

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/SB 1446

SPONSOR: Children and Families Committee and Senator Dawson

SUBJECT: Child Welfare

DATE: March 4, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for SB 1446 identifies a new category of relative caregivers who are eligible for the Relative Caregiver Program. The new category provides for conditions that establish lack of parental involvement in lieu of the court's determination of child abuse, neglect, or abandonment and the court's subsequent placement of the child with the relative pursuant to ch. 39, F.S.

This bill substantially amends section 39.5085 of the Florida Statutes.

II. Present Situation:

Grandparents often step in and take responsibility for a child when the parent is not able to do so, most often due to a severe emotional, mental health, alcohol, or drug problem, or when the child has been abused and neglected and the grandparent does not want the child placed in foster care.¹ Research is suggesting that these relative caregiver arrangements offer substantial benefits including providing family support and frequent contact with the birth parents and siblings.²

Data from the 2002 National Survey of America's Families revealed that 2.3 million children in the United States lived in kinship (or relative) care in 2002.³ This total includes all children living with a relative without a parent in the home. These relative care arrangements can be divided into the following three groups:

¹ Scarcella, Cynthia, Ehrle, Jennifer, and Geen, Rob, *Identifying and Addressing the needs of Children in Grandparent Care*, Urban Institute, August 31, 2003, p. 1.

² *Kinship Foster Care: Custody, Hardship, and Services*, Ehrle, Jennifer, Geen, Rob, and Main, Regan, Urban Institute, November 20, 2003.

³ *Children in Kinship Care*, Assessing the New Federalism, An Urban Institute Project

- The family made the arrangement privately, without the involvement of a social service agency (1,760,000 children);
- Social Services helped place the child with the relative and a court made the relative responsible for the child's care (400,000 children); and
- Social services helped place the child with the relative, but the courts were not involved.⁴

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 to offer financial assistance to caregivers when caring for their relative children 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. A half-brother or half-sister for whom the relative is caring is also eligible, if the half-brother or half-sister is being cared for with the child and has the required degree of relationship with the relative.
- 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 caregiver 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 caregiver must be capable, as determined by a home study, of providing a physically safe environment and 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 requirements of the Temporary Assistance for Needy Families (TANF) must be met, including the income and asset limitations required in the child only category, immunizations, citizenship or qualified non-citizenship, Florida residency, school attendance, and cooperation with child support enforcement.

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. 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 (now school readiness services). 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 through the Relative Caregiver Program. Eligibility for the benefits is currently re-determined annually.

The Auditor General's operational audit of the Relative Caregiver Program reported that the program provided benefits totaling \$41.8 million to 12,280 families for FY 2002-2003. In

⁴ *Children in Kinship Care*, *Supra*.

addition, as of June 30, 2003, of the 31,283 children in out-of-home care, 13,539 (or 43 percent) were placed with a relative.⁵

The relative caregiver may receive one of two other forms of financial assistance in lieu of the relative caregiver assistance in caring for the relative child: TANF cash assistance or the foster care board payment. For TANF cash assistance, the same TANF financial and technical requirements as are required for the Relative Caregiver program 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 of dependency 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. In order to receive the foster care board payment, which is a higher payment amount, the relative caregiver must meet the foster care licensing requirements set forth in s. 409.175, F.S.

Monthly Rates for Each Program⁶

	Child age 0-5 years	Child age 6-12 years	Child age 13-18 years
TANF Cash Assistance (rate is for one child in a child only case. Range dependent on attributable shelter cost. Amounts for each additional child range from \$35 to \$63.)	\$95 - \$180	\$95- \$180	\$95 - \$180
Relative Caregiver (per child rate)	\$242	\$249	\$298
Foster Care (per child rate)	\$369	\$380	\$445

III. Effect of Proposed Changes:

The Committee Substitute for SB 1446 identifies a new category of relative caregivers who are eligible for the Relative Caregiver Program. The new category provides for conditions that establish lack of parental involvement in lieu of the court’s determination of child abuse, neglect, or abandonment and the court’s subsequent placement of the child with the relative pursuant to ch. 39, F.S.

Specifically, the bill provides that a relative caring for a child and the child’s half-brother or half-sister is eligible if the department determines that the child’s parents have not performed each of the following activities for a period of six months: made physical contact with the child; communicated with the child on a regular basis, either in writing or verbally; acknowledged days of celebration, including the child’s birthday; contacted the relative to attempt to ensure the child’s health, safety, and welfare; and tried to financially support the care of the child. These conditions are identified in lieu of a court’s determination of child abuse, neglect, or abandonment and the court’s subsequent placement of the child with a relative either as temporary legal custody pursuant to s. 39.521(1)(b)3, F.S., or as a permanency placement option

⁵ Department of Children and Family Services Relative Caregiver Program, Operational Audit, Auditor General, January 2004.

⁶ Department of Children and Family Services Relative Caregiver Program, Operational Audit, Auditor General, January 2004.

pursuant to s. 39.622, F.S., and do not require any form of court custody or court placement of the child with the relative.

The bill 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:

The Department of Children and Families reports that without the requirement that the child be adjudicated dependent a significant fiscal impact would be anticipated due to the need to perform the screening of the conditions identified and to provide the Relative Caregiver Program payment to additional recipients. The number of relatives in this state who are caring for a child who meet the conditions stipulated in the bill are unknown. However, based on an analysis conducted in June 2003 of the TANF caseload, there were 34,199 relatives receiving a TANF child-only cash assistance check out of a total TANF cash assistance caseload of 61,203. The department reports that at least some portion or possibly all of the relatives currently receiving TANF child-only cash assistance would meet the conditions outlined for the new eligibility category for the Relative Caregiver program payment. The Relative Caregiver payment is, at a minimum, \$62 per month higher than the TANF cash assistance for one child which totals \$744 for a one-year period. If half of the current TANF child-only cash assistance population are eligible and receive the Relative Caregiver payment, the fiscal impact would be \$12,722,400. If all of the current TANF child-only cash assistance population are eligible and receive the Relative Caregiver payment, the fiscal impact would be \$25,444,056. These totals assume that there is only one child in each of the TANF child-only cases when some of

these cases actually have multiple children. The TANF child-only cases would already be covered by Medicaid; therefore, there would not be an additional fiscal impact to provide Medicaid coverage for the TANF cases that shift to Relative Caregiver. This estimate of fiscal impact also does not include relatives who are not receiving a TANF child-only cash assistance payment nor does it recognize the foster care placements prevented because the higher Relative Caregiver payment enabled the relative to afford to continue to care for the child.

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.
