

ARTICLE 5
INDEPENDENT LIVING SERVICES

15-11-501. System of services

- (a) The Division shall administer a system of independent living transition services to enable adolescents in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.
- (b) The goals of independent living transition services are to assist adolescents in foster care and young adults who were formerly in foster care to obtain life skills and education for independent living and employment, to enjoy a quality of life appropriate for their age, and to assume personal responsibility for becoming self-sufficient adults.
- (c) The Division shall establish a continuum of services for eligible children in foster care and eligible young adults who were formerly in foster care which accomplish the goals for the system of independent living transition services.
- (d) For children in foster care, independent living transition services are not an alternative to adoption. Independent living transition services may occur concurrently with continued efforts to locate and achieve placement in adoptive families for adolescents in foster care.

Comments

Article 5 governing the provision of independent living services is entirely new. Under the current juvenile code, there is only brief mention of the need to provide independent living services. See O.C.G.A. §§ 15-11-58(o)(4), (6) (“...the court...shall determine the services needed to assist the child to make a transition from foster care to independent living.”). Indeed, the majority of states only briefly mention independent living by statute. A few states such as Arizona, California, Florida, Ohio, Oregon, Washington and Wisconsin provide more expansive language. See Ariz. Rev. Stat. § 8-8521; Cal. Welf. & Inst. Code § 1559.110; Fla. Stat. Ann. § 409.1451; Ohio Rev. Code Ann. §§ 2151.81 et seq.; Ore. Rev. Stat. §§ 418.475, 419B.476; Wash. Rev. Code § 74.13.540; Wis. Stat. § 48.38(h). These proposed provisions were modeled after Florida’s independent living statute which is one of the most comprehensive in the country and which provides specific guidance regarding the kinds of services to be provided, eligibility, and set goals. See Fla. Stat. Ann. § 409.1451.

California is also highly regarded for its independent living program but it has received some criticism for the lack of uniformity in the provision of services. See Sylvia Junn and Jennifer Rodriguez, Out On Their Own: California’s Foster Youth and the Inequalities of the Independent Living Program, 6 U.C. Davis J. Juv. L. & Pol’y 189 (2002). Florida’s codification of such an expansive and detailed program served as the strongest model to ensure uniformity and consistency in its application.

15-11-502. Eligibility for independent living services

- (a) The Division shall provide independent living services to children who have reached 14 years of age but are not yet 18 years of age and who are in foster care. Children to be served must meet the eligibility requirements set forth for specific services as provided in this article.

- (b) The Division shall provide independent living services to young adults who have reached 18 years of age but are not yet 23 years of age and who were in foster care when they turned 18 years of age. Young adults to be served must meet the eligibility requirements set forth for specific services in this article.

15-11-503. Preparation for independent living

- (a) The Division shall provide adolescents and young adults with opportunities to participate in life skills activities in their foster families and communities which are reasonable and appropriate for their respective ages, and shall provide them with services to build the skills and increase their ability to live independently and become self-sufficient. The Division shall:
 - (1) Develop a list of age-appropriate activities and responsibilities to be offered to all children involved in independent living transition services and their foster parent;
 - (2) Provide training for staff and foster parent to address the issues of adolescents in foster care in transitioning to adulthood, which shall include information on supporting education and employment and providing opportunities to participate in appropriate daily activities;
 - (3) Develop procedures to maximize the authority of foster parent to approve participation in age-appropriate activities of children in their care;
 - (4) Provide opportunities for adolescents in foster care to interact with mentors;
 - (5) Develop and implement procedures for adolescents to directly access and manage the personal allowance they receive from the Division in order to learn responsibility and participate in age-appropriate life skills activities.
- (b) Each child in foster care, his or her foster parent, if applicable, and the Division or community-based provider shall set early achievement and career goals for the child's postsecondary educational and work experience. The Division and community-based providers shall implement this model to help ensure that children in foster care are ready for postsecondary education and/or the workplace:
 - (1) A child in foster care entering the 9th grade, the child's foster parent, and the Division or community-based provider shall be active participants in choosing a postsecondary goal based upon both the abilities and interests of the child. The goal shall accommodate the needs of the child served in exceptional education programs to the extent appropriate for the child. A child in foster care, with the assistance of the child's foster parent, and the Division or community-based provider shall set a postsecondary goal including, but not limited to:
 - (A) Attending a 4-year college or university, a community college plus university, or a military academy;

- (B) Receiving a 2-year postsecondary degree;
 - (C) Attaining a postsecondary career and technical certificate or credential; or
 - (D) Beginning immediate employment after completion of a high school diploma or its equivalent, or
 - (E) Enlisting in the military.
- (2) In order to assist the child in achieving his or her chosen goal, the Division or community-based provider shall, with the participation of the child and foster parent, identify:
- (A) The core courses necessary to qualify for a chosen goal;
 - (B) Any elective courses which would provide additional help in reaching a chosen goal;
 - (C) The grade point requirement and any additional information necessary to achieve a specific goal;
 - (D) A teacher, other school staff member, employee of the Division or community-based care provider, or community volunteer who would be willing to work with the child as an academic advocate or mentor if foster parent involvement is insufficient or unavailable.
- (3) In order to complement educational goals, the Division and community-based providers are encouraged to form partnerships with the business community to support internships, apprenticeships, or other work-related opportunities.
- (4) The Division and community-based providers shall ensure that the child and the child's foster parent are made aware of the postsecondary goals available and shall assist in identifying the coursework necessary to enable the child to reach the chosen goal.
- (c) A child in foster care and a young adult formerly in foster care shall be encouraged to take part in learning opportunities that result from participation in community service activities.
- (d) A child in foster care and a young adult formerly in foster care shall be provided with the opportunity to change from one postsecondary goal to another, and each postsecondary goal shall allow for changes in each individual's needs and preferences. Any change, particularly a change that will result in additional time

required to achieve a goal, shall be made with the guidance and assistance of the Division or community-based provider.

Comments

One of the main goals of this provision is to ensure active steps are taken to set postsecondary goals. See Clare S. Richie, Georgia Budget and Policy Institute, Georgia's Independent Living Program: How Georgia Can Better Prepare Foster Youth For Productive Lives, 14 (2006)(recommending that the state encourage and assist children in foster care to pursue postsecondary education and training programs). Although subsection (b) of this provision includes a set list of postsecondary goals, they are not intended to be all-inclusive. As stated in subsection (b)(1), The child's unique experiences, needs, abilities, and talents should be taken into account when setting a postsecondary goal.

15-11-504. Services for a child in foster care

The Division shall provide transition to independence services to children in foster care who meet prescribed conditions and are determined eligible by the Division. The service categories available to children in foster care which facilitate successful transition into adulthood are:

- (1) Preindependent living services;
- (2) Life skills services; and
- (3) Subsidized independent living services.

15-11-505. Preindependent living services

- (a) A child who has reached 14 years of age but is not yet 16 years of age who is in foster care is eligible for preindependent living services.
- (b) Preindependent living services include, but are not limited to, life skills training, educational field trips, and mentoring. The specific services to be provided to a child shall be determined using a preindependent living assessment.
- (c) The Division shall conduct an annual staffing for each child who has reached 14 years of age but is not yet 16 years of age to ensure that the preindependent living training and services to be provided as determined by the preindependent living assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.
- (d) At the first annual staffing that occurs following a child's 14th birthday, and at each subsequent staffing, the Division shall provide to each child detailed information on any grants, scholarships, and waivers that are available and should be sought by the child with assistance from the Division.
- (e) Information related to both the preindependent living assessment and all staffings, which shall be reduced to writing and signed by the child, shall be included as a part of the written report required to be provided to the court at each periodic review hearing.

15-11-506. Life skills services

- (a) A child who has reached 16 years of age but is not yet 18 years of age who is in foster care is eligible for life skills services.
- (b) Life skills services include, but are not limited to, independent living skills training, including training to develop banking and budgeting skills, interviewing skills, parenting skills, educational support, employment training, basic legal skills, and counseling. Children receiving these services should also be provided with information related to social security insurance benefits and public assistance. The specific services to be provided to a child shall be determined using an independent life skills assessment
- (c) The Division shall conduct a staffing at least once every 6 months for each child who has reached 16 years of age but is not yet 18 years of age to ensure that the appropriate independent living training and services as determined by the independent life skills assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.
- (d) The Division shall provide to each child in foster care during the calendar month following the child's 17th birthday an independent living assessment to determine the child's skills and abilities to live independently and become self-sufficient. Based on the results of the independent living assessment, services and training shall be provided in order for the child to develop the necessary skills and abilities prior to the child's 18th birthday.
- (e) Information related to both the independent life skills assessment and all staffings, which shall be reduced to writing and signed by the child, shall be included as a part of the written report required to be provided to the court at each periodic review hearing.

15-11-507. Subsidized independent living services

- (a) Subsidized independent living services are living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed.
- (b) A child who has reached 17 years of age but is not yet 18 years of age is eligible for subsidized independent living services if:
 - (1) The child has been adjudicated deprived under article 3; has been placed in licensed out-of-home care for at least 6 months prior to entering subsidized independent living; and has a permanency goal of independent living or long-term licensed care; and
 - (2) The child is able to demonstrate independent living skills, as determined by the Division using established procedures and assessments.
- (c) Independent living arrangements established for a child must be part of an overall plan leading to the total independence of the child from the Division's supervision. The plan must include, but need not be limited to:
 - (1) A description of the skills of the child and a plan for learning additional identified skills;
 - (2) The behavior that the child has exhibited which indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate;
 - (3) A plan for future educational, vocational, and training skills;
 - (4) Present financial and budgeting capabilities and a plan for improving resources and ability;
 - (5) A description of the proposed residence;
 - (6) Documentation that the child understands the specific consequences of his or her conduct in the independent living program;
 - (7) Documentation of proposed services to be provided by the Division and other agencies, including the type of service and the nature and frequency of contact; and
 - (8) A plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

- (d) Subsidy payments in an amount established by the Division may be made directly to a child under the direct supervision of a caseworker or other responsible adult approved by the Division.

Comments

Subsection (a) refers to the licensing requirements of O.C.G.A. § 49-5-12.

15-11-508. Services for young adults formerly in foster care

The Division shall provide or arrange for the following services to young adults formerly in foster care who meet the prescribed conditions and are determined eligible by the Division:

- (1) Aftercare support services which are available to assist young adults who were formerly in foster care in their efforts to continue to develop the skills and abilities necessary for independent living; and
- (2) Transitional short-term services.

15-11-509. Aftercare support services; eligibility

- (a) A young adult who has reached 18 years of age but is not yet 23 years of age who left foster care at 18 years of age but who requests services prior to reaching 23 years of age is eligible for aftercare support services.

- (b) The aftercare support services available include, but are not limited to:
 - (1) Mentoring and tutoring;
 - (2) Mental health services and substance abuse counseling;
 - (3) Life skills classes, including but not limited to credit management, preventive health activities, and basic legal skills;
 - (4) Parenting classes;
 - (5) Job skills training;
 - (6) Counselor consultations; and
 - (7) Temporary financial assistance.

- (c) The specific services to be provided under this Code section shall be determined by an aftercare services assessment and may be provided by the Division or through referrals in the community. Temporary assistance provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the Division.

15-11-510. Transitional support services

- (a) In addition to any services provided through aftercare support, a young adult formerly in foster care may receive other appropriate transitional services, which may include financial, housing, counseling, employment, education, mental health, disability, and other services, if the young adult demonstrates that the services are critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system.
- (b) A young adult is eligible to apply for transitional support services if he or she has reached 18 years of age but is not yet 23 years of age, was a deprived child, was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday, and had spent at least 6 months living in foster care before that date.
- (c) If at any time transitional support services are no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, the provision of services may be terminated.

15-11-511. Payment of aftercare or transitional support funds

- (a) Payment of aftercare or transitional support funds shall be made directly to the recipient unless the recipient requests in writing to the community-based care lead agency, or the Division, that the payments or a portion of the payments be made directly on the recipient's behalf to a third party in order to secure services such as housing, counseling, education, or employment training as part of the young adult's own efforts to achieve self-sufficiency.
- (b) The young adult who resides with a foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home.

15-11-512. Judicial review

- (a) In addition to the periodic review and permanency planning hearings under article 3, the court shall hold a judicial review hearing within 90 days after a child's 17th birthday and shall continue to hold timely judicial review hearings. In addition, if necessary, the court may review the status of the child more frequently during the year prior to the child's 18th birthday.
- (b) At each review, in addition to any information or report provided to the court, the foster parent, legal custodian, guardian ad litem, and the child shall be given the opportunity to provide the court with any information relevant to the child's best interests as it relates to independent living transition services. In addition to any information or report provided to the court, the Division shall include in its social study report written verification that the child:
 - (1) Has been provided with a current Medicaid card and has been provided all necessary information concerning the Medicaid program sufficient to prepare the child to apply for coverage upon reaching age 18, if such application would be appropriate;
 - (2) Has been provided with a certified copy of his or her birth certificate and, if the child does not have a valid driver's license, a valid Georgia identification card;
 - (3) Has been provided information relating to Social Security Insurance benefits if the child is eligible for these benefits. If the child has received these benefits and they are being held in trust for the child, a full accounting of those funds must be provided and the child must be informed about how to access those funds;
 - (4) Has been provided with information and training related to budgeting skills, interviewing skills, parenting skills, and basic legal skills;
 - (5) Has an open bank account, or has identification necessary to open an account, and has been provided with essential banking skills;
 - (6) Has been provided with information on public assistance and how to apply;
 - (7) Has been provided a clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and what educational program or school he or she will be enrolled in; and
 - (8) Has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday;

- (c) At the first judicial review hearing held subsequent to the child's 17th birthday, the Division shall provide the court with an updated case plan that includes specific information related to independent living services that have been provided since the child's 14th birthday, or since the date the child came into foster care, whichever came later.

- (d) At the time of a review hearing held, if, in the opinion of the court, the Division has not complied with its obligations as specified in the written case plan or in the provision of independent living services, the court shall issue a show cause order. If cause is shown for failure to comply, the court shall give the Division 30 days within which to comply and, on failure to comply with this or any subsequent order, the Division may be held in contempt.

15-11-513. Administrative appeals

- (a) The Division shall adopt a procedure by which a child or young adult formerly in foster care may appeal an eligibility determination or the Division's failure to provide aftercare, transitional support services, or the termination of such services.

- (b) The appeal procedure developed by the Division must be readily available to a child or a young adult formerly in foster care, must provide timely decisions, and must provide for an administrative appeal and judicial review of the administrative decision.

15-11-514. Accountability

The Division shall develop outcome and other performance measures for the independent living skills program in order to maintain oversight of the program.

15-11-515. Rulemaking

- (a) The Division shall adopt procedures to administer this article, including balancing the goals of normalcy and safety for the child and providing the caregivers with as much flexibility as possible to enable the child to live as normal a life as possible and participate in age-appropriate extracurricular, enrichment, and social activities.
- (b) Caregivers shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level.

Comments

The language regarding a child's participation in everyday activities is drawn from California Welf. & Inst. Code § 362.05 which was enacted to ensure a normal sense of childhood for children in foster care. See [Living a Normal Life: California Legislation Lifts Restrictions on Foster Children's Activities - an Interview with Miriam Krinsky](#), 24 ABA Child Law Practice, 61-63 (2005)(identifying activities such as birthday parties, dances, movies, and sporting events as normal everyday events in the life of a child).