

By Representative Suarez

1 A bill to be entitled
2 An act relating to child welfare; amending s.
3 39.01, F.S.; clarifying that a long-term
4 placement of a child with a relative or other
5 caregiver is not subject to supervision by the
6 Department of Children and Family Services
7 following a determination by the court that the
8 placement is stable; redefining the term "other
9 person responsible for a child's welfare" to
10 include a frequent visitor in the home who
11 cares for the child; amending s. 414.125, F.S.;
12 prohibiting the department from imposing
13 sanctions under the WAGES Program against a
14 child's caregiver due to the child's failure to
15 make satisfactory progress in school; providing
16 an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsections (42) and (47) of section 39.01,
21 Florida Statutes, 1998 Supplement, are amended to read:22 39.01 Definitions.--When used in this chapter, unless
23 the context otherwise requires:24 (42) "Long-term relative custody" or "long-term
25 custodial relationship" means the relationship that a juvenile
26 court order creates between a child and an adult relative of
27 the child or other caregiver approved by the court when the
28 child cannot be placed in the custody of a natural parent and
29 termination of parental rights is not deemed to be in the best
30 interest of the child. Long-term relative custody confers upon
31 the long-term relative or other caregiver the right to

1 physical custody of the child, a right which will not be
2 disturbed by the court except upon request of the caregiver or
3 upon a showing that a material change in circumstances
4 necessitates a change of custody for the best interest of the
5 child. A long-term relative or other caregiver shall have all
6 of the rights and duties of a natural parent, including, but
7 not limited to, the right and duty to protect, train, and
8 discipline the child and to provide the child with food,
9 shelter, and education, and ordinary medical, dental,
10 psychiatric, and psychological care, unless these rights and
11 duties are otherwise enlarged or limited by the court order
12 establishing the long-term custodial relationship. Long-term
13 relative custody or a long-term custodial relationship is not
14 subject to continuing supervision following a determination by
15 the court that the placement is stable and such supervision is
16 no longer needed as provided in s. 39.508(9)(a)5.b.

17 (47) "Other person responsible for a child's welfare"
18 includes the child's legal guardian, legal custodian, or
19 foster parent; an employee of a private school, public or
20 private child day care center, residential home, institution,
21 facility, or agency; or any other person legally responsible
22 for the child's welfare in a residential setting; and also
23 includes an adult sitter, a ~~or~~ relative entrusted with a
24 child's care, or a frequent visitor in the home entrusted with
25 a child's care. For the purpose of departmental investigative
26 jurisdiction, this definition does not include law enforcement
27 officers, or employees of municipal or county detention
28 facilities or the Department of Corrections, while acting in
29 an official capacity.

30 Section 2. Section 414.125, Florida Statutes, is
31 amended to read:

1 414.125 Learnfare program.--
2 (1) The department shall reduce the temporary cash
3 assistance for a participant's eligible dependent child or for
4 an eligible teenage participant who has not been exempted from
5 education participation requirements during a grading period
6 in which the child or teenage participant has accumulated a
7 number of unexcused absences from school that is sufficient to
8 jeopardize the student's academic progress, in accordance with
9 rules adopted by the department with input from the Department
10 of Education. The temporary cash assistance must be
11 reinstated after a subsequent grading period in which the
12 child has substantially improved the child's attendance. Good
13 cause exemptions from the rule of unexcused absences include
14 the following:

- 15 (a) The student is expelled from school and
16 alternative schooling is not available.
17 (b) No licensed day care is available for a child of
18 teen parents subject to Learnfare.
19 (c) Prohibitive transportation problems exist (e.g.,
20 to and from day care).
21 (d) The teen is over 16 years of age and not expected
22 to graduate from high school by age 20.

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24 Within 10 days after sanction notification, the participant
25 parent of a dependent child or the teenage participant may
26 file an internal fair hearings process review procedure
27 appeal, and no sanction shall be imposed until the appeal is
28 resolved.

29 (2) Each participant with a school-age child is
30 required to have a conference with an appropriate school
31 official of the child's school during each grading period to

1 assure that the participant is involved in the child's
2 educational progress and is aware of any existing attendance
3 or academic problems. The conference must address acceptable
4 student attendance, grades, and behavior and must be
5 documented by the school and reported to the department. The
6 department shall notify a school of any student in attendance
7 at that school who is a participant in the Learnfare program
8 in order that the required conferences are held. A participant
9 who without good cause fails to attend a conference with a
10 school official is subject to the sanction provided in
11 subsection (1).

12 (3) The department may not impose any sanction against
13 a participant or other relative caretaker of a school-age
14 child due to the child's failure to make satisfactory progress
15 in school.

16 Section 3. This act shall take effect July 1, 1999.

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19 SENATE SUMMARY

20 Provides that a long-term placement of a child with a
21 relative or other caregiver is not subject to supervision
22 by the Department of Children and Family Services if the
23 court determines that the placement is stable. Provides
24 that, for purposes of ch. 39, F.S., the term "other
25 person responsible for a child's welfare" includes
26 frequent visitors in the home who care for the child.
27 Provides that the Department of Children and Family
28 Services may not impose sanctions under the WAGES Program
29 against a child's caregiver because of the child's
30 failure to make satisfactory progress in school.

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