

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 631 Aftercare Services Under Road-To-Independence Program

SPONSOR(S): Tramont and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 564

FINAL HOUSE FLOOR ACTION: 113Y's 0N's **GOVERNOR'S ACTION:** Pending

SUMMARY ANALYSIS

HB 631 passed the House on March 6, 2024, as CS/CS/SB 564.

Young adults who age out of the foster care system more frequently have challenges achieving self-sufficiency compared to young adults who never came to the attention of the foster care system.

The Department of Children and Families (DCF) offers aftercare services for these young people to bridge gaps in their progress towards self-sufficiency. Under current law, eligibility is focused on individuals who aged out of foster care at 18 and are under age 23. DCF or a community-based care lead agency determines the specific aftercare services provided, after an assessment.

The bill expands access to aftercare services, subject to available funding, to young adults who were previously adjudicated dependent during their childhood, lived in out-of-home care for at least 6 months after turning age 14, and did not achieve reunification with their parents or guardians.

The bill also authorizes DCF to distribute emergency federal funding to all young adults deemed eligible by the federal funding source in the event of a state or national emergency.

The bill has a significant, negative fiscal impact on DCF and no fiscal impact on local governments.

Subject to the Governor's veto power, the bill provides an effective date of July 1, 2024.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

BACKGROUND

Child Welfare System

The Florida Department of Children and Families (DCF) contracts with Community-Based Care Lead Agencies (CBCs) to provide child protection and child welfare services to children and families in Florida.¹ There are 18 lead agencies that each cover specific geographic areas within the 20 Judicial Circuits in Florida. Several lead agencies cover more than one geographic area, and areas may include one or more counties. DCF contracts with community-based care lead agencies (CBCs) for case management, out-of-home services, and related services.

When children cannot safely remain at home with parents, Florida's child welfare system finds safe out-of-home placements for children. Through December 2023, the Department of Children and Families (DCF) reports that 19,334 children and young adults were in out-of-home care in Florida.^{2, 3}

Outcomes pursued by DCF with the CBCs include helping children receive appropriate services to meet their educational needs and to develop the capacity for independent living and competence as an adult.⁴

Aging Out of Foster Care

A young person ages out of foster care upon that individual's 18th birthday. Young adults who age out of the foster care system more frequently have challenges achieving self-sufficiency compared to young adults who never came to the attention of the foster care system. Young adults who age out of the foster care system are less likely to earn a high school diploma or GED and more likely to have lower rates of college attendance. They have more mental health problems, have a higher rate of involvement with the criminal justice system, and are more likely to have difficulty achieving financial independence. These young adults also have a higher need for public assistance and are more likely to experience housing instability and homelessness.⁵

DCF contracts with community-based care lead agencies (CBCs) in part to help young persons who grew up in the child welfare system achieve self-sufficiency as competent adults through independent living programs.⁶

Independent Living Programs

The DCF Office of Continuing Care (OCC) helps individuals who have aged out of the child welfare system until age 26. OCC provides ongoing support and care coordination needed for young adults to achieve self-sufficiency through food assistance, behavioral health services, housing, Medicaid, educational services, and workforce development.⁷

¹ S. 409.986(1)(a), F.S.

² Office of Child and Family Well-Being, *Monthly Trends*, Florida Department of Children and Families, (last updated Jan. 10, 2024) <https://www.myflfamilies.com/ocfw-dashboards> (last visited Jan. 27, 2024).

³ Ss. 39.4022(6), 39.523(2), F.S.; After a placement assessment to determine the most appropriate out-of-home placement, a child may be placed in licensed care or with a relative or a non-related individual known to the child, termed "fictive kin". Licensed care includes licensed foster parents and group homes or other licensed residential setting.

⁴ S. 409.986(2), F.S.

⁵ Gypen, L., Vanderfaeillie, J., et al., "Outcomes of Children Who Grew Up in Foster Care: Systematic Review", *Children and Youth Services Review*, vol. 76, pp. 74-83, <https://www.sciencedirect.com/science/article/abs/pii/S019074091730213X?via%3Dihub> (last visited Mar. 7, 2024).

⁶ S. 409.986(1), (2), F.S.

⁷ S. 414.56, F.S.

OCC uses state and federal funding for independent living programs and services for youth aging out of foster care. These programs include:

- John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee).
- Extended Foster Care (EFC)
 - Social Security Act Payments for Foster Care, Prevention, and Permanency (Title IV-E).
 - State Option EFC Requirements under s. 39.6251, F.S.
- Road-to-Independence Program under s. 409.1451, F.S.
 - Postsecondary Education Supports and Services (PESS)
 - Aftercare Services.

Chafee Grants

Chafee provides federal funding to support young adults in or formerly in foster care in their transition to adulthood. The program is funded through formula grants awarded to child welfare agencies in states (including the District of Columbia, Puerto Rico and the U.S. Virgin Islands) and participating tribes. The program is funded at \$143 million a year.⁸

Chafee funds are used to assist young adults in a wide variety of areas designed to support a successful transition to adulthood. Activities and programs include, but are not limited to, help with education, employment, financial management, housing, emotional support and assured connections to caring adults. Specific services and supports are determined by the child welfare agency, vary by state, locality and agency, and are often based on the individual needs of the young person. Many state or local agencies contract with private organizations to deliver services to young people.⁹

Eligibility for the program, as outlined in federal law, includes:

- Youth in foster care, ages 14 and older
- Young people in or formerly in foster care, ages 18 to 21, or 23 in some jurisdiction
- Youth who left foster care through adoption or guardianship at age 16 or older
- Youth “likely to age out of foster care” to receive assistance to participate in age appropriate and normative activities

States and tribes may have additional requirements for eligibility.¹⁰

In 2022, the U.S. allotted \$7,175,951 Chafee dollars to Florida for independent living programs.¹¹

Extended Foster Care

Title IV-E

⁸ Administration for Children and Families, *John H. Chafee Foster Care Program for Successful Transition to Adulthood*, U.S. Department of Health and Human Services, (last updated Jul. 3, 2024) <https://www.acf.hhs.gov/cb/grant-funding/john-h-chafee-foster-care-independence-program> (last visited Mar. 7, 2024).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Administration for Children and Families, *FY 2022 Allotment for Chafee Foster Care Program for Successful Transition to Adulthood Grants*, U.S. Department of Health and Human Services, Attachment A, p. 8 (Feb. 9, 2023) <https://www.acf.hhs.gov/sites/default/files/documents/cb/pi2301.pdf> (last visited Mar. 7, 2024).

Federal Title IV-E supports the provision of foster care, adoption assistance, or guardianship assistance to children who meet federal eligibility rules. Congress authorizes federal support for Title IV-E activities on a mandatory, open-ended, and permanent basis.¹² The Fostering Connections to Success and Increasing Adoptions Act of 2008 allows states to receive federal reimbursement through Title IV-E for a portion of the costs of extending foster care to certain eligible youth up to age 21. In January 2019, Florida elected to exercise its option to receive federal reimbursement to provide foster care services for eligible young adults up to age 21. To be eligible for the program, young adults must meet Title IV-E eligibility criteria along with the state option requirements.¹³

State Option EFC Requirements

A young adult who is living in licensed care on his or her 18th birthday and who has not achieved permanency may choose to remain under court supervision and the care of DCF through EFC.¹⁴ If the young adult chooses to remain in care beyond his or her 18th birthday, then the young adult's permanency goal becomes transitioning to independence.¹⁵ To this end, a young adult who chooses EFC must participate in one of four self-sufficiency activities. These four self-sufficiency activities include:

1. Completing secondary education or a program leading to an equivalent credential;
2. Being enrolled in an institution that provides postsecondary or vocational education;
3. Participating in a program or activity designed to promote or eliminate barriers to employment; or
4. Being employed for at least 80 hours per month.

However, the child may be excused from the self-sufficiency activities if the child has a documented physical, intellectual, emotional, or a psychiatric condition that limits the child's full-time participation.¹⁶

In addition to one or more self-sufficiency activities, the young adult in EFC must independently reside in a supervised living environment that DCF or a CBC approved. In other words, the young adult must continue to receive supervision, case management, and supportive services from DCF or a CBC but live independently in an environment that offers developmentally appropriate freedom and responsibility to prepare the young adult for adulthood.¹⁷ Meanwhile, the court maintains jurisdiction to ensure that DCF and CBCs provide services and coordinate with, and maintain oversight of, other agencies involved in implementing the young adult's case plan, individual education plan, and transition plan.¹⁸

A supervised living arrangement may include a licensed foster home, licensed group home, college dormitory, shared housing, apartment, or another housing arrangement approved by CBC that is acceptable to the young adult. A young adult may continue to reside with the same licensed foster family or group care provider with whom he or she was residing at the time he or she reached the age of 18 years.¹⁹ Through December 2023, 785 young adults (18-22) were in out-of-home care in Florida.²⁰

¹² Emilie Stoltzhus, *Child Welfare: Purposes, Federal Programs, and Funding*, Congressional Research Services, (Updated Mar. 12, 2024) <https://crsreports.congress.gov/product/pdf/IF/IF10590> (last visited Mar. 15, 2024).

¹³ Department of Children and Families, *CFOP 170-15, Ch. 6 Extended Foster Care*, (Apr. 22, 2022)

https://www.myflfamilies.com/sites/default/files/2022-12/cfop_170-15_chapter_06_extended_foster_care.pdf#:~:text=Florida%20has%20offered%20Extended%20Foster%20Care%20%28EFC%29%20services_young%20adults%20up%20to%2021%20years%20of%20age. (last visited Mar. 15, 2024).

¹⁴ S. 39.6251(1), F.S.

¹⁵ S. 39.6251(3), F.S.

¹⁶ S. 39.6251(2), F.S.

¹⁷ S. 39.6251(4)(a), F.S.

¹⁸ S. 39.6251(8), F.S.

¹⁹ S. 39.6251(4)(a), F.S.

²⁰ *Supra*, FN 2.

A young adult ages out of EFC when he or she turns 21 (or 22 if the young adult has a disability), achieves permanency, or knowingly and voluntarily withdraws consent to participate in EFC.²¹

Road-to-Independence Program

Current law offers financial assistance to eligible young adults who desire the acquisition of skills, education, and necessary support to become self-sufficient and exit foster care. Eligible young adults access financial assistance through PESS or aftercare services.²²

PESS

The PESS stipend helps eligible young adults seek higher education and self-sufficiency. A young adult age 18-22 becomes PESS eligible once seven other criteria are met. The young adult must have:

1. Turned 18 years of age while in the legal custody of DCF, was adopted from foster care after the age of 16 after spending at least 6 months in licensed care within the 12 months immediately preceding the adoption, or was placed with a court-approved permanent guardian after the age of 16 after spending at least 6 months in licensed care within the 12 months immediately preceding the permanent guardianship;
2. Spent at least 6 months in licensed care before reaching the young adult's 18th birthday;
3. Earned a standard high school diploma or its equivalent;
4. Admitted for enrollment as a full-time student²³ at an eligible Florida Bright Futures postsecondary educational institution.;
5. Applied for other grants and scholarships that the eligible young adult qualifies for;
6. Submitted a complete and error-proof Free Application for Federal Student Aid; and
7. Signed an agreement to allow DCF and the CBC lead agency access to school records.²⁴

After establishing eligibility, DCF determines the PESS stipend amount. Generally, the PESS stipend amount is \$1,720/month. However, if the young adult remains in foster care while attending a postsecondary school and resides in a licensed foster home, the monthly PESS stipend amount is the established room and board rate for foster parents. If the young adult remains in foster care while attending a postsecondary school and resides in a licensed group home, the monthly PESS stipend amount is negotiated between the CBC lead agency and the licensed group home provider.²⁵

Before an eligible young adult receives the PESS stipend, DCF or its contracted agency must assess the young adult's financial literacy and existing competencies necessary for successful independent

living and the completion of postsecondary education.²⁶ Eligible young adults receive financial assistance during the months when they are enrolled in a postsecondary education institution.²⁷

Aftercare Services

Aftercare services are intended to bridge gaps in an eligible young adult's progress towards self-sufficiency. A young adult under age 23 is eligible for aftercare services if he or she reached the age of

²¹ S. 39.6251(5), F.S.

²² S. 409.1451(1)(c), F.S.

²³ Students may enroll part-time if they have a recognized disability or if they secure approval from their academic advisor relating to a challenge or circumstance preventing full-time enrollment. Otherwise, full-time enrollment requires 9 credit hours or the vocational school equivalent.

²⁴ S. 409.1451(2)(a), F.S.

²⁵ S. 409.1451(2)(b), F.S.

²⁶ S. 409.1451(2)(d), F.S.

²⁷ S. 409.1451(2)(b), F.S.

18 while in licensed foster care, is not in Extended Foster Care pursuant to s. 39.6251, F.S., and temporarily²⁸ does not receive a PESS stipend.²⁹

Aftercare services include, but are not limited to:

- Mentoring and tutoring.
- Mental health services and substance abuse counseling.
- Life skills classes, including credit management and preventive health activities.
- Parenting classes.
- Job and career skills training.
- Counselor consultations.
- Temporary financial assistance for necessities.
- Temporary financial assistance for emergencies like automobile repairs or large medical expenses.
- Financial literacy skills training.³⁰

DCF or a CBC lead agency determines the specific aftercare services provided to eligible young adults after an assessment.³¹ The resulting aftercare services plan is reassessed every 90 days.³² Subject to available funding, aftercare services are available to PESS stipend grantees who experience an emergency situation and whose resources are insufficient to meet the emergency situation.³³

DCF reports that Florida experienced a 13% increase in the total number of young adults receiving independent living services for FY 2022-23 compared to FY 2021-22.

The table below presents the number of young adults served in each Independent Living program by each CBC lead agency during the past two fiscal years.

Fiscal Year	Eligible Population	Actual Participants	Participation Rate	Per Youth Expenditure	Total Expenditures
2020-2021	3,119	316	10%	\$2,625	\$829,726
2021-2022	3,045	371	12%	\$3,841	\$1,425,261
2022- 2023	3,034	421	14%	\$4,385	\$1,846,401

DCF reports that Florida experienced a 13% increase in the total number of young adults receiving independent living services for state fiscal year (SFY) 2022-2023 compared to SFY 2021-22.

²⁸ *Id.* A young adult is eligible to receive a PESS stipend only during the months when he or she is enrolled in a posts econdary institution.

²⁹ S. 409.1451(3)(a), F.S.; R. 65C-42.003(1), F.A.C.

³⁰ S. 409.1451(3)(b), F.S.

³¹ *Id.*

³² R. 65C-42.003(8), F.A.C.

³³ S. 409.1451(3)(a), F.S.

The table below presents the number of young adults served in each Independent Living program by each CBC during the past two SFYs.³⁴

Lead Agency	2021-2022			2022-2023		
	Aftercare	EFC	PESS	Aftercare	EFC	PESS
Brevard Family Partnership	28	33	14	27	104	11
ChildNet Inc	22	166	112	24	166	112
ChildNet Palm Beach	14	126	68	11	118	62
Children's Network of SW Florida	8	41	58	8	65	34
Citrus Health Network	39	229	198	48	269	186
Communities Connected for Kids	16	28	25	11	28	26
Community Partnership for Children	8	49	37	16	76	47
Family Support Services Suncoast	42	104	62	49	105	55
Children's Network Hillsborough	57	87	40	57	146	60
Embrace Families	32	117	58	38	145	57
Families First Network	12	98	28	11	100	19
St Johns County Commission	5	12	8	0	12	8
Family Support Services	36	97	33	23	107	31
Heartland for Children	32	79	23	37	91	29
Kids Central Inc	39	28	27	54	54	39
Kids First of Florida Inc	0	16	10	0	27	13
NWF Health Network-East	16	55	35	19	67	27
Partnership for Strong Families	10	16	12	6	16	5
Safe Children Coalition	17	37	16	29	37	16
Statewide	433	1,418	864	467	1,733	857

Independent Living Outcomes

The federal Children's Bureau within the U.S. Department of Health & Human Services measures outcomes on youth and young adults currently or formerly in foster care who received independent living services supported by federal funds.³⁵ To this end, the Children's Bureau's National Youth in Transition Database (NYTD) tracks the independent living services each state provides to foster youth in care and assesses each state's performance in providing independent living and transition services.

The most recent Florida NYTD data available on DCF's website is the 2018 report.³⁶ In the chart below, the 2018 Florida NYTD documents outcomes related to education, employment, housing, finances and transportation, health and well-being, and connections.³⁷

Outcomes of Young Adults who Aged Out of Care	
Area	Outcome

³⁴ Department of Children and Families, *Department of Children and Families Response to the Independent Living Services Advisory Council 2023 Annual Report*, p. 6 (Dec. 31, 2023) <https://www.myflfamilies.com/services/child-family/lmr> (last visited Mar. 7, 2024).

³⁵ Children's Bureau, *Data and Statistics: National Youth in Transition Database*, U.S. Department of Health & Human Services, https://www.acf.hhs.gov/cb/data-research/data-and-statistics-nytd#FL_26606 (last visited Mar. 7, 2024).

³⁶ Florida Department of Children and Families, *Annual Reports for Independent Living, Child and Family Services*, <https://www.myflfamilies.com/services/child-family/independent-living/annual-reports-for-independent-living> (last visited Mar. 7, 2024).

³⁷ Florida Department of Children and Families, *Florida National Youth in Transition Database, 2018 Survey Data Report*, <https://www.myflfamilies.com/sites/default/files/2023-06/2018%20Florida%20NYTD%20Statewide%20Report%20Final.pdf> (last visited Mar. 7, 2024).

Education	<ul style="list-style-type: none"> • 74% were enrolled in and attending high school, GED classes, post-high school vocational training, or college. • 12% experienced barriers that prevented them from continuing education. The top three reported barriers included the need to work full-time, not having transportation, and having academic difficulties.
Employment	<ul style="list-style-type: none"> • 15% were employed full-time (35 hours per week or more). • 26% were employed part-time. • 78% had a paid job over the last year. • 22% completed an apprenticeship, internship, or other on-the-job training, either paid or unpaid.
Housing	<ul style="list-style-type: none"> • The top three current living situations included living in their own apartment, house, or trailer; living with friends or a roommate; and living in a group care setting (including a group home or residential care facility). • 41% had to couch surf or move from house to house because they did not have a permanent place to stay. • 27% experienced some type of homelessness in the past year.³⁸
Financial & Transportation	<ul style="list-style-type: none"> • 46% received public food assistance. • 10% received social security payments (Supplemental Security Income, Social Security Disability Insurance, or dependents' payments). • 83% had a reliable means of transportation to school/work. • 76% had an open bank account.
Health & Well-Being	<ul style="list-style-type: none"> • 85% were on Medicaid. • 18% had children. • 34% had not received medical care for a physical health problem, treatment for a mental health problem, or dental care in the past two years for some health problem needing to be addressed. • 24% were confined in a jail, prison, correctional facility, or juvenile detention facility within the past two years.
Connections	<ul style="list-style-type: none"> • 85% had at least one adult in their life, other than their case manager, to go to for advice or emotional support. • 67% had a close relationship with biological family members.

EFFECT OF THE BILL

Aging Out of Foster Care

Independent Living Programs

Distribution of Federal Funds in Emergencies

The bill also authorizes DCF to distribute emergency federal funding to all young adults deemed eligible by the federal funding source in the event of a state or national emergency. This means that young adults who would not meet the eligibility criteria of those programs could receive federal funding if DCF distributes funding to those who are not otherwise eligible.

³⁸ *Id.*

Aftercare Services

The bill expands access to aftercare services for certain young adults who were formerly in the child welfare system. Subject to available funding, the bill makes aftercare services available to young adults who are between the ages of 18 and 22, were previously adjudicated dependent during their childhood, lived in out-of-home care for at least 6 months after turning 14 years of age, and did not achieve reunification with their parents or guardians. Therefore, this bill allows former foster youth who achieved permanency outside of reunification (e.g., permanent placement with a relative or adoption), to qualify for aftercare services.

The bill provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The General Appropriations Act (GAA) for FY 2024-25 includes \$8,110,140 to fund expanded eligibility for Independent Living programs, which include Aftercare services. The GAA makes these funds contingent upon the passage of HB 1083 and HB 631, or similar legislation, becoming law.³⁹ Of this total, DCF estimates that \$3,428,700 would be available for Aftercare services.

Aftercare services expanded through the bill are subject to available funding and are available on a first-come, first-served basis. DCF projects that 754 newly eligible young adults will apply to receive Aftercare services. The average Aftercare payment for the currently-eligible population in March 2023 was \$1,039; the funding in the GAA would allow approximately 4 months of Aftercare services at that rate per newly-eligible young adult applying for those services.

³⁹ HB 5001, General Appropriations Act, Specific Appropriation 330.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.