post-Secondary Educational Supports Services (PESS), and After Care services?" It is the charge of THE COUNCIL to discover answers to this question.

Florida law also requires the Department of Children and Families (DCF) or its community based providers to prepare all adolescent foster children for independent living. Florida Statute Section 409.1451, known as the Road to

Independence Act, mandates that DCF "shall administer a system of independent living transition services to enable older children in foster care and young adults who exit foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.

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." FS Sec. 409.1451 (1) (a) & (b).

Nancy C. Detert Common Sense and Compassion Independent Living Act, allows young adults to remain in foster care to age 21 to finish high school, earn a GED, pursue postsecondary education, or begin a career. Also the bill provides critically needed housing security.

Young persons living in licensed care on their 18th birthdays with no secured permanent living

arrangement are eligible to remain in licensed care if he or she meets specified criteria.

- Requires a young adult choosing to remain in foster care beyond 18 years old reside in a supervised living environment, approved by the Department of Children and Families (DCF) or a community-based care lead agency (CBC);
- Allows a young adult to leave and re-enter foster care an unlimited number of times before reaching 21 years old;
- Requires a CBC lead agency to provide regular case management reviews that ensure at least monthly contact with a case manager while a young adult participates in extended foster care and requires the court to review his / her status at least every six months and hold a permanency hearing at least annually;
- Requires creating a transition plan after a child in foster care turns 17 that will be reviewed and updated as necessary until he or she leaves care.

The Independent Living Services Advisory Council (hereafter THE COUNCIL is) was formed in 2005 to improve interagency policy and service coordination to better support older eligible foster youth in the successful transition to adulthood. Florida has designed an array of services, as required by FS Sec. 409.1451 (7), to support older foster youth and former foster youth to help them become independent self-supporting young adults. These services are funded through a web of federal grants, general revenue dollars, and national, state and community private funds. These services are broadly defined in statute but are implemented differently throughout the state through many different Community Based Care (CBC) providers.

Florida Statute allows THE COUNCIL the "purpose of reviewing and making recommendations concerning the implementation and operation of the independent living services." THE COUNCIL brings together political, senior executive, and career staff from local, state and federal agencies across multiple systems to collaborate on recommendations related to services for older foster youth. The culmination of this annual process are the recommendations in this report to the Florida Legislature and the Department of Children and Families (DCF) on the status of the services being provided, including successes and barriers to these services.

In calendar year 2018, the Council has met monthly discussing various topics within Independent Living including Aftercare Services, Extended Foster Care, and Post-Secondary Education Services and Support. For each topic, a community-based care agency presented, and a young adult presented on their experience with the topic.

# Recommendation for Postsecondary Education Services and Support (PESS)

The goal of providing services under Postsecondary Education Services and Supports (PESS) is to help older foster youth obtain a post-secondary education. One possible lens through which to view these services is the rate of return on investment. According to the Independent Living Services Annual Report by the Department of Children and Families Office of Child Welfare (January 31, 2017) the amount of money spent on PESS was more than \$14 million (SFY 2016). This amount is approximately 50% of the total budget for all of independent living services for the state. The same report indicates that nearly 4,800 youth were eligible for a tuition waiver. Finally, of those eligible for the tuition waiver, a little more than 35% engage in postsecondary education, and of those less than 2% graduated.

During the June Independent Living Services Advisory Council meeting, THE COUNCIL reviewed the statute, rule, and code surrounding Post-Secondary Education Support and Services along with hearing from young adults on their experience with P.E.S.S. With these discussions the following conclusions were drawn:

Conclusions:

1. The stipend of \$1256 as defined in the statute has no way to be adjusted to reflect inflation or cost of living increases. Young adults are reporting apartment costs continue to rise but the stipend amount remains stagnant. Also apartment costs vary throughout Florida, whereas an apartment or living arrangement in North Florida may be far less than an apartment or living arrangement in south Florida. This disparity at times causes young adults to reside in unsafe areas. Proposed change needed in statute related to current independent living stipends. The amount is based in statute on 40 hours per week at federal minimum wage set back in 2009
2. Financial conversations occurred amongst the council members surrounding Community Based Care Agencies and Case Management Agencies should help the young adult look at other revenues of income including scholarships and grants. There is not currently a formalized plan used across the state for agencies to use to ensure the young adult is able to budget, is knowledgeable about other financial resources, and able to understand the complexities of taking care of themselves financially.

Questions:

1. Can the statute be changed to add language the stipend to be equivalent to Florida minimum wage multiplied by 40 hours per week?
2. Can a formalized budget plan be developed?

1. **\$1256 STIPEND:** THE COUNCIL has determined the following recommendation for the PESS stipend be adopted. Modify FL Statute 409.1451(2)(B)(1),(3),& (5) to read “the amount is Florida minimum wage multiplied by 40 hours per week.” The set amount of \$1256 to be stricken from the language. With a set dollar amount written in the statute, a legislative change would be needed each time the amount has to be changed. This will leave the set amount for years until a change in statute is made each time. With the language set to be multiplied by the Florida minimum wage, the amount can be adjusted with the minimum wage without needed a legislative change each time.

2. **FORMALIZED BUDGETING PLAN:** Community Based Care Agencies and Case Management Agencies should be working with young adults on budgeting and ensuring the young adult is financially savvy. A formal, statewide budgeting plan should be developed and used with all young adults transitioning to Independent Living that is evidence based or has an evidence informed curriculum.

## RECOMMENDATION FOR GUARDIAN AD LITEMS REMAINING ON CASES POST 18

Becoming an adult can be a difficult and overwhelming process for all young adults. This is especially true for young adults who age out of the child welfare system. They have to navigate all of the responsibilities that come with adulthood such as paying bills, budgeting, making medical appointments, dealing with medical insurance, navigating the education system, paying taxes, etc., without the support of a stable family to help them navigate the complexities of adulthood.

In addition to the regular responsibilities of adulthood, young adults who age out of the child welfare system also have to navigate the sometimes complex requirements of the different independent living benefits, services, and programs they are entitled to. The complexity of these benefits was mentioned in last year's report when this advisory council recommended attorney's for children aging out of the foster care system to help them navigate the independent living services and benefits they are entitled to.

The law currently allows the juvenile courts to retain jurisdiction over children who are in extended foster until age 21, or age 22 if they have a disability. Further, a young adult who is not in extended foster care may petition the court at any time before his or her 19th birthday requesting the court's continued jurisdiction for a period not to exceed 1 year following the young adult's 18th birthday for the purpose of determining whether appropriate services that were required to be provided to the young adult before reaching 18 years of age.

As long as the juvenile court has jurisdiction over a young adult a Guardian ad Litem can be appointed to that young adult's case. The Florida Guardian ad Litem Program has a network of volunteers and staff in every judicial circuit in the state. The Guardian ad Litem Program is uniquely positioned to provide the optimum level of support to young adults who aged out of the child welfare system. The vast majority of children in the child welfare system have a Guardian ad Litem. Often times the guardian ad litem volunteer is the one constant in a child's life and they develop strong mentoring relationships with the children in their cases. This is especially true with teenagers who are about to age out of the child welfare system.

In some judicial circuits, the Guardian ad Litem Program elects to remain on a case after a child turns 18, if the court retains jurisdiction. In other judicial circuits the Guardian ad Litem Program withdraws from the case when the child turns 18 regardless of whether the court retained jurisdiction.

Having a Guardian ad Litem remain on a case after a young adult ages out is an ideal situation for the young adult because the guardian ad litem volunteer can provide the mentorship and guidance that these young adults need when transitioning into adulthood. The guardian ad litem can provide best interest advocacy on behalf of the young adult. Further the guardian ad litem volunteers have a team which includes a child advocacy manager and a best interest attorney working with them on the case. The best interest attorney can help in navigating the complex statutory and regulatory requirements of the different services and benefits that the young adults may qualify for, and they can advocate on behalf of the young adult if they are being denied a benefit they are entitled to.

## RECOMMENDATIONS

1. The Guardian ad Litem Program should remain on cases where young adults have aged out and the court has retained jurisdiction, if the young adult still wants guardian ad litem assigned to them.
2. The Guardian ad Litem Program should be available for appointment on cases where a young adult does not currently have a guardian ad litem and the young adult requests guardian ad litem to be appointed for them, as long as the court retains jurisdiction.
3. The Legislature should provide adequate funding to the Guardian ad Litem Program to be able to fulfill this function in addition to its best interest advocacy work on behalf of children under 18 years of age.

## 2019 COUNCIL AGENDA ITEMS

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### Items the council plans to take up for 2019

- 1) Statewide clarification for summer enrollment for PESS
- 2) Keys 2 Independence



# Advisory Council Members

## - 2018 -

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**Andrew Weatherill**

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**Tara Thompson**

**Thomas Fair**

**Warren Davis**

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