

A photograph of four potted plants arranged in a row on a white surface against a light gray background. From left to right: a small cactus in a silver metal bucket, a white ceramic pot, an aloe vera plant in a white ceramic pot, and another succulent in a silver metal bucket.

Introduction to Independent Living Services (ILS) Training for Crossroads for Florida Kids Attorneys

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Litigation Section for sponsoring this event.**



Remember when you were a teenager?



Picture yourself at 18 years old. Who did you live with? Who helped you set up your first bank account? Did you make your own dental appointments? Who paid for the dentist? Did you know how to buy groceries? Where did you get your birth certificate and social security card?

Everyone Needs

Housing

Medical

Income

Education



What is ILS?



Independent Living Services are for young adults who spend time in foster care.

Today's Topics

Options for
young adults
who turn 18
while in foster
care

Ethical Issues
When
Representing
ILS Clients

Mental Health
and
Representing
Teens





Options for Young Adults After Foster Care

Post-Secondary Education Services and Support (PESS)

Extended Foster Care

Aftercare

Extended Jurisdiction

A close-up photograph of a person's hands holding a succulent plant in a dark pot. The person is wearing a blue and white plaid shirt. The succulent has thick, rounded, light blue-green leaves. In the foreground and background, other similar succulents are visible, some in pots and some loose. The lighting is soft and natural, suggesting an indoor or shaded outdoor setting. A semi-transparent white banner is overlaid across the middle of the image, containing the text "Extended Foster Care".

Extended Foster Care

What is extended foster care (EFC)?



EFC allows a child who is in licensed foster care at the age of 18 to remain under the supervision of the dependency court and have assistance from the Court and the Department in exchange for participation in a qualifying activity. [Florida Statute § 39.6251](#)

How long does EFC last?

Age 21 or 22 with a documented disability.

A documented disability is not defined in Chapter 39. It is not limited to a developmental disability or limited to a disability defined by the Individuals with Disabilities Education Act (IDEA).



What is a qualifying activity?

Attending
high school
or GED
Program

Enrolled in
college or
vocational
education
program

Employed
at least 80
hours per
month

Participating in a
program designed
to promote or
eliminate barriers
to employment

Have a diagnosed
and documented
disability that
would prevent the
client from
participating in a
qualifying activity



What choices does a teen in EFC have for living arrangements?

Living arrangements must be approved by the Department. They can include:

Licensed Foster
Home or
Licensed Group
Home

Transitional
Living
Program

Assisted
Living
Facility

Shared
Housing (with
a roommate)
or Shared
Housing in a
Host Home

Individual
Housing



**Placement is ultimately
up to the Court!**

How does someone become a foster parent for an EFC youth?



Contact the ILS case manager to start the licensure process. It involves a background screen and fingerprinting, a physical home study, and a two-hour class.



What happens if a client is not enrolled in a QA? How long do they have to get re-enrolled or find a different activity?

- Young adults are given an opportunity to find a new qualifying activity.
- Since EFC keeps the case under the jurisdiction of the dependency court, the Court has discretion.

My client wishes to get back into EFC. What are the steps?



Complete an Extended Foster Care Voluntary Placement Agreement. Submit it to Children's Network of Hillsborough.

A close-up photograph of a person's hands holding a small succulent plant in a dark pot. The person is wearing a blue and white plaid shirt. In the background, there are several other succulent plants in a tray. The image is used as a background for a text overlay.

**Continued Care Under
Guardian Assistance Program**

What is GAP and EGAP?



- Guardianship Assistance Program and Extension of Guardianship Extension Program allows a relative or non-relative (fictive kin) of a child in foster care to receive financial assistance for caring for a child with a juvenile dependency case.
- EGAP allows a young adult to remain with their guardian after age 18, until age 21.
- The young adult must participate in a QA to be eligible for EGAP.

EFC and EGAP Comparison



Extended Foster Care

Client does not achieve permanency

Medicaid lasts until 26

Client remains eligible for PESS and ETV

Extended GAP

Client considered to have reached permanency

Medicaid ends at 21

Client loses eligibility for PESS if placed before age 16 and did not spend 6 months in out-of-home care



**Postsecondary Education
Support and Services (PESS)**



What is the law regarding PESS?

- [Florida Statutes § 409.1451](#)
- Eligibility
- Amount
- Payment

Does PESS have an age limit?

21

The initial application for these funds must be received before the client's 21st birthday.

28

This program is available until the client reaches 28.



Who is eligible for PESS?

- Youth must have earned a high school diploma or a GED

AND

- Youth turned 18 while in the legal custody of the Department and have spent a total of at least six months in licensed out-of-home care before turning 18.

OR

- Youth is at least 18 and was adopted after the age of 16 from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding such placement or adoption.



How much money will a client receive if they are enrolled in PESS?



Eligible youth may receive a monthly financial payment of \$1,720. The financial award is to secure housing, utilities, and assist with cost of living while attending a Florida Bright Futures-eligible postsecondary educational institution.

What about tuition?

- **Tuition and Fee Exemption is available at Florida public colleges and universities.**

Fee exemptions are offered to students who:

- reached age 18 in the custody of the Department of Children and Families;
- were adopted from the Department of Children and Families after May 5, 1997;
- reached 18 in the custody of a relative or non-relative pursuant to Florida Statute §39.5085
- spent at least 18 months in out-of-home placement after age 14 but was subsequently reunified with a parent.
- placed in permanent guardianship by the court after spending at least 6 months in the custody of the department after reaching 16 years of age.
- **The exemption remains valid until the student reaches 28 years of age. [See § 1009.25\(1\)\(c\), \(d\), Fla. Stat.](#)



What is the definition of postsecondary education? Can my client attend trade school with PESS?



Yes! PESS is not just for traditional college students. PESS requires that the student attend a **Bright Futures Eligible Institution.**



What are the Bright Futures Eligible institutions?

Local institutions include:

- Arizona College of Nursing – Tampa
- Aveda Institute
- Concorde Career Institute
- Florida College
- Schiller International University
- Hillsborough Community College,
- University of South Florida
- University of Tampa

[BRIGHT FUTURES ELIGIBLE INSTITUTIONS](#)

What if the school is not bright futures eligible?

If the school the client is attending is NOT a Florida Bright Futures-eligible School, the client is NOT eligible for PESS.

However, the client may be eligible to receive ETV funding.



A close-up photograph of a person's hands holding a succulent plant in a dark pot. The person is wearing a blue and white plaid shirt. The succulent has thick, layered, light blue-green leaves. A semi-transparent white rectangular box is overlaid on the center of the image, containing the text "Extended Jurisdiction" in a bold, black, sans-serif font.

Extended Jurisdiction

What is extended jurisdiction?



Florida Statute § 39.013(2)(c) “If a young adult petitions the court at any time before his or her 19th birthday requesting the court’s continued jurisdiction, the juvenile court may retain jurisdiction under this chapter for a period not to exceed 1 year following the young adult’s 18th birthday for the purpose of determining whether appropriate services that were required to be provided to the young adult before reaching 18 years of age have been provided.”

A close-up photograph of a person's hands holding a succulent plant in a dark pot. The succulent has thick, overlapping, light blue-green leaves. In the background, other similar succulents are visible, and a person wearing a blue and white plaid shirt is partially seen. A semi-transparent white banner is overlaid across the middle of the image, containing the text "Aftercare Services".

Aftercare Services

What is aftercare?



Florida Statute §409.1451(3): AFTERCARE SERVICES.—

- (a)1. Aftercare services are available to a young adult who has reached 18 years of age but is not yet 23 years of age and is:
- a. Not in foster care.
 - b. Not receiving PESS or ETV

What can a client receive in aftercare?

Aftercare services include, but are not limited to, the following:

1. Mentoring and tutoring.
2. Mental health services and substance abuse counseling.
3. Life skills classes, including credit management and preventive health activities.
4. Parenting classes.
5. Job and career skills training.
6. Counselor consultations.
7. Temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses.
8. Temporary financial assistance to address emergency situations, including, but not limited to, automobile repairs or large medical expenses.
9. Financial literacy skills training under s. 39.6035(1)(c).

*Temporary assistance provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the department.

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Ethical Issues When Representing ILS Clients



What are ethical issues that arise when representing teens?

- Attorney-client privilege (even when a client is on the run)
- Zealous advocacy
- Representing clients with disabilities and mental health issues.

My client is in juvenile detention or a commitment program, how do I visit?



- Attorney safety is paramount.
- If client is in a detention facility, consider taking another attorney there for the initial visit. Take any safety precautions necessary (e.g. wear a mask, wash hands, sit with back against the wall). Consider if the client has a history of violence. Be safe.
- Contact the facility ahead of time to schedule an appointment.



How often should I see my client?

Guardian ad litem see their clients monthly. Time permitting, monthly is a good guideline, but some client need more attention. Some are on the run and will meet less frequently.

My client is on the run, am I still the AAL?

- Yes. You can still represent your client and even meet with the client.
- If a client discloses to a lawyer an intention to run away, the lawyer is not obligated to disclose the information. However, if a juvenile client reveals the intention to run away and SPECIFICALLY TELLS the lawyer NOT TO DISCLOSE THE INFORMATION, the lawyer is specifically required to keep the client's confidence, even if the lawyer believes it is not in the client's best interest. Rule 4-1.6(c)(1); *RLR v. State*.
- The attorney does not have to reveal the client's location if the client does run. The Third DCA "there is no exception, however, statutory or otherwise, to the attorney-client privilege...." *RLR v. State*, 116 So. 3d 570, 572 (Fla. 3d DCA 2013)

My client signed an opt-out form without me present. What do I do?

- Bring this to the Court's attention. The attorney should be involved when the client signs the opt-out form.
- Be sure to express the benefits of ILS and most of all, express that the client can opt back in.
- The Department still has a duty to help all children reach permanency.





My client wants nothing to do with case manager, foster care, or me. What should I do?

- Listen to the client
- Really listen.
- Remind the client that opting back into EFC is available until 21 or even 22.
- Remind the client that PESS is available until age 28 but must be applied for at 21.
- Be sure client know they can reach out to www.HopeFlorida.com.

How do I best serve my young adult client?



- Ask lots of questions. Take an interest. Do lots of listening.
- Attend staffings. Email the case manager and ask to be invited to staffing.
Case manager is not represented by attorney.
- Ensure client has all documents
- Ensure client understand the rule and expectations for living arrangements.

A close-up photograph of a person's hands gently holding a succulent plant. The person is wearing a blue and white plaid shirt. The succulent has thick, fleshy, light blue-green leaves. The background is softly blurred, showing more of the person and other plants. A semi-transparent, light-colored rectangular box is overlaid in the center of the image, containing the text "Mental Health and ILS" in a bold, black, sans-serif font.

Mental Health and ILS

Why do mental health issues may surface in ILS teens?



- Due to Age: neurobiological development may catch up with client and start to manifest underlying issues.
- Due to Environment or Experience: Client may have a child on her own and that can bring up stress and pain from own childhood. Client may start living alone and realize how stressful adult responsibilities are.

Will my client continue to receive Medicaid?

- Youth who turn 18 while in foster care will receive Medicaid until they are 26. They automatically receive Medicaid until they are 21.
- Once the young adult reaches 21, he must apply for Medicaid, but will be eligible until age 26.
- Ensure client has shelter order or placement order or judicial review order



What is Medicaid redetermination?



All individuals who were eligible for Medicaid continued to receive coverage since 2020 due to COVID. The continuous coverage will end on March 31, 2023. Over the next 12 months, Medicaid participants will be reviewed for eligibility. Youth who were in foster care are eligible until 26. **THERE IS NO INCOME LIMIT.**

What does Medicaid cover?

- **Primary and specialty care**
- **Prenatal care and birth control**
- **Dental**
- **Therapeutic Services**



Office of Continuing Care

- The Office of Continuing Care, part of Hope Florida – A Pathway to Prosperity, offers free, one-on-one help for young people who are about to or have recently transitioned out of foster care, aiming to make the leap into adulthood a positive experience.

- When you call the Hope Line, you'll speak with a Hope Navigator who walk with you on the path to independence.

- **Call 850-300-HOPE (850-300-4673)**

- **Monday – Friday, 8 a.m. – 5 p.m. (ET)**

- **www.HopeFlorida.com**



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**Questions from Crossroads
Attorneys**