

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Committee Children, Families, and Elder Affairs

BILL: CS/SB 1102

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Brandes

SUBJECT: Temporary Care of a Child

DATE: February 8, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Fav/CS
2.			JU	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1102 authorizes qualified nonprofit organizations to establish programs to assist parents and legal guardians in providing respite care for a child in times of family hardship. Only children who are not part of the child welfare system are eligible for care under this program.

The bill defines the terms “qualified association,” “qualified nonprofit organization,” and “volunteer respite family,” provides a process for registering these qualified organizations in lieu of licensure, and requires level 2 background screening for employees of the organizations and family members who are providing care.

The bill requires a contract for care of the child to be entered into between the parent or legal guardian and the family providing care for the child and specifies requirements to be included in the contract.

The bill has no fiscal impact on state or local government.

The bill has an effective date of July 1, 2016.

II. Present Situation:

Safe Families Model

Sometimes, parents encounter a hardship and are unable to adequately deal with both that situation and parenting at the same time due to the lack of family or other support system.¹ This type of social isolation combined with the stress of a crisis can increase the likelihood of child abuse, often through child neglect. Furthermore, homelessness, unemployment, domestic violence, illness, mental health issues, and substance addiction can all lead to situations in which a parent must choose between addressing the immediate situation and adequate care of his or her child.²

In 2002, the Safe Families for Children (SFFC) program created a model in which parents in crisis without family or other support had a place to go for help without entering the child welfare system.³ The model includes placing a child with an unpaid volunteer host family, allowing a parent the time and space to deal with whatever issues brought them to SFFC. By temporarily placing the child with a host family, SFFC hopes to reduce the risk of child abuse and neglect, as well as provide a safe place for a child.⁴

SFFC states that it has three main objectives: child welfare deflection, child abuse prevention, and family support and stabilization.⁵ SFFC reports that the hallmarks of the program are that parents retain full legal custody of children, volunteer families are extensively screened and supported, the average length of stay is 6 weeks (ranging from 2 days to 1 year), there is a close working relationship between the Safe Families organization, local churches, and the referring organization, and that the model is committed to reuniting the family as soon as possible.⁶

Programs based on the SFFC model are active throughout the country (54 active programs in 25 states),⁷ with Oregon, Wisconsin, and Oklahoma codifying similar models in statute.⁸ Florida currently has 4 areas where SFFC models operate⁹ and these organizations currently perform background screening through the Volunteer and Employee Criminal History System (VECHS) program, offered by the Florida Department of Law Enforcement.

¹ Safe Families for Children, *How Safe Families Works*, available at <http://safe-families.org/about/how-safe-families-works/> (last visited January 30, 2016).

² Safe Families for Children, *Frequently Asked Questions*, available at <http://safe-families.org/about/faq/> (last visited January 30, 2016). Also see Safe Families for Children Movement Manual (on file with the Senate Committee on Children, Families and Elder Affairs).

³ *Id.*

⁴ *Id.*

⁵ Safe Families for Children, *Who we help*, available at: http://www.safe-families.org/whatis_whoehelp.aspx (last visited January 31, 2016).

⁶ *Id.*

⁷ *Id.*

⁸ The Foundation for Government Accountability, *Safe Families in the States – 2016*, available at: <http://thefga.org/solutions/fostercare-reform/safe-families/> (last visited December 21, 2015).

⁹ These areas are SFFC Southwest Florida in Naples, Bethany Christian Services of the Gulf Coast in Pensacola, Bethany Christian Services of Orlando, and Bethany Christian Services of Tampa Bay.

Background Screening

Volunteer and Employee Criminal History System

The Volunteer and Employee Criminal History System (VECHS) program was implemented in 1999 and is authorized by the National Child Protection Act (NCPA) and s. 943.0542, F.S. The VECHS program provides a means to background screen the employees and volunteers of organizations who work with vulnerable individuals but who are not required by law to be background screened. Examples of organizations that may use VECHS are churches and volunteer organizations that serve children, the elderly or persons with disabilities but are not licensed or contracted by the state.

Through the VECHS program, FDLE and the FBI provide state and national criminal history record information on applicants, employees, and volunteers to qualified organizations (not individuals or state agencies) in Florida. With this criminal history information, the organizations can more effectively screen out those current and prospective volunteers and employees who are not suitable for contact with children, the elderly, or persons with disabilities.¹⁰

Unlike screenings under the Care Provider Background Screening Clearinghouse in chapter 435, F.S., screenings through the VECHS program are not actively monitored. The screenings provide a snapshot in time of that particular employee or volunteer's criminal record at the time the screen is completed. Any arrest or judicial action after that screening is completed is unknown. Additionally, the organization receiving the screening results makes its own determination of whether to employ the individual or use the volunteer based on its own standards.

Level 2 Background Screening

A level 2 background screening includes but is not limited to fingerprinting for statewide criminal history records checks through the Florida Department of Law Enforcement (FDLE) and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.¹¹ The applicant has fingerprints taken by a vendor that submits the electronic fingerprints to FDLE for DCF. FDLE then runs statewide checks and submits the electronic file to the FBI for national checks.

Once the background screening is completed, and FDLE receives the information from the FBI, the criminal history information is transmitted to DCF. DCF then determines if the screening contains any disqualifying information for employment. DCF must ensure that no applicant has been arrested for, is awaiting final disposition of, has been found guilty of, or entered a plea of nolo contendere or guilty to any prohibited offense including, but not limited to, such crimes as sexual misconduct, murder, assault, kidnapping, arson, exploitation, lewd and lascivious behavior, drugs, and domestic violence.¹² If the department finds that an individual has a history containing any of these offenses, they must disqualify that individual from employment under chapter 435, F.S.

¹⁰ Florida Department of Law Enforcement, *Volunteer and Employee Background checks*, available at: <http://www.fdle.state.fl.us/Content/Background-Checks/Menu/VECHS.aspx> (last visited January 30, 2016).

¹¹ See s. 435.04, F.S.

¹² *Id.*

III. Effect of Proposed Changes:

Section 1 creates s. 409.1761, F. S., to authorize qualified nonprofit organizations to establish programs to assist parents and legal guardians in providing respite care for a child in times of family hardship. Only children who are not part of the child welfare system are eligible for care under this program.

The bill defines the terms “qualified association,” “qualified nonprofit organization,” and “volunteer respite family,” provides a process for registering these qualified organizations in lieu of licensure, and requires level 2 background screening for employees of the organizations and family members who are providing care.

The bill requires a contract for care of the child to be entered into between the parent or legal guardian and the family providing care for the child and specifies requirements to be included in the contract.

Section 2 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The cost for a state and national criminal history record check is \$46.75. \$8 goes into the FDLE Operating Trust Fund and \$14.75 from each request is forwarded to the Federal Bureau of Investigation. There is also a \$24 fingerprint retention fee.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 409.1761 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Children, Families, and Elder Affairs on February 4, 2016:**

- Authorizes qualified nonprofit organizations to establish programs to assist parents and legal guardians in providing respite care for a child in times of family hardship.
- Only children who are not part of the child welfare system are eligible for care under this program.
- Defines the terms “qualified association,” “qualified nonprofit organization,” and “volunteer respite family.”
- Provides a process for registering these organizations in lieu of licensure.
- Requires level II background screening for employees of the organizations and family members who are providing care.
- Requires a contract for care of the child to be entered into between the parent or legal guardian and the family providing care for the child and specifies requirements to be included in the contract.
- Removes the provisions relating to chapter 709, F.S.

B. Amendments:

None.