

**STORAGE NAME:** h1413a.cfs.doc  
**DATE:** March 29, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CHILD & FAMILY SECURITY  
ANALYSIS**

**BILL #:** HB 1413  
**RELATING TO:** Relative Caregiver Program  
**SPONSOR(S):** Representative Garcia  
**TIED BILL(S):** SB 1056

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) CHILD & FAMILY SECURITY YEAS 10 NAYS 0
  - (2) COUNCIL FOR SMARTER GOVERNMENT
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

Section 39.5085, F.S., establishes the Relative Caregiver Program within the Department of Children and Family Services (department). The program offers financial assistance to caregivers who are caring for their relative's children who meet the statutory criteria and who, without such assistance, would be unable to provide such care, making the child at-risk for placement in foster care. The Relative Caregiver Program provides a special monthly benefit payment, within the limits of available funding. The program is funded through the federal TANF funds. 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.

House Bill 1413 expands the Relative Caregiver Program eligibility to provide financial assistance to two additional groups: to a child who is a half-brother or half-sister of a child placed with a relative caregiver; and to a child placed by a state court with a relative because the child is at risk of foster care placement. Children for whom Relative Caregiver Program payments are made are added to the categories of children eligible for the Pre-kindergarten Early Intervention Program and to the students for whom certain fee exemptions are provided for workforce development education programs.

The Department of Children & Families estimates the number of children who would potentially be eligible for financial assistance under the Relative Caregiver Program based on the provisions of this bill to be 126,316 each month during FY 2001-2001 and 227,092 in FY 2002-2003. Based on the average financial assistance payment in January of \$255.32 per month per child, the additional funding necessary for the financial assistance payments for FY 2001-2002 is projected at \$387,012,013 and \$695,773,553 for FY 2002-2003.

The Committee on Child and Family Security adopted five amendments on 3/29/01. The amendments limit the eligibility for the relative care program to children who are in the custody of a relative pursuant to chapter 39, F.S. and meet certain conditions (See VI of the analysis). These amendments substantially reduce the fiscal impact of this bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. 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. 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 6 percent. Based on census data, in 1990, 232,481 children lived with their grandparents in Florida, with or without the presence of the parent.

Grandparents and other relatives may be given custody or guardianship of a child by a court through the following avenues:

- Chapter 39, F.S., allows the dependency court to provide the relative with either court ordered temporary legal custody or court ordered placement as a permanency option as a result of child abuse, neglect or abandonment.
- Chapter 744, F.S., allows for the court to appoint a guardian for a minor. An adjudicatory hearing is not required.
- Chapter 751, F.S., allows the court to grant temporary custody to a relative of a minor child with the signed, notarized consent of the child's legal parents.

Section 39.5085, F.S., establishes the Relative Caregiver Program within the Department of Children and Family Services (department). The program offers financial assistance to caregivers who are caring for their relative's children who meet the statutory criteria and who, without such assistance, would be unable to provide such care, making the child at-risk for placement in 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 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 under the WAGES act must be met, including the income and assets of 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. The program is funded through the federal TANF funds. 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. According to the department, the cash assistance is offered to the relative who could not otherwise afford to take the child into the home, thus avoiding having to place the child in a shelter or foster home. 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 under the Relative Caregiver Program. Eligibility for the benefits is 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. The department tries to place half siblings in the relative's home, whenever possible, to maintain the sibling relationship. However, if the siblings are not related to the adult caregiver, the caregiver will not be eligible for the relative caregiver benefit.

The Pre-kindergarten Early Intervention Program, pursuant to s. 230.2305, F.S., targets 3- and 4-year-old children, with the intent of serving as a preventive measure for future school failure by enhancing the educational readiness of children and supporting family education. At least 75 percent of the children are required to be economically disadvantaged 4-year-old children of working parents. The remaining 25 percent of the children served can include the following: 3- and 4-year-old children who are abused, exposed to alcohol or harmful drugs during pregnancy, from foster homes, or who are marginal exceptional student education placements; 3- and 4-year-old children with disabilities; economically disadvantaged 3-year-old children; children who are economically disadvantaged, with disabilities, or at risk for school failure and served through a home visitor or intensive parent education program; children who are eligible for the migrant preschool program; and after all the proceeding groups have been served, 3- and 4-year-old children who are not economically disadvantaged but for whom a fee is paid. The children actually served out of these categories are based on the funding level and requests for service in a particular area. Some communities have a waiting list of children to be served, while other communities have served all requests for services that meet these categorical definitions and have opportunities to serve other children.

Section 239.117, F.S., allows for fee exemptions for certain students enrolled in the vocational certification programs in school districts and community colleges offered through the workforce development education programs. Currently, a student is exempt from the payment of registration, matriculation, and laboratory fees for these programs if the student is enrolled in a dual enrollment or early admission program, enrolled in an approved apprenticeship program, enrolled in an employment or training program under the welfare transition program, or is homeless. In addition, students who are in foster homes, in independent living, or are adopted from the Department of Children and Family Services are also exempt from payment of these fees. Those children who have been adopted can receive the fee exemption up to four years after graduating from high school.

#### C. EFFECT OF PROPOSED CHANGES:

House Bill 1413 amends s. 39.5085, F.S., to expand to the following children the financial assistance and support services of the Relative Caregiver Program:

- To a child who is a half-brother or half-sister of a child placed with a relative caregiver;
- To a child who is determined to be at risk of placement in foster care and a court order from a state court of competent jurisdiction has placed the child with the relative.

The specific requirements that the court must have determined the child had been abused, neglected or abandoned and that the child has been placed with the relative pursuant to ch. 39, F.S., and more specifically pursuant to the relative placement options in s. 39.521(1)(b) 3., F.S., and s. 39.622, F.S., are removed. The expansion provided by HB 1413 will provide the assistance of the Relative Caregiver Program in cases where a half sibling may not have a direct blood or marriage relationship to the caregiver. In addition, the modification of the circumstances under which the relative is provided custody of a child will allow for coverage of children for whom the parents have voluntarily provided the relative with the custody to prevent child abuse, further child abuse, or due to other financial, personal or family difficulties. The addition of these groups potentially represents a substantial increase in the relative caregiver families eligible for the program. However, some portion of these children are likely receiving TANF cash assistance and some of the children would likely require foster care if the relative was not able to provide this caregiving function.

This bill makes children for whom the state is paying a relative caregiver payment eligible for the Pre-kindergarten Early Intervention Program. While some children in the Relative Caregiver Program may already meet one of the existing eligibility categories to participate in the Pre-kindergarten Early Intervention Program, this bill will provide all children in the Relative Caregiver Program with the opportunity to participate. Actual participation will be based on availability of the funding which means that in some communities the relative caregiver children would increase the waiting list for services and in other communities these children would enable the programs to fill more of their allotted spaces and more children could benefit from the program.

Under HB 1413, students for whom a relative caregiver payment is made will be exempt from the payment of registration, matriculation and laboratory fees for the workforce development education program. This will allow children in the Relative Caregiver Program to receive the fee exemption for certain postsecondary education programs.

#### D. SECTION-BY-SECTION ANALYSIS:

##### Section 1.

Amends s. 39.5085, F.S., expanding eligibility for the Relative Care Program to provide financial assistance to a child who is a half-brother or half-sister of a child placed with a relative caregiver

and to a child who is determined to be at risk of placement in foster care and a court order from a state court of competent jurisdiction has placed the child with the relative. This section removes a provision that specifies that a relative shall receive the benefits from the program if the child is placed as a result of a court's determination of child abuse, neglect or abandonment. This section also removes a provision that clarifies that relative placement may be either a court-ordered temporary legal custody to the relative under supervision of the department pursuant to s. 39.521(1)(b) 3, F.S., or a court ordered placement as a permanent option pursuant to s.39.622, F.S. This section adds a statement that refers to a child trauma of separation from his/her half-brothers or half-sisters.

Section 2.

Amends s. 230.2305, F.S., by making children for whom the state is paying a relative caregiver payment eligible for the Pre-kindergarten Early Intervention Program.

Section 3.

Amends s. 239.117, F.S., by making students for whom the state is paying a relative caregiver payment exempt from the payment of registration, matriculation, and laboratory fees. The section adds that a child is eligible for the exemption if he or she is in one of the following permanency planning options: permanent custody of a foster parent or legal custodian, in long-term placement with a relative, under guardianship, or in the permanent custody of a relative.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The Department of Children and Family Services reports that the number of children living with relatives other than grandparents is an unknown factor in determining the fiscal impact. Based on 1990 census data that reports 231,000 children who live in Florida with their grandparents and a projected increase of 53 percent of the number of children living with grandparents between 1990 and 1998, the department estimates the number of children who would potentially be eligible for financial assistance under the Relative Caregiver Program to be 126,316 each month during FY 2001-2001 and 227,092 in FY 2002-2003. Of the 126,316 children in FY 2001-2002, 119,100 are due to the expanding eligibility to related children who are not adjudicated dependent and another 4,092 children due to expanding eligibility to half-siblings. Based on the average financial assistance payment in January of \$255.32 per month per child, the additional funding necessary for the financial assistance payments for FY 2001-2002 is projected at \$387,012,013 and \$695,773,553 for FY 2002-2003.

The cost of home studies is estimated at \$250 each. Based on the 126,316 children projected to be served in FY 2001-2002, the cost is estimated at \$31,759,000. In FY 2002-2003, it is estimated that an additional 126,316 children would seek assistance at a cost of \$25,194,000. The department also reports that an additional 1,200 full time equivalent positions (FTEs) will be required in FY 2001-2002 and 2,156 in FY 2002-2003 for public assistance specialists, public assistance specialist supervisors, program specialists, and administrative support staff to handle the workload associated with expanding the eligible population. Including the costs of salaries, office rental, furniture,

computer workstations, printers, and ongoing communications, a total of \$42,686,109 is estimated for FY 2001-2002 and \$142,807,484 for FY 2002-2003.

The difficulty in preparing estimates was the lack of data regarding the number of relatives in addition to grandparents who are caring for relative children and may need this assistance, as well as data on families with half-siblings. The projections presented by the department, while not including the number of non-grandparent relatives caring for relative children, also does not consider estimates that only approximately one-third of the 231,000 grandparents with relative children do not have a parent in the home. The Relative Caregiver Program would not serve families where the parent is also living in the home. In addition, these projections do account for the 49,014 relative caregiver households receiving child-only TANF cash assistance payments for which only the difference between the TANF cash assistance payment and the TANF Relative Caregiver payment would be required. Even with these variations, however, the fiscal impact would be substantial.

The costs associated with expanding the Relative Caregiver Program to the new populations will be based on the ability to use TANF dollars for these additional children. Historically, TANF funds have been used to assist eligible families where a child is living with a custodial parent or other adult caretaker relative or an eligible family that consists of a pregnant individual. This has required some degree of relationship between the child and relative caregiver in order to be eligible for assistance using the TANF funds and thus would exclude half-siblings. The federal Administration on Children and Families has just recently modified its interpretation of those individuals who can be included in an "eligible family" to include an individual related to the child (such as a half-sibling) once the current core definition of an "eligible family" has been met. This interpretation will allow federal TANF funds to be used for half-siblings.

The eligibility expansion for the Pre-kindergarten Early Intervention Program to three- and four-year-old children for whom the department is paying a relative caregiver payment will not have a fiscal impact, because these children would be included in the 25 percent of children projected to be served by a district school board.

The Department of Education projects that the expansion of the workforce development fee exemption to include students for whom Relative Caregiver Program payments are made will have very minimal impact on public education. Only 231 hours were exempted from workforce development program fees in the 1999-2000 school year.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

N/A

2. Expenditures:

N/A

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

This bill would assist families by providing financial assistance to a child who is a half-brother or half-sister of a child placed with a relative caregiver, and to a child placed by a court with a relative through avenues other than ch. 39, F.S.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill will not reduce the authority of municipalities and counties to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill will not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Child and Family Security adopted five amendments on 3/29/01. The amendments limit the eligibility for the relative care program to children who are in the custody of a relative pursuant to chapter 39, F.S. and meet certain conditions. These amendments substantially reduce the fiscal impact of this bill.

Amendment #1 [Section 1, page 3, line 2]

Clarifies what makes a child at risk of foster care and who makes that determination. Limits expansion of the Relative Caregiver Program to the permanency option pursuant to s. 39.622.

Amendment #2 [Section 3, page 5, line 22 through page 6, line 4]

Limits student fee exemptions under s. 239.117 (Workforce development postsecondary student fees) for children who are or were at the time they turned 18 years in the custody of a relative pursuant to s. 39.5085.

Amendment #3 [Section 4, page 6, between lines 7 and 8]

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Provides exemption from the payment of all undergraduate fees to students who are or were at the time they turned 18 years in the custody of a relative pursuant to s. 39.5085.

Amendment #4 [Section 4, page 6, between lines 7 and 8]

Requires the Department of Children and Family Services to contract for a study on the number and needs of relative caregivers.

Amendment #5 [Section 1, lines 23 through page 2, line 6]

Conforming amendment

VII. SIGNATURES:

COMMITTEE ON CHILD & FAMILY SECURITY:

Prepared by:

Staff Director:

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María E. Vives Rodríguez

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Bob Barrios