

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Book, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Monday, January 7, 2019
TIME: 4:30—6:00 p.m.
PLACE: 301 Senate Building

MEMBERS: Senator Book, Chair; Senator Mayfield, Vice Chair; Senators Bean, Harrell, Rader, Torres, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Welcome		Discussed
2	Impact of Federal Child Welfare Changes on Florida - Department of Children and Families		Presented
	Chair Priorities		Discussed
	Member Introductions and Priorities		Discussed
	Other Related Meeting Documents		

Senate Committee on Children, Families, and Elder Affairs

Agencies and Subject Areas

2019-2020

Agencies:

Department of Children and Families

Agencies for Persons with Disabilities

Department of Elder Affairs

Department of Revenue (Child Support Program)

Typical Subject Areas:

Adoption (*Along with Judiciary Committee*)

Ch. 63, F.S.

Homelessness – Ch. 420, F.S.

Adults with Developmental Disabilities – Ch. 393, F.S.

Human Trafficking – Chs. 409 and 787, F.S.

Assisted Living Facilities – Ch. 429, F.S.

Long Term Care – (*Along with Health Policy Committee*) Ch. 400, F.S.

Background Screening – Ch. 435, F.S.

Marchman Act – Ch. 397, F.S.

Baker Act – Ch. 394, F.S.

Medicaid Determination – Ch. 409, F.S.

Child Abuse – Ch. 39, F.S.

Mental Health – Ch. 394, F.S.

Child Welfare – Chs. 39 and 409, F.S.

Ombudsman Council – Ch. 400, F.S.

Elder Abuse – Ch. 430, F.S.

Sexual Predators – (*Along with Criminal Justice Committee*) Chs. 394 and 775, F.S.

Food Stamps (SNAP) – Ch.414, F.S.

Substance Abuse – Ch. 397, F.S.

Foster Care – Chs. 39 and 409, F.S.

Temporary Assistance for Needs Families (TANF) – Ch. 409, F.S.

Grandparent's Rights – Ch. 752, F.S.

Visitation Rights – Chs. 61 and 752, F.S.

Guardianship – (*Along with Judiciary Committee*) Ch. 744, F.S.



Impact of Federal Child Welfare Changes on Florida

Senate Children, Families, and Elder Affairs
January 7, 2019

Presented by:

JoShonda Guerrier
Assistant Secretary for Child Welfare

Overview Topics

Child Welfare Services

Title IV-E Waiver

The Path Forward

- Title IV-E Extended Foster Care
- Title IV-E Guardianship Assistance Program
- Foster Care Candidacy
- Eligibility Rates Improvement

Family First Prevention Services Act (FFPSA)

- Key Provisions
- Effective Dates



Child Welfare Services

Responsibilities include: the Florida Abuse Hotline, Investigations, Case Management, Independent Living, Prevention Services, Adoptions, and the Licensing of Foster and Group Homes

Legislature required the provision of foster care and related child welfare services to be completed by community-based care (CBC) lead agencies in s. 409.986, F.S.

Scope of CBC Services

- Recruitment of family foster homes, group homes, and relative/nonrelative placements
- Supervise placement of children removed from their homes
- Identify permanency options available to each child who has been removed from a parent and report those options to the courts
- Provide pre- and post-adoption services for children adopted from foster care and provide maintenance adoption subsidies to adoptive parents



Title IV-E Waiver

Many child welfare services (foster care and adoption assistance) provided by the state are partially reimbursable by the federal government under Title IV-E of the Social Security Act

Federal Title IV-E funding for Florida is the largest single source of federal child welfare funding for the state

Since 2006, Florida has operated under a Title IV-E demonstration waiver which allows flexibility in the provision of child welfare services

- Requirements were waived to allow Title IV-E funding to be spent on any child/family, and any child welfare purpose
- In exchange, Florida agreed to a capped allocation with annual automatic increases, plus “triggers” to adjust the allocation if actual levels significantly exceeded estimates



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Title IV-E Waiver

All Title IV-E waivers are set to expire on September 30, 2019. When Florida's waiver expires, Florida must return to the traditional Title IV-E program.

Today, Florida spends 42% of Title IV-E Foster Care funds on non-traditional services.

Traditional Title IV-E funds provide federal payments for foster care and adoption assistance for eligible children who are in eligible placements.

With the return to traditional Title IV-E funding, an estimated loss of \$90 million in federal funding is anticipated. The department is working on several initiatives to mitigate the estimated loss.

The department has titled these mitigation strategies as "The Path Forward."



The Path Forward

Initiatives

Florida's Path Forward encompasses several initiatives already underway that will close the estimated funding gap including:

Title IV-E Extended Foster Care

- Florida Statutes were amended in 2018 to establish a Title IV-E program that replaces the current state funded program
- Changes also extended Maintenance Adoption Subsidies and created a Guardianship Assistance Program for children adopted or placed in permanent guardianship at ages 16 or 17
- Training plan and FSFN changes in place as of January 4, 2019
- Operating procedures approved; requesting rulemaking authority
- To be implemented beginning January 1, 2019



The Path Forward

Initiatives

Title IV-E Guardianship Assistance Program (GAP)

- Program was created in Chapter 2018-103, L.O.F.
- GAP will operate concurrently with the existing Relative Caregiver Program to include Non-Relative Caregiver Financial Assistance
- This option will provide increased assistance to support relative and non-relative caregivers who become licensed
- Implementation has involved drafting rules, operating procedures, and necessary enhancements to FSFN
- An amendment to the State Plan is pending along with additional statutory changes that have been identified
- Requires the training of staff and amending CBC contracts to include funding for new licensure staff
- To be implemented beginning July 1, 2019



The Path Forward

Initiatives

Foster Care Candidacy

- Allows federal reimbursement of administrative costs for a child at serious or imminent risk of entering foster care when:
 - The child resides with a parent or guardian, and
 - Reasonable efforts are being made by an investigator or case manager to prevent the child's removal
- Can implement without additional funding
- Must review the case no less than every 6 months and determine continued eligibility
- Full implementation by October 1, 2019



The Path Forward

Initiatives

Eligibility Rates Improvement

- Re-emphasizes importance of eligibility determination
- Directs assessment of current eligibility determination practices and additional training for staff to ensure increased Title IV-E eligibility rates for children entering the foster care system
- Voluntarily participated in a Title IV-E technical review with ACF in November 2018
- Contract to be executed in January 2019 to provide onsite technical assistance to every CBC
- Training curriculum to be delivered in January 2019
- May need additional FSFN changes to draw down federal funds
- To be fully implemented by October 1, 2019



Family First Prevention Services Act



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Family First Prevention Services Act (FFPSA)

Enacted on February 9, 2018, as part of the federal Bipartisan Budget Act of 2018

Expands the use of federal Title IV-E child welfare funding to prevent entry into foster care and restricts funds for out-of-home care placements that are not a foster family home

Addresses multiple complexities in child welfare through various programming:

Prevention Services

- Front-end services provided to children at imminent risk of entering foster care
- 50% of the prevention services must be evidence-based or well supported, trauma-informed, and be related to substance abuse, mental health, or parenting skills



Family First Prevention Services Act (FFPSA)

Appropriate Placements while in Foster Care

- Currently, reimbursement for child care institution services has no duration limit
- Under new requirements, Title IV-E reimbursements will be limited to two weeks, unless the child care institution meets one of the specified exemptions from the two-week limit

Kinship Care

- Florida received a federal grant of \$863,078 ending September 30, 2019
- States could be eligible for 50% Title IV-E reimbursement for evidence-based programs
- The effective date of the program was October 1, 2018



Family First Prevention Services Act (FFPSA)

Model Licensing Standards

- Proposed by ACF for Foster Family homes – Florida provided feedback on the proposed standards during the open comment period from August 1 – October 1, 2018
- Proposed changes are intended to ensure states make it easier for relatives to serve as caregivers to eligible children

Background Screening requirements for Adults working in Child-Caring Institutions effective October 1, 2018

- Requires completion of fingerprint-based criminal records checks and child abuse registry checks
- Includes all adults working in groups homes, residential treatment centers, shelters, and other congregate care settings
- No exemptions or exceptions including those who do not work directly with children



Family First Prevention Services Act (FFPSA)

Department of Juvenile Justice - In Title IV-E State Plans, must include an amendment certifying the Department will not enact policies or practices that result in a significant increase in the juvenile justice system because of limitations on the availability of Title IV-E foster care maintenance payments for foster children not living in foster homes

Fatalities - Must develop statewide plan to prevent child abuse and neglect fatalities

Interstate Compact on the Placement of Children (ICPC) - All states must implement an electronic ICPC by October 1, 2027

Adoption Assistance - Rolls back and postpones elimination of the application of the Aid to Families with Dependent Children (AFDC) financial standards (de-linking) for eligibility for Title IV-E adoption assistance



Family First Prevention Services Act (FFPSA)

While many of the provisions have set effective dates, two of the major provisions, offer states the option to request a delayed effective date:

- Quality placements, and
- Prevention services

States may delay implementation of FFPSA prevention services and appropriate placements for up to two years.

Florida has chosen to delay implementation until October 1, 2021.



Questions



CourtSmart Tag Report

Room: SB 301

Case:

Caption: Senate Committee on Children, Families, and Elder Affairs

Type:

Judge:

Started: 1/7/2019 4:30:46 PM

Ends: 1/7/2019 5:50:48 PM **Length:** 01:20:03

4:30:49 PM Chair Book,meeting called to order
4:31:06 PM Roll Call - Quorum present
4:31:24 PM Chair - Welcome
4:32:49 PM Tab 1 - Jurisdiction of committee presented by Claude, Staff Director
4:35:41 PM Chair
4:36:09 PM Tab 2 - Impact of Federal Child Welfare Changes on Florida, JoShonda Guerrier, Assistant Secretary for
Child Welfare, Department of Children & Families
4:56:38 PM Senator Harrell question of JoShonda
4:57:16 PM JoShonda in response
5:00:12 PM Senator Harrell
5:00:31 PM JoShonda in response
5:01:10 PM Vice Chair Mayfield
5:01:19 PM JoShonda in response
5:02:40 PM Vice Chair Mayfield
5:03:02 PM JoShonda responds
5:05:53 PM Chair Book
5:06:13 PM JoShonda in response
5:07:28 PM Senator Torres
5:09:07 PM JoShonda in response
5:10:22 PM Senator Rader
5:10:34 PM JoShonda in response
5:12:02 PM JoShonda in response
5:12:37 PM Senator Rader
5:12:47 PM JoShonda in response
5:13:17 PM Chair Book
5:13:50 PM JoShonda in response
5:17:01 PM Chair question of presenter
5:17:07 PM JoShonda in response
5:18:13 PM JoShonda - Family First Prevention Services Act (FFPSA)
5:22:55 PM Chair Book
5:23:03 PM JoShonda responds and continues presentation
5:29:29 PM Chair questions of JoShonda
5:29:44 PM JoShonda responds
5:31:35 PM Chair
5:32:24 PM JoShonda
5:34:09 PM Chair
5:35:01 PM Victoria Zepp, Chief Policy and Research Officer, Fla. Coalition for Children
5:38:38 PM Chair - Committee Priorities
5:38:57 PM Chairs priorities
5:43:02 PM Senator Bean - priorities
5:43:30 PM Senator Harrell - priorities
5:46:46 PM Chair
5:47:02 PM Vice Chair Mayfield - priorities
5:49:32 PM Chair
5:50:38 PM Senator Mayfield moves to adjourn