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

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 39.5085, Florida Statutes, is amended
 12 to read:

13 39.5085 Relative Caregiver Program.--

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

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

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

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

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29 abandonment, or neglect, but who may successfully be able to be
 30 placed by the dependency court in the care of such relatives.

31 (d) Reserve the limited casework and supervisory resources
 32 of the courts and the department for those cases in which
 33 children do not have the option for safe, stable care within the
 34 family.

35 (2)(a) The Department of Children and Family Services
 36 shall establish and operate the Relative Caregiver Program
 37 pursuant to eligibility guidelines established in this section
 38 as further implemented by rule of the department. The Relative
 39 Caregiver Program shall, within the limits of available funding,
 40 provide financial assistance to:

41 1. Relatives who are within the fifth degree by blood or
 42 marriage to the parent or stepparent of a child and who are
 43 caring full-time for that dependent child in the role of
 44 substitute parent as a result of a court's determination of
 45 child abuse, neglect, or abandonment and subsequent placement
 46 with the relative pursuant to this chapter.

47 2. Relatives who are within the fifth degree by blood or
 48 marriage to the parent or stepparent of a child and who are
 49 caring full-time for that dependent child, and a dependent half-
 50 brother or half-sister of that dependent child, in the role of
 51 substitute parent as a result of a court's determination of
 52 child abuse, neglect, or abandonment and subsequent placement
 53 with the relative pursuant to this chapter.

54 3. Relatives who are within the fifth degree by blood or
 55 marriage to the parent or stepparent of a child and who are
 56 caring full-time for that dependent child, and a dependent half-
 57 brother or half-sister of that dependent child, in the role of

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58 substitute parent if the department determines that the parents
 59 of that child have, for a period of 6 months, failed to do each
 60 of the following:

61 a. Have physical contact with the child.

62 b. Communicate regularly with the child, either in writing
 63 or verbally.

64 c. Acknowledge the birthday of the child or other days of
 65 celebration.

66 d. Contact the relative caregiver in an attempt to ensure
 67 the child's health, safety, and general welfare.

68 e. Make an effort to provide financial support for the
 69 care of the child.

70
 71 ~~Such~~ Placement required by subparagraph 1. or subparagraph 2.
 72 may be either court-ordered temporary legal custody to the
 73 relative under protective supervision of the department pursuant
 74 to s. 39.521(1)(b)3., or court-ordered placement in the home of
 75 a relative as a permanency option pursuant to s. 39.622. The
 76 Relative Caregiver Program shall offer financial assistance to
 77 caregivers who are relatives and who would be unable to serve in
 78 that capacity without the relative caregiver payment because of
 79 financial burden, thus exposing the child to the trauma of
 80 placement in a shelter or in foster care.

81 (b) Caregivers who are relatives and who receive
 82 assistance under this section must be capable, as determined by
 83 a home study, of providing a physically safe environment and a
 84 stable, supportive home for the children under their care, and
 85 must assure that the children's well-being is met, including,

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86 but not limited to, the provision of immunizations, education,
87 and mental health services as needed.

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

91 (d) Relatives who are caring for children placed with them
92 by the court pursuant to this chapter or who are caring for a
93 child described in subparagraph (a)3. shall receive a special
94 monthly relative caregiver benefit established by rule of the
95 department. The amount of the special benefit payment shall be
96 based on the child's age within a payment schedule established
97 by rule of the department and subject to availability of
98 funding. The statewide average monthly rate for children
99 judicially placed with relatives who are not licensed as foster
100 homes and children described in subparagraph (a)3. may not
101 exceed 82 percent of the statewide average foster care rate, nor
102 may the cost of providing the assistance described in this
103 section to any relative caregiver exceed the cost of providing
104 out-of-home care in emergency shelter or foster care.

105 (e) Children receiving cash benefits under this section
106 are not eligible to simultaneously receive WAGES cash benefits
107 under chapter 414.

108 (f) Within available funding, the Relative Caregiver
109 Program shall provide relative caregivers with family support
110 and preservation services, flexible funds in accordance with s.
111 409.165, subsidized child care, and other available services in
112 order to support the child's safety, growth, and healthy
113 development. Children living with relative caregivers who are

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114 receiving assistance under this section shall be eligible for
115 Medicaid coverage.

116 (g) The department may use appropriate available state,
117 federal, and private funds to operate the Relative Caregiver
118 Program.

119 Section 2. This act shall take effect upon becoming a law.