

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1838

SPONSOR: Children and Families Committee and Senator Dawson

SUBJECT: Relative Caregiving

DATE: April 25, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barnes</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

CS/SB 1838 specifies that it is the intent of the Legislature that permanency be achieved for children who are at risk of foster care placement through a variety of options including long-term relative custody, guardianship, or adoption. The bill provides for financial assistance to a child who is a half brother or half sister of a child placed with a relative caregiver as a result of a court order under s. 39.508(9)(a)4., F.S., or s. 39.508(9)(a)3., F.S. The bill states that funding for this expansion of the relative caregiver program is contingent upon a specific appropriation for this purpose.

The bill defines the date of entitlement for financial benefits under the Relative Caregiver Program and requires that the department make retroactive payment to the date of entitlement if the signed and dated application is not acted upon by the thirtieth day.

The bill directs the Department of Children and Family Services to report to the Legislature by January 1, 2001, on the number of additional children being served and the costs or savings that result from the additional children served.

This bill amends section 39.5085, Florida Statutes.

## II. Present Situation:

Chapter 98-78, L.O.F., created s. 39.5085, F.S., which established the Relative Caregiver Program within the Department of Children and Family Services (department) for relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child. The relative acts as a substitute parent as a result of a determination of child abuse, neglect or abandonment, and placement with the relative pursuant to ch. 39, F.S. Relative caretakers who receive assistance under this program must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care

assuring that the child's well-being is met including immunizations, education, and mental health services as needed.

Relatives who qualify for the Relative Caregiver Program are exempt from foster care licensing requirements under s. 409.175, F.S., and receive a special monthly relative-caregiver benefit payment. The department promulgated an administrative rule for the special benefit payment schedule that is based on the child's age. The law specifies that the statewide average monthly rate for children placed with relatives who are not licensed as foster homes may be no more than 82 percent of the statewide average foster care rate. The law allows the relative caretaker to be reimbursed up to the foster care rate if the needs of the child are extensive as long as the cost of the Relative Caregiver Program does not exceed 82 percent of the statewide average foster care rate.

The date of entitlement for financial assistance under the Relative Caregiver Program is the date of the authorization or 30 days from the receipt of a signed and dated application form, whichever is earlier. Eligibility is based on financial and technical requirements. The financial requirement focuses on the income and assets of the child only. In addition to a finding of abuse, neglect, or abandonment and court ordered custody to a relative, the technical requirements for the child only include furnishing a social security number, age, citizenship or qualified non-citizen, Florida residency, specified degree of relationship, cooperation with child support enforcement, school attendance, and immunizations. The child's eligibility for benefits is currently re-determined annually.

The law specifies services that the Relative Caregiver Program provides to the caregivers within available funds in order to support the child's safety, growth, and healthy development. These services include subsidized child care and other family support and family preservation services available to children in foster care. The children living with relative caregivers who are receiving assistance under the Relative Caregiver Program are eligible for Medicaid coverage.

There are no provisions in s. 39.5085, F.S., for providing financial assistance to a half brother or half sister of a child who has been placed under the care of a relative caregiver.

### **III. Effect of Proposed Changes:**

CS/SB 1838 amends s. 39.5085, F.S., by expanding financial assistance and support services to a child who is a half brother or half sister of a child placed with a relative caregiver as a result of a court order under s. 39.508(9)(a)4., F.S., or s. 39.508(9)(a)3., F.S. This financial assistance is contingent upon a specific legislative appropriation for that purpose. Legislative intent is added stating that permanency can be achieved for children who are at risk of foster care placement through a variety of options including long-term relative custody, guardianship, or adoption.

The department estimates that 400 of the 1,237 children residing in a non-relative placement are a half brother or half sister of a child that is placed with a relative caregiver and could be eligible for the relative caregiver program monthly payment of \$253.10.

The bill amends s. 39.5085(2), F.S., by defining the date of entitlement for financial benefits under the Relative Caregiver Program and requiring that the department make retroactive payment to

the date of entitlement if the signed and dated application is not acted upon by the thirtieth day. The department reports that this provision is consistent with current law and policy on application processing.

The bill directs the department to report to the Legislature by January 1, 2001, on the number of additional children being served and the costs or savings that result from the additional children served. Unless funding is appropriated for the expansion of this program, the department could have limited information on this expansion of the Relative Caregiver Program.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

This bill would assist families by providing financial assistance to a child who is a half brother or half sister of a child placed with a relative caregiver as a result of a court order under s. 39.508(9)(a)4., F.S., or s. 39.508(9)(a)3., F.S.

##### **C. Government Sector Impact:**

The bill specifies that implementation of this bill is contingent upon a specific appropriation for the purpose of expanding the Relative Caregiver Program to a child who is a half brother or half sister of a child placed with a relative caregiver.

The department estimates that if this expansion of the relative caregiver program is funded, it would cost approximately \$1,214,880. This estimate is based on 400 of the 1,237 children residing in a non-relative placement being a half brother or half sister of a child that is placed with a relative caregiver and could be eligible for the relative caregiver program monthly payment of \$253.10.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

---