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Committee on Children, Families, and Elder Affairs

“TEMPORARY PARENTS” AS AN ALTERNATIVE TO THE FOSTER CARE SYSTEM

Statement of the Issue

The traditional foster care system is state-run, court-based, and often disruptive of the family unit it seeks to preserve. Programs in some states, including Florida, provide an alternative to that model by offering parents in crisis a temporary safe haven for their children outside of state foster care.

Discussion

State Foster Care

The Florida Department of Children and Families (DCF or the department) is charged with assisting abandoned, abused, or neglected children and their families.¹ In situations where the safety of the child requires removal from his or her home, the department provides foster homes and other residential settings for emergency or longer term shelter and care.² On August 31, 2009, there were 19,522 children in DCF’s charge in out-of-home care.³

Alternatives to State Foster Care

Families are often confronted with circumstances which, if not appropriately addressed, can lead to abuse, neglect, or abandonment of their children. Several private programs in Florida are working to provide supports for families to ensure that their children do not enter the state foster care system, *i.e.*, to serve as “temporary parents” to children of families in crisis.⁴

These programs share many similarities:

- Each family and child served comes to the program on a voluntary basis.⁵ While a family may be referred by a social service or investigative agency, the children involved have not been abused. For example, a single mother facing incarceration can make arrangements with a program for her child to be cared for while she serves her sentence.
- Parents who make private placements with the programs retain custody of their children.⁶ Parents who find themselves homeless, for example, can place their children with a program family who will shelter the children, while the parents work to re-establish a safe and stable living environment and reunite with their children.

¹ See Chapter 39, F.S.

² Sections 409.145 and 409.165, F.S.

³ DCF Performance Dashboard Performance Measure “Number of Children in Out of Home Care” on 8/31/09, available at http://dcfdashboard.dcf.state.fl.us/index.cfm?fiscal=2010&purpose_id=sit&mcode=temp%2CM0297&page=preview&temp=M0297 (last visited September 15, 2009).

⁴ Further information about these private programs can be found at page 2, *infra*.

⁵ See, e.g., Foster Care, Jewish Adoption and Foster Care Options, available at <https://www.jafco.org/main.cfm?page=35> (last visited September 15, 2009).

⁶ See, e.g., Bethany Christian Services, Safe Families for Children, available at <http://www.bethany.org/A55798/bethanyWWW.nsf/0/3366FA3E48C61C07852574D500668B3D> (last visited September 15, 2009).

- Program case workers keep in close contact with the parent(s) and ensure that the parent(s) keeps in contact with the children.⁷ A single mother who is in a residential drug treatment facility, for example, will be able to see and remain involved with her children during and after treatment.
- The “extra-governmental” nature of this type of initiative is an important motivating factor for participants. Parents are more willing to get the help they need to care for themselves and their children if the fear of government intervention and threat of child removal is not present.⁸
- All of these private voluntary placement programs require that the parent(s) sign an agreement reciting the terms and conditions of the arrangement, including what the parent(s) will need to do to be reunified with their children and how the program will respond if the parent(s) is unable to complete performance.⁹

These programs are different, however, in their organizational and staffing structure:

- Some of the programs operate entirely outside of any governmental structure. The families with whom children are placed are volunteers who use their own homes for care and are not paid for their services.¹⁰
- Some of the programs use “unfilled slots” among their state-licensed shelters, group homes, or foster homes as placements for children not involved with the dependency system.¹¹

Committee staff identified the following programs planned or operating in Florida.

Safe Families for Children

Safe Families for Children (Safe Families) is a model which originated in 2002 as a ministry of the LYDIA Home Association, a Chicago-based Christian social service organization.¹²

The program works to provide a safe, temporary placement for children whose parents are overwhelmed and have limited resources or social supports, thereby averting immediate abuse episodes and allowing time and space for the parent to address issues without the threat of losing custody. It recruits volunteers to open their homes to children whose parents are experiencing a short-term emergency, such as hospitalization, or a longer-term crisis, such as drug treatment or incarceration.

Safe Families reports that the average length of stay is about six weeks, but placements usually last from three days to three months.¹³ The goal is to reunite children with their biological parent(s) in a home that is more stable and healthy.¹⁴

The Chicago program has over 600 volunteer Safe Families who have served 1,000 children since its inception.¹⁵ The vast majority of their referrals, approximately 85 percent, come from the Illinois Department of Children and Families, with the remainder from schools, churches, or by self-referral.¹⁶ Volunteers and families served often continue a relationship after reunification has occurred --- the program does not consider this “recidivism,” as re-entry into the child welfare system is classified, but a normal and natural “re-use” of parental support and friendship.¹⁷

⁷ See, e.g., Frequently Asked Questions for Parents in Crisis, Jeremiah’s Child, available at <http://jeremiahschild.com/faq2.htm> (last visited August 14, 2009).

⁸ See, e.g., FBCH launches ‘Safe Families’ initiative, *Florida Baptist Witness*, August 27, 2009. Available at <http://www.floridabaptistwitness.com/10680.article> (last visited September 15, 2009).

⁹ E.g., Telephone conversation with Sarah Franco, Executive Director, Jewish Adoption and Foster Care Options, September 16, 2009.

¹⁰ See discussion of the Safe Families for Children program, *infra*.

¹¹ See discussion of Licensed Placements, *infra*.

¹² See Safe Families for Children at <http://www.safe-families.org> (last visited August 3, 2009)

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Telephone conversation with Dave Anderson, Executive Director, Safe Families for Children, Chicago, Illinois, September 17, 2009.

¹⁶ *Id.*

¹⁷ *Id.*

The Safe Families model is being implemented in several states,¹⁸ including Florida.

- Safe Families for Children-Orlando was launched in June 2009 in partnership with Bethany Christian Services.¹⁹ Safe Families for Children-Orlando reports that it is currently recruiting volunteer Christian families through local churches. Its goal is to have ten families by December 2009 and 25 families by June 15, 2010. The program reports that once it has a base of Safe Families volunteer placements, it plans to work closely with DCF and their protective investigators to identify families in need.²⁰
- Safe Families 4KIDS of South Florida/Broward and Palm Beach is also seeking Christian families to serve as Safe Families volunteers.²¹ Its goal is to have at least 20 volunteer families in place by the end of October, 2009, in order to receive referrals from the Broward Sheriff's Office and DCF.²²
- The Florida Baptist Children's Homes (FBCH) has begun development of a Safe Families program in Florida. Their program is intended to be available statewide; however, FBCH is beginning with implementation of pilot Safe Families programs in Jacksonville and Miami. The programs will be administered by local churches in each city, with FBCH providing "the structure, training, and support" to allow successful program operation.²³ Each church will recruit volunteer Christian families to act as Safe Families. FBCH anticipates great interest among potential volunteer families, and they are already receiving calls from families in need.²⁴

The Safe Families program volunteers are subject to criminal background screenings and home studies, will receive training through their local program.²⁵

Because Safe Families is volunteer-based, potential families have expressed concerns about their personal liability should a child placed with them become ill or injured while in their care. Safe Families 4KIDS of South Florida²⁶ and the Chicago program²⁷ both report that their organizations have purchased additional liability insurance to cover the program volunteers and suggest that their volunteer families purchase an umbrella policy to provide additional protection.

The Chicago program also advises its volunteers of the limitation on liability afforded by the federal Volunteer Protection Act (VPA).²⁸ The VPA provides that a volunteer of a nonprofit organization may not be liable for harm caused by his or her act or omission if the volunteer was acting within the scope of his or her responsibilities for the organization, and "the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the

¹⁸ Atlanta, Georgia; Chattanooga, Tennessee; Chicago, Illinois; Indianapolis, Indiana; Milwaukee, Wisconsin; and Rockford, Illinois; and programs covering Northwest Indiana, the Quad Cities of Illinois and Indiana, and Southern California.

¹⁹ Safe Families for Children website, available at: http://www.safe-families.org/Ministry.aspx?ministry_id=158087 (last visited August 3, 2009). Bethany Christian Services is based in Grand Rapids, Michigan, with offices throughout the United States.

²⁰ Email from Safe Families for Children-Orlando to committee staff, August 13, 2009, 9:49 AM (on file with committee).

²¹ See 4Kids of South Florida Safe Families, available at http://www.4kidsofsl.org/what_we_do/safefamilies.cfm (last visited September 15, 2009).

²² A model three-hour online training curriculum has been developed by Safe Families for Children Chicago, available at http://www.safe-families.org/Article.aspx?site_id=10114&article_id=102126&ref_object=highlight&referrer=%2findex.aspx.

Each program may supplement or substitute the online training with classroom training. Telephone conversation with Tom Lukasik, Executive Director, 4KIDS of South Florida, September 17, 2009.

²³ FBCH launches 'Safe Families' initiative, *Florida Baptist Witness*, August 27, 2009. Available at <http://www.floridabaptistwitness.com/10680.article> (last visited September 15, 2009).

²⁴ Telephone conversation with Charlie Cox, vice president of programs, FBCH, September 15, 2009.

²⁵ Telephone conversation with Tom Lukasik, Executive Director, 4KIDS of South Florida, September 17, 2009.

²⁶ *Id.*

²⁷ Telephone conversation with Dave Anderson, Executive Director, Safe Families for Children, Chicago, Illinois, September 17, 2009.

²⁸ Volunteer Protection Act of 1997, 42 USC 14501 *et seq.*

volunteer.²⁹ The Chicago program reports that it has not experienced any problems of this nature since it started in 2002.³⁰

Licensed Placements

With the increased use of in-home supports and services for families in lieu of out-of-home care, many of DCF's residential providers have the capacity to serve other (than dependent) children in need. If private funding is available, either through donations or private pay³¹, some of the programs use these "unfilled slots" among their state-licensed shelters, group homes, or foster homes as placements for children not involved with the dependency system:

- Jewish Adoption and Foster Care Options (JAFCO) in Sunrise provides foster care by private placement.³² Typically the child is cared for in JAFCO's emergency shelter or group home, depending on the need.³³ Children are referred to the program by other community agencies, including the Broward Sheriff's Office, and by self-referral. The average stay is 30 days, but children of incarcerated parents can be with the program for 1 to 3 years. The program reports that it could serve up to 18 private placements in its group homes and up to four in its shelter at any given time, assuming funding is available. The funding comes from donations to the program or from the families themselves.³⁴
- Jeremiah's Child in Orlando provides placements in volunteer Christian family homes for children under the age of 5 whose parents are facing incarceration, serious illness, death, or temporary inability to care for their children.³⁵ The program receives referrals from jail ministries and crisis pregnancy centers and reports that since 2001, its three volunteer families have helped four families in need.³⁶

Both JAFCO and Jeremiah's Child are licensed by DCF as child-placing agencies,³⁷ which requires that the licensee must use licensed foster homes to receive children in the agency's custody.³⁸ To be licensed as a foster parent in Florida, one must complete 30 hours of training, undergo a criminal background check, and successfully complete an approved home study.³⁹ In addition, JAFCO is licensed as a residential child-caring agency, which requires that its emergency shelter and residential group homes provide staffed 24-hour care for children in its charge.⁴⁰

²⁹ 42 USC 14503(a)(3). And *see, e.g., Ana Armendarez v. Glendale Youth Center, Inc.*, 265 F.Supp.2d 1136 (VPA preempts state law and precludes recovery from the volunteers under federal Fair Labor Standards Act).

³⁰ Telephone conversation with Dave Anderson, Executive Director, Safe Families for Children, Chicago, Illinois, September 17, 2009.

³¹ It is also possible that DCF's Title IV-E Waiver funding could be used in similar circumstances, as the services are intended to keep children from entering the dependency system.

³² JAFCO Foster Care, available at <https://www.jafco.org/main.cfm?page=35>

³³ Telephone conversation with Sarah Franco, Executive Director, Jewish Adoption and Foster Care Options, September 14, 2009.

³⁴ *Id.*

³⁵ Frequently Asked Questions for Parents in Crisis, Jeremiah's Child, available at <http://jeremiahschild.com/faq2.htm> (last visited August 14, 2009).

³⁶ Telephone conversation with Suzanne Hostetter, Director, Jeremiah's Child, September 14, 2009.

³⁷ A child-placing agency is "any person, corporation, or agency, public or private . . . that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home." Section 409.175(2)(d), F.S.

³⁸ Rule 65C-15.002(7), F.A.C.

³⁹ Steps to Take, available at <http://www.dcf.state.fl.us/fostercare/nowwhat.shtml> (last visited September 18, 2009).

⁴⁰ Section 409.175(2)(j), F.S.

Implications for Policy and Practice

All of the programs discussed above provide intervention and prevention services to assist families BEFORE a child maltreatment occurs. In order to increase the array of these services, Senate professional staff suggests:

- Development of the Safe Families model, in its earliest stages in Florida, should be monitored.
- The Department of Children and Families should examine the use of Title IV-E Waiver dollars⁴¹ to fund “unfilled slots” for children of families in crisis.

⁴¹ See Waiver Terms and Conditions Florida Child Welfare Waiver Demonstration Project, approved by the Children’s Bureau of the Administration on Children Youth, and Families, Department of Health and Human Services, March 31, 2006, on file with the Senate Committee on Children, Families, and Elder Affairs. The Title IV-E Waiver (Waiver) allows Florida to spend certain funds provided under Title IV-E of the Social Security Act for children and families, not normally eligible for participation, on services not normally covered. The Waiver will allow the state to expand the array of community-based services provided by lead agencies using Title IV-E funds, including “early intervention services in situations of developing family need to prevent crises that jeopardize child safety and well-being.” Waiver Terms and Conditions at page 5.