

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 354

INTRODUCER: Senator Montford

SUBJECT: Child Care Subsidies for Foster Parents

DATE: November 5, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	<b>Favorable</b>
2.			AHS	
3.			AP	

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**I. Summary:**

SB 354 provides an additional subsidy of up to \$300 for foster care parents who place their foster children in an early education or child care program which provides a state subsidy that is insufficient to pay the full cost of care.

The Rilya Wilson Act requires out-of-home caregivers of foster children who are enrolled in an early education or child care program to maintain enrollment of the children in the program and ensure attendance at least 5 days per week. Child care subsidies provided by the Early Learning Coalitions are often insufficient to cover the full cost of child care, creating a financial barrier for placement of children with foster parents. The bill provides that foster parents will receive an additional \$300 per month to cover the difference between the amount of the subsidy and the full cost of child care services.

The bill will likely have an indeterminate fiscal impact and has an effective date of July 1, 2020.

**II. Present Situation:**

**Child Welfare System**

The child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect and works with those families to address the problems that are endangering children. If the problems cannot be ameliorated, the child welfare system finds other caregivers for children, such as relative and non-relative caregivers, foster families, or adoptive families.<sup>1</sup>

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<sup>1</sup> See s. 39.001(1), F.S.

## Foster Care

A licensed foster home is identified when placement with a relative or non-relative caregiver is not possible. This type of setting is intended to provide a temporary, safe place to live until a child can be reunited with his or her family, an adoptive family is identified, or other permanency is achieved. Section 409.175(2)(e), F.S., defines a “family foster home” as a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. A family foster home does not include a person who cares for a child of a friend for a period not to exceed 90 days, a relative who cares for a child and does not receive reimbursement for such care from the state or federal government, or an adoptive home which has been approved by the department or by a licensed child-placing agency for children placed for adoption.<sup>2</sup>

## Foster Parent Qualifications

In order to qualify as a potential foster parent, an individual must:<sup>3</sup>

- Attend an orientation,
- Complete 20 to 30 hours of foster parent training,
- Have a child abuse and criminal background check,
- Participate in a home inspection, and
- Participate in a home study to review readiness for fostering.

The recruitment, training, and licensing of foster parents is conducted by 18 community-based care agencies that maintain contracts with the Department of Children and Families.<sup>4</sup> Families are licensed to care for up to five children, including foster parents’ biological and adopted children. Foster parents are responsible for the care and well-being of the child, including maintaining their health, safety, and best interests and encouraging emotional and developmental growth. Following placement, a foster child is closely monitored by a case worker, who provides support and additional training related to special needs.<sup>5</sup>

Section 409.145(2)(a), F.S., specifies the roles and responsibilities of foster parents, which include:<sup>6</sup>

- participating in the development of the child’s case plan and assisting in implementing the case plan;
- completing all training needed to improve skills in parenting a child who has experienced trauma;

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<sup>2</sup> Section 409.175(2)(e), F.S.

<sup>3</sup> Department of Children and Families, How Do I Become A Foster Parent?, available at <https://www.myflfamilies.com/service-programs/foster-care/how-do-i.shtml> (last visited November 1, 2019).

<sup>4</sup> Department of Children and Families, Fostering in Florida, available at <https://www.myflfamilies.com/service-programs/foster-care/fostering.shtml> (last visited November 1, 2019).

<sup>5</sup> Department of Children and Families, 2017-2018 Office of Child Welfare Annual Performance Report, available at <https://www.myflfamilies.com/service-programs/child-welfare/docs/2018LMRs/2018%20Annual%20Performance%20Report.pdf> (last visited November 1, 2019).

<sup>6</sup>Section 409.175(2)(e), F.S.

- respecting and supporting the child's ties to members of his or her biological family and assist with maintaining allowable visitation;
- effectively advocating for the child;
- participating fully in the child's medical, psychological, and dental care as the caregiver would for his or her biological child;
- supporting the child's educational success by participating in activities and meetings associated with the child's school;
- working in partnership with other stakeholders to obtain and maintain records that are important to the child's well-being;
- ensuring that children between the ages of 13 and 17 learn and master independent living skills;
- ensuring that the child is aware of the requirements and benefits of the Road-to-Independence Program; and
- working to enable the child to establish and maintain naturally occurring mentoring relationships.

### **Foster Parent Compensation**

The current room and board rates paid to foster parents under statute are:<sup>7</sup>

- \$457.95 monthly for children 0-5 years of age.
- \$469.68 monthly for children 6-12 years of age.
- \$549.74 monthly for children 13-21 years of age.<sup>8</sup>

According to s. 409.145(4)(a), F.S., foster parents shall receive an annual cost of living increase. Additionally, the board rate amount may be increased upon agreement between the department, the community-based care lead agency, and the foster parent.<sup>9</sup> These rates do not include medical and behavioral health needs, which are covered by Medicaid. In addition, the amount of the basic monthly payment is before any deductions for income of the child.<sup>10</sup>

### **The Rilya Wilson Act**

Rilya Wilson disappeared from state custody in January 2001. The child's caregiver maintained that someone from the Department of Children and Families (DCF or department) removed Rilya from her home sometime in January 2001. The department was unaware that the child was missing until April 2002 due to casework failures. While her caregiver was sentenced to 55 years in prison in 2013 for her disappearance, Rilya remains missing.<sup>11</sup>

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

<sup>7</sup> Section 409.145(4)(a), F.S.

<sup>8</sup> Family foster parents receive this monthly room and board rate through the child reaching age 21.

<sup>9</sup> Section 409.145(4)(c), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> David Ovalle, *Geralyn Graham get 55 years in Rilya Wilson foster child abuse case*, MIAMI HERALD, Feb. 12, 2013), available at <http://www.miamiherald.com/latest-news/article1947207.html>. (last visited November 1, 2019).

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 childcare 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 program under ss. 1001.213 and 1002.82, F.S. With the establishment of the school readiness program, 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 early learning coalitions.<sup>12</sup> The school readiness program is housed with the Office of Early Learning, within the Department of Education.

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. Current law requires each early learning coalition to give priority for participation in the school readiness program according to specified criteria with an at-risk child being second on the priority list.<sup>13</sup>

Under the Rilya Wilson Act, children in the foster care system who are enrolled in an early education or child care program must be kept in the program and attend the program at least 5 days per week.<sup>14</sup> 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. The cost of child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.<sup>15</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 409.145, F.S., related to care of children, to provide that in addition to the foster care room and board rate provided under current law, a foster care parent who is required to place a child in an early education or child care program and who chooses a program where the state subsidy from an early learning coalition is insufficient to pay the full cost of care shall receive a payment of up to \$300 per month to cover the difference between the amount of the subsidy provided by the early learning coalition and the full cost of the services.

**Section 2** provides an effective date of July 1, 2020.

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<sup>12</sup> Section 1002.83, F.S.

<sup>13</sup> Section 1002.87, F.S.

<sup>14</sup> Section 39.604, F.S.

<sup>15</sup> Rule 65C-13.030, F.A.C.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill allows an additional subsidy of up to \$300 to be paid to a foster parent who is required under s. 39.604, F.S., to place a child in an early education or child care program. Section 39.604, F.S., only requires the foster parent to place the child in an early education or child care program if they are already in a program when they come into foster care. DCF does not track the number of children who come into care and are already in a child care or an early learning program, however DCF has provided three scenarios for fiscal impact projections: one in which 100% in out-of-home care ages 0 to preschool-age are already in an early education or child care program and are therefore eligible for the subsidy under the bill, one in which 50% are eligible, and one in which 25% are eligible. The fiscal impact projections for each assumption are as follows:<sup>16</sup>

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<sup>16</sup> Department of Children and Families, Agency Legislative Bill Analysis of SB 354, September 24, 2019. On file with the Senate Committee on Children, Families, and Elder Affairs.

<b>Percentage Receiving Subsidy</b>	<b>Total Cost</b>
100%	\$14,997,081
50%	\$7,499,482
25%	\$3,749,741

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 409.145 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.