

Florida Statutes & Rules Relating to Independent Living

Fla. Stat. §743.044 – Bank Accounts.....	1
Fla. Stat. §743.045 – Residential Leases.....	1
Fla. Stat. §743.046 – Utility Services.....	1
Fla. Stat. §409.903 – Medicaid.....	2
Fla. Stat. §409.1451 -- Independent Living Transition Services (not provided)	
Fla. Stat. §322.09 – Driver’s License.....	2
FAC 65C-28.009 Adolescent Services.....	3
FAC 65C-30.007 Case Management Responsibilities.	12

Fla. Stat. §743.044 Removal of disabilities of minors; executing agreements for depository financial services.

For the purpose of ensuring that a youth in foster care will be able to secure depository financial services, such as checking and savings accounts, the disability of nonage of minors shall be removed provided that the youth has reached 16 years of age, has been adjudicated dependent, is residing in an out-of-home placement as defined in s. [39.01](#), and has completed a financial literacy class. Upon issuance of an order by a court of competent jurisdiction, such a youth is authorized to make and execute all documents, contracts, or agreements necessary for obtaining the rights, privileges, and benefits of depository financial services as if the youth is otherwise competent to make and execute contracts. Execution of any such contract or agreement for depository financial services shall have the same effect as if it were the act of a person who is not a minor. A youth seeking to enter into such contracts or agreements or execute other necessary instruments incidental to obtaining depository financial services must present an order from a court of competent jurisdiction removing the disabilities of nonage of the minor under this section.

Fla. Stat. §743.045 Removal of disabilities of minors; executing contracts for a residential lease.—

For the sole purpose of ensuring that a youth in foster care will be able to execute a contract for the lease of residential property upon the youth's 18th birthday, the disability of nonage of minors is removed for all youth who have reached 17 years of age, have been adjudicated dependent, and are in the legal custody of the Department of Children and Family Services through foster care or subsidized independent living. These youth are authorized to make and execute

contracts, releases, and all other instruments necessary for the purpose of entering into a contract for the lease of residential property upon the youth's 18th birthday. The contracts or other instruments made by the youth shall have the same effect as though they were the obligations of persons who were not minors. A youth seeking to enter into such lease contracts or execute other necessary instruments that are incidental to entering into a lease must present an order from a court of competent jurisdiction removing the disabilities of nonage of the minor under this section.

743.046 Removal of disabilities of minors; executing agreements for utility services.--

For the sole purpose of ensuring that a youth in foster care will be able to secure utility services at a residential property upon the youth's 18th birthday, the disability of nonage of minors is removed for all youth who have reached 17 years of age, have been adjudicated dependent, and are in the legal custody of the Department of Children and Family Services through foster care or subsidized independent living. These youth are authorized to make and execute contracts, agreements, releases, and all other instruments necessary for the purpose of securing utility services at a residential property upon the youth's 18th birthday. The contracts or other agreements made by the youth shall have the same effect as though they were the obligations of persons who were not minors. A youth seeking to enter into such contracts or agreements or execute other necessary instruments that are incidental to securing utility services must present an order from a court of competent jurisdiction removing the disabilities of nonage of the minor under this section.

409.903 Mandatory payments for eligible persons.—(Medicaid)

The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(4) A child who is eligible under Title IV-E of the Social Security Act for subsidized board

payments, foster care, or adoption subsidies, and a child for whom the state has assumed temporary or permanent responsibility and who does not qualify for Title IV-E assistance but is in foster care, shelter or emergency shelter care, or subsidized adoption. This category includes a young adult who is eligible to receive services under s. [409.1451\(5\)](#), until the young adult reaches 21 years of age, without regard to any income, resource, or categorical eligibility test that is otherwise required. This category also includes a person who as a child was eligible under Title IV-E of the Social Security Act for foster care or the state-provided foster care and who is a participant in the Road-to-Independence Program.

Fla. Stat. §322.09 Application of minors; responsibility for negligence or misconduct of minor.--

(1)(a) The application of any person under the age of 18 years for a driver's license must be signed and verified before a person authorized to administer oaths by the father, mother, or guardian; by a secondary guardian if the primary guardian dies before the minor reaches 18 years of age; or, if there is no parent or guardian, by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor. This section does not apply to a person under the age of 18 years who is emancipated by marriage.

(2) Any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct.

(4) Notwithstanding the provisions of subsections (1) and (2), if a foster parent of a minor who is under the age of 18 years and is in foster care as defined in s. [39.01](#), an authorized

representative of a residential group home at which such a minor resides, or the caseworker at the agency at which the state has placed the minor signs the minor's application for a learner's driver's license, that foster parent, group home representative, or caseworker does not assume any obligation or become liable for any damages caused by the negligence or willful misconduct of the minor by reason of having signed the application. Prior to signing the application, the caseworker shall notify the foster parent or other responsible party of his or her intent to sign and verify the application.

(5) Notwithstanding the provisions of subsections (1) and (2), a caseworker at the agency at which the state has placed a minor in foster care may sign the minor's application for a driver's license pursuant to a court-approved transition plan. Before signing the application, the caseworker shall notify the foster parent or other responsible party of the intent to sign and verify the application. The caseworker does not assume any obligation or become liable for any damages caused by the negligence or willful misconduct of the minor by reason of having signed the application.

65C-28.009 Adolescent Services.

(1) Independent Living services and life skills services include a comprehensive array of services available to adolescents in the custody of the department and young adults who were in the custody of the department at the time of their eighteenth birthday. Independent living services consist of pre-independent living services, life skills services, and subsidized independent living (SIL) services for children in the custody of the department. Children in the custody of the department who are receiving independent living services remain subject to the requirements of case plans and judicial reviews until permanency is established. Aftercare Support Services, the Road-to-Independence Scholarship and Transitional Support Services are available for young adults who were in the custody of the department on their eighteenth birthday.

(a) Older children in foster care who have disabilities or mental health needs shall be provided with an equal opportunity to participate in the continuum of independent living services. Though a youth who has a physical, emotional or learning disability may need additional support, he or she still is eligible for all independent living services from the program.

(b) To ensure the equal participation of these youth, the Services Worker shall identify older foster children with disabilities or mental health needs and assist them with reasonable accommodations for their disabilities.

(2) Children age thirteen up to age eighteen are eligible for independent living services from the time of placement in shelter status with the department.

(3) Goal Setting. Beginning at age fourteen, upon entering ninth grade or upon entering licensed out-of-home care past the age of fourteen, whichever occurs first, each child in licensed out-of-home care, with the assistance of his or her foster parents and the Services Worker, shall set early achievement and career goals for the child's post secondary educational and work experience as required in Section 409.1451(3)(b)1., F.S.

(a) The process shall be child-centered, and any staffings related to the child's post secondary or career goals, shall include the child, and shall be held in a time and place convenient to the child, taking into account the child's school and work schedule.

(b) If the child is enrolled in the Exceptional Student Education program, such goal setting shall be coordinated with the school and agree with the Individual Educational Plan transitional plan.

(c) The case plan shall be written simply and clearly in English and, if English is not the principal language of the child, to the extent possible a copy of the case plan shall be prepared in the language of the child.

(4) Independent Living Staffings. Staffings for children age 13 and older who are in an out-of-home placement are held periodically to develop plans for meeting the identified needs of these children.

(a) Every Independent Living staffing shall, at a minimum, address the following topics:

1. The child's educational and work goals, including the child's progress and any obstacles the child is facing,

2. What life skills the child needs and the child's progress toward developing already identified skills,

3. The SIL program, including program requirements and benefits,

4. The Road to Independence program, including program requirements and benefits, the tuition fee exemption, and the Bright Futures Program,

5. Permanency arrangements, including the child's wishes regarding adoption,

6. For children age 17, the child's plans for living arrangement after age 18 and the life skills services that may need to be continued past age 18, and

7. Any other identified obstacles and needs the child has with regard to Independent Living.

(b) Every Independent Living staffing shall meet the following requirements:

1. The Services Worker shall attend the staffing. The Services Worker's supervisor, Child Welfare Legal Services (CWLS), the child, the child's caregiver, the child's guardian ad litem, and the child's attorney, if the child is so represented, shall be invited to attend the staffing. The independent living service provider and any other individuals significant to and familiar with the child, including family members likely to be involved with the child after the child leaves foster care shall also be invited.

2. The child shall be encouraged to invite any adults who are important in the child's life.

3. The staffing shall be conducted in and with a language the youth can understand or, if needed, through a translator, and the process shall be child-centered.

4. The staffing shall be held in a time and place convenient to the child, taking into account the child's school and work schedule.

5. The Services Worker shall be responsible for inviting the child's guardian ad litem and attorney ad litem to the staffing.

6. Information from the pre-Independent Living life skills assessment and all Independent Living staffings shall be included in the written report submitted to the court for each judicial review.

(5) Pre-Independent Living (Age 13 but not yet 15 years of age).

(a) These services include but are not limited to life skills training, educational field trips and conferences.

(b) Each child in the custody of the department shall be referred for independent living services thirty days prior to his or her thirteenth birthday. A child placed in the custody of the department after his or her thirteenth birthday shall be referred within thirty days after the court enters an order placing the child in the custody of the department.

(c) Each child in the custody of the department shall receive a pre-independent living assessment within thirty days after his or her thirteenth birthday. A child placed in the

custody of the department after his or her thirteenth birthday shall be assessed within sixty days after the court enters an order placing the child in the custody of the department. The results of the assessment shall be filed with the court and served on all parties.

1. The assessment for a child thirteen to fifteen years of age shall be conducted through the use of a pre-independent living assessment tool; review of the file; review of other assessments and evaluations, including educational, psychological and psychiatric evaluations; personal observation and interviews with any person who is familiar with the child and can be helpful in the assessment process.

2. The Services Worker shall discuss the results of the assessment with the child and caregiver and shall use the results to determine the training and services needed for the child to begin learning skills necessary for success and self-sufficiency in the future.

3. The pre-independent living assessment shall be used to determine the child's strengths and needs. The Services Worker shall ensure that the child's identified needs are met. Life skills can be taught through instruction and interaction with the out-of-home caregivers or group-care staff through contracted services, referrals to community providers, one-on-one coaching and group learning sessions. The child may also be able to learn some of the needed skills in the public school curriculum.

4. For every needed skill, the Services Worker shall document in the child's case file who is to help the child develop that skill and the timeframe in which the child will receive the training. It is the responsibility of the Services Worker to ensure the child receives all needed life skills training.

(d) Children in out-of-home care shall be fully informed when making decisions about educational options, including high school participation choices and college or vocational school entrance requirements. Possible rewards and consequences of the available options shall be presented to the child.

1. The Services Worker shall encourage the child to choose and achieve realistic goals.

2. The Services Worker shall discuss with the child his or her potential limitations, including physical, emotional, and behavioral limitations. The child shall not be told that a career or educational option is unavailable unless an explanation is given and ways to overcome perceived obstacles are explored.

(e) During contacts with the child time shall be dedicated to evaluating progress in learning the skills identified through the assessment process as well as to educate the child and the caregiver about available independent living services.

(f) Staffing. In addition, the department shall conduct an annual staffing for children who are thirteen and fourteen years of age and meet the requirements for these staffings as contained in Section 409.1451(4)(a), F.S.

(6) Life Skills Services (Age 15 but not yet 18 years of age).

(a) Life skills services include but are not limited to, independent living skills training including training to develop banking and budgeting skills; parenting skills; educational support; employment training and counseling.

(b) Life skills services shall be designed to meet the child's needs as identified in the independent living skills assessment. A child with developmental disabilities, mental health needs or other special needs shall be identified and services shall be tailored to meet the child's needs.

(c) A referral for life skills services shall be submitted within thirty days of a child's fifteenth birthday and an age appropriate independent living skills assessment completed within thirty days after the child's fifteenth birthday. If the child is fifteen years of age or older when placed in the custody of the department, a referral and an independent living skills assessment shall be submitted within thirty days after the court enters an order placing the child in the custody of the department. If a child was previously referred for independent living services only an

additional independent living skills assessment shall be completed and submitted.

(d) The results of the assessment shall be discussed with the child and caregiver and be used to determine the training and services needed for the child to continue learning skills necessary for successful transition to adulthood.

(e) The independent living assessment shall be used to measure life skills development progress for a child who was administered a pre-independent living assessment and also to determine each child's strengths and needs. The Services Worker shall ensure that the child's identified needs are met. The needed skills may be taught through instruction and interaction with the out-of-home caregivers or group-care staff, through contracted services, referrals to community providers, one-on-one coaching and group learning sessions. The child may also be able to learn some of the needed skills in the public school curriculum. For every needed skill, the Services Worker shall document in the child's case file who is to help the child develop that skill and the timeframe in which the child will receive the training. It is the responsibility of the Services Worker to ensure the child receives all needed life skills training.

(f) Staffing. Pursuant to Section 409.1451(4)(b), F.S., the department shall conduct a staffing at least once every six months for each child in licensed out-of-home care who has reached fifteen years of age but is not yet eighteen years of age.

(g) Assessment at Seventeen Years Old. Pursuant to Section 409.1451(4)(b), F.S., during the month following his or her seventeenth birthday, each child in licensed out-of-home care shall be provided an independent living assessment, separate and distinct from the previous independent living assessment, to determine the child's skills and ability to live independently and become self-sufficient regardless of his or her permanency goal. Based on the results of this assessment, expedited and age appropriate services and training shall be provided in order for the child to develop the

necessary skills and abilities prior to his or her 18th birthday. This final assessment shall be used to measure life skill development progress.

1. The assessment for a child seventeen years of age shall be conducted through the use of an independent living assessment tool; review of the file; review of other assessments and evaluations, including educational, psychological and psychiatric evaluations; personal observation and interviews with any person who is familiar with the child and can be helpful in the assessment process.

2. Based on the results of this assessment, the Services Worker, in conjunction with the youth, shall update the life skills plan to ensure that the youth receives all skills training needed before the child's 18th birthday.

3. If, based on the results, the child will most likely need additional life skills training and services after age 18, the Services Worker shall include a staff member from the unit handling post-emancipation services in order to ensure a smooth continuum of services.

(h) Information from the independent living life skills assessment and all staffings, including an enumeration of the services provided and an assessment of the youth's progress toward developing independent living skills, shall be included in the written report submitted to the court for each judicial review.

(i) 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.

(7) Subsidized Independent Living (SIL) (Age 16 but not yet 18 years of age).

(a) Subsidized Independent Living provides an opportunity for teenagers in foster care to receive a subsidy and other supports from the department in order to live in a setting that is not required to be licensed. Participants learn to pay their own bills and live on a budget while still under the supervision of a contracted service provider and the courts.

(b) Youth Eligibility for Subsidized

Independent Living. In order to be approved to live in a subsidized living arrangement, a youth must meet the following criteria as required by Section 409.1451, F.S.:

1. Age. Must be 16 or 17 years of age and not yet reached their 18th birthday (Section 409.1451(4)(c)2., F.S.). At minimum, the youth's parents and the court must be notified that a placement in Subsidized Independent Living has been made. It must be noted that, in some cases, the department or Community-Based Care (CBC) agency may choose to gain approval from the court or the youth's parents prior to placement in Subsidized Independent Living and while this is acceptable, it is not required under law or these guidelines.

2. Legal Status. Must be adjudicated dependent, as defined in Chapter 39, F.S. and have been in custody of the department, at least 6 months prior to entering subsidized independent living, with a goal of either adoption, long-term licensed care or independent living (Section 409.1451(4)(c)2.a., F.S.). The 6 months in department custody do not have to be immediately preceding placement in SIL and can accumulate over the youth's lifetime.

(c) According to Section 409.1451(4)(c)2.b., F.S., the youth must be able to demonstrate independent living skills. The following criteria are ways that the youth can demonstrate these skills, but exceptions to some of these criteria may be allowed by the District Administrator, Chief Executive Officer of the Community-Based Care agency (CEO of the CBC) or Independent Living Coordinator with approval of the District Administrator or CEO of the CBC with consideration of the youth's safety and best interests:

1. Employment or Extra-curricular activities. Must be employed at least part-time earning a minimum of \$100.00 per month or be involved in extra-curricular activities as deemed appropriate by the Independent Living Coordinator. These extra-curricular activities may include but not be limited to: participation on sports teams, cheerleading squads, school

bands, internships, school advisory boards or any other beneficial activity that would be important to the youth's personal development but would also limit the youth's ability to obtain employment.

2. Savings. Must have sufficient earned savings or other means to pay move-in and first month's living expenses, until the first subsidy check arrives. The youth may submit a statement that includes the projected move-in cost and proof of available resources to meet these costs.

3. Education. Must be enrolled in a full-time educational program. Full-time is defined as: regular attendance at high school, at least 12 credit hours per semester at an accredited college or university, or full time as defined by the GED/Vocational Technical program which the youth is attending.

4. Grades. Must maintain adequate progress as determined by the school or educational program.

5. Assessment. Assessment of Skills by completion of curriculum determined by the independent living coordinator. Should indicate that living in an unlicensed setting with minimal supervision is potentially viable. The youth must be able to articulate and demonstrate their ability to perform certain skills as determined by the Independent Living Coordinator.

6. Behavior. Participants in the Subsidized Independent Living program are expected to exhibit responsible behavior. Prospective participants who have displayed irresponsible behavior, such as running away from home, committing violent acts toward others, delinquencies, or property crimes, within six months of requesting entrance into the Subsidized Independent Living program must be strictly evaluated to determine whether SIL placement is in their best interest and if they are at risk of exhibiting future irresponsible behaviors. Letters of reference from school, mental health personnel, foster parents, Services Workers and Department of Juvenile Justice should be requested if there is a history of irresponsible behavior.

7. Staffing/Approval. Staffing and approval by the department or CBC independent living coordinator. The coordinator must approve the youth's living arrangement, including the cost and selection of a roommate, if applicable. The safety of the youth is a paramount consideration. Youth and Services Worker must attend the staffing which the independent living coordinator chairs. The Services Worker must invite the youth's parent (if parental rights are still intact and at the youth's discretion) to the staffing and any other persons involved or important to the youth, such as guardian ad litem, teachers, therapists, relatives and mentors.

(d) Dependent youth in custody of the department with disabilities are eligible for this program and may not be deemed ineligible from this program on the basis of the disability, according to the Americans with Disabilities Act of 1990, Title II. Though a youth with a disability may need additional supports from other organizations or agencies such as Developmental Services, Mental Health or Vocational Rehabilitation, the youth is still eligible for any and all services offered in the independent living program, including subsidized independent living. Reasonable accommodations must be provided to insure that each youth has access to the services provided by the program. Transitional staffings should be initiated by the Services Worker, with the Agency for Persons with Disabilities, adult and children's mental health services or other programs, on dual clients on or before the youth's 17th birthday. If the youth requires continued supported living, a written plan must be in place by the youth's 18th birthday in order to transition youth from foster care and/or SIL to another supported living program.

(e) Program Instructions.

1. Parental Notification. The Services Worker, at minimum, must notify the parents of any youth placed in a subsidized independent living arrangement no longer than ten days after the placement has been made, unless parental rights have been terminated. It is preferred that

this notification is in writing, but, at minimum, any attempts at notification must be entered into the HomeSafenet chronological notes. The Services Worker must NOT reveal the youth's physical address to the parent unless written permission is provided by the youth.

2. Subsidized Independent Living Agreement. A written agreement must be developed between the youth and the department or CBC prior to the beginning of SIL. The agreement must be reviewed and updated annually, but more frequently as needed. The agreement must include, at a minimum:

a. A description of the youth's educational program, school or college, including start date, ending date and educational goals.

b. The youth's responsibilities, including and not limited to regular attendance and/or completion of life skills training, submission of payment stubs from work monthly or report from an official conducting the youth's extracurricular activities that verifies continued involvement, and verification of school attendance.

c. The department or contracted service provider's responsibilities, including and not limited to regular staffings, frequent Services Worker contacts, provision of life skills training, counseling, and therapy.

d. Requirements for continued eligibility in the SIL arrangement.

e. A target date for discharge and the completion of the goals and objectives in the case plan.

f. An acknowledgement that this placement is in the youth's best interest and that safety concerns have been addressed. In addition, to prevent the independent living program from losing community support, gaining a poor public image and possibly losing statutory authority, the youth must be informed in writing by the Independent Living Coordinator of the consequences of behavior that violates the law or community standards. Program participants have a responsibility beyond themselves, extending to

the department and to fellow program participants.

g. A full explanation of the consequences of the youth's non-compliance with the Subsidized Independent Living requirements.

3. Case Plan. Independent living arrangements established for a youth must be part of the case plan, including the goals and objectives leading to the total independence of the youth from department supervision.

a. The case plan must be reviewed and updated, at a minimum, on an annual basis.

b. The case plan must include, but is not limited to:

i. A description of the youth's skills and a plan for learning additional skills as identified in the independent living assessment.

ii. Documentation of proposed services by the department, such as educational and employment-related assistance, counseling, therapy, skills training, and services of other agencies, including the type of service, nature, and frequency of contact.

iii. A description of behaviors the youth has exhibited that indicate an ability to be responsible and a plan for developing additional, responsible behaviors such as increasing decision-making skills.

iv. Documentation that the youth understands the specific consequences of his or her conduct in the independent living program.

v. A plan for maintaining or developing personal support relationships with family members, other adults, friends, and community support groups, among others as appropriate.

4. Frequency and Purpose of Services Worker Contact.

a. During the first three months the youth is living in an SIL arrangement, the Services Worker and the participant must have at least two contacts per week. At least one of these contacts must be in the residence of the youth. These contacts must be used to assess the participant's strengths and needs in maintaining oneself in the living arrangement. The Services Worker must maintain weekly contact with the

Independent Living Coordinator during the first three months as to the youth's progress in adjusting to their subsidized independent living arrangement. After the first three months, the Services Worker must maintain contact with the independent living coordinator at a minimum of once a month. Note: The youth's assigned Services Worker may be assisted in making these contacts by other Services Workers within the CBC agency, independent living staff, and/or courtesy supervision workers.

b. After the first three months the number of contacts that the Services Worker has with the youth may be reduced, but only if the youth is progressing satisfactorily. However, these contacts must not be less than once per month and must be in the residence of the youth. The number of contacts must be increased if the youth demonstrates the need for more supervision.

c. The HomeSafenet chronological notes must describe, at minimum, the issues discussed, any safety factors addressed and progress made during the contacts between the Services Worker and the youth. This record can be used to measure progress, identify resources, and establish a clear understanding of the areas where the youth and the Services Worker are concentrating their efforts.

5. Periodic Review.

a. Since 16- and 17-year-old youths in a subsidized independent living arrangement are still in the legal custody of the department, their cases are subject to regular six-month judicial reviews.

b. Staffings should be scheduled around the youth's school, work and extra-curricular activity schedule. The youth may invite anyone that he/she chooses to the staffing such as, but not limited to, guardian ad litem, personal friend, potential roommate, relative, employer or teacher.

6. Financial Supports.

a. Independent Living Board Rate Payment (Subsidy). Payments must be drawn from out-of-home care, room and board state funds. The

subsidy check may be mailed directly to the youth, or it may be sent to staff so that the youth can report to his/her Services Worker or the coordinator at the time the check is picked up.

b. Clothing Allowance. Youth in SIL will continue to receive the annual clothing allowance from the out-of-home care budget in addition to the monthly subsidy payment.

7. Budgeting for Subsidized Independent Living.

a. The independent living coordinator, the Services Worker and the youth must work together to determine a fair and reasonable budget for living independently. The youth must maintain the budget on a month-to-month basis. Suitable lodging must be located and funds for rent and utility deposits, phone deposits, etc. must be put aside in preparation for the youth's move into the living arrangement. The first month's living expenses and move-in expenses are the responsibility of the youth. The youth may obtain move-in costs either through savings by earned income, unearned income or by any other legal methods including gifts by relatives or other concerned parties. However, the youth must also be able to demonstrate the ability to budget and meet on-going monthly financial obligations.

b. The Services Worker must provide assistance in locating a safe and stable living arrangement that will be affordable based on the youth's financial situation. The location of the placement must be easily accessible to school, work and other needed resources.

c. Youth may be assisted in accessing any community resource that might help in arranging their utility deposits.

d. A youth may choose to live alone, with a roommate (non-cohabitation) in a college dormitory, or rent a room from a family. The Services Worker must assess the living arrangement and present a report to the independent living coordinator for approval. Each individual's situation must be considered when determining the budget with the youth and the amount of the subsidy check. The factors in

subparagraph 2. above must also be considered as well as criminal, delinquency and abuse/neglect history checks.

e. For all household members or frequent visitors ages 12 through 26, a delinquency records check through the Florida Department of Law Enforcement and the Florida Department of Juvenile Justice. In addition, the following background checks must be conducted for any household members age 12 and over:

i. A local criminal records check through local police and sheriff's offices.

ii. A state criminal records check through the Florida Department of Law Enforcement.

iii. An inquiry to the Florida Child Abuse Hotline.

8. Monthly Subsidy Rate Determination.

a. The amount of the monthly subsidy should be determined on an individual basis, considering the cost-of-living and the youth's monthly expenses. The maximum amount of the youth's board rate is based on what an individual can earn working a 40-hour week at federal minimum wage. The department or CBCs have discretion in the amount of the subsidy rate based on budget considerations within the agency providing services for the youth.

b. Program Incentives. Subject to the availability of funds, the department or CBCs have the option of providing financial incentives in addition to the monthly subsidy amount. Incentives may be based upon attendance at skills training or other required monthly meetings, timely submission of payment stubs, participation on youth advisory boards, public speaking promoting the program, etc., with each incentive adding \$10-50 to the base amount.

9. Out-of-State Supervision of a Youth in SIL.

a. Some youth in custody of the department, under the Jurisdiction of Florida courts, reside in foster or group homes in other states. These youth must be given the same opportunities to participate in the Subsidized Independent Living program as youth that reside in state as long as they meet eligibility criteria. Although it is rare

for a youth under 18 to attend college, arrangements may be made for a youth to attend college in another state and still receive a subsidy check and/or other services and supports from the department.

b. Some states offer courtesy supervision through the independent living program. Other options might be to ask the college for staff or volunteer assistance, or to contract with a provider in that state to provide supervision.

c. For a youth under the age of 18, attendance at a college exempts the youth from the Interstate Compact for the Placement of Children (ICPC). However, if a youth needs supervision, submit ICPC form 100A and check the "other" box under "type of care" and write in "College ILP." A cover letter should explain that the judge and/or the department would appreciate arrangements for supervision.

(8) Permanency Planning for Older Adolescents. The Services Worker shall, concurrent with delivery of independent living services, continue efforts to locate and achieve placement with a permanent family until the child reaches age eighteen. In cases in which the child has made the decision not to pursue adoption, the decision shall be revisited at least twice per year to determine the child's needs and preferences. In all cases, whether the child has made the decision to be adopted or not, the Services Worker shall assist the child in making connections within the community and establishing relationships. Connections with adults may be established in foster care placements, at school, through extra-curricular activities with mentors, coaches, youth leaders, instructors and others. The Services Worker shall assist each child exiting the foster care system to establish a lifelong connection with a committed adult.

(9) Children Becoming Eighteen Years of Age. The Services Worker or independent living staff shall ensure that a child in the custody of the department is counseled as to the options available to him or her upon reaching his or her eighteenth birthday. The department or

contracted service provider shall ensure, as feasible, that the child and his or her attorney participates in the required staffings and special judicial review hearings.

(a) Special Judicial Review. A judicial review hearing shall be held within ninety days after a child's seventeenth birthday and shall meet the requirements contained in Section 39.701(6)(a) and (b), F.S. In addition, pursuant to Section 39.013(8), F.S., a hearing shall be conducted within the month that begins the six-month period before the child's eighteenth birthday to review the child's progress while in the custody of the department. A plan for the child's transition to adulthood shall be outlined in writing and details discussed during these reviews. The transition plan shall be filed with the court and served on all parties.

(b) Staffing at Seventeen Years Old. Within thirty days prior to the Special Judicial Review a staffing shall be conducted to notify the child of the options available upon reaching his or her eighteenth birthday and to discuss the child's plans.

1. Planning shall take place to ensure that the child has a place to live and a source of income, whether earned or unearned, sufficient enough to meet his or her needs upon attaining his or her eighteenth birthday. Potential problems shall be identified early in the process to avoid disruptions from occurring in the child's education, employment and social environments.

2. If the child desires or intends to live with a family member upon reaching his or her

eighteenth birthday, the Services Worker shall assist the child in planning for a safe and smooth transition. The Services Worker shall seek court approval through CWLS when necessary to allow contact with family members while the child remains under supervision.

(c) Assessment. During the month following his or her seventeenth birthday, each child in licensed out-of-home care shall be provided an independent living assessment.

(d) Written Notification. In conjunction with the special judicial review and staffing, each child in the custody of the department shall be notified in writing of the options available to him or her upon reaching eighteen years of age, including but not limited to the Road to Independence Program, continued court jurisdiction to age nineteen and the ability to reside in a licensed foster home. The notification shall be written in such a way that the child is able to easily understand it.

(e) The department or contracted service provider shall assist the child in making application for the Road to Independence Scholarship and/or transition support services/aftercare support services no later than ninety days prior to his or her eighteenth birthday.

Specific Authority 39.012, 39.0121(7), (13), 409.1451(2)(a), (8) FS. Law Implemented 39.001(1)(i), (j), 39.621(3)(d), 39.624, 39.701(6)(a)-(c), 409.1451(1)-(5) FS. History—New 5-4-06.

65C-30.007 Case Management Responsibilities.

(10) Normalcy for Adolescents and Teenagers in the Custody of the Department. Adolescents and teenagers who are in the custody of the department shall, as appropriate based on age and maturity level, be allowed and encouraged by the licensed out-of-home caregiver, to engage in appropriate social and extracurricular activities to promote the child's social development and maturity. The Services Worker and the licensed out-of-home caregiver shall work together to ensure the following for the child:

(a) Support of school attendance and participation and to encourage and support educational planning, i.e., college, vocational or technical programs.

(b) Assistance in preparing the child to develop living skills that shall assist him or her as he or she grows toward adulthood. The child shall be provided opportunities in the home and through life skills classes and other departmentally-organized activities to learn and practice skills needed for independent living, such as food management, money management, consumer awareness, personal hygiene and appearance, housekeeping and personal belongings, transportation, job seeking, education, study skills and interpersonal relationship building.

(c) Permission and encouragement of the child, dependent on his or her age and maturity level, to engage in appropriate social and extracurricular activities in order to promote social development, obtain employment, have contact with family members, have access to phone usage, have reasonable curfews, and travel with other youth or adults.

(d) Support of the child's efforts to learn to drive a car and obtain a learner's permit and driver's license as appropriate for his or her age, maturity level, and availability of insurance.

1. If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver and Services Worker shall assist the child in finding a driver's

education program.

2. Efforts shall be made to obtain automobile insurance for the child if he or she is to be allowed to drive.

(e) Provision of training and information, as appropriate to the child's age and maturity level, concerning drug and alcohol use and abuse, teen sexuality issues, runaway prevention, health services, community involvement, knowledge of available resources, and in identifying legal issues, understanding his or her legal rights and accessing specific legal advice pertinent to him or her. These opportunities shall not be withheld as a form of discipline.

(f) Encouragement and assistance in participating in activities such as the child having his or her picture taken for publication in a newspaper or yearbook; receiving public recognition for accomplishments; participating in school or after-school organizations or clubs; and participating in community events. The child shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as he or she is not identified as a foster child. Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level.

(g) Affording the child every opportunity for social development, recreation and to have normal life experiences. The child may attend overnight or planned outings if the activity is determined by the licensed out-of-home caregiver to be safe and appropriate. The Services Worker shall be available for consultation, and shall be notified of the activity.

1. The decision process for determining approval for such events shall take into account the provision for adult supervision appropriate to the child's age and development level.

2. Criminal, delinquency and abuse/neglect history checks for dating, outings and activities with friends, families and school and church groups are not necessary for participation in

normal school or community activities.

3. In determining whether or not the child may participate in such activities, the licensed out-of-home caregiver shall:

a. Be as diligent in determining approval for such events as he or she would for his or her own children, and

b. Use his or her parenting skills to familiarize himself or herself with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity appropriately.

(h) Allowing the child to experience circumstances without direct supervision depending on the child's age, maturity, and ability to make appropriate decisions. The licensed out-of-home caregiver's familiarity with the child and the circumstances in which the child shall be unsupervised shall be the primary factors in the decision making.

1. The licensed out-of-home caregiver is ultimately responsible for the supervision of the child. Therefore the licensed out-of-home caregiver shall be prudent and conscientious about circumstances where the child is granted

independence, including trips to the movies, mall, athletic events and work.

2. Dating, part-time employment, baby-sitting, arriving home after school and social outings with friends are examples of such activities.

(i) Knowledge by the licensed out-of-home caregiver of where and with whom the child is staying and the type of supervision and care the child shall be receiving before approving an outing or overnight activity.

(j) Inclusion, when appropriate and available, of the birth family in the decision making process.

(k) Receipt of an allowance no less frequently than each month, with the amount to be determined by the current board rate schedule.

1. The out-of-home caregiver shall not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities.

2. Allowances are not to be withheld as a form of discipline.