

2009 INDEPENDENT LIVING SERVICES

ADVISORY COUNCIL REPORT

Department of Children and Families Response

December 31, 2009

George H. Sheldon

Secretary

Charlie Crist

Governor

2009 Independent Living Advisory Council Report

Department of Children and Families Response

Florida Statutes establishes the Independent Living Services Advisory Council, and mandates the issuance of an annual report from the Council, as well as a response from the Department of Children and Families.

Statutory Authority:

409.1451

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(a) Specifically, the advisory council shall assess the implementation and operation of the system of independent living transition services and advise the department on actions that would improve the ability of the independent living transition services to meet the established goals. The advisory council shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of independent living transition services has achieved. The department shall consider, but is not required to implement, the recommendations of the advisory council.

(b) The advisory council shall report to the appropriate substantive committees of the Senate and the House of Representatives on the status of the implementation of the system of independent living transition services; efforts to publicize the availability of aftercare support services, the Road-to-Independence Program, and transitional support services; the success of the services; problems identified; recommendations for department or legislative action; and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the Senate and the House substantive committees December 31, 2002. **This advisory council report shall be submitted by December 31 of each year that the council is in existence and shall be accompanied by a report from the department which identifies the recommendations of the advisory council and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.**

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, Community-Based Care lead agencies, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

(d) The Department of Children and Family Services shall provide administrative support to the Independent Living Services Advisory Council to accomplish its assigned tasks. The advisory council shall be afforded access to all appropriate data from the department, each Community-Based Care lead agency, and other relevant agencies in order to accomplish the tasks set forth in this section. The data collected may not include any information that would identify a specific child or young adult.

(e) The advisory council report required under paragraph (b) to be submitted to the substantive committees of the Senate and the House of Representatives by December 31, 2008, shall include an analysis of the system of independent living transition services for young adults who attain 18 years of age while in foster care prior to completing high school or its equivalent and recommendations for department or legislative action. The council shall assess and report on the most effective method of assisting these young adults to complete high school or its equivalent by examining the practices of other states.

Recommendations by the Council for the Florida Legislature

Support the Department of Children and Families legislative budget request. The legislature should insure at least the minimum match to maximize federal funding and not to endanger the Federal Title IV-E Waiver status.

Department Response: The Department appreciates the support of the Independent Living Services Advisory Council.

Actively participate and consider legislation to support the recommendations of the Road to Independence Redesign Workgroup and the voluntary provisions of Fostering Connections.

Department Response: The Department supports strengthening laws to ensure youth have access to services to help them transition to adulthood and to improve outcomes relating to education, employment, and support system.

Recommendations by the Council for the Department of Children and Families

Actively participate and consider legislation to support the recommendations of the Road to Independence Redesign Workgroup and the voluntary provisions of Fostering Connections.

Department Response: The Department supports the work of the Redesign Workgroup, as well as strengthening laws to ensure youth have access to services to help them transition to adulthood and to improve outcomes relating to education, employment, and support system.

New Recommendations

Education

Fostering Connections: Ensure that all educational requirements of this Act within its own control are implemented both in policy and operationally. DCF should revise appropriate rules in the Florida Administrative Code to reflect these educational requirements. Further, DCF should ensure that all local educational agreements include actions by the schools and other signatory agencies to comply with this Act.

Department Response: The Department concurs with this recommendation. The Department will consider and address these recommendations in the Department's rulemaking process.

In the interim, the Department is working at both the state and the local levels to ensure that the letter and spirit of the statewide Interagency Agreement on Education, signed by the parties on July 30, 2009, are fully implemented.

There is a statewide implementation team that meets twice monthly, as well as local teams that meet twice monthly. The State team, headed by the Department and Department of Education, will begin providing regular technical assistance calls to all local team members in early January.

Definitional Need: To promote school stability, it is recommended that DCF develop a definition of "children awaiting foster care placement" pursuant to the McKinney-Vento Act provisions for the education of homeless children and obtain approval of this definition from the DOE.

Department Response: The Department concurs with this recommendation. The Department will continue to work with the Department of Education in its efforts to develop this definition.

School District and DOE Collaboration: The following two recommendations are proposed to facilitate DOE/DCF collaboration and to enable school districts to meet the unique educational needs of children served by the Department of Children and Families.

(1) Each school district should review the best practices of those districts which provide guidance counselors or dependency court liaisons (or both) whose focus is specifically and solely on students known to DCF. Each school district should seek funding from all sources within the school system, and/or from non-profit organizations, to hire designated guidance counselors or court liaisons to provide focused and detailed assistance to the individual DCF students thereby assisting them to navigate the educational system in light of their unique needs.

(2) A workgroup or committee comprised of DCF and DOE staff members responsible for addressing the various educational issues faced by youth in foster should be convened on a monthly basis. This workgroup or committee would be charged with developing strategies for overcoming the barriers hindering the educational progress faced by children known to DCF, and would facilitate their movement from institution to institution and from one level of education to the next. It is envisioned that such a workgroup or committee would serve in an advisory capacity to the statewide interagency implementation team and would, on an as needed basis, work with DJJ, APD and AWI.

Department Response: The Department concurs with these recommendations. The Department encourages the Department of Education to support these recommendations as well.

Educational Planning: The requirements, tools and resources of DOE's ePEP and career planning must be integrated into the educational plans required for youth in foster care. By working with the local school districts, CBC lead agencies can, and must, facilitate the integration of coordinated educational plans for all youth in care.

School districts and the Department's contract agencies should implement policies to identify children in the care of the Department, and to notify school districts when a child is no longer in care.

At a minimum, all school districts should ensure that they will share school records with the Department through a court order or parental consent, and that any release or court order submitted by the Department's or Community-Based Care case workers is noted in all the student's written and electronic files, so that such document will remain effective until further action by the parent or the court, or the student is no longer in care.

DCF should continue to work with DOE toward a more liberal interpretation of FERPA to meet the goals of the Interagency Agreement by acknowledging that a child's case worker falls within the federal and state definition of "parent" as "any person exercising supervisory authority over a student in place of a parent", pursuant to sec. 1000.21(5), F.S.

Department Response: The Department concurs with these recommendations and encourages educational partners to support these recommendations as well. The Department will continue to work with the Department of Education to establish statewide information sharing practices.

The Department also encourages community-based care partners to work with the local school districts to establish more formalized notification processes and information sharing practices. Efforts such as sharing the ePEP will not only reduce duplication of agency efforts but enable the integration of services to support positive youth educational and well-being outcomes.

Post-Secondary Education: DOE should identify those existing programs that are designed to facilitate the success of students known to DCF as they make the transitions from middle to high school and from high school to college or technical school, and seek to promote replication of such programs and techniques throughout the state.

Department Response: The Department concurs with this recommendation. The Department encourages the Department of Education to support this recommendation as well.

DOE and DCF should ensure that information concerning changes to the proof of Florida residency for post-secondary education, and to the on-line application for those students who are exempt from paying tuition and fees is disseminated to all high school advisors, post-secondary educational institutions, DCF caseworkers, and independent living coordinators.

Department Response: The Department concurs with this recommendation. The Department will work with community-based care partners to ensure proper dissemination of this information. The Department encourages the Department of Education to support this

recommendation by providing the high school advisors and post-secondary educational institutions this information as well.

Data Collection: It is also recommended that DOE and DCF collaborate in developing a more comprehensive system for measuring the educational progress and the education outcomes of youth in foster care.

Department Response: The Department concurs with this recommendation. New Florida Safe Families Network (FSFN) builds allow the Department to electronically capture educational information on children and youth served by the Department. Additionally, the Department will be implementing the federally required National Youth in Transition Database (NYTD) survey by October 2010. This survey will capture outcome information for youth and young adults served by the Department. The Department looks forward to collaborating with the Department of Education in the reciprocal sharing of information to ensure positive educational outcomes for Florida's youth.

Health Care Recommendations

Require that DCF and AHCA establish a system to check Medicaid eligibility of children on a daily or at least weekly basis to assure continuity of care and prevent inappropriate disenrollment or changes in physical or behavioral health plans.

Children and youth who have been abused, neglected or abandoned should be presumptively identified as being in crisis and should receive immediate services for physical, behavioral or development disability assessment and services.

DCF, APD, and the CBCs need to develop and implement specific procedures to transitioning youth who have developmental disabilities and are aging out of foster care in order to receive timely services through APD or the Early Periodic Screening Diagnosis and Treatment provisions of the Medicaid program.

Department Response: Interagency and intra-agency coordination has been established as a top priority for the Department. The Department will continue to work with the Department of Juvenile Justice (DJJ), the Agency for Persons with Disabilities (APD), the Agency for Health Care Administration (AHCA), and the Department of Health (DOH) to improve strategies to enhance services for children served by multiple agencies. The Department continues to coordinate between the Family Safety and ACCESS Program Offices to ensure adherence to proper procedures and protocols that allows for the automatic continuation of Medicaid services for youth exiting foster care.

Establish a single medical health care plan for the entire state child welfare population similar to the behavioral health plan or in combination with the behavior health plan.

Department Response: As a result of the federal Fostering Connections Act, the Department established a cross-agency and multi-disciplinary workgroup to develop a state plan on health care for children in foster care. The workgroup has been meeting since February 2008 and an implementation committee has worked extensively on the development of a medical home for foster children through the Division of Children's Medical Services. A medical home is defined as continual and comprehensive care that is managed and coordinated by a primary health care provider. Primary care is defined as comprehensive, first-contact, acute, chronic, and preventive care across the life span, delivered by a team of individuals lead by the patient's personal health care provider.

The attributes of a medical home include:

- Accessible care (nearby and timely);
- Available 24 hours a day through a means that allows for the rendering of clinical decision – and where the emergency room is not routinely used for regular care
- Ability to maintain primary health care provider without disruptions due to administrative procedures such as changes in assignment or breaks in eligibility
- Coordinated, including referral and scheduling of appointments that consider constraints of the family and are based on a treatment plan; the maintenance of all health information on the child and ability to transfer such information without difficulty. The use of a single comprehensive medical record, including a treatment plan is critical to the overall management of the child's care and reduction of patient errors.
- Comprehensive – preventive care, including health education and management of chronic illnesses either by the primary health care provider or in coordination with specialists and other health providers.
- Family-centered and culturally competent – This is a partnership between the medical home and the family and recognizes the culture the family comes from and lives in. The care is tailored to meet the needs and preferences of the families within the context of quality care.

Three pilot sites have been chosen for this project. Each site has been working to develop a medical home for foster children and is well into the process. Children's Medical Services (CMS) has been working with these sites already and local CMS staff and DCF/CBC staff are working in coordination on the issue. The three sites are Ft. Myers, Northeast Region, and Sarasota.

Require the Medicaid Reform counties that are not participating in the statewide behavioral health plan to join.

Department Response: The Department recommends that this be referred to the Agency for Healthcare Administration for further study.

The recent Gabriel Myers report has identified the need for compliance with the framework and safeguards that exist in statute, administrative rule and operating procedures for psychotropic drugs. For the youth and young adults in foster care, the issue of consent, communication and information as part of a comprehensive treatment plan is essential.

Department Response: The Department is promulgating an administrative rule specific to psychotropic medications, proposed Chapter 65C-35, Florida Administrative Code. A public hearing has been held and the rule will be adopted by March 2010. Although children cannot consent to treatment, the rule includes a provision for children who are age and developmentally appropriate to be included in the decision process. If a child does not assent to treatment, the rule requires that Children's Legal Services request an attorney be appointed to represent the child.

Cross Over Youth Recommendations

The ILSAC recommends that DCF and DJJ act aggressively on the recommendations resulting from QA Reviews for youth served by more than one agency.

Department Response: The Department concurs with this recommendation. During the fourth quarter of FY 08/09, the Department initiated a Special Independent Living Quality Assurance Review. As part of that special review, the Office of Family Safety teamed with DJJ staff to facilitate focus group discussions with former foster care youth, some of whom were also being served by DJJ. Participants included Independent Living staff from CBC lead agencies, Contracted Case Management Organizations, Community Support Organizations, Educational Liaisons, youth advocates, DCF staff and DJJ staff. These discussions were held in each region during June 2009. Participants shared successful programs and practices and discussed barriers to implementation of Independent Living services for young adults formerly in foster care with the intent that local and statewide improvements be made. Feedback from the focus group discussions is documented and posted on the Quality Assurance Web Site on the Florida Center for the Advancement of Child Welfare. The Office of Family Safety will track practice issues through data

analyses and ongoing monthly conference calls and meetings with field staff.

In January through March 2010, the Department and Community Based Care providers will complete a review of foster youth who have reached their 17th birthday to assess casework geared toward readying them for adulthood. Some DJJ crossover youth are in the sample. One of the items in the review tool asks if DJJ and the child welfare provider worked together to develop an independent living plan. Once the review is completed, the Department will have some actuarial data from which to identify areas in need of improvement and, again track practice issues through ongoing monthly conference calls and meetings. This review also requires youth interviews; therefore, additional information will be gathered through that process.

The Department is currently working with Community Based Care providers and DJJ to develop the protocol for an upcoming special review of crossover youth that involve youth in foster care who are committed to a DJJ residential facility. The objective is to assess processes related to transition planning, i.e., joint efforts between the service provider and DJJ to plan for the youth's release from the facility and back into an appropriate community/home setting. Once this special review is completed, both Departments will have a better understanding of effective (and not effective) processes so that improvements can be made. It is anticipated that this practice will also be tracked in a way to ensure both agencies plan more timely and effectively, thereby avoiding crisis mode placements.

National Youth in Transition Database

The ILSAC recommends that Florida adopt the NYTD Plus model and collect data on 100% of the youth who are and have been served through the Florida foster care system.

Department Response: The Department concurs with this recommendation. Currently, the Department conducts an annual survey for foster youth and young adults formerly in licensed foster care. This survey, known as the Independent Living Transitional Services Critical Checklist, was developed and implemented as a collaborative effort between the Department, ILSAC, Florida Coalition for Children and community-based care partners. This survey tool captures data elements specific to independent living services.

The Department is working with the Independent Living Services Advisory Council (ILSAC) and its National Youth in Transition Database (NYTD)

Subgroup to ensure Florida's compliance with the federal services and outcome data requirements established in the 1999 John H. Chafee Foster Care Independence Act. This will require the Department's enhancement of the current survey process through the development or purchase of a web-based youth survey tool and modification of Florida Safe Families Network. Upon completion of this project, Florida will begin capturing the additional surveys and data on the federally required populations no later than October 1, 2010. The Department will work with the ILSAC and NYTD Subgroup to create and implement a transition plan that will also ensure surveys and data to be collected on all youth who are or have been served through the Florida foster care system.

Permanency

Recommend that the full range of permanency options be considered: reunification, adoption, guardianship, kinship care, and other non-traditional permanency options and a priority for every youth in care. No one should leave the system without a permanent family.

We would also repeat our 2008 suggestion concerning youth involvement in permanency planning and in building supportive adult relationships.

Department Response: The Department concurs with this recommendation. As a result of the 2008 federal Child and Family Services Review (CFSR), the Department incorporated into its Quality Improvement Plan nine action steps for improving the appropriateness of permanency planning goals. Additionally, the Department is initiating a 12-month permanency project to ensure youth with Another Planned Permanent Living Arrangement (APPLA) goal are appropriately and continuously engaged in working towards the most appropriate permanency option. The project is scheduled to kick-off in January 2010.