
INDEPENDENT LIVING GUIDELINES 17-YEAR-OLD REQUIREMENTS

§ 409.1451, FLA. STAT. (2007), § 39.701, FLA. STAT. (2007) AND 65C-28.009, 65C-31.010, F.A.C.

Staffing, information and independent living requirements for youth in foster care from age 17-18

Age: 17

Participants

- The service worker must attend
 - The following shall be invited
 - The service worker supervisor
 - The child welfare legal services,
 - The child
 - The child's caregiver
 - The child's guardian ad litem – service worker is responsible for inviting
 - The child's attorney – service worker is responsible for inviting
 - IL service providers and other significant individuals
 - Child shall be encouraged to invite adults important to them

Timing

- Within one month of 17th Birthday a new independent living skills assessment must be completed (i.e. Daniel Memorial) § 409.1451(4)(b)4
- There must be a Staffing 30 days prior to Special Judicial Review
- Judicial Review within 90 days of 17th Birthday. Regardless of permanency goal. 65C-28.009(6)(g)
- Hearing shall be conducted within the month that begins the 6 month period before the child's 18th birthday (17 ½ years old Judicial Review – *See Worksheets and Guidelines*)

Requirements

- Must continue efforts to locate and achieve permanency until child reaches 18 65C-28.009(8)
- If child doesn't want adoption the decision shall be reviewed twice a year 65C-28.009(8) F.A.C.
- Service worker to help youth to continue to establish connections with adults
- Shall assist child in application for Road to Independence Program, transitional support, aftercare services not later than 90 days prior to 18th Birthday
- service worker shall consult with youth and foster parents during 17th year to discuss possible continued placement.
 - service worker shall research other placements if continued placement is unavailable. 65C-31.010 (2)(b) c-d
- Written notification to youth (in conjunction with special JR and staffing 65C-31.010(2)(b)).

- Child shall be notified in writing of the options available at 18, including but not limited to:
 - Road to Independence Program
 - Eligibility requirements
 - Application forms
 - Assistance in completing forms
- Information about Extension of Jurisdiction one year beyond the child's 18th birthday § 39.013(2)
- Information about how to access court
- Ability to reside in foster home
- Must meet normalization requirements of § 409.1451(3)(a), and 65C – 30.007(10) F.A.C.
 - See Normalcy Guidelines

New IL Assessment

- When: During the month following the child's 17th birthday
- What: A new and distinct Independent Living Skills Assessment shall be conducted to determine child's skills & abilities to live independently.
- The assessment shall be conducted through:
 - The use of an IL assessment tool (Daniel Memorial)
 - Review of file
 - Review of other assessments and evaluations (educational, psychological & psychiatric)
 - Personal observation
 - Interviews with any person who is familiar with the child (65C-28.009(6)(g)(1))
- Updated Life Skills Plan: Based on the results of the new IL assessment, expedited and age appropriate services shall be provided prior to the child's 18th birthday. 65C – 28.009(6)(g)2
- Service worker and child shall update life skills plan based on the new independent living assessment. §409.1451(4)(b)4.
 - Life Skills include: § 409.1451(4)(b)1
 - banking skills
 - budgeting skills
 - interviewing skills
 - parenting skills
 - time management or organizational skills
 - educational support
 - See Education Planning Guidelines and Worksheet
 - employment training
 - counseling
- Staff member from the unit handling post-emancipation services should attend staffing (if additional life skills training are determined to be needed past 18) 65C – 28.009(6)(g)(3), F.A.C.

Requirements: Staffing 30 days Prior to Special Judicial Review 65C-28.009(9)(b)

- Must meet requirements of Independent Living Staffing Guidelines (See Guidelines and Worksheet)
- Must provide information regarding:
 - Subsidized Independent Living (SIL) 65C-28.009(4)(a) F.A.C.
 - Road to Independence Program, grants, scholarships, waivers, Bright Futures Scholarship and requirements for eligibility § 409.1451(4)(a)4
 - Notify child of options available to child at 18, including making sure child has
 - Place to live, sufficient source of income, identification of possible problems (education, employment, social environments)
- Extended jurisdiction
- Additional information as required by the Judicial Review Social Study report
- Written plan of age appropriate activities §409.1451(3)(a)3, reviewed quarterly
- Opportunity for a mentor §1451 (3)(a)(4)
- Direct access to management of allowance §1451 (3)(a)(5)
- Opportunity to participate in life skills activities § 1451 (3)(a)
- Opportunity to participate in community service activities § 1451(3)(c)

Requirements: Special Judicial Review Hearing

- When: Within 3 months of 17th birthday, Judicial Reviews may be held more frequently, if necessary. §39.701(6)(a).
- What: *Judicial Review Social Study Report* must include verification that the child has been provided with the following: § 39.701(6)(a)
 - Medicaid card and information about Medicaid to instruct child how to apply § 39.701(6)(a)1
 - A certified copy of birth certificate § 39.701(6)(a)2
 - A Florida ID under § 322.051, or drivers license § 39.701(6)(a)2
 - Information regarding SSI benefits, if eligible
 - Full accounting of Master Trust Account, if applicable
 - The department caseworker is responsible for monitoring accounts and ensuring copy of the child's most recent quarterly accounting is in the Judicial Review Social Study Report 65C-17.006(i)
 - When child is discharged from care, his/her money must be disbursed per §402.17(7)
 - Budgeting skills training § 39.701(6)(a)4
 - Interviewing skills training § 39.701(6)(a)4
 - Parenting skills training, if applicable § 39.701(6)(a)4
 - All relevant information regarding Road to Independence Program, grants, scholarships and waivers (eligibility requirements, forms and assistance in completing forms) § 39.701(6)(a)5
 - Child told that if eligible for the Road to Independence Program may remain with caregivers where the child was at 18, or another licensed foster home or group care arranged by the department § 39.701(6)(a)5,
 - An open bank account or has ID necessary § 39.701(6)(a)6
 - Banking skills training § 39.701(6)(a)6
 - Information about public assistance and how to apply § 39.701(6)(a)7
 - Where child will be living
 - How expenses will be paid

- Child's school information
- Child has been encouraged to attend all Judicial Review hearings
- Child has been provided with notice of the youth's right to continued jurisdiction § 39.701(6)(a)9
- Child must sign written report §. 409.1451(4)(b)5)

Updated Case Plan: §39.701(6)(B) at The First Judicial Review After The Child's 17th Birthday

- The case plan for children in out-of-home care who are age sixteen and seventeen shall include appropriate independent living and transitional services and shall be filed with the court and served on all parties. 65C-28.009(6)(h)i
- Case Plan for 16-17 year olds shall include IL and transitional services, filed with court and parties
- All independent living services provided since the child was 13, or when they entered care
- Must contain educational plan -- reviewed at each Judicial Review hearing 409.1450(3)(b)
- Hearing shall be conducted within the month that begins the 6 month period before the child's 18th birthday (17 ½ years old)
 - Review child's progress
 - Transition Plan with detail discussed during reviews
 - Transition Plan filed with court and served on all parties

- Removal of Disability of Non-age for Residential Leases: Court shall remove disability of non-age at 17 for purposes executing a residential lease. The court shall issue a *separate order* that the disability of nonage of the child has been removed pursuant to §743.045, § 39.701(6)(a)

- Removing Disabilities of Non-age for Banking. A foster child will be treated as an adult, and will be able to enter into contracts for "depository financial services", i.e., checking and savings accounts, if he or she:
 - is 16 years of age or older;
 - has been adjudicated dependent;
 - resides in out-of-home placement;
 - has completed a financial literacy course; and
 - receives a court-order removing the disabilities of non-age for banking purposes. § 743.044

Special Considerations

- Failure of the department to comply with written case plan or provision of IL services, the court shall issue a show cause order. If cause is shown for failure to comply, the court shall give the department 30 days within which to comply or the department will be held in contempt. § 39.701(6)(c)

- Written Report: Information from the independent living life skills assessment and all staffings, including an enumeration of the services provided and an assessment of the child's progress toward developing independent living skills, shall be included in the written report submitted to the court for each judicial review. 65C-28.009(6)(g)

- ❑ Contact: The Services Worker shall make face-to-face contact with children under supervision and living in Florida no less frequently than every thirty days. If the child lives in a county other than the county of jurisdiction, this shall be accomplished as provided in Rule 65C-30.018, F.A.C. Special Rules apply for Subsidized Independent Living.

Remember – youth does not have to be adjudicated dependent prior to referral or initiation of life skills services