

By Senator Dawson

29-1074-04

See HB 197

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A bill to be entitled
An act relating to child welfare; amending s.
39.5085, F.S.; providing requirements for
eligibility of certain relatives caring for
children to receive benefits under the Relative
Caregiver Program upon determination by the
Department of Children and Family Services;
providing an effective date.

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

Section 1. Section 39.5085, Florida Statutes, is
amended to read:

39.5085 Relative Caregiver Program.--

(1) It is the intent of the Legislature in enacting
this section to:

(a) Recognize family relationships in which a
grandparent or other relative is the head of a household that
includes a child otherwise at risk of foster care placement.

(b) Enhance family preservation and stability by
recognizing that most children in such placements with
grandparents and other relatives do not need intensive
supervision of the placement by the courts or by the
department.

(c) Recognize that permanency in the best interests of
the child can be achieved through a variety of permanency
options, including long-term relative custody, guardianship,
or adoption, by providing additional placement options and
incentives that will achieve permanency and stability for many
children who are otherwise at risk of foster care placement
because of abuse, abandonment, or neglect, but who may

1 successfully be able to be placed by the dependency court in
2 the care of such relatives.

3 (d) Reserve the limited casework and supervisory
4 resources of the courts and the department for those cases in
5 which children do not have the option for safe, stable care
6 within the family.

7 (2)(a) The Department of Children and Family Services
8 shall establish and operate the Relative Caregiver Program
9 pursuant to eligibility guidelines established in this section
10 as further implemented by rule of the department. The Relative
11 Caregiver Program shall, within the limits of available
12 funding, provide financial assistance to:

13 1. Relatives who are within the fifth degree by blood
14 or marriage to the parent or stepparent of a child and who are
15 caring full-time for that dependent child in the role of
16 substitute parent as a result of a court's determination of
17 child abuse, neglect, or abandonment and subsequent placement
18 with the relative pursuant to this chapter.

19 2. Relatives who are within the fifth degree by blood
20 or marriage to the parent or stepparent of a child and who are
21 caring full-time for that dependent child, and a dependent
22 half-brother or half-sister of that dependent child, in the
23 role of substitute parent as a result of a court's
24 determination of child abuse, neglect, or abandonment and
25 subsequent placement with the relative pursuant to this
26 chapter.

27 3. Relatives who are within the fifth degree by blood
28 or marriage to the parent or stepparent of a child and who are
29 caring full-time for that dependent child, and a dependent
30 half-brother or half-sister of that dependent child, in the
31 role of substitute parent if the department determines that

1 the parents of that child have, for a period of 6 months,
2 failed to do each of the following:
3 a. Have physical contact with the child.
4 b. Communicate regularly with the child, either in
5 writing or verbally.
6 c. Acknowledge the birthday of the child or other days
7 of celebration.
8 d. Contact the relative caregiver in an attempt to
9 ensure the child's health, safety, and general welfare.
10 e. Make an effort to provide financial support for the
11 care of the child.
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13 ~~Such~~ Placement required by subparagraph 1. or subparagraph 2.
14 may be either court-ordered temporary legal custody to the
15 relative under protective supervision of the department
16 pursuant to s. 39.521(1)(b)3., or court-ordered placement in
17 the home of a relative as a permanency option pursuant to s.
18 39.622. The Relative Caregiver Program shall offer financial
19 assistance to caregivers who are relatives and who would be
20 unable to serve in that capacity without the relative
21 caregiver payment because of financial burden, thus exposing
22 the child to the trauma of placement in a shelter or in foster
23 care.
24 (b) Caregivers who are relatives and who receive
25 assistance under this section must be capable, as determined
26 by a home study, of providing a physically safe environment
27 and a stable, supportive home for the children under their
28 care, and must assure that the children's well-being is met,
29 including, but not limited to, the provision of immunizations,
30 education, and mental health services as needed.
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1 (c) Relatives who qualify for and participate in the
2 Relative Caregiver Program are not required to meet foster
3 care licensing requirements under s. 409.175.

4 (d) Relatives who are caring for children placed with
5 them by the court pursuant to this chapter or who are caring
6 for a child described in subparagraph (a)3.shall receive a
7 special monthly relative caregiver benefit established by rule
8 of the department. The amount of the special benefit payment
9 shall be based on the child's age within a payment schedule
10 established by rule of the department and subject to
11 availability of funding. The statewide average monthly rate
12 for children judicially placed with relatives who are not
13 licensed as foster homes and children described in
14 subparagraph (a)3.may not exceed 82 percent of the statewide
15 average foster care rate, nor may the cost of providing the
16 assistance described in this section to any relative caregiver
17 exceed the cost of providing out-of-home care in emergency
18 shelter or foster care.

19 (e) Children receiving cash benefits under this
20 section are not eligible to simultaneously receive WAGES cash
21 benefits under chapter 414.

22 (f) Within available funding, the Relative Caregiver
23 Program shall provide relative caregivers with family support
24 and preservation services, flexible funds in accordance with
25 s. 409.165, subsidized child care, and other available
26 services in order to support the child's safety, growth, and
27 healthy development. Children living with relative caregivers
28 who are receiving assistance under this section shall be
29 eligible for Medicaid coverage.

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1 (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 upon becoming a
5 law.
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