

STORAGE NAME: h0161.hcc.doc
DATE: February 26, 2002

HOUSE OF REPRESENTATIVES
COUNCIL FOR HEALTHY COMMUNITIES
ANALYSIS

BILL #: HB 161
RELATING TO: Relative Caregivers
SPONSOR(S): Representative(s) Garcia

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMITTEE ON CHILD & FAMILY SECURITY YEAS 8 NAYS 0
- (2) HEALTH & HUMAN SERVICES APPROPRIATIONS YEAS 13 NAYS 0
- (3) COUNCIL FOR HEALTHY COMMUNITIES YEAS 16 NAYS 0
- (4)
- (5)

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

House Bill 161 expands eligibility for assistance under the Relative Caregiver Program to include half-brothers or half-sisters who are adjudicated dependent by the courts and placed with relatives for their care. The bill also provides that children in the program are to receive priority for placement in the school readiness program for prekindergarten children and also to be exempt from the payment of fees for a workforce development or post-secondary education program, as is already provided for foster care children.

Under current law, s. 39.521, F.S., a child adjudicated dependent by the court may be placed by the court in the home of a parent, a relative of the child, or another adult approved by the court. Section 39.5085, F.S., establishes the Relative Caregiver Program to provide cash and medical assistance to a relative who would not otherwise be able to care for the child. The child must be placed with the relative by the dependency court pursuant to ch. 39, F.S., and related within five degrees of relationship by blood or marriage (i.e., a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece or nephew, whether related by whole or half blood, by affinity or by adoption). Some relatives have children placed with them for whom they cannot receive relative caregiver assistance, because the children are half-siblings who are related to each other, but not directly related to them.

According to the DCF, expansion of relative caregiver eligibility would require an additional \$639,979 in FY 2002-2003 and \$737,500 in FY 2003-2004.

The enacting date for the bill is July 1, 2002.

On February 26, 2002, the Council for Healthy Community adopted the bill with traveling amendments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

An increasing number of grandparents are providing primary care to their grandchildren as a result of broken families, substance abuse, child abuse, teenage pregnancy, death and financial difficulty. The number of children living with their grandparents increased 76 percent from 1970 when 2.2 million or 3 percent of children lived with grandparents to 1997 when these children totaled 3.9 million or 6 percent. Based on census data, in 1990, 232,481 children lived with their grandparents in Florida, with or without the presence of the parent.

The Department of Children and Families' Relative Caregiver Program involves only 12,866 children (as of September 2001) who are adjudicated dependent by the courts under provisions of ch. 39, F.S., and placed with relatives instead of in foster homes. Cash assistance is provided to relatives who otherwise would not be able to care for the child. The cash assistance to relative caregivers varies depending on the child's age and other circumstances. According to the Department of Children and Families, the program gives the caregiver an average of \$253 per month per child. Medicaid pays for the child's health care. The child may also be eligible for subsidized child care.

Section 39.521(1)(b), F.S., provides that a child adjudicated dependent by the court, may be placed by the court in the home of a parent, a relative of the child, or another adult approved by the court.

The Relative Caregiver Program is established by s. 39.5085, F.S., to provide cash and medical assistance for a child, to relatives who could not otherwise afford to take the child into their home. Relative care serves as an alternative to more intensive and expensive foster care placement and keeps children integrated into their extended families. By keeping children in their extended families, it provides a good transition for adoption if children cannot be reunified with their parents.

Relative caregivers can receive the assistance of the Relative Caregiver Program under the following conditions:

- The relative is within the fifth degree by blood or marriage to the parent or stepparent of a child. Siblings of the child, including half-brothers and half-sisters, would be required to meet the degree of relationship with the caregiver in order to be eligible for the assistance.
- There has been a determination of child abuse, neglect or abandonment and placement with the relative pursuant to ch. 39, F.S. Specifically, placement of the child with the relative

caretaker may be either court ordered temporary legal custody pursuant to s. 39.521(1)(b) 3, F.S., or court ordered placement as a permanency option pursuant to s. 39.622, F.S.

- The relative caretaker must be capable, as determined by a home study, of providing a physically safe environment, a stable, supportive home, and assuring that the child's well being is met including immunizations, education, and mental health services as needed.
- A number of the requirements of the Temporary Assistance for Needy Families (TANF) grant under the WAGES act must be met, including the income and assets of the child-only category, immunizations, citizenship or qualified non-citizenship, Florida residency, school attendance, and cooperation with child support enforcement.

The Relative Caregiver Program provides a monthly benefit payment, within the limits of available funding. Section 39.5085(2)(d), F.S., specifies that the payment amount is to be based on the child's age and, if the relative is not a licensed foster home, is not to exceed 82 percent of the statewide foster care rate. The current basic monthly benefit amount, pursuant to Rule 65C-24.012(4), F.A.C., on relative caregiver is \$242 for a child birth to age 5, \$249 for age 6 through 12 years, and \$298 for age 13 through 18 years. In addition, pursuant to s. 39.5085(2)(f), F.S., the Relative Caregiver Program can provide additional assistance to support the child's safety, growth and healthy development, based on the funding available, such as family support and preservation services and subsidized child care. The children living with relative caregivers who are receiving assistance under the Relative Caregiver Program are eligible for Medicaid coverage. A child who receives Supplemental Security Income (SSI) is not eligible for the cash assistance offered under the Relative Caregiver Program. Eligibility for the benefits is re-determined annually.

Currently, under s. 39.5085, F.S., the Relative Caregiver Program limits assistance to relatives to care for a child placed with them by the dependency court to children related within five degrees of relationship by blood or marriage. Half-siblings, who are placed in the relative's home, whenever possible, in order to maintain the sibling relationship, may not be eligible for assistance if the relative is not directly related to the half-sibling.

For example, if a grandmother takes care of her son's child and the child's half-sister, by another father, who is also adjudicated dependent, under current provisions, the half-sister is not eligible for relative caregiver assistance. This can result in the necessity of separating the siblings and in some instances placing the one who is ineligible in foster care.

The current restriction on assistance for half-siblings in s. 39.5085, F.S., reflects federal restrictions on eligibility for federal Temporary Assistance for Needy Families, TANF, funds which Florida could use to assist relative caregivers. Federal TANF funds can be used to assist eligible families where a child is living with a custodial parent or other adult caregiver relative, or for eligible families that consist of a pregnant individual. To be eligible for assistance TANF requires a degree of relationship between the child and the relative caregiver.

According to the department, the opportunity to expand eligibility for Florida's Relative Caregivers Program to include half-siblings comes from the federal Administration on Children and Families modification of its interpretation of those individuals who can be included in an "eligible family." Under new guidelines once the core definition of an "eligible family" has been met, an individual related to the child (such as a half-sibling) may be included in the family for assistance. This interpretation will allow federal TANF funds to be used for half-siblings under the Relative Caregiver Program.

The requirements for qualifying for relative caregiver benefits include an approved home study and a finding of abuse or neglect by the dependency court. To use TANF funds or state funds that meet the TANF maintenance of effort requirements for relative caregiver support, technical requirements

of the TANF program must also be met, including income and assets of the child-only category, immunizations, citizenship or qualified non-citizenship, Florida residency, school attendance, and cooperation with child support enforcement. A child who receives Supplemental Security Income (SSI) is not eligible for the cash or medical assistance offered under the Relative Caregiver Program.

Under s. 411.01, F.S., children under kindergarten age and determined to be at risk of abuse, neglect, or exploitation and are clients of the Family Safety Program in the Department of Children and Families; children at risk of welfare dependency; or children of working families whose family income does not exceed 150 percent of the federal poverty level, are eligible for early childhood education and child care services under the School Readiness Program of the Florida Partnership for School Readiness.

Under s. 239.117, F.S., and s. 240.35, F.S., postsecondary education fees may be waived for a student provided foster care support. A student for whom the state is paying foster care board payment, for whom the permanency planning goal is long-term foster care or independent living, or who is adopted from the department after May 5, 1997 and qualifies for a post-secondary education, is exempted from payment of certain undergraduate fees when attending a state university or vocational-preparatory school.

C. EFFECT OF PROPOSED CHANGES:

House Bill 161 expands eligibility for assistance under the Relative Caregiver Program to include a child who is a half-brother or half-sister of a child adjudicated dependent by the courts and placed with a relative caregiver, where a half-sibling may not have a direct blood or marriage relationship to the caregiver. As under current statute, children must be adjudicated dependent under ch. 39 to be eligible.

According to the DCF, expansion of eligibility for the Relative Caregiver Program to the population of half-brothers and half-sisters would have the benefit of fostering the placement of half-siblings together in the same home. This is much less disruptive and traumatic for the affected child and his or her sibling, and fosters permanency for the child in the most home-like and least restrictive setting. Additionally, it has the potential for avoiding the necessity of having to place these children in a licensed foster home at greater cost to the department.

The bill also provides that children for whom the state is making a relative caregiver payment are to receive priority for placement in the school readiness program for prekindergarten children, and are to be exempt from the payment of registration, matriculation and laboratory fees for workforce development and community college education and training programs, as certain foster children currently are. The bill also requires the DCF to contract for a study of families headed by grandparents or other relative caregivers in the state by February 1, 2003.

This bill amends sections 39.5085(2)(a), 239.117(4)(c), 240.35(2)(a), and 411.01(6)(a), of Florida Statutes.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends section 39.5085, F.S., relating to the Relative Caregiver Program.

The bill expands eligibility for relative caregiver support, to include a child adjudicated dependent by the court, who is a half-brother or half-sister of a child placed with a relative caregiver by a dependency court, under provisions of chapter 39, F.S., where the half-sibling may not be directly related to the caregiver.

Section 2. Amends section 239.117, F.S., relating to fees for postsecondary, workforce-development education.

The bill expands exemption of workforce-development education and training fees that are currently provided to students supported by the foster care program, to include students supported by the Relative Caregiver Program.

Section 3. Amends s. 240.35, F.S., relating to student community college fees.

The bill expands the waiver of community college education and training fees for students supported by the foster care program, to include a student supported by the Relative Caregiver Program.

Section 4. Amends section 411.01, F.S., relating to program eligibility for the School Readiness Program.

The bill expands eligibility for early childhood education and child care in the School Readiness Program under the Florida Partnership for School Readiness, to children for whom the DCF is paying a relative caregiver payment under s. 39.5085, F.S.

Section 5. Requires the DCF to contract for a study of the relative caregiver population in Florida, including the number and needs of the population. This study is required to include all categories of relative caregivers in the state, including grandparents and other persons caring full time for a related child. The bill requires the report be submitted to the Legislature by February 1, 2003.

Section 6. Provides the act shall take effect July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

	<u>FY 02-03</u>	<u>FY 03-04</u>
<u>Department of Children and Family Services</u>		
Financial Assistance Payments		
210 children @ \$253.96 per month	\$639,979	\$639,979
32 children @ \$253.96 per month		\$ 97,521
Non-recurring		
Relative caregiver population Study	\$180,000	
Total	<u>\$819,979</u>	<u>\$737,500</u>

Agency for Workforce Development

The eligibility expansion for the school readiness should not have a fiscal impact because these children are already eligible under s. 411.01, F.S. for early childhood education and child care services under the School Readiness Program of the Florida Partnership for School Readiness.

Department of Education

The Department of Education projects that the expansion of the workforce development fee exemption to include students for whom Relative Caregiver Program payments are made will have a minimal impact on public education. Only 231 hours were exempted from workforce development program fees in the 1999-2000 school year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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 under ch. 39, F.S.

D. FISCAL COMMENTS:

According to the DCF, in almost all instances, half-siblings covered by this bill will be referred to the Relative Caregiver Program simultaneously with a child who is related to the relative caregiver. They will be included in the same home study, referral and determination of eligibility involving the related child, so there would be little if any impact on workload and no necessity to request additional staff in either Family Safety or Economic Self-Sufficiency programs of the department.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill will not reduce the authority of municipalities and counties to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill will not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

According to the DCF, it appears that the unrelated half sibling would lose eligibility if the related half-sibling leaves the placement because of restrictions on use of TANF funds for "eligible families." For example, if the related half-sibling becomes age 18 and is no longer eligible for the Relative Caregiver Program payment, or if that half sibling is reunited with a parent and the other half-sibling remains in the placement, the half-sibling who is not related to the caregiver may lose eligibility for the Relative Caregiver Program payment.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On November 27, 2001, the Committee on Child & Family Security adopted three amendments by Representative Garcia.

Amendment one clarifies the eligibility of half-siblings for relative caregiver support. Relatives are eligible for relative caregiver support when caring full time for a dependent child and a dependent half-brother or a half-sister of that dependent child—a result of a court's determination of child abuse or neglect and placement with the relative.

Amendment two is a technical amendment that addresses an issue raised by the department to provide eligibility for post-secondary work-force development training and education benefits for children who were in the relative caregiver program at age 18.

Amendment three provides for free tuition at four-year colleges and universities for children who were in the relative caregiver program at age 18.

This expansion would have a fiscal impact that could range from \$46,067 to as high as \$1,658,232 per year. Based on the utilization rate of the same benefit by children in foster care, only an estimated 18 youths would use the benefit, but all 648 former relative caregiver program youths, age 18 to 21, could be eligible.

The bill was then reported favorable as amended, with the amendments traveling with the bill.

On February 8, 2002, the Committee on Health and Human Services Appropriations adopted two amendments by Representative Murman.

Amendment one removed the study by the DCF of the relative care population in Florida that has a fiscal impact of \$180,000.

Amendment two, a "strike-all" amendment to amendment number three traveling with the bill, removed the free tuition at four-year colleges and universities for children who were in the relative caregiver program at age 18.

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The bill was then reported favorable as amended, with the amendments traveling with the bill.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON CHILD & FAMILY SECURITY:

Prepared by:

Staff Director:

Glenn Mitchell

Bob Brown-Barrios

AS REVISED BY THE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS:

Prepared by:

Staff Director:

Tom Weaver

Cynthia Kelly

AS FURTHER REVISED BY THE COUNCIL FOR HEALTHY COMMUNITIES:

Prepared by:

Council Director:

Glenn Mitchell

David De la Paz