



State of Florida
Department of Children and Families

Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: October 1, 2008

TO: Regional Directors

THROUGH: John F. Cooper, Acting Assistant Secretary for Operations
David Fairbanks, Assistant Secretary for Programs

FROM: Patricia Badland, Director of Office of Family Safety

SUBJECT: Independent Living Policy Clarifications and Updates

PURPOSE: The purpose of this memorandum is to provide policy clarification on the provision of services for youth in care and young adults formerly in foster care. The issues addressed in this memorandum are:

- 1) Determination of the Florida residency requirement (F.S. 409.1451 (5)(b)2.c.);
- 2) Clarification of the requirements to have been in foster care the six (6) months immediately before one's adoption, and older than age sixteen (16) at the time of the adoption to qualify for the Road-to-Independence benefit;
- 3) Clarification of the term, "court-approved dependency guardian" for youth age sixteen (16) or older; and
- 4) Legislation regarding Independent Living Transition Services effective July 1, 2008.

ACTION REQUIRED: Please disseminate this memorandum to circuit administrators, community-based care lead agencies, and staff involved in the provision of services for youth in care and young adults formerly in the custody of the Department of Children and Families.

BACKGROUND: Clarification for the following policies is as follows:

- 1) Determination of the Florida Resident Requirement (409.1451 (5)(b)2.c., F. S.)

Interstate Compact on the Placement of Children

Young adults from the State of Florida placed in an out-of-state, licensed foster home through an approved Interstate Compact on the Placement of Children arrangement may be determined to be eligible for the Road-to-Independence benefit at age 18. Subsubparagraph, 409.1451(5)(b)2.c., Florida Statutes, requires

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a young adult to be a resident of this state as defined in section 1009.40, Florida Statutes. Pursuant to the legal interpretation of sections 1009.40 and 1009.21, Florida Statutes, the young adult, although living outside the State of Florida, may still be considered a resident of Florida. This residency determination is specifically for the Road-to-Independence benefit and will last until such time as the young adult notifies his/her Independent Living Specialist or the community based-care lead agency that they no longer wish to be considered a Florida resident. Young adults should be advised that if they return to the State of Florida, other residency requirements might apply for the determination of residency status for tuition purposes and other services.

Extended Jurisdiction

Young adults living in other states who have had court jurisdiction extended after the age of eighteen (18) by s. 39.013(2), F. S., may be considered Florida residents for the purpose of meeting this eligibility requirement of the Road-to-Independence benefit.

Young Adults Age Eighteen (18) Through Age Twenty Two (22) Living Outside the State of Florida

Young adults who choose to live outside the State of Florida to attend school do not automatically lose the Road-to-Independence benefit unless they apply for and are awarded residency in another state.

2) Clarification of the Requirement for Six (6) Months in Foster Care before the Adoption to Qualify for the Road-to-Independence Benefit After the Age of Sixteen (16)

In July 2007, Florida law was changed to include youth adopted after the age of sixteen as potentially eligible for the Road-to-Independence benefit after being in foster care for six months immediately preceding the adoption. For the purpose of this benefit, foster care is interpreted as the legal status of the youth, including the time when permanent commitment has been obtained by the Department of Children and Families or community-based care lead agency after the termination of parental rights.

3) Clarification of the term, "Court-Approved Dependency Guardian"

Youth who are in foster care and are placed through the dependency court with a guardian after the age of sixteen (16) are potentially eligible for the Road-to-Independence benefit. The term dependency guardian includes, but is not limited to, a permanent guardian under Florida Statute 39.6221 and a permanent placement with a fit and willing relative under Florida Statute 39.6231. Essentially, if the court has approved the placement, then the placement is a "court approved dependency guardian" for purposes of the requirement for placement with a court-approved dependency guardian. There is no permanency goal requirement for the youth to be eligible for the benefit.

4) Legislation Regarding Independent Living Transition Services (s. 409.1451 (3)(a)3. and 743.046, F.S.) Effective July 1, 2008

Age-appropriate plans are required by s. 409.1451(3)(a)3., F.S., effective July 1, 2008. The development of a written plan for age-appropriate activities (the "normalcy" or "teen" plan) are required when a youth in foster care lives in a family foster home, residential child-caring facility, or with other authorized caregiver. This new language clarifies that youth in foster care in group homes and other residential settings are required to participate in normalcy planning with an update to the plan at least quarterly.

Effective July 1, 2008, s. 743.046, F.S., removes the disability of nonage for youth in foster care for the purpose of securing and executing utility agreements. These youth must be over the age of 17, adjudicated dependent, and in the legal custody of the Department of Children and Families through foster care or subsidized independent living to qualify.

CONTACT INFORMATION: If you have further questions, please contact Catherine Heath, Office of Family Safety, at Catherine_heath@dcf.state.fl.us or (850) 922-2425.

cc: Melissa Jaacks, Assistant Secretary for Administration
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Stephen Pennypacker, Florida ICPC Compact Administrator