

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 360

SPONSOR: Appropriations Subcommittee on Health and Human Services, Children and Families Committee and Senator Dawson

SUBJECT: Children/Relative Caregiver Program

DATE: March 11, 2002                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dowds	Whiddon	CF	Favorable/CS
2.	Peters	Belcher	AHS	Favorable/CS
3.	_____	_____	AP	Withdrawn: Fav/CS
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

CS/CS/SB 360 expands the Relative Caregiver Program to provide financial assistance to a child who is a half-brother or half-sister of a child placed with a relative caregiver in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative. Children for whom Relative Caregiver Program payments are made are added to the categories of children who have priority to participate in the school readiness programs and to the students for whom certain fee exemptions are provided for workforce development education programs and community colleges.

This bill substantially amends sections 39.5085, 239.117, 240.35, and 411.01 of the Florida Statutes.

## II. 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. Nationally, 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 5.5 percent. One or both parents often live in these grandparent maintained households. However, 1.3 million of these children in 1997 lived with their grandparents with neither parent present.<sup>1</sup> Based on census data, in 1990, 232,481 children lived with their grandparents in Florida, with and without the presence of the parent.<sup>2</sup> Research is

<sup>1</sup> Bryson, Ken and Casper, Lynn, *Coresident Grandparents and Grandchildren*, Current Population Reports, Census Bureau, U.S. Department of Commerce, May 1999.

<sup>2</sup> Slane III, Chris, *Grandparenting: Changing Role in a Changing Society*, Family First

suggesting that these relative caregiver arrangements may be preferable to non-relative placements because of the sense of family support they provide children.<sup>3</sup>

Chapter 98-78, L.O.F., created s. 39.5085, F.S., which established the Relative Caregiver Program within the Department of Children and Families (department) to offer financial assistance to caregivers who are caring for their relative children and who, without such assistance, would be unable to provide such care, exposing the child to foster care. 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 of 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 must be met, including the income and asset limitations as required in 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 special monthly benefit payment, within the limits of available funding, which is funded through the federal TANF funds. Historically, the TANF funds have been limited to families where there is a degree of relationship between the child and the relative caregiver. However, the federal Administration on Children and Families has modified its interpretation of federal law to allow individuals related to the child (such as a half-sibling) to be eligible once the core definition of an eligible family has been met.

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

---

<sup>3</sup> Ehrle, Jennifer, Green Rob, and Clark, Rebecca, *Children Cared for by Relatives: Who are they and how are they faring?*, National Survey of America's Families, The Urban Institute, February 2001.

through the Relative Caregiver Program. Eligibility for the benefits is currently re-determined annually.

The TANF cash assistance program can also provide monthly benefit payments to caregivers who are caring for their relative children. However, relative caregivers are not permitted to simultaneously receive both a TANF cash assistance benefit and a relative caregiver benefit. The same TANF financial and technical requirements must be met and the adult caring for the child must be related to the child by blood or marriage. Neither a home study, adjudication under ch. 39, F.S., nor a determination of child abuse, neglect or abandonment is required. However, the monthly cash assistance payment is substantially less than the Relative Caregiver Program amount. For one child, regardless of age, the maximum cash assistance benefit amount is \$180, and for two children, the maximum amount is \$241.

School Readiness programs, pursuant to s. 411.01, F.S., target preschool children for the purpose of preparing them to enter kindergarten ready to learn and consists of what has largely been the Subsidized Child Care Program and Pre-Kindergarten Early Intervention Program. Section 411.01(6), F.S., delineates the priority for the children who can participate in the school readiness program as those meeting one or more of the following criteria:

- Children below the age of kindergarten eligibility who are:
  - Determined at risk of abuse, neglect or exploitation and being served by the Department of Children and Families' Family Safety Program Office.
  - At-risk of welfare dependency, including economically disadvantaged children (whose family income is below 150 percent of the federal poverty level), children whose family is in the welfare transition program, children of migrant farm workers, and children of teen parents.
  - In working families whose income is below 150 percent of the federal poverty level.
- Children who are 3 or 4 years of age and who have a disability or have received exceptional student education services from the school system, even though their income may not be below 150 percent of the federal poverty level.
- Economically disadvantaged children, children with disabilities, or children at-risk of future school failure who are served through home visitor programs or intensive education programs.
- Children who meet the eligibility criteria for the migrant preschool program, with the exception of the criteria for economically disadvantaged.

With the repeal of a number of the distinct Subsidized Child Care and Pre-Kindergarten Early Intervention Program statutes effective January 1, 2002, s. 411.01(6), F.S., will be the basis for preschool children to receive school readiness funded services. Historically, there have been waiting lists for these programs, particularly the Subsidized Child Care Program.

Section 239.117, F.S., allows for fee exemptions for payment of registration, matriculation, and laboratory fees for certain students enrolled in the vocational certification programs in school districts and community colleges offered through the workforce development education programs. Currently, students who are in foster homes, in long term foster care or independent living pursuant to ch. 39, F.S., or are adopted from the Department of Children and Families are exempt from payment of these fees. Those children who have been adopted can receive the fee

exemption up to 4 years after graduating from high school. These groups of students are also provided an exemption for all undergraduate fees to a state community college operated by the community colleges district boards of trustees, pursuant to s. 240.35(2)(a), F.S., and all undergraduate fees to a university in the state university system, pursuant to s 240.235(5)(a), F.S.

### III. Effect of Proposed Changes:

**Section 1:** Amends s. 39.5085, F.S., to expand the financial assistance and support services of the Relative Caregiver Program to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative. This expansion will provide the assistance of the Relative Caregiver Program to maintain together sibling groups where a sibling may not have a direct blood or marriage relationship to the caregiver. Some portion of these children would likely require foster care if the relative was not able to provide this care giving function.

**Section 2 and 3:** Amends Sections 239.117 and 240.35, F.S., to add students for whom a relative caregiver payment is made to the students who are exempt from the payment of registration, matriculation and laboratory fees for the workforce development education program and undergraduate fees for community colleges. This exemption continues to apply after the student turns 18 years of age, up to 4 years after the date of graduation from high school. The amendments to ss. 239.117 and 240.35, F.S., will allow children in the Relative Caregiver Program to receive the fee exemption for the community college education programs, thus providing an incentive for continuing important employment and self-sufficiency preparation.

**Section 4:** Amends s. 411.01(6), F.S., to include children for whom the state is paying a relative caregiver payment into the priorities delineated for participation in the school readiness programs. While some children in the Relative Caregiver Program may already meet one of the existing eligibility categories to participate in the school readiness programs, this revision will provide all children in the Relative Caregiver Program with the opportunity to participate. Actual participation will be based on availability of funding, but for most areas the addition of relative caregiver children would potentially increase the waiting list for services.

**Section 5:** Provides for an effective date of July 1, 2002.

### 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 to keep sibling groups together by providing financial assistance to a child who is a half-brother or half-sister of a child placed with a relative caregiver.

C. Government Sector Impact:

The Department of Children and Families estimates that the expanded eligibility in the Relative Caregiver Program would increase the caseload by approximately 1.5 percent. As of September 2001, there were 12,866 children receiving the relative caregiver payment which is expected to increase to approximately 14,000 by June 30, 2002. The 1.5 percent increase would represent approximately 210 children for FY 2002-2003, and with the anticipated increase in the core program participants, 242 children for FY 2003-2004. Based on an average financial assistance payment for the relative caregiver payment of \$253.96 per month per child, a fiscal impact of an estimated \$639,979 is projected for FY 2002-2003 and \$737,500 for FY 2003-2004. It should be noted, however, that if all of these children were placed in foster care due to the caregiver's inability to care for the children without this payment, the cost would be considerably higher. Data from the Child Welfare Vouchering System indicates that the average monthly cost of foster care in January 2002 was \$481.78. Therefore the annual cost of foster care would be \$1,214,086 in FY 2002-2003 and \$1,399,089 in FY 2003-2004. Based on these cost estimates, if these children received a Relative Caregiver Program payment rather than a foster care payment, the potential annual cost savings would be \$574,107 in FY 2002-2003 and \$661,589 in FY 2003-2004.

**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.

---