

By Representative Suarez

1                                   A bill to be entitled  
2           An act relating to the Relative Caregiver  
3           Program; amending s. 39.5085, F.S.; providing  
4           that a relative caregiver is eligible for  
5           assistance under the program following the  
6           long-term placement of a child with the  
7           caregiver pursuant to a court order or an order  
8           of guardianship; providing that the relative  
9           caregiver of a special needs child is eligible  
10          to receive a specified amount of assistance  
11          under the program; providing that a relative  
12          caregiver who adopts a mentally retarded,  
13          physically handicapped, or emotionally  
14          handicapped child is eligible to receive the  
15          adoption subsidy provided to adoptive parents;  
16          providing an effective date.

17

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

19

20           Section 1. Subsection (2) of section 39.5085, Florida  
21 Statutes, 1998 Supplement, is amended to read:

22           39.5085 Relative Caregiver Program.--

23           (2)(a) The Department of Children and Family Services  
24 shall establish and operate the Relative Caregiver Program  
25 pursuant to eligibility guidelines established in this section  
26 as further implemented by rule of the department. The Relative  
27 Caregiver Program shall, within the limits of available  
28 funding, provide financial assistance to relatives who are  
29 within the fifth degree by blood or marriage to the parent or  
30 stepparent of a child and who are caring full-time for that  
31 child in the role of substitute parent as a result of a

1 departmental determination of child abuse, neglect, or  
2 abandonment and subsequent placement with the relative  
3 pursuant to this chapter. Such placement may be ~~either~~  
4 court-ordered temporary legal custody to the relative under s.  
5 39.508(9)(a)4.~~pursuant to s. 39.508(9),~~ or court-ordered  
6 placement in the home of a relative under protective  
7 supervision of the department under s. 39.508(9)(a)3.,  
8 court-ordered placement in the long-term custody of a relative  
9 under s. 39.508(9)(a)5., or placement with a relative pursuant  
10 to a court order or letter of guardianship pursuant to s.  
11 ~~39.508(9).~~ The Relative Caregiver Program shall offer  
12 financial assistance to caregivers who are relatives and who  
13 would be unable to serve in that capacity without the relative  
14 caregiver payment because of financial burden, thus exposing  
15 the child to the trauma of placement in a shelter or in foster  
16 care.

17 (b) Caregivers who are relatives and who receive  
18 assistance under this section must be capable, as determined  
19 by a home study, of providing a physically safe environment  
20 and a stable, supportive home for the children under their  
21 care, and must assure that the children's well-being is met,  
22 including, but not limited to, the provision of immunizations,  
23 education, and mental health services as needed.

24 (c) Relatives who qualify for and participate in the  
25 Relative Caregiver Program are not required to meet foster  
26 care licensing requirements under s. 409.175.

27 (d) Relatives who are caring for children placed with  
28 them by the child protection system shall receive a special  
29 monthly relative caregiver benefit established by rule of the  
30 department. The amount of the special benefit payment shall  
31 be based on the child's age within a payment schedule

1 established by rule of the department and subject to  
2 availability of funding. The statewide average monthly rate  
3 for children judicially placed with relatives who are not  
4 licensed as foster homes may not exceed 82 percent of the  
5 statewide average foster care rate, nor may the cost of  
6 providing the assistance described in this section to any  
7 relative caregiver exceed the cost of providing out-of-home  
8 care in emergency shelter or foster care.

9 (e) Children receiving cash benefits under this  
10 section are not eligible to simultaneously receive WAGES cash  
11 benefits under chapter 414.

12 (f) Within available funding, the Relative Caregiver  
13 Program shall provide relative caregivers with family support  
14 and preservation services, flexible funds in accordance with  
15 s. 409.165, subsidized child care, and other available  
16 services in order to support the child's safety, growth, and  
17 healthy development. Children living with relative caregivers  
18 who are receiving assistance under this section shall be  
19 eligible for Medicaid coverage.

20 (g) A relative caregiver with whom a mentally  
21 retarded, physically handicapped, or emotionally handicapped  
22 child is placed is eligible to receive assistance under the  
23 Relative Caregiver Program which is equal to the amount of the  
24 subsidy provided to adoptive parents under s. 409.166. If a  
25 relative caregiver adopts a mentally retarded, physically  
26 handicapped, or emotionally handicapped child following  
27 participation in the Relative Caregiver Program, the caregiver  
28 is eligible to receive the adoption subsidy provided under s.  
29 409.166.

30  
31

1            (h)~~(g)~~ The department may use appropriate available  
2 state, federal, and private funds to operate the Relative  
3 Caregiver Program.

4            Section 2. This act shall take effect July 1, 1999.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Provides for assistance under the Relative Caregiver Program for the relative caregiver of a child who is placed into long-term care with the caregiver under a court order or an order of guardianship. Provides that the relative caregiver of a special needs child is eligible to receive assistance under the program which equals the amount of the adoption subsidy provided to adoptive parents. Provides that a relative caregiver who adopts a child who is mentally retarded, physically handicapped, or emotionally handicapped is eligible to receive the adoption subsidy provided to adoptive parents by the Department of Children and Family Services.