

By Senator Detert

28-01329A-14

2014770__

1 A bill to be entitled
2 An act relating to nonrelative caregivers; amending s.
3 39.5085, F.S.; revising legislative intent;
4 authorizing placement of a child with a nonrelative
5 caregiver and financial assistance for such
6 nonrelative caregiver through the Relative Caregiver
7 Program under certain circumstances; requiring that a
8 nonrelative caregiver be given temporary legal custody
9 of a child; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 39.5085, Florida Statutes, is amended to
14 read:

15 39.5085 Relative Caregiver Program.—

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

18 (a) Provide for the establishment of procedures and
19 protocols that serve to advance the continued safety of children
20 by acknowledging the valued resource uniquely available through
21 grandparents, ~~and~~ relatives of children, and specified
22 nonrelatives of children pursuant to subparagraph (2)(a)3.

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

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

28-01329A-14

2014770__

30 (d) Recognize that permanency in the best interests of the
31 child can be achieved through a variety of permanency options,
32 including permanent guardianship under s. 39.6221 if the
33 guardian is a relative, by permanent placement with a fit and
34 willing relative under s. 39.6231, by a relative, guardianship
35 under chapter 744, or adoption, by providing additional
36 placement options and incentives that will achieve permanency
37 and stability for many children who are otherwise at risk of
38 foster care placement because of abuse, abandonment, or neglect,
39 but who may successfully be able to be placed by the dependency
40 court in the care of such relatives.

41 (e) Reserve the limited casework and supervisory resources
42 of the courts and the department for those cases in which
43 children do not have the option for safe, stable care within the
44 family.

45 (f) Recognize that a child may have a close relationship
46 with a person who is not a blood relative or a relative by
47 marriage and that such person should be eligible for financial
48 assistance under this section if he or she is able and willing
49 to care for the child and provide a safe, stable home
50 environment.

51 (2) (a) The Department of Children and Families ~~Family~~
52 ~~Services~~ shall establish and operate the Relative Caregiver
53 Program pursuant to eligibility guidelines established in this
54 section as further implemented by rule of the department. The
55 Relative Caregiver Program shall, within the limits of available
56 funding, provide financial assistance to:

57 1. Relatives who are within the fifth degree by blood or
58 marriage to the parent or stepparent of a child and who are

28-01329A-14

2014770__

59 caring full-time for that dependent child in the role of
60 substitute parent as a result of a court's determination of
61 child abuse, neglect, or abandonment and subsequent placement
62 with the relative under this chapter.

63 2. Relatives who are within the fifth degree by blood or
64 marriage to the parent or stepparent of a child and who are
65 caring full-time for that dependent child, and a dependent half-
66 brother or half-sister of that dependent child, in the role of
67 substitute parent as a result of a court's determination of
68 child abuse, neglect, or abandonment and subsequent placement
69 with the relative under this chapter.

70 3. Nonrelatives who are willing to assume custody and care
71 of a dependent child and a dependent half-brother or half-sister
72 of that dependent child in the role of substitute parent as a
73 result of a court's determination of child abuse, neglect, or
74 abandonment and subsequent placement with the nonrelative
75 caregiver under this chapter. The court must find that a
76 proposed placement under this subparagraph is in the best
77 interest of the child.

78
79 The placement may be court-ordered temporary legal custody to
80 the relative under protective supervision of the department
81 pursuant to s. 39.521(1)(b)3., or court-ordered placement in the
82 home of a relative as a permanency option under s. 39.6221 or s.
83 39.6231 or under former s. 39.622 if the placement was made
84 before July 1, 2006. If a child is placed with a nonrelative
85 under subparagraph 3., the placement shall be court-ordered
86 temporary legal custody to the nonrelative under protective
87 supervision of the department pursuant to s. 39.521(1)(b)3. The

28-01329A-14

2014770__

88 Relative Caregiver Program shall offer financial assistance to
89 caregivers ~~who are relatives and~~ who would be unable to serve in
90 that capacity without the ~~relative~~ caregiver payment because of
91 financial burden, thus exposing the child to the trauma of
92 placement in a shelter or in foster care.

93 (b) Caregivers ~~who are relatives and~~ who receive assistance
94 under this section must be capable, as determined by a home
95 study, of providing a physically safe environment and a stable,
96 supportive home for the children under their care, and must
97 assure that the children's well-being is met, including, but not
98 limited to, the provision of immunizations, education, and
99 mental health services as needed.

100 (c) Relatives or nonrelatives who qualify for and
101 participate in the Relative Caregiver Program are not required
102 to meet foster care licensing requirements under s. 409.175.

103 (d) Relatives or nonrelatives who are caring for children
104 placed with them by the court pursuant to this chapter shall
105 receive a special monthly ~~relative~~ caregiver benefit established
106 by rule of the department. The amount of the special benefit
107 payment shall be based on the child's age within a payment
108 schedule established by rule of the department and subject to
109 availability of funding. The statewide average monthly rate for
110 children judicially placed with relatives or nonrelatives who
111 are not licensed as foster homes may not exceed 82 percent of
112 the statewide average foster care rate, and ~~nor may~~ the cost of
113 providing the assistance described in this section to any
114 ~~relative~~ caregiver may not exceed the cost of providing out-of-
115 home care in emergency shelter or foster care.

116 (e) Children receiving cash benefits under this section are

28-01329A-14

2014770__

117 not eligible to simultaneously receive WAGES cash benefits under
118 chapter 414.

119 (f) Within available funding, the Relative Caregiver
120 Program shall provide ~~relative~~ caregivers with family support
121 and preservation services, flexible funds in accordance with s.
122 409.165, school readiness, and other available services in order
123 to support the child's safety, growth, and healthy development.
124 Children living with ~~relative~~ caregivers who are receiving
125 assistance under this section shall be eligible for Medicaid
126 coverage.

127 (g) The department may use appropriate available state,
128 federal, and private funds to operate the Relative Caregiver
129 Program. The department may develop liaison functions to be
130 available to relatives or nonrelatives who care for children
131 pursuant to this chapter to ensure placement stability in
132 extended family settings.

133 Section 2. This act shall take effect July 1, 2014.