By the Committee on Children and Families; and Senator Dawson

300-2183-00

1   A bill to be entitled
2   An act relating to relative caregiving;
3   amending s. 39.5085, F.S.; revising legislative
4   intent; revising criteria for financial
5   assistance under the Relative Caregiver
6   Program; prescribing the date of entitlement to
7   benefits under the Relative Caregiver Program;
8   specifying that implementation of the act is
9   subject to an appropriation; requiring the
10   Department of Children and Family Services to
11   submit a report to the Legislature; providing
12   an effective date.
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14 Be It Enacted by the Legislature of the State of Florida:
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16   Section 1. Section 39.5085, Florida Statutes, is
17 amended to read:
18   39.5085 Relative Caregiver Program.--
19   (1) It is the intent of the Legislature in enacting
20 this section to:
21   (a) Recognize family relationships in which a
22 grandparent or other relative is the head of a household that
23 includes a child otherwise at risk of foster care placement.
24   (b) Enhance family preservation and stability by
25 recognizing that most children in such placements with
26 grandparents and other relatives do not need intensive
27 supervision of the placement by the courts or by the
28 department.
29   (c) Recognize that permanency is in the best interest
30 of the child and can be achieved through a variety of options
31 that provide for permanency, including long-term care by a

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1 relative, guardianship, or adoption, and to provide additional
2 placement options and incentives that will achieve permanency
3 and stability for many children who are otherwise at risk of
4 foster care placement because of abuse, abandonment, or
5 neglect, but who may successfully be able to be placed by the
6 dependency court in the care of such relatives.

7   (d) Reserve the limited casework and supervisory
8 resources of the courts and the department for those cases in
9 which children do not have the option for safe, stable care
10 within the family.

11   (2)(a) The Department of Children and Family Services
12 shall establish and operate the Relative Caregiver Program
13 pursuant to eligibility guidelines established in this section
14 as further implemented by rule of the department. The Relative
15 Caregiver Program shall, within the limits of available
16 funding, provide financial assistance to relatives who are
17 within the fifth degree by blood or marriage to the parent or
18 stepparent of a child, or to a half brother or half sister of
19 that child,and who are caring full-time for that child in the
20 role of substitute parent as a result of a court's
21 determination of child abuse, neglect, or abandonment and
22 subsequent placement with the relative pursuant to this
23 chapter. Such placement may be either court-ordered temporary
24 legal custody to the relative pursuant to s. 39.508(9)(a)4.,
25 or court-ordered placement in the home of a relative under
26 protective supervision of the department pursuant to s.
27 39.508(9)(a)3. The Relative Caregiver Program shall offer
28 financial assistance to caregivers who are relatives and who
29 would be unable to serve in that capacity without the relative
30 caregiver payment because of financial burden, thus exposing
31 the child to the trauma of placement in a shelter or in foster

1   care. Funding for a child who is a half brother or half sister

2   of a child related to a relative caregiver is contingent upon

3   a specific appropriation for that purpose.

4   (b) Caregivers who are relatives and who receive

5   assistance under this section must be capable, as determined

6   by a home study, of providing a physically safe environment

7   and a stable, supportive home for the children under their

8   care, and must assure that the children's well-being is met,

9   including, but not limited to, the provision of immunizations,

10 education, and mental health services as needed.

11   (c) Relatives who qualify for and participate in the

12 Relative Caregiver Program are not required to meet foster

13 care licensing requirements under s. 409.175.

14   (d) Relatives who are caring for children placed with

15 them by the court pursuant to this chapter shall receive a

16 special monthly relative caregiver benefit established by rule

17 of the department. The amount of the special benefit payment

18 shall be based on the child's age within a payment schedule

19 established by rule of the department and subject to

20 availability of funding. The statewide average monthly rate

21 for children judicially placed with relatives who are not

22 licensed as foster homes may not exceed 82 percent of the

23 statewide average foster care rate, nor may the cost of

24 providing the assistance described in this section to any

25 relative caregiver exceed the cost of providing out-of-home

26 care in emergency shelter or foster care.

27   (e) Children receiving cash benefits under this

28 section are not eligible to simultaneously receive WAGES cash

29 benefits under chapter 414.

30   (f) The date of entitlement to benefits under the

31 Relative Caregiver Program is the date of authorization of

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 1 payment, or the 30th day after the submission of a signed and
 2 dated application for benefits, whichever occurs first. Within
 3 available funds, the child is eligible for benefits
 4 retroactive to the date of entitlement if the application is
 5 not acted upon by the 30th day after submission of the signed
 6 and dated application for benefits.
 7   (g)(f) Within available funding, the Relative
 8 Caregiver Program shall provide relative caregivers with
 9 family support and preservation services, flexible funds in
10 accordance with s. 409.165, subsidized child care, and other
11 available services in order to support the child's safety,
12 growth, and healthy development. Children living with
13 relative caregivers who are receiving assistance under this
14 section shall be eligible for Medicaid coverage.
15   (h)(g) The department may use appropriate available
16 state, federal, and private funds to operate the Relative
17 Caregiver Program.
18   Section 2. The Department of Children and Family
19 Services shall report to the Legislature by January 1, 2001,
20 on the number of additional children being served and the
21 costs or savings that result from the additional children
22 served.
23   Section 3. This act shall take effect July 1, 2000.
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1   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                       COMMITTEE SUBSTITUTE FOR
2   Senate Bill 1838

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    -       Specifies that funding for a child who is a half brother
5   or half sister of a child related to a relative
            caregiver is contingent upon a specific appropriation
6   for that purpose.

7   -   Directs the Department of Children and Family Services
            to report to the Legislature by January 1, 2001, on the
8   number of additional children being served and the costs
            or savings that result from the additional children
9   served.

10 -   Removes the expansion of the Relative Caregiver Program
            to include children placed under the relative by a state
11   court of competent jurisdiction.

12 -   Removes the provision for the Department of Children and
            Family Services to transfer TANF savings to the Title XX
13   Social Services Block Grant in order to provide benefits
            under the Relative Caregiver Program.
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    -       Removes the provision to expand the waiver of
15   post-secondary student fees to include a student living
            with a relative caregiver who is receiving a relative
16   caregiver payment.

17 -   Deletes the pilot project with a privatized,
            community-based organization for the operation of the
18   Relative Caregiver Program in one urban district.

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