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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.