



What's At Stake?

Master the Complexities of Independent Living

I. FACTORS IN PLAY FOR ALL INDEPENDENT LIVING ELIGIBILITY DETERMINATIONS

Legal Custody at age 18
History in Care
Educational Status

A. Status/Legal Custody at age 18

1. Custody of DCF (usually Licensed Care)

- a. Where term foster care or licensed care is used, DCF interprets this to mean in the legal custody of DCF. *See*, F.A.C. 65C-41.003(2)
- b. A child can be in the legal custody of DCF but not physically residing in a licensed placement – incarceration, runaway, hospital. If the child's previous placement was not licensed, the court must order a change in custody in order to return them to state custody. Change in custodial status can be done nunc pro tunc, but best to change it as soon as possible.
- c. A 16 or 17 year old can reside in an unlicensed placement with an adult who does not have custodial responsibility and remain in the custody of DCF. *See*, §409.175(4)(e).

2. Relative or Nonrelative Care – under §39.5085 (a/k/a Relative Caregiver Program)

3. Relative or Nonrelative Care – but NOT under §39.5085

4. Permanent Guardianship

5. Adopted from Foster Care

6. Reunified

7. Emancipated

B. History in Care

1. Adoption or Placement into Guardianship before or after age 16

2. Six months in licensed care

3. 6 of 12 months prior to placement in with guardian or adoption

4. 6 months after turning 16 in custody of DCF

5. Prior to turning 18

6. Adoption after May 5, 1997

C. Educational Status

1. Completed High School or GED

2. Attending High School or College (Full or Part time?)

II. SPECIFIC PROGRAM ELIGIBILITY

A. Tuition & Fee Exemption at Florida's Public Colleges, Universities & Technical Schools

(§1009.25)

1. Eligible

a. Aged out of Custody of DCF

b. Placed with Relative or Nonrelative under §39.5085

c. In Permanent Guardianship – if created after age 16 and spent 6 after age 16 in custody of DCF.

d. Adopted from foster care after 5/5/97

2. NOT Eligible

a. Child Reunified

b. Child Placed with Relative or Nonrelative– but not under §39.5085

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- c. Child placed with Permanent Guardian prior to age 16
 - d. Child placed with Permanent Guardian after age 16 but without 6 months in licensed care after age 16
 - e. Child adopted prior to 5/5/97
 - f. Child Emancipated
3. Coverage
- a. Covers all tuition and fees up to age 28.
 - b. Public colleges, universities and school district workforce education
 - c. Prior limitation of 120 hours toward undergraduate was lifted in 2016/
 - d. Includes graduate and professional school
 - e. Includes fines imposed in the form of fees

B. Post Secondary Educational Support Services (Fla. Stat. §409.1451(2)(a))

1. Eligible

- a. Status at age 18:
 - i. Licensed care at age 18 or at present - This means DCF custody per F.A.C. 65C-41.003(2)
 - ii. Adopted from care after age 16 (with 6 months in licensed care in the 12 months prior to adoption), or
 - iii. Placed into court approved guardianship after age 16 (with 6 months in licensed care in 12 months prior to guardianship)
- b. Six months in licensed care prior to age 18.
- c. High School Diploma or Equivalent §409.1451(2)(a)3
 - i. Current statute permits diplomas issued per:
 - §1002.3105(5) – ACCEL Option/general diploma
 - §1003.4281 – Early High School Graduation
 - §1003.42282 – Standard High School Diploma
 - §1003.435 – High School Equivalency Diploma
 - ii. Special Diplomas (formerly §1003.438) were eliminated from statute, but youth with these diplomas can still access PESS.
- d. Enrolled a school that is eligible to receive Bright Futures funding:
<https://www.floridastudentfinancialaidsg.org/admin/SAWAIIELIGPSI.asp>
 - i. Students must be enrolled full-time, for purposes of PESS that means no less than 9 credit hours. But most institutions require a minimum of 12 hours to be considered full time.
 - ii. Part-time attendance is allowed for students with a disability, or for whom there is “challenge or circumstance that prevents full time attendance” and for whom the academic advisor gives permission for a reduced schedule

2. NOT Eligible

- a. Child Reunified
- b. Child Placed with Relative or Nonrelative
- c. Child placed with Permanent Guardian prior to age 16
- d. Child placed with Permanent Guardian after age 16 but without 6 months in licensed care in the 12 months preceding the guardianship placement.
- e. Child adopted prior to age 16.
- f. Child adopted after age 16 but without 6 months in licensed care in the 12 months preceding the adoption.
- g. Child Emancipated

3. Coverage: Financial Stipend to cover living expenses.

- a. Students not in Extended Foster Care \$1,256 per month: CBC to pay housing and utilities until the student has proven capacity to manage funds.

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- b. Students in Extended Foster Care in a licensed foster home – foster care board rate, paid to foster parent.
 - c. Students in Extended Foster care temporarily residing away from licensed foster parent, \$1,256 per month, paid to foster parent.
 - d. Students in Extended Foster Care in a licensed group home, rate negotiated by CBC and provided, paid to group home.
4. Renewal §409.1451(2)(d)3
- a. Renewal is determined annually.
 - b. Enrolled in our have completed number of hours to be considered full time.
 - i. Unless qualifies for an exception to full time
 - c. Maintain academic progress as defined by the institution
 - d. But can stay in PESS while attempting to restore eligibility so long as progress is maintained.
5. Reinstatement §409.1451(2)(d)6
- a. No limit on number of reinstatements
 - b. Available to student who chose not to renew or was not eligible to renew.
 - c. Must meet eligibility criteria and criteria for award renewal
 - d. Must apply before age 23.
6. Termination §409.1451(2)(d)4
- a. PESS can be terminated if the student is no longer enrolled in an eligible school or
 - b. Is no longer a resident of the state.
 - c. **Adoption or Marriage does not affect PESS eligibility**

C. Education and Training Vouchers – (F.A.C. 65C-42.002 (2))

1. ETV -federal funds available for students in post-secondary education, ETV is one of the funding sources for PESS.
2. ETV Eligibility (when PESS is not available)
 - a. Status at age 18:
 - i. Licensed care at age 18 or at present, or
 - ii. Adopted from care after age 16
 - b. U.S. Citizen or qualified non-citizen
 - c. Age 12-21 for initial application
 - d. May attend less than full time
 - e. May attend a school that does not accept Bright Futures

D. Extended Foster Care (§39.6251(2))

1. Eligibility
 - a. In licensed care at age 18.
 - b. Engaged in productive activity
 - i. School:
 - a. Completing Secondary Education or Program Leading to the Equivalent
 - b. Enrolled in Post Secondary or Vocational Institution
 - c. Admin code requires the student to meet the academic and attendance requirements of the institution. F.A.C. 65C-41.003
 - ii. Program or activity designed to promote/eliminate barriers to employment
 - a. Not limited to specific “workforce” program
 - b. Determine what the young adult needs to do in order to be able to work and find a program, service or activity to meet that need. Examples: community service hours to clear up a license suspension, substance abuse treatment.

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- iii. Employed at least 80 hours/month
 - a. CBC can look at the past 90 days to see if the requirement is met in aggregate. F.A.C. 65C-41.003
 - b. Employment can be self employment
 - c. Have a disability or other condition that precludes productive activity. §39.6251(2)(3)
 - i. Physical, intellectual or emotional, or psychiatric condition.
 - ii. Documentation can be in case file, school, or medical records.
 - iii. Can be a temporary condition
2. NOT Eligible
- a. Child Reunified
 - b. Child Placed with Relative or Nonrelative
 - c. Child Placed in a Guardianship at any time
 - d. Child Adopted at any time
 - e. Child Emancipated
3. EFC Coverage
- a. Supervised Living Arrangement §39.6251(4)(a)
 - i. Placement Types:
 - Foster Home
 - Group Home
 - College Dorm
 - Shared Housing
 - Apartment
 - “Another Housing Arrangement” (if approved by the CBC)
 - ii. Housing Must be Acceptable to the Young Adult
 - iii. Housing must be Approved by the CBC §39.6251(4)(a) and (b)
 - Level of supervision that will meet the YA’s needs
 - 24 hour supervision not required.
 - 24 hour Crisis Intervention & Support is required
 - CBC can withhold approval if the living arrangement “jeopardizes the young adults safety and well-being.” F.A.C. 65C-41.003 (9)(b)
 - iv. YA can stay in licensed foster family or group care provider.
 - b. Case Management
 - Monthly Contact Required
 - Can be by phone if YA does not live in service area.
 - c. Supportive Services
 - Life skills instruction
 - Counseling
 - Educational Support
 - Employment Preparation and placement
 - Development of Support Network
4. Court Jurisdiction
- a. Coverage to age 22 for Young Adults with a disability. (Glitch fixed! §39.013(2))
 - Requires the Young adult to participate Disability must be documented by medical provider.
 - Rule also requires the young adult to be “actively participating” in extended foster care. F.A.C. 65C-41.004(4)

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- b. Representation:
 - GAL may continue or be appointed – at YA's Request
 - Special Needs Attorney Appointment continues as §39.6251(1) defines child to include under 21s. §39.01305(2) Special Needs Appointments applies to all children in Ch. 39 proceedings.
 - Young adult can retain counsel
- c. What's included:
 - Ensure that DCF and CBC provide services, coordinate and oversee other agencies providing services.
 - Judicial Reviews every 6 months.
 - Permanency review annually.
 - Additional hearings can be requested
- d. Exiting & Reentry
 - i. Withdrawal of Consent 39.6251(5)
 - Must be knowing and voluntary
 - Court must verify YA's decision – unless refuses to participate in court proceeding.
 - Failure to reside in placement will result in termination – length of time to be determined in the transition plan. F.A.C. 65C-41.005c)(
 - ii. Re-Entry §39.6251(6) and (9)
 - No limitation on the number of times YA can exit and re-enter EFC
 - CBC must re-admit a YA who meets eligibility requirements.
 - Within 30 days of readmission, CBC assigns new case manager to update case plan, transition plan and arrange for required services.
 - Denial of re-entry is appealable

E. Aftercare Services 409.1451(3)

- 1. Eligibility
 - a. Age 18-23
 - b. Not in Extended Foster Care
 - c. Temporarily not receiving PESS because not a school month
 - d. **No other criteria are specified in statute**
 - e. Rule limits Aftercare to youth who were in licensed care at age 18. F.A.C. 65C-42.003
- 2. Coverage
 - a. Services §409.1451(3)
 - Mentoring & Tutoring
 - Mental Health, Substance Abuse
 - Life Skills
 - Parenting
 - Job and Career Skills
 - Counselor consultations
 - Financial Skill training
 - b. Temporary Financial Assistance
 - c. Services to be determined by CBC's assessment of needs
 - d. Services may be provided by community referrals
 - e. Assistance to prevent homelessness shall be provided "as expeditiously as possible"
- 3. After Care Services Plan – required by F.A.C. 65C-42.003(6) Amount of financial assistance and

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purpose for it.

- a. Activities the YA needs to do to transition to self-sufficiency, EFC or PESS
- b. Re-evaluated every three months

F. Medicaid

1. Eligibility:

- a. Affordable Care Act Medicaid – Medicaid to Age 26:
 - i. Eligible: All youth in out of home care when they turn 18, who received Medicaid at that time, regardless of placement.
 - ii. Not Eligible: Youth placed in permanent guardianship, adopted, emancipated or reunified prior to age 18.
- b. Medicaid to Age 21 – §409.903(4)
 - i. Eligible: Young or who are “eligible to receive services under §409.1451.”
 - Adopted from care after age 16 (with 6 months in licensed care in the 12 months prior to adoption), or
 - Placed into court approved guardianship after age 16 (with 6 months in licensed care in 12 months prior to guardianship)

2. Coverage

- a. EPSDT applies up to age 21.
 - i. Early, Periodic, Screening, Diagnosis and Treatment
 - ii. Covers all services and procedures needed to correct or ameliorate known problems
- b. Adult Medicaid – State Plan Medicaid applies from 21-26
 - i. Coverage for dental, vision and other items is not as broad.

G. Keys to Independence

1. Eligibility –

- a. All children under 18 in out-of-home care. (Expanded in 2017, §409.1454(2))
- b. Young adults in Extended Foster Care who demonstrates that the costs present a barrier to obtaining employment or completing educational goals. §409.1454(4)
- c. Children/Young adults who have turned 18 or reached permanency remain eligible for 6 months. §409.1454(4)

2. Coverage

- a. Preferential Enrollment in high school driver's ed for youth in custody of DCF. §1003.48
- b. Pays for Expenses related to licensure.
- c. Pays for Insurance
 - i. Differential for foster parent.
 - ii. Auto owner policy
 - iii. Non-owner insurance for child

3. Licensure expenses – actual cost up to

- a. Learner permit fee - \$100
- b. Driver's license fee -- \$100
- c. Testing Fees --\$100
- d. Traffic Law and Substance Abuse course --\$100
- e. Driver's Ed – \$500
- f. Insurance -- \$200 a month (\$1,200/6 months, \$2,400/year)
- g. Deductible --\$1,500

www.KeystoIndependenceFl.org