

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1056

SPONSOR: Committee on Children and Families and Senator Dawson

SUBJECT: Relative Caregiver Program

DATE: April 20, 2001                      REVISED: 04/24/01                      \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable/CS</u>
2.	<u>Peters</u>	<u>Belcher</u>	<u>AHS</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>AP</u>	<u>Withdrawn: Fav/1 am.</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

CS/SB 1056 expands the Relative Caregiver Program to provide financial assistance to a child who is a half-brother or half-sister of a child placed with a relative caregiver. Children for whom Relative Caregiver Program payments are made are added to the categories of children eligible for the Prekindergarten Early Intervention Program and to the students for whom certain fee exemptions are provided for workforce development education programs, universities, and community colleges.

This bill amends sections 39.5085, 230.2305, and 239.117 of the Florida Statutes.

**II. Present Situation:**

An increasing number of grandparents are providing primary care to their grandchildren as a result of broken families, substance abuse, child abuse, teenage pregnancy, death and financial difficulty. The number of children living with their grandparents increased 76 percent from 1970 when 2.2 million or 3 percent of children lived with grandparents to 1997 when these children totaled 3.9 million or 6 percent. Based on census data, in 1990, 232,481 children lived with their grandparents in Florida, with or without the presence of the parent.

Chapter 98-78, L.O.F., created s. 39.5085, F.S., which established the Relative Caregiver Program within the Department of Children and Family Services (department) to offer financial assistance to caregivers who are caring for their relative children and who, without such assistance, would be unable to provide such care, exposing the child to foster care. Relative caregivers can receive the assistance of the Relative Caregiver program under the following conditions:

- The relative is within the fifth degree by blood or marriage to the parent or stepparent of a child. Siblings of the child, including half-brothers and half-sisters, would be required to meet the degree of relationship with the caregiver in order to be eligible for the assistance.
- There has been a determination of child abuse, neglect or abandonment and placement with the relative pursuant to ch. 39, F.S. Specifically, placement of the child with the relative caretaker may be either court ordered temporary legal custody pursuant to s. 39.521(1)(b)3, F.S., or court ordered placement as a permanency option pursuant to s. 39.622, F.S.
- The relative caretaker must be capable, as determined by a home study, of providing a physically safe environment, a stable, supportive home, and assuring that the child's well-being is met including immunizations, education, and mental health services as needed.
- A number of the requirements of the Temporary Assistance for Needy Families (TANF) grant must be met, including the income and assets of the child only category, immunizations, citizenship or qualified non-citizenship, Florida residency, school attendance, and cooperation with child support enforcement.

The Relative Caregiver Program provides a special monthly benefit payment, within the limits of available funding, which is funded through the federal TANF funds. Section 39.5085(2)(d), F.S., specifies that the payment amount is to be based on the child's age and, if the relative is not a licensed foster home, is not to exceed 82 percent of the statewide foster care rate. The current basic monthly benefit amount, pursuant to Rule 65C-24.012(4), F.A.C., on Relative Caregiver is \$242 for a child birth to age 5, \$249 for age 6 through 12 years, and \$298 for age 13 through 18 years. In addition, pursuant to s. 39.5085(2)(f), F.S., the Relative Caregiver Program can provide additional assistance to support the child's safety, growth and healthy development, based on the funding available, such as family support and preservation services and subsidized child care. The children living with relative caregivers who are receiving assistance under the Relative Caregiver Program are eligible for Medicaid coverage. A child who receives Supplemental Security Income (SSI) is not eligible for the cash assistance offered through the Relative Caregiver Program. Eligibility for the benefits is currently re-determined annually.

The TANF cash assistance program can also provide monthly benefit payments to caregivers who are caring for their relative children. However, relative caregivers are not permitted to simultaneously receive both a TANF cash assistance benefit and a Relative Caregiver benefit. The same TANF financial and technical requirements must be met and the adult caring for the child must be related to the child by blood or marriage. Neither a home study, adjudication under ch. 39, F.S., nor a determination of child abuse, neglect or abandonment is required. However, the monthly cash assistance payment is substantially less than the Relative Caregiver Program amount. For one child, regardless of age, the maximum cash assistance benefit amount is \$180 and for two children; the maximum amount is \$241.

The Prekindergarten Early Intervention Program, pursuant to s. 230.2305, F.S., targets 3 and 4 year old children, with the intent of serving as a preventive measure for future school failure, enhancing the educational readiness of children and supporting family education. At least 75 percent of the children are required to be economically disadvantaged 4 year old children of working parents. The remaining 25 percent of the children served can include the following:

3 and 4 year old children who are abused, prenatally exposed to alcohol or harmful drugs, from foster homes, or who are marginal exceptional student education placements; 3 and 4 year old children with disabilities; economically disadvantaged 3 year old children; children who are economically disadvantaged, with disabilities, or at risk for school failure and served through a home visitor or intensive parent education program; children who are eligible for the migrant preschool program; and after all the preceding groups have been served, 3 and 4 year old children who are not economically disadvantaged but for whom a fee is paid. The children actually served out of these categories is based on the funding level and requests for service in a particular area. Some communities have a waiting list of children to be served, while other communities have served all requests for services that meet these categorical definitions and have opportunities to serve other children.

Section 239.117, F.S., allows for fee exemptions for payment of registration, matriculation, and laboratory fees for certain students enrolled in the vocational certification programs in school districts and community colleges offered through the workforce development education programs. Currently, students who are in foster homes, in long term foster care or independent living pursuant to ch. 39, F.S., or are adopted from the Department of Children and Family Services are exempt from payment of these fees. Those children who have been adopted can receive the fee exemption up to four years after graduating from high school. These groups of students are also provided an exemption for all undergraduate fees to a university in the state university system, pursuant to s. 240.235(5)(a), F.S., and for all undergraduate fees to a state community college operated by the community colleges district boards of trustees, pursuant to s. 240.35(2)(a), F.S.

### **III. Effect of Proposed Changes:**

CS/SB 1056 amends s. 39.5085, F.S., to expand the financial assistance and support services of the Relative Caregiver Program to a child who is a half-brother or half-sister of a child placed with a relative caregiver. This expansion will provide the assistance of the Relative Caregiver program to and maintain together sibling groups where a sibling may not have a direct blood or marriage relationship to the caregiver. Some portion of these children would likely require foster care if the relative was not able to provide this caregiving function.

The bill directs the Department of Children and Family Services to contract for a study of grandparents and other caregivers who are raising their relative children in Florida. The study is to examine and provide information on the numbers and needs of relative caregiver families using the best information available, including the number of caregivers who have legal custody of their relative children, the type of court order that granted the custody and the reasons that these caregivers have taken custody of the children.

Section 230.2305, F.S., is amended to include children for whom the state is paying a relative caregiver payment in the categories of children to be served in the Prekindergarten Early Intervention Program, specifically the groups of children to comprise a maximum of 25 percent. While some children in the Relative Caregiver program may already meet one of the existing eligibility categories to participate in the Prekindergarten Early Intervention Program, this will provide all children in the Relative Caregiver Program with the opportunity to participate. Actual participation will be based on availability of the funding which means that in some communities

the relative caregiver children would increase the waiting list for services and in other communities these children would enable the programs to fill more of their allotted spaces and more children could benefit from the program.

Sections 239.117, 240.235, and 240.35, F.S., are amended to add students for whom a relative caregiver payment is made to the students who are exempt from the payment of registration, matriculation and laboratory fees for the workforce development education program and undergraduate fees for community colleges and universities. This exemption continues to apply after the student turns 18 years of age, up to 4 years after the date of graduation from high school. These provisions will allow children in the Relative Caregiver program to receive the fee exemption for range of postsecondary education programs.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

This bill would assist families by providing financial assistance to a child who is a half-brother or half-sister of a child placed with a relative caregiver, and to a child placed by a court with a relative through avenues other than ch. 39, F.S.

##### **C. Government Sector Impact:**

The Department of Education projects that the expansion of the workforce development fee exemption to include students for whom Relative Caregiver Program payments are made will have very minimal impact on public education. Only 231 hours were exempted from workforce development program fees in the 1999-2000 school year.

The Department of Children and Family Services estimates the fiscal impact of adding half brothers and half sisters to the Relative Caregiver Program for financial assistance to be \$612,768 (200 children @ \$255.32 per month) in FY 2001-02 and \$643,406 (210 children @ \$255.32 per month) in FY 2002-03. Additionally, the Department estimates that \$250,000

will be required to contract for a study of families headed by grandparents and other relative caregivers in Florida in FY 2001-02. The total cost is \$862,768 for FY 2001-02 and \$643,406 for FY 2002-03. According to the department, these costs may be funded within current available funding.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 Appropriations Subcommittee on Health and Human Services:  
Technical amendment that adds back current law regarding placement of a child by the “dependency” court.