

# 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 1318

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

SUBJECT: Rilya Wilson Act

DATE: April 15, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dowds	Whiddon	CF	Fav/CS
2.			CJ	Withdrawn
3.	Hardy	Belcher	AHS	Fav/CS
4.			AP	
5.				
6.				

## I. Summary:

Committee Substitute for SB 1318 creates the Rilya Wilson Act, which requires children age 3 years to school entry, who have been abused, neglected, or abandoned and who are enrolled in early education or child care programs as a result of being in the care of the state pursuant to ch. 39, F.S., to participate in the program 5 days a week. The bill sets forth requirements for attendance and reporting absences to facilitate the quick identification of children who are missing. A study is required to examine these children and the role participation in licensed early education or child care programs has in ensuring their safety. The eligibility for school readiness programs is modified to provide for the priority of the children, ages 3 years to school entry, who are served by the Department of Children and Families or a community-based lead agency pursuant to ch. 39, F.S., for whom child care is needed to minimize the risk of further abuse, neglect, or abandonment.

The bill substantially amends section 411.01 of the Florida Statutes

## II. Present Situation:

With the disappearance of Rilya Wilson, the responsibility of the state to ensure the safety of the children while in the state's care received heightened attention. Frequent and continuous face-to-face contact with children who are in the custody or under the supervision of the state has been identified as a mechanism for ensuring the children's safety and well-being. The current requirement that each child in the custody or supervision of the state receive a monthly home visit offers child protection staff a regular opportunity to check on the well-being of the child.

For a number of children, the increased visibility that participation in early education and child care programs provides can minimize further abuse, neglect, or abandonment. Participation in these programs can also be an important ingredient in reversing the developmental effects that abuse, neglect, and abandonment can have on children. Early education and child care programs are provided in Florida through the school readiness initiative which is set forth in s. 411.01, F.S. With the establishment of the school readiness initiative, the different early education and child care programs and their funding sources were merged for the delivery of a comprehensive program of school readiness services to be designed and administered through local school readiness coalitions. The school readiness initiative is housed with the Agency for Workforce Innovation, with the Florida Partnership for School Readiness serving as the central administrative and coordinating entity.

Section 411.01(5), F.S., stipulates the requirements that local school readiness coalitions must meet in developing their plans and offering the school readiness services for their area, including that the school readiness programs must enhance the cognitive, social, and physical development of the children it serves. School readiness funds are distributed to the local coalitions based on an equity and performance funding formula [s. 411.01(9), F.S.]. The cost of participating in the school readiness program is subsidized in part or fully by the funding of the coalition for eligible children. Criteria have been established for the children who are to receive priority for participating in the program at no cost or at a subsidized rate. Section 411.01(6), F.S., requires that children meeting one or more of the following criteria are to receive priority to participate in the programs:

- Children birth to the age of kindergarten eligibility who are:
  - Currently served by the Department of Children and Families' Family Safety Program Office and who have been identified as at risk of abuse, neglect, or exploitation.
  - At risk of welfare dependency, which includes economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.
  - In families with a family income that does not exceed 150 percent of the federal poverty level.
  - In the relative caregiver program.
- Children age 3 to 4 years who have disabilities and have been provided services through the school system's exceptional student education program.
- Children age birth to 4 years who receive services through home visitor programs and intensive parent education programs and who are either economically disadvantaged, have a disability, or are at risk of future school failure.
- Children who are not economically disadvantaged but meet the federal or state eligibility requirements for the migrant preschool program.

Separate from this priority for participation, the General Appropriations Act for FY 2002-2003 requires that children in families receiving Temporary Assistance for Needy Families (TANF) cash assistance receive priority for school readiness services above any other eligible children.

Historically, children who have been abused, neglected, or abandoned and are being served through the dependency system have received one of the highest priorities for child care service. This is due, at least in part, to the interpretation of earlier statutory language that these children

were to be provided the highest priority. It has been reported that eligibility for service has not been based solely on the children being served by the Family Safety Program Office. There is also a determination by the Family Safety Program Office that the children need the child care, usually because there is a need for visibility to minimize further abuse, neglect, or abandonment, or the caretaker is working and child care is necessary to enable the continued employment. Even with the changes in statutory language as a result of the establishment of the school readiness initiative, it is reported that most coalitions attempt to maintain children who have been abused, neglected, and abandoned as one of their highest priorities.

Currently, the estimated number of 3 and 4 year old children who have been abused, neglected, or abandoned and are being served by the Family Safety Program Office totals 9,532. Of these children, 5,631 are being served by the school readiness programs.

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

CS/SB 1318 creates the Rilya Wilson Act which requires children age 3 years to school entry who have been abused, neglected, or abandoned and who are enrolled in early education and child care programs as a result of being in the care of the state pursuant to ch. 39, F.S., to participate in the program 5 days a week. The Department of Children and Family Services is required to notify operators of licensed early childhood education or child care programs of the enrollment of any child age 3 years to school entry, under court ordered protective supervision or in the custody of the Family Safety Program Office of the Department of Children and Family Services, or a community-based lead agency. Requirements for attendance and reporting absences are set forth to facilitate the quick identification of children who are missing. A study is required to examine these children and the role participation in licensed early education or child care programs has in ensuring their safety. The eligibility for school readiness programs is modified to provide for the priority of the children who are ages 3 to school entry, who are served by the Department of Children and Families or a community-based lead agency pursuant to ch. 39, F.S., and child care is needed to minimize the risk of further abuse, neglect, or abandonment.

Specifically, the bill recognizes the increased risk of poor educational performance and other problems that abuse, neglect, and abandonment cause for children. The legislative intent of providing children who are clients of the Family Safety Program Office with age-appropriate early education services to address the educational and developmental needs of these children is stipulated. The bill requires that children between the ages of 3 and school entry who are under court ordered protective supervision or the custody of either the Department of Children and Families or a community-based lead agency and are enrolled in a licensed early education and child care program, participate in the program 5 days a week. This participation must be reflected in the case plan required by ch. 39, F.S. The court in approving or revising the case plan may grant a waiver of the requirement to participate 5 days a week.

Withdrawal from the program is prohibited unless prior written approval is provided by the Family Safety Program Office or the community-based lead agency. The person with whom the child is living is required to report any absence to the program on the day of the absence. Failure to report an absence results in the absence being considered unexcused, and the early education or child care program is required by the bill to report any unexcused absence or seven

consecutive excused absences to the local Family Safety Program Office or community-based lead agency. Reports of two consecutive unexcused absences or seven consecutive excused absences are to result in a site visit to the child's residence. Children who are found missing during the site visit are to be reported as missing to law enforcement and the procedures for locating missing children initiated. If the children are not found to be missing, the parent or caregiver is to be informed that it is a violation of the case plan if the child does not attend the early education or child care program. After two such site visits, action to notify the court of the parent or caregiver's non-compliance with the care plan is to be initiated.

The bill requires a study of the children birth to school entry age who have been abused, neglected or abandoned and are under protective supervision or custody of the department or a community-based lead agency to examine the role participation in licensed early education or child care programs has in ensuring the safety of these children. The study is to be conducted by the Department of Children and Families in collaboration with the Agency for Workforce Innovation. Specific information is to be compiled by the study including demographic information on these children comparing those who are enrolled with those not enrolled in an early education or child care program, information from the case plan regarding the identification and receipt of early education or child care services, and the programs and costs required to serve all of these children. The study is to examine and provide recommendations as to how early education and child care programs can improve the safety of these children and how child care or after school programs can improve the safety of children from school entry to 13 years of age. A report is to be submitted to the Legislature by December 31, 2003.

Section 411.01(6), F.S., is amended to provide a specific priority to children who are clients of the Department of Children and Families or a community-based lead agency pursuant to ch. 39, F.S., and for whom child care is necessary to minimize risk of further abuse, neglect, or abandonment. The provision requires that these children be served before the other children for whom eligibility is identified in s. 411.01(6), F.S.

The act takes effect upon becoming law.

#### **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:**

None.

**C. Government Sector Impact:**

Section 1 (3) requires all children from 3 to school entry age, who have been abused, neglected or abandoned, and who are enrolled in early education or child care programs, to be enrolled for 5 days. According to the Agency for Workforce Innovation, this provision will have a negligible cost impact for the following reasons:

- The Department of Children and Family Services estimates that there are approximately 9,532 children who are between the ages of 3 and 4 years old and who have been abused, neglected, or abandoned and are being served by the Family Safety Program.
- An estimated 5,631 are being served by the School Readiness Program at an annual cost of \$4,950 per child.
- Approximately 96.2 % of the 5,631, or 5,417, are enrolled in licensed facilities.
- The average number of days per week, per enrolled child, is already between 4 and 5 days.

This section allows for this 5-day enrollment requirement to be waived by court order.

Section 1(4) (b) (2) requires the Department of Children and Family Services or community-based lead agency to conduct a site visit to the residence of the child upon receiving a report of two consecutive excused absences. According to the Department of Children and Family Services, this provision will add no appreciable workload to child protection workers because they already are responsible for conducting unplanned, impromptu site visits.

Section 2 would have the effect of requiring the Department of Children and Family Services and the Agency for Workforce Innovation to allocate a portion of their resources to conduct a study for which no funding has been specifically provided.

Section 3 amends the eligibility determination criteria for School Readiness programs as set forth in s. 411.01, FS, to assign top priority to eligible children who are clients of the Department of Children and Family Services or a community-based lead agency, and who need care in order to minimize their risk of further abuse, neglect or abandonment.

Although this provision will not increase the total cost of School Readiness and child care, it will reduce the funds that would otherwise be available for children who meet the other eligibility criteria authorized in s. 411.01, FS.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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

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