

KINSHIP CARE LEGAL HANDBOOK

A GUIDE FOR RELATIVE CAREGIVERS



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DISCLAIMER

The material in this handbook represents general legal information only. This handbook is not and should not be construed as legal advice and neither creates nor constitutes an attorney-client relationship. It is always best to consult an attorney about your individual case. For updates in laws that may pertain to you, please check the Florida Kinship Center's website, www.flkin.org, under the "Legal Handbook" section or contact the Florida Kinship Center at (813) 974-1328 or (800) 640-6444.

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Note: To read the specific statutes cited, you can access the statutes via the Internet at <http://www.flenate.gov/statutes/index.cfm?Mode=ViewStatutes&Submenu=-1>. If you do not have the Internet at home, you can both access the Internet and obtain assistance at the public library.

Part I: Introduction

Kinship Care

Kinship care includes the full-time care, nurturing, and protection of a child by relatives, godparents, stepparents, or any adult who has a kinship bond with the child. Some people define kinship care more narrowly to include only blood relationships. The term we use most often in Florida is “relative caretaker” or “relative caregiver.” Whatever the label, relative caregiving has become a growing form of family life that needs to be supported.

What are the challenges of kinship caregiving for the adults and for the children involved?

In March and April of 2000, relative caregivers in three areas of Florida were asked about this issue. A similar study was also done in Hillsborough County in February 2000 by the Florida Kinship Center at the University of South Florida School of Social Work. Caregivers reported that they experienced the following challenges:

- Struggles with finances;
- Emotional ups and downs;
- Need for supportive services and financial assistance, such as child care, help with school issues, mental health services, Medicaid, food stamps, transportation, housing assistance, sick child care and respite care;
- Understanding and appropriately interacting with the court system;
- Need for more and better information, including legal information;
- Need for support groups for both caregivers and children offering an opportunity to get together and share experiences; and
- Interactions with service providers.

This list alone may help you to see that you are not alone. Other caregivers share your concerns.

What is the purpose of this handbook?

This handbook originated in response to concerns expressed by relative caregivers. It is not possible to address all challenges experienced by caregivers in one book, so this handbook focuses on the legal issues most commonly encountered by relative caregivers and on the public benefits and services for which relative caregivers might be eligible. Information can be a powerful tool in breaking down barriers and feelings of isolation, in improving the lives of

children and their relative caregivers, and in helping relative caregivers to see that they are valued for the service they provide to their children and to the State of Florida.

If I have concerns other than legal issues, where can I go for help?

The Kinship Care Warmline is a statewide, toll-free support line that provides grandparents and other relatives with emotional support, information, and referral services. It is located at the Florida Kinship Center at the University of South Florida School of Social Work. The Florida Kinship Center may be accessed on the internet at www.flkin.org. Written information is also available through the Warmline.

**THE KINSHIP CARE WARMLINE NUMBER IS:
1-800-640-6444**

Part II: The Law and Your Family

Kinship Care and the Legal System

Love and the bonds of kinship form the basis of family for a relative rearing grandchildren, nephews, nieces, brothers or sisters, or cousins. At first, it might not seem to matter whether the law recognizes the family or understands the family relationship in the same way you do. In almost every case, however, the legal choices you make concerning the family do matter. Different legal choices can result in different levels of support from the community, easier or more difficult interactions with authorities, different rights to make decisions regarding the children, and different benefit eligibility. In Florida, there are many choices a family can make. Reviewing these choices and deciding for yourself which is best for your family should help make the family stronger and help you meet the challenges of kinship care.

What is legal custody?

The law recognizes the central importance of the relationship between parents and their children. Both the responsibilities and the rights of parents are considered paramount. Parents have legal custody of their children because they are the parents. This legal custody carries with it the duty to be a good parent. This includes the duty to care for the child to the best of the parent's ability, including the responsibility to properly feed, clothe, shelter, discipline, educate, and care for the child. The parent's legal custody also means that the parent has the right to make all important decisions for a child. The only restrictions are that the parent cannot be abusive to the child and cannot neglect the child's welfare. The parent can only lose the legal custody that results from birth or adoption by death or when a court takes the legal custody away. Unless a court has officially taken custody away from the parent, once the parent shows up to claim his or her authority, the law will always recognize the parent's right above others, unless abuse, abandonment, or neglect can be proven.

Why is legal custody important?

Since children are not able or allowed to care for themselves and to make decisions about their future, some person or some agency always has to be responsible and make decisions for a child. Traditionally, one must be a child's parent or legal custodian in order to register a child for school, seek medical assistance for a child, sign a child up for health insurance, seek police or court assistance regarding a child, and/or to obtain benefits and services for a child. Often, since most children are with their parents, the parent-child relationship is assumed, and proof of legal custody is not requested. However, if proof is requested and you are unable to produce it, the absence of such proof can be a barrier to proceeding further. The parent simply has to show that they are the parent and that is enough. Much more may be asked of a relative caregiver.

The law has developed various legal relationships that help define rights and responsibilities in families headed by relatives other than parents. This section explores the choices a family can make:

- informal or physical custody both with and without medical consent forms and a durable power of attorney;
- temporary custody through the Family Court, whether during a divorce of the parents or in a separate court case;
- different types of custody and placement ordered by the Dependency Court in cases where the children are abused, neglected, or abandoned by the parents, including court ordered placement with supervision, court ordered legal custody to a relative, or long-term relative placement;
- guardianship of minor children; and
- adoption.

Tip for Relatives: Always insist that the parent or legal custodian execute a durable power of attorney when they agree to give informal or physical custody. Many families may opt for the informal method, especially when the arrangement is likely to be of short duration.

Informal or Physical Custody

What is informal or physical custody?

Informal or physical custody exists when the relative simply takes over the care and custody of the child. It is probably the most common type of kinship care arrangement and usually starts when the child's parent(s) ask(s) a relative to care for the child. The length of time a child is with the relative, by itself, does nothing to strengthen the legality of the relative's rights or responsibilities under the law.

What are the downsides of informal or physical custody?

Regardless of the closeness of the blood relationship, the relative taking care of a child with informal custody, without any court involvement, has no legal right to make most decisions for the child. Either of the child's parents can step in and take the child back at any time. In fact, the parents keep the legal right to make decisions for the child, even if they are not present. A parent's decision would, in almost every case, overrule the relative who is actually taking care of the child.

How much authority does the relative caregiver who has informal or physical custody have to make decisions regarding the child?

Although the authority of a relative caregiver to make decisions regarding the child may never be challenged, it is, legally, quite limited. For example, if a parent cannot be found and no one with legal custody or a power of attorney can be found, certain relatives can authorize ordinary medical treatment and care of a child but not more serious care, such as surgery. § 743.0645, Fla. Stat. (Supp. 2004). This authority extends only to stepparents, grandparents, adult brothers and sisters, and adult aunts and uncles (in that order), whether or not they are actually caring for the child. In other words, a grandparent would have superior authority to consent to certain medical care for a child, even though the child was living with an adult sister who had only informal or physical custody. Similarly, a stepparent would have greater authority than a grandparent. Again, this law applies to situations involving informal or physical custody where no formal custody arrangements have been made.

Additionally, the relative actually caring for the child may apply for temporary cash assistance, Medicaid, and food stamps, assuming the family is otherwise eligible based on income and other factors. [See Part V for a more complete discussion of benefits.]

Can a relative with informal or physical custody be held responsible for a child's well being?

Yes. § 39.01(47), Fla. Stat. (2003) provides that an adult relative who has been entrusted with a child's well being can be liable for findings of abuse, abandonment, or neglect. This is because a parent should be able to plan safely for necessary absences by obtaining the agreement of responsible adults to watch and care for their children. Once a relative agrees to care for a child, the parent and, more importantly, the child have the right to rely on the agreement. Thus, a child may be removed from the care of a relative for verified findings of abuse, neglect, or abandonment. A child placed with a relative by DCF may also be removed if abuse, neglect, or abandonment exist.

Is there anything a relative can do to strengthen or improve informal or physical custody?

Yes. The relative can have the parent sign a power of attorney, which gives greater authority to the relative. A power of attorney is a formal document that gives one person, who is called the "attorney-in-fact," permission or the right to act on behalf of the person who executes the power of attorney. The person who executes the power of attorney is called the "principal." A limited power of attorney gives the attorney-in-fact the power to conduct a specific act or acts. A general power of attorney gives the attorney-in-fact the broad power to perform any legal act on behalf of the principal. Both limited and general powers of attorney should be "durable," which means they will still have power even if the principal becomes incapacitated. One example of a limited power of attorney is the Medical Consent Power Of Attorney that a parent can sign to authorize a relative or any other person to make decisions regarding a child's medical treatment. In this situation, the attorney-in-fact would be the first person to whom medical professionals would turn in the event a need for services arose. Similarly, a parent can sign a power of attorney to authorize school registration and to confer other similar authority.

Do I need a separate power of attorney for every act?

No. A limited power of attorney can give a person the right to make decisions that the parent would normally make regarding their child, such as those discussed above and should specifically list the powers granted. A power of attorney may be executed by a parent and given to any competent person over 18 years old, related or not, to give that other person, called an "attorney in fact," the authorization to act on the parent's behalf. In the case of informal or physical custody, this means that the parent can officially give the relative (or anyone else entrusted with the care of the child) authorization to make all decisions for the child that the parent would normally make, and to communicate with agencies and other parties about the child. The power of attorney needs to be formally signed in the presence of two adult witnesses, who also must sign to verify that they have witnessed the execution of the power of attorney, and the power of attorney should be notarized. No court involvement is necessary.

How does the durable power of attorney help a relative with informal or physical custody?

The durable power of attorney is a legal document. Relatives and others who have such a document should be able to register children for school, obtain vaccinations, sign contracts for goods or services that benefit the child, have priority in authorizing medical care or treatment for the child, and generally make decisions for the child. Should the parent who authorized the appointment disappear, fall ill, or become incapacitated, the authorization provided by the power of attorney will continue until the parent dies or is officially ruled to be incapacitated by a court of law.

What are the limitations of the durable power of attorney?

Any power of attorney can be revoked or cancelled at any time by the person who granted the power of attorney, but the revocation is not effective until written notice of the revocation is mailed or personally served on the attorney-in-fact. To protect against abuses, a durable power of attorney may specify the time period for which it is effective. The language of the power of attorney can also limit the authority of the attorney-in-fact. The power of attorney automatically expires on the death of the person who signed it. Likewise, the termination of parental rights as to a parent who signed a power of attorney revokes the power automatically. The attorney-in-fact has a fiduciary responsibility to the person who signed the power of attorney and must act in the signer's interest. This duty to the signer can create conflicts in interest unless the power of attorney clearly provides that the attorney-in-fact is to always act in the interest of the child. Because of all its complexities and potential liabilities, it is important to have an attorney draft the durable power of attorney. [See Part VIII for more about finding legal assistance.]

When might informal or physical custody be enough to meet a family's needs?

A relative should always insist that the parent or legal custodian sign a durable power of attorney when they agree to take informal or physical custody, and the caregiver should take the instrument to an attorney representing the caregiver's interest to have it reviewed. Because courts do not need to be involved where an amicable, family-based solution can be worked out without any outside involvement, except for the involvement of attorneys representing family members, many families may opt for the informal method. This is especially true when the arrangement is likely to be of short duration. It is important to understand however, that informal or physical custody is not a form of legal custody and is only a good arrangement so long as the parents and the relatives are in agreement. It gives the relative no authority or rights with respect to a child beyond those the parent desires to extend and only for as long as the parent wants to extend them.

Legal Custody

How does a court give legal custody?

The Circuit Court in Florida is given authority to conduct trials and render decisions in a number of areas, both civil and criminal. Circuit Courts are divided into several divisions, and three of these divisions can award legal custody to relatives under different circumstances: the Family Division, the Juvenile Division, and the Probate Division. In smaller circuits the same judges may sit in more than one division. Specific rules and statutes govern the different courts and the various laws they enforce.

Tip for Relatives: Temporary custody of a minor child to a relative may be a good option when the child's parents are willing to grant custody to the relative and the family wishes to resolve the issue without continuous court involvement. Of course, this is only true provided that no abuse, abandonment, or neglect is involved. Bear in mind that, with this option, neither the relative caregiver benefits nor adoption subsidy would be available. Also, this form of custody does not carry the same degree of permanency as adoption or guardianship.

Custody Through Family Court

What is meant by “Family Court”?

The Family Court division of a Circuit Court typically concerns itself with issues of divorce, paternity, child support, adoption, and child custody. Florida law gives the Family Court authority to award legal custody to family members of a child in a number of cases. In divorce cases, the Family Court almost always awards custody to one or both parents, but it has authority to award custody to a family member or other persons, if the best interests of the child dictate and the parents are unsuitable or unwilling custodians.

How can a relative obtain legal custody through Family Court?

According to § 751.02, Fla. Stat. **any extended family member (defined as a relative within the third degree by blood or marriage to the parent) who has the signed, notarized consent of the child’s legal parent; or any extended family member who is caring full time for the child in the role of a substitute parent and with whom the child is currently living may bring proceedings in the circuit court to determine the temporary custody of the child.** As with all custody matters, the Family Court will look to the best interests of the child in making all decisions regarding custody.

What if the parent(s) will not consent?

The statute provides that, even when a parent objects, **the extended family member** can ask for custody through Family Court, so long as the **extended family member** has physical custody of the child. If the parent(s) object(s), the Family Court must make a finding that the parent(s) is/are unfit to care for the child. The **extended family member** must offer “clear and convincing” proof of abuse, abandonment, or neglect as those terms are defined in § 39.01, Fla. Stat.

Who may bring such an action?

To bring such an action, **an extended family member** must have either physical custody of the child or a notarized consent from the child’s parent(s) authorizing the extended family member to take custody of the child. **Extended family members who can bring this action include adult siblings, grandparents, aunts, uncles, cousins, and putative fathers, and family member related within the third degree by blood or marriage to the parent or the stepparent of the child.** Putative fathers are men alleged or claiming to be the father but who are not yet proven to be the father. **Additionally, the stepparent of a child may bring the action if the stepparent is currently married to the parent of the child AND not involved in a pending dissolution, separate maintenance, domestic violence or other civil or criminal proceedings involving one or both of the child’s parents as an opposing party.**

What authority does temporary custody convey to a relative who obtains it?

The authority that comes with temporary custody awarded in Family Court is generally a broad authority allowing the **extended family member** to authorize medical evaluation and treatment, enroll the child in school, secure and review records pertaining to the child, including those protected from disclosure to any person but a parent, and to do whatever else is necessary for the care of the child. However, the Family Court can issue a more limited custody order if it is determined that to do so would be in the best interest of the child.

Is temporary custody time limited?

The **extended family member** asking the court for temporary custody is required to specify the length of time for which custody will be necessary in the Petition, the legal document filed with the Family Court to begin the case. **The custody order can last until the child reaches age 18.**

Can a parent terminate temporary custody?

Since temporary custody is a legal custody established by a court order, only a court can **modify or terminate the order**. Unlike a durable power of attorney, a parent cannot revoke temporary custody, even if the parent's notarized permission to transfer custody was the basis upon which the court initially granted temporary custody. A parent can, however, challenge continuing temporary custody in court. **The court shall terminate the order granting temporary custody upon a finding that the parent is a fit parent, or by consent of the parties. The court may modify an order granting temporary custody if the parties consent or if modification is in the best interest of the child.** Unless and until a court decides otherwise, custody stays with the **extended family member** who was awarded temporary custody for the period of time custody was awarded.

Does temporary custody offer any additional eligibility for benefits?

In all likelihood, temporary custody will not affect eligibility for most benefits one way or the other, but an order establishing legal custody may make it easier to prove eligibility. For most public benefits it is the degree of relationship and not court ordered custody that matters. For example, a relative must be related to the child within the fifth degree to receive public benefits, **such as Temporary Cash Assistance (TCA)**. Also, if questions are raised about whether the child actually lives with the relative who is applying for benefits, the relative may need to provide proof that the child lives with them. If a private company or public agency simply requires a custody order, the Family Court custody order will meet that requirement. **A temporary custody order will not, however, make an extended family member eligible for relative caregiver program benefits (See Part V: Benefits and Services section for more information).**

Are there any other ways in which a temporary custody order may be beneficial?

An extended family member with temporary custody has physical custody of the child and superior legal authority over the child than other relatives, even relatives with a closer family relationship to the child. Also, unlike guardianship or custody or placement established through the Dependency Court, there is absolutely no requirement of on-going supervision by either DCF or any court. Once the court order is entered, the family is left on its own without the need for judicial review, supervision, or annual guardianship reports.

What are the limitations of temporary custody?

This legal option does not create a permanent parent/child legal relationship. In Florida, there is no such legal vehicle as “permanent” legal custody. This type of custody can be time-limited and is subject to challenge by the parents. The parent(s) can bring the matter back to court at any time and ask the court to terminate the temporary custody order. **However,** if the parents bring the matter back to court, the court will consider the fitness of the parent and the best interests of the child. The temporary custody order can also be terminated by agreement of the parties, but they must go to court to have it legally vacated or terminated. **Further, temporary legal custody through Family Court does not create or otherwise affect inheritance rights.**

What are the responsibilities of a relative with a temporary custody order?

The **extended family member** granted temporary legal custody by a Family Court is the legal custodian of the child and, therefore, has all the legal obligations of a parent, including the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical, dental, psychiatric, and psychological care. The legal custodian is the person who has the legal right to physical custody.

When is temporary custody particularly useful?

Temporary custody is a particularly good option when the child’s parent(s) is/are willing to grant custody to the **extended family member** and wants to avoid the ongoing supervision of any court. Of course, this is only true as long as the relative and parent are in agreement and when there are no allegations of abuse, abandonment, or neglect. Because of statutes requiring judges to report abuse, abandonment, and neglect and giving the Dependency Court the

jurisdiction to proceed first in cases involving abuse, abandonment, or neglect, temporary custody through Family Court is usually not a good option in disputed cases where there are allegations of parental unfitness. In fact, Family Court may not be an option at all in such cases.

How do you apply for temporary custody?

Although the law does not require legal representation, it is best to have the assistance of an attorney when filing such an action. Some local clerks of court may insist that **extended family member** have attorneys (in which case the local bar association will frequently have attorneys who accept referrals). An attorney will need the following information to complete the Petition, which is the legal document that begins the action:

- The name, date of birth, and current address of the child;
- The names and current addresses of the child's parents;
- The names and current addresses of the persons with whom the child has lived during the past 5 years;
- The places where the child has lived during the past 5 years;
- Information concerning any custody proceeding in this or any other state with respect to the child (including involvement by DCF if the child was removed from the custody of the parent);
- The residence and post office address of the petitioner (**the extended family member**);
- The petitioner's relationship to the child:
- The consent of the child's parents or specific acts or omission of the parents which demonstrate that the parents have abused, abandoned, or neglected the child as defined in chapter 39;
 - Any temporary or permanent order for protection entered on behalf of or for either parent, the petitioner, or the child; the court entering the order; and the case number;
 - That it is in the best interest of the child for the petitioner to have custody of the child; and
- A statement of the period of time the petitioner is requesting temporary custody, **including** a statement of the reasons supporting that request. § 751.03, Fla. Stat.

Custody/Placement Through Dependency Court

What is Dependency Court?

Dependency Court (sometimes called Juvenile Court) concerns itself with protecting children who have been victims of abuse, abandonment, and neglect. The purpose of Dependency Court is to either safely maintain children in the custody and care of their parents, to reunite children with their parents as soon as it is safe to do so, or to quickly find a permanent home other than the home of the parents, when returning the children to the parents is not an option. The first preference is always to maintain or to reunite the children with their parents. When this is not an option, the preference is to place the children with a suitable relative. Part III of this handbook addresses the child protection system in more detail.

How is a relative placement/custody order issued by the Dependency Court?

The Dependency Court may issue an order for placement/custody to a relative only after the court finds that the child has been abused, abandoned, or neglected by a parent or legal custodian other than the relative with whom the child is to be placed. Once it has been determined that the child cannot safely live at home, even with services provided to the family, the child may be removed from the home and placed in another home or facility. DCF is very much involved in all steps and stages of the Dependency Court process and in the lives of the parents, relatives, and children. It is important for relative caregivers to be aware of and involved in the Dependency process early in order to effectively advocate for the children and their families.

What kinds of placement and custody arrangements with relatives are possible through Dependency Court?

There are several ways in which a child can be placed with or put in the legal custody of a relative by the Dependency Court:

- Court ordered placement in the home of a relative under the protective supervision by DCF. This must be followed by a minimum of six (6) months of supervision before the case can be closed.
- Court ordered legal custody to a relative with protective supervision. This must also be followed by a minimum of six (6) months of supervision by DCF.
- Long-Term Relative Custody. This is considered a permanency option after DCF has supervised the placement for a minimum of six (6) months. Supervision may be terminated and the relative granted long-term custody only when the Dependency Court determines that neither reunification nor adoption are viable options.

Each option is described in greater detail below:

A) Court ordered placement with a relative under protective supervision

After an adjudication of dependency, the Dependency Court can order the placement of a child with a relative under protective supervision by DCF. In these cases, the court gives DCF supervising authority and gives the relative physical custody and authority to make day-to-day decisions regarding the child. In these cases, a counselor from DCF visits the child and the relative regularly and provides services needed by the child, the relative, and/or the parent.

B) Temporary legal custody to a relative with protective supervision

The Dependency Court can also award temporary legal custody to a relative. With this type of custody, the relative is responsible for making important decisions in the life of the child without direct supervision of each decision by DCF. However, the placement itself must be supervised by DCF until permanency is achieved and at least six (6) months after the order granting temporary legal custody. Since this form of custody is usually awarded while the parent is attempting reunification, if the parent fixes the problems and completes his/her case plan, the child will probably be returned to the parent. The parent will usually have visitation rights while the child is in relative custody. The relative is encouraged to attend regularly scheduled judicial review hearings, which are described in greater detail in Part III of this handbook.

C) Long-term relative custody

Long-term relative custody is available to relatives who are approved by the Dependency Court and who are willing to make a long-term commitment to support and guide the child to adulthood. The court can consider this option when the parent consents to long-term custody, when parental rights have been terminated, or when the parent has failed to substantially comply with the case plan and the court determines that reunification is not in the child's best interest. In order to get long-term custody, the relative must have had temporary custody for at least six (6) months prior to the long-term custody order.

What are the limitations of long-term relative custody?

Long-term relative custody requires that the relative participate in a case plan in which the child's goal is neither reunification with the parent nor adoption. The court must affirmatively decide that the kinship family unit does not need DCF supervision. The court must consider the reasonable preferences of the child and the child's guardian ad litem, if one has been appointed to the case. The relative who obtains a long-term custody order must understand that the parent can later seek custody if the parent can prove a material change in circumstances and that reunification is in the child's best interest. Of course, the parent must go back to court to attempt to regain custody.

What benefits are available to relatives who have custody or court ordered placement through Dependency Court?

Relative caregivers may be able to receive several types of benefits when the Dependency Court has placed a child in their care. Most relatives should be eligible for the relative caregiver program. Under § 39.5085, Fla. Stat. (2003), relatives are eligible to receive benefits through the relative caregiver program if they are within the fifth degree of relationship, by blood or marriage, to the parent or stepparent of a child adjudicated dependent and placed with the relative by the Dependency Court. Also, if a relative is caring for a dependent child and agrees to care for that child's dependent half-sibling as well, the relative caregiver will also receive benefits for the half-sibling, even if the half-sibling is not related to the caregiver. In addition to relative caregiver program benefits, caregivers may be eligible to receive food stamps and other public benefits. All the benefit programs are discussed more fully in Part V of this handbook.

What is the relative caregiver program?

The relative caregiver program is a benefit program offering monthly financial payments to relatives who obtained placement or custody of a child through the Dependency Court, after the court found the child to have been abused, neglected or abandoned. It is designed to keep children out of foster care by providing relatives with monthly financial assistance and other benefits and services. The program is discussed in greater detail in Part V of this handbook.

Are there any benefits for relatives who do not have custody through the Dependency Court?

Yes, as described in greater detail in Part V, relatives may be eligible for temporary cash assistance, food stamps, Medicaid, WIC, and other public benefits, so long as the child is in their physical custody.

How is permanency for the child affected by the Dependency Court's "placement with supervision" and "custody" orders?

These placement and legal custody orders give relatives greater authority and give the child greater permanency than mere informal or physical custody, for custody cannot be changed until a court reviews the case and determines that a change is in the best interest of the child. With informal custody, the parent(s) can regain custody at any time. However, with custody or placement through the Dependency Court, so long as family reunification remains the goal for the case, there is always the possibility that the child will be returned to his or her parent(s) if the parent(s) show improvement and fulfill obligations under the case plan. Family reunification typically remains the goal of the case when a relative has "placement with supervision" or "temporary custody." Further, although a long-term relative custody order is considered a permanency option, the parent(s) can always ask the court to reopen the closed case and return the custody of the child to the parent(s), if the parent(s) can show a material change in circumstances and that it is in the best interest of the child to do so.

Do Dependency Court orders affect inheritance or otherwise alter the family relationships?

Dependency Court placement and custody orders do nothing to change the inheritance rights of the child or to modify the family structure. Visitation for the parents is usually granted, but the court may regulate or prohibit contact with the parents from whom the child was removed, if it is in the best interest of the child to do so.

Who is responsible for making decisions affecting the child under Dependency Court orders?

Temporary custody and long-term relative custody orders give the relative broad authority to make decisions for the child, to enroll the child in school, to be responsible for providing medical, dental, psychiatric, and psychological care for the child, and to assume all daily care and responsibility. However, if a child is “placed with a relative under protective supervision,” DCF maintains “supervising authority.” Even so, the Dependency Court has discretion to provide the relative with day-to-day authority in the order granting “placement under supervision.”

What are the responsibilities of the relative who has the child as a result of one of these Dependency Court orders?

As the legal custodian of the child, a relative has full responsibility for the child’s well being, including the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical, dental, psychiatric, and psychological care. The right to physical custody and the responsibility going with it also flow from the orders. In addition, until the Dependency Court terminates the need for regular judicial reviews, the relative should appear at the judicial reviews to report to the judge, special master, or citizen review panel on how the child has been doing since the previous judicial review.

What are considered “permanency” options when children are placed with a relative by the Dependency Court?

Permanency options when children are placed with a relative include:

- Long-Term Relative Custody;
- Adoption; and
- Guardianship.

If a relative has a child due to “placement with protective supervision” or “temporary custody,” the relative will have to choose one of the above options in order to keep the child for a longer

period of time, or until the child reaches age 18. Although adoption is generally considered the most favorable of permanency options, the law requires the court to recognize the permanency of long-term placement with a relative as an equally valid permanency option. The selection of a permanency option should be based on that which best meets the needs of the child and the relative caregiver's family. It is very important to have accurate information regarding how adoption may affect the family situation. Do not be afraid to ask DCF questions about changes in financial assistance, Medicaid, and child care.

Guardianship

What is guardianship?

Guardianship is very much like legal custody. Any adult can be appointed guardian of any person who is unable to fully care for himself/herself. In the case of children, there is no need to prove a lack of capacity, as one simply asserts that the child is a minor and in need of a guardian because the natural guardian or previously appointed guardian can no longer serve in that capacity. The child's parents, whether natural or adoptive, are considered to be the natural guardians. When a relative is appointed guardian of a child, he or she assumes all the authority that would normally be available to a parent. Guardianships are awarded by the Probate Court, another division of the Circuit Court, and proceedings follow the Florida Rules of Probate. It is also possible for the Dependency Court to appoint a relative or other appropriate custodian to be the guardian of a child who has been adjudicated dependent, but in so doing, the Dependency Court must follow probate statutes, § 744.101, *et. seq.*, Fla. Stat. (1997), and rules of the Probate Court. It is necessary to have a lawyer represent you in Probate Court.

Tip for Relatives: Guardianship is available through either the Dependency Court or the Probate Court. It does not require termination of parental rights and is recognized as an equally valid permanency option for relatives whose culture or family needs preclude the option of adoption. Relative caregiver benefits can still be available so long as the child was initially placed with the relative through the Dependency Court and has been adjudicated dependent by the Dependency Court.

Is there only one type of guardianship?

There are at least five types of guardianship that may be important to relatives. Most relatives who seek legal guardianship will be appointed as guardians of the person and property of the minor child, also called "guardian of a minor." Other types of guardianship include plenary guardian of the person, plenary guardian of the property, limited guardian, preneed guardian, and standby guardian.

What is guardianship of a minor?

Next to adoption, guardianship of a minor may be the most secure and permanent relationship available for a relative. The appointment as guardian of a minor is permanent until the minor becomes an adult or the guardian is removed for cause by the court. This makes guardianship

essentially the same as adoption in terms of permanency, although the standard for removing a guardian is lower than the standard for removing a natural or adoptive parent. In addition, the Probate Court continues to be more involved in the lives of the child and the guardian.

Can any relative apply to be a guardian of a minor?

With the exception of persons convicted of a felony or found to have committed abuse, abandonment, or neglect, any person interested in the welfare of a child may petition the court for guardianship, but a relative by blood or marriage is given preference.

What are the obligations of a guardian of a minor?

In addition to the responsibilities of any legal custodian, including the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical, dental, psychiatric, and psychological care, the guardian must prepare and submit annual guardianship reports which contain both a guardianship plan for guardians of the person and an accounting of the property of the child if the guardian is also guardian of the property. These annual reports are important and must be submitted in a timely fashion. Failure to submit the reports may be grounds for removing the guardian.

When might guardianship be a good permanency option for a relative?

Guardianship offers a permanent and clearly empowered legal custody solution for relatives. It does not require the termination of parental rights and may leave the network of extended family relationships intact while affording the relative many of the advantages of adoption.

How are benefits affected by an order of guardianship?

A relative guardian should be eligible for relative caregiver benefits, provided the child has been adjudicated dependent by the Dependency Court and the child has been placed with the relative by the Dependency Court. A relative who applies for and is appointed guardian by the Probate Court, without the prior adjudication of dependency or prior placement or temporary custody orders from Dependency Court, will not be eligible for the relative caregiver program. Any relative who is a guardian is eligible for all of the benefits for which a relative with informal or physical custody or Family Court custody would qualify. These may include temporary cash assistance, Medicaid, food stamps, or WIC.

What is a plenary guardian of the person and guardian of the property?

A plenary guardian of the person is responsible for looking after the health, safety, and personal needs of the child or other person for whom they are the guardian. A plenary guardian of the property is responsible for looking after the material belongings and income of the person for whom they are the guardian. In many cases, it may be sufficient to be appointed a guardian of

the person of a minor child since most children will not own significant property until they are adults, but it is probably better to be appointed both. For example, if a child receives any inheritance, benefit, or other form of property, he or she will need an adult to properly manage the resource. In rare cases, such as where a parent may be able to manage the personal needs of a child but not manage property, a relative may want to be appointed guardian of the property of the child and leave other responsibilities to the parent.

What is a limited guardianship?

A limited guardianship gives the guardian less than full authority to act on behalf of the person for whom they are responsible. In a limited guardianship, the guardian is appointed to perform specified functions for a person with disabilities, while leaving that person with some responsibility and capacity to act on his or her own behalf in all other respects. For example, when a parent who suffers some limiting disabilities, but who can function in most capacities as a good parent, the court might appoint a relative as a limited guardian. The guardian would assist the parent with the responsibilities of caring for the child, which may allow the child to remain at home with his or her natural parent.

What is a preneed guardian for minors?

Any parent, natural or adoptive, may nominate any competent adult person to be the preneed guardian. Once the last parent becomes incompetent or dies, the preneed guardian can immediately act as guardian, but they must petition the Probate Court within 20 days of assuming the role for confirmation of the appointment of guardian. The Probate Court will ordinarily confirm the guardianship unless the person designated as preneed guardian is not eligible or the appointment would not be in the best interest of the child.

How would a parent establish a preneed guardianship?

The parent(s) must sign a written declaration of preneed guardian in the presence of two witnesses, who also sign the declaration as witnesses, and then the declaration must be filed with the clerk of the Probate Court. The written declaration must clearly identify the preneed guardian and any substitute guardians.

What is a standby guardian?

In some respects, a standby guardian is similar to a preneed guardian, except that the Probate Court appoints the standby guardian at the request of the parent(s) or current plenary guardian before the death or incapacity of the parent or guardian. Only a parent or legal guardian of the child can request that a standby guardian be appointed. It is a tool available to a relative who has become a guardian and wishes to insure that there will be a smooth and clear transition of legal custody in the event something happens to them. As in a preneed guardianship, the standby guardian immediately assumes responsibility for the children when the parent or guardian becomes incapacitated or dies and then seeks confirmation of appointment from the Probate

Court. In the case of the standby guardian, the Probate Court must confirm the guardianship unless the standby guardian refuses to serve, is incapacitated, or is legally ineligible to serve.

Adoption

What is adoption?

Adoption is the most permanent of any of the legal custody options available to caregivers. It creates a parent-child relationship between the caregiver and the child. For some older children, adoption by a relative may cause confusion because it alters many existing family relationships.

When is adoption possible?

In Florida, adoption is only possible when the parents of a child have voluntarily consented to adoption, the parents' rights have been terminated, the parents have abandoned the child, or the parents are incompetent to consent and will not regain competency. An exception may exist in cases of stepparent adoptions.

How does adoption work?

When a relative indicates the desire to adopt a child who has been living with them for at least six (6) months, and who is available for adoption, it may be a relatively easy matter to secure approval of the adoption. However, if the child was recently placed with the relative, it may be necessary to wait a period of time while the interactions of the family are evaluated. The court will hold an adoption hearing after this period of time passes and after sending notices of the intent to adopt to all those who would have an interest in the adoption. Children over 12 must also consent to an adoption unless the court waives their need to consent. If the child has been adjudicated dependent by the Dependency Court, the adoption should be handled by the Dependency Court and DCF should assist with the adoption.

Is everyone free to adopt?

No. Florida prohibits gays and lesbians from adopting. The statute, passed in 1977, states, "No person eligible to adopt under this statute may adopt if that person is a homosexual." § 63.042, Fla. Stat. (Supp. 2004). A person seeking to adopt a child in state custody is asked to complete a form that asks whether the prospective adoptive parent is homosexual. A "yes" answer or a failure to answer the question will prevent adoption. Florida law also prohibits persons who have been convicted of certain felonies from adopting.

Are there special provisions for relatives to adopt?

Grandparents whose grandchildren have lived with them for at least six (6) months must be given notice of any intent to adopt. Grandparents are no longer given clear priority to adopt in these cases, but a court would be unlikely to take a child away from a loving and stable relative's home in favor of a stranger.

Is assistance available for relatives who choose to adopt?

In addition to the public benefit programs discussed in Part V of this handbook, anyone who adopts a child who is designated a "special needs" child may be eligible for an adoption subsidy. Special needs children include older children, members of sibling groups that are placed together, minority children, and disabled children. In the case of a relative adoption, the adoption subsidy may be at least the amount of the relative caregiver benefit but is unlikely to be the same amount as a foster care payment. Children adopted through DCF are also eligible for college tuition and fee waivers at state universities, colleges and vocational schools. Also, once adopted, a child will qualify for the relative's social security benefits if they become available due to the death, disability, or aging of the relative because the relative is now the legal parent.

What should a relative do if they decide to adopt the child they are rearing?

Like other legal actions in court, adoption can be complicated and lengthy. It is best to enlist the assistance of an attorney in navigating the adoption process. If the parents' rights have already been terminated, the process begins with the filing of a petition for adoption, which sets forth the facts about the child's eligibility for adoption and the relative's eligibility to adopt. If the child has been placed in the relative's care by DCF, it is important for the relative to let the DCF caseworker know about the relative's desire to adopt before termination of protective supervision. By proceeding in this fashion, DCF will be involved in the adoption process, and the relative should not have to hire their own attorney.

After the petition is filed, what is involved in the adoption proceeding?

If the person wishing to adopt is a stepparent or relative, a preliminary home study may be required by the court only for good cause shown. If a home study is required, a caseworker who specializes in adoptions will conduct a home study and visit the home to determine the suitability of the placement. Information from earlier home studies may be used as information, but a new visit is always required. The adoption home study report is filed with the court, and the court makes its decision based on the recommendations in the report and other information presented. § 63.125, Fla. Stat. (Supp. 2004). In cases where the children are not already living with the relative who wishes to adopt, the children will usually be placed with the relative during the adoption proceedings.

Is an adoption subject to challenge?

Unlike some of the other custody options discussed in this section, an adoption cannot be challenged on the basis that circumstances have changed for the parents such that they are now ready to resume custody of their children. Once a court orders the final adoption, the legal relationship of the child to his or her former parents is severed and the adoptive parents have full parental rights. It is the adoptive family's preservation and unity that the law will now seek to protect. An appeal can be taken to higher courts, however. Also, within the first year following an adoption, a challenge can be filed based on a defect in the adoption proceeding. After the first year, only fraud or some assertion of a parental right that could not have been cured in the first year can be the basis for such a challenge. § 63.182, Fla. Stat. (Supp. 2004).

Are adopted children allowed to keep ties with their former family in ordinary adoptions?

In a traditional adoption by a non-relative, all ties would be severed. Florida law requires, however, that courts consider whether sibling contacts should continue after adoption. The court's decision must be based on the best interest of the child. § 63.0427, Fla. Stat. (Supp. 2004). The court's order requiring continuing contact with siblings may be reviewed at any time upon the request of the adoptive parent. Additionally, Florida law permits courts terminating parental rights to consider allowing continuing contacts with the original family or individual relatives when such is in the best interest of the child. Any such orders may be reviewed at any time and must be reviewed when the child is placed for adoption. § 39.811(7)(b), Fla. Stat. (2003).

How are relative adoptions different from non-relative adoptions?

Florida law protects the inheritance rights of a child adopted by close relatives after a parent's death. The law provides that an adoption by a grandparent, aunt, uncle, or brother or sister after the death of a parent does not affect the child's right to inherit the property of a parent who died before the adoption, unless parental rights had been previously terminated. In addition, to the extent that grandparents' rights are recognized in Florida, such rights continue in relative adoptions. § 63.172(2), Fla. Stat. (Supp. 2004). In Florida, most of the statute creating grandparents' rights, § 752.01, Fla. Stat. (Supp. 2004), has been declared unconstitutional.

In another sense, relative adoptions are different because they shift rather than sever the relationships of the child who is adopted. For legal purposes, the child adopted by a grandparent becomes a sibling to his or her former aunts, uncles, and even to his or her parent. The child's relatives on the side of the family not adopting the child would effectively lose a legal relationship to the child or become distant relations by marriage. These shifts may affect inheritance rights and should be reviewed. Legal documents such as wills, trusts, and the like may need to be changed, even if they were created before the adoption and refer to the child. Similarly, documents that refer to the children of the adopting parent(s) would include the adopted child. § 63.172, Fla. Stat. (Supp. 2004).

Tip for Relatives: Although adopting children who are related to you may lead to some confusing changes in relationships, adoption has its benefits. For example, it converts the relative caregiver into the parent and, as such, entitles the relative caregiver to all the deference and respect our society traditionally accords the relationship of parent and child. On the other hand, adoption may negatively affect the relative's and/or child's ability to qualify for public benefits. [See Part V.]

Part III: Kinship Care and the Child Protection System

Some caregivers receive children through private agreements with the parents or through Probate or Family Court proceedings. These are generally referred to as “private placements” because they involve only the families and not the State. These placements were described in Part II.

Other caregivers receive children through DCF and the Dependency Court. These are generally referred to as “child welfare placements” because public agencies are involved in the placements. DCF and the Dependency Court are normally only involved in cases where children have been abused, neglected, or abandoned. The child welfare system, which is also called the child protection system, is often a difficult system for caregivers to understand. This section of the handbook will walk you through this system and describe commonly used terms and processes.

What is child abuse, child neglect, and child abandonment?

State laws define these terms. Every state has slightly different definitions. Florida's definitions are located in the Juvenile Dependency Law, § 39.01, Fla. Stat. (2003). These definitions are important because they explain the situations in which the State of Florida can become involved in family life and remove children from their homes. Florida uses one word to include all of these children: dependent.

In Florida, “child abuse” means any willful act or threatened act that results in any physical, mental, or sexual injury to a child or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

In Florida, “neglect” means that the child has been deprived of or allowed to be deprived of necessary food, clothing, shelter, or medical treatment or that the child has been allowed to live in an environment that causes the child's physical, emotional, or mental health to be significantly impaired or in danger of being significantly impaired. If these circumstances are primarily caused by financial inability and actual services have been offered to and accepted by a person, the circumstances are not considered neglect.

Finally, “abandonment” in Florida means that a parent, legal custodian, or caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child so that it is evident that the person has willfully rejected the duties of a parent. As an exception to this definition, Florida law states that a person who leaves a baby at a hospital or fire station within three (3) days of birth will not be considered to have “abandoned” the child for purposes of criminal or civil prosecution.

What is the child protection system?

Generally, under our state and federal constitutions, the State has no right to interfere in family life because of the right to privacy and family unity. An exception to this principle arises when a child is being harmed or is at risk of significant injury in the home. At that point, the State has the right to intervene in the family. Intervention may take the form of providing social services to keep the child in the home, or when necessary, removal of the child from the harmful home and placement of the child elsewhere, either with a relative, in shelter care, or in foster care. In extreme cases, protection goes so far as termination of parental rights and placement of the child for adoption. “The child protection system” is the phrase used to describe the whole body of laws, DCF, service agencies, law enforcement, and Dependency Courts that are designed to protect children from harm.

What is the relationship of the child protection system to kinship care?

Many relatives caring for children are part of the child protection system. Federal and state laws dealing with abused and neglected children encourage the State to look for suitable relatives with whom to place dependent children so that they do not wind up in foster care. The State of Florida provides eligible caregivers with financial assistance through the relative caregiver program. [See Part V.] DCF often supervises relative caregiver homes and works on and monitors case plans for dependent children, including children placed with relatives. The child protection system can also provide relatives with services necessary to preserve the relative placement, such as child care and mental health services.

How do courts get involved in the child protection system?

Florida has given the responsibility for abused, neglected, and abandoned children to one court, usually called the “Dependency Court.” The Dependency Court is a division of the Circuit Court.

Dependency Courts make most of the decisions concerning dependent children, including whether a child has been abused, neglected, or abandoned, with whom the child will live, whether the case plan is appropriate, whether the child should return home, whether parental rights should be terminated, and whether the child should be adopted. DCF makes recommendations to the Dependency Court, but it is the Dependency Court decides. Thus, the Dependency Court is a very powerful part of the child protection system.

How might a relative caregiver get involved in Dependency Court?

There are three ways. The most common way is when DCF has removed a child from a parent’s home due to abuse, neglect, or abandonment and asks a relative to take care of the child. A second way is when a relative takes a child from an unsuitable home, most often because the parent leaves the child with the relative, and then the relative calls DCF or goes to Dependency Court and asks the judge to decide that the child is dependent. A third way is when the relative

is the person who is alleged or accused of abusing, neglecting, or abandoning the child. The Dependency Court process is generally the same in all three situations, but this handbook focuses most directly on situations where the relative caregiver is not accused of harming the child.

Shelter

How does a child protection/DCF case begin?

Most often a case begins with a report to DCF's Child Abuse Hotline that a child is being abused or neglected or has been abandoned. By law, all persons, including doctors, nurses, teachers, therapists, social workers, police officers, and mental health service providers, must report any suspected child abuse or neglect. The name of the caller or reporter is confidential. The toll-free Child Abuse Hotline number is 1-800-962-2873. A child protection investigation must begin within 24 hours of the report unless the case is an emergency. In emergencies, the case must be investigated immediately. In some counties, DCF staff conducts the investigation; in other counties, the Sheriff's office conducts the investigation.

When is a child taken into custody?

If the investigator decides that there is good reason or "probable cause" to believe that a child has been abused, neglected, or abandoned or is in imminent danger of abuse, neglect or abandonment, the investigator can "take the child into custody." Probable cause is a very low amount of proof; even suspicions of harm are enough. When a child is taken into custody, the investigator removes the child from the home. The investigator has the power to release the child to a parent, a relative, or a responsible adult or to place the child in shelter care. It is at this stage that the investigator first seeks out relatives so that the child can be released to someone the child knows.

What is shelter care?

Shelter care is an out of home placement intended to be of a short duration until the Dependency Court can review the case and order a more permanent placement for the child. Children are sometimes placed with families, while other times they are placed in shelter group homes licensed by DCF. During this time the State is the custodian of the child.

What is a shelter hearing?

Within 24 hours of the child being removed, DCF must file a petition with the Dependency Court and ask for a "shelter hearing." At this hearing, DCF must show the Dependency Court that there is probable cause to believe (1) that the child has been abused, neglected, or abandoned or is in imminent danger of abuse, neglect, or abandonment, and (2) cannot safely be returned to the home or persons from whom he or she was removed, and (3) that there is no responsible adult relative who is immediately known and available to provide supervision and care for the

child. The DCF protective investigator or caseworker may seek out relative caregivers at this stage, too. It is permissible for relatives to contact the protective investigator or DCF to let them know that they are willing and able to care for the child.

Parents must be given notice of the shelter hearing and an opportunity to tell their side of the story. At the shelter hearing, the judge decides whether there is probable cause to continue to keep the child out of the parents' home and whether the child should be placed in a shelter home or in a relative's home. Caregivers do not have to be present at the shelter hearing if the investigator asks them to take the child, but it is a good idea to attend so that the judge can be assured that the caregiver's home is a safe and appropriate placement. Even if the protective investigator does not ask a relative to take the child, relatives are allowed to go to the hearing if they wish to be considered as the caregiver. The judge may allow relatives to speak and explain why they would be an appropriate caregiver for the child, or the judge may simply direct DCF to conduct a home study on the relative and their home to determine whether DCF feels the relative is an appropriate caregiver.

If the Dependency Court finds probable cause to keep the child in shelter care, the matter must be reviewed by the court no more than 30 days after the child's initial placement in shelter care and every 15 days thereafter, until the child is adjudicated dependent or returned to the parent(s).

Tip for Relatives: It is a good idea for relatives to go to all court hearings concerning a relative child if they are the child's caregiver or potential caregiver. Relatives do not have the right to have a lawyer appointed to represent them, but relatives certainly have the right to bring a lawyer with them. It is a good idea to think about, write down, and take to court any important information about the child. If the Dependency Court places the child with a relative caregiver, the relative should be sure to ask the DCF caseworker for a copy of the Shelter Order.

Must relatives have a home study completed on their home before a child is placed with them?

Yes. A home study must be completed before DCF will recommend that a child be placed with a relative, except in an emergency. In an emergency, DCF will do a "criminal records" check and a "child abuse registry" and complete the home study later. While the home study is pending, the child may remain in shelter care status. The home study must look at the following:

- An interview with the proposed caregiver to make sure the caregiver is committed to the child and able to care for the child;
- Criminal records and abuse registry checks for everyone in the household;
- An assessment of the physical environment of the caregiver's home;
- A determination of the caregiver's financial security; and
- A determination of suitable child care arrangements if the caregiver work outside the home.

During the home study, which is conducted by DCF or an agency with which it contracts, the caseworker is required to provide the caregiver with information about the Dependency Court process and about support services available in the community, including but not limited to mental health counseling, child care, health care, and financial assistance. If returning the child to the parents is the goal of the current case plan, the caseworker will also ask the caregiver whether he or she will support the efforts for safely returning the child, and if the parents fail to complete or comply with their case plan, whether the caregiver will be willing and able to provide a permanent home for the child.

Tip for Relatives: If the caseworker does not provide information about the dependency process or about support services and available benefits, be sure to ask. DCF is required to provide this information.

What is a guardian ad litem? What is the guardian ad litem's role in the child protection system?

A guardian ad litem (GAL) is a responsible adult, sometimes a lay volunteer, sometimes an attorney, who is appointed by the court to represent the best interests of a child in any dependency case. The GAL is required to investigate the case and to make a report and recommendations to the court about the child's placement. The GAL also participates in developing the case plan discussed below. The GAL speaks for the child in the courtroom. The GAL does not represent DCF, the parents, or the relative caregiver. The GAL represents only the best interest of the child.

Sometimes children in dependency proceedings have lawyers who also represent them. These are called "attorneys ad litem" (AAL). AALs represent the child's expressed wishes, even if those wishes may conflict with the position of the GAL. Unfortunately, there are not enough guardians ad litem or lawyers to represent every child, so your child may not be represented.

Tip for Relatives: Work cooperatively with the child's GAL and/or AAL to provide requested information, but do not think that the GAL and AAL will keep everything you say confidential or that they are working for you. The GAL acts independently and represents his or her view of what is in the child's best interests.

What is a Dependency Petition?

By law, the State cannot keep a child in shelter care forever. The Dependency Court must hold a formal hearing to decide whether the child is dependent. But first, someone must file a dependency petition, the legal document setting out facts concerning the abuse, neglect, or abandonment. The petition must be filed within 21 days after the shelter hearing or within seven (7) days after a party asks for the petition.

DCF usually files dependency petitions through its lawyers, but the law says anyone with knowledge of the facts may file a dependency petition. This includes a relative. The petition must state facts showing that the child was abused, neglected, or abandoned and must meet other requirements. The petition must be delivered to the child's parents through legal "service."

Even if the child has never been in shelter care, a relative can file the dependency petition as long as they believe the child has been abused, neglected, and/or abandoned.

Tip for Relatives: Since a petition for dependency must be legally sufficient, it is almost impossible to file a good petition without involving a lawyer. [See sources of legal assistance in Part VIII of this handbook.]

What is an arraignment hearing?

An arraignment hearing is similar to a plea hearing in criminal court. The parent(s) either admit to the facts as stated in the dependency petition, consent to an adjudication of dependency without admitting or denying the facts that have been stated in the dependency petition, or deny the alleged facts. If the parent(s) admit(s) the alleged facts or if they consent to adjudication, the Dependency Court will set a time for a disposition hearing, described below. If the parent(s) deny(ies) the facts stated in the dependency petition, the court may appoint a lawyer to represent them and will set a time for an adjudicatory hearing, also described below. The Dependency Court will also determine if, where, and when the parent(s) can visit with the child, including in a relative's home. The parent(s) will be granted visitation unless there is a clear and convincing showing that visitation is not in the best interest of the child. If relative caregivers are uncomfortable supervising parental visitation, they should be sure to tell the judge so that he or she can order that the visits take place elsewhere and/or are supervised by another person or agency.

Tip for Relatives: Much of what happens at the arraignment hearing has nothing to do with a relative caregiver, but it is important for caregivers to go because visitation rights will be determined. Do not be afraid to ask to speak to the judge during the hearing, especially regarding visitation for the parents.

Adjudicatory Hearing

What is an adjudicatory hearing?

An adjudicatory hearing is like a trial. Whomever files the dependency petition must prove by a preponderance of the evidence that the facts about abuse, neglect, or abandonment as stated in the petition are true. "Preponderance of the evidence" means more likely than not. If the Dependency Court finds the facts are more likely true than not true, it will determine that the child is "dependent" and must schedule a disposition hearing within 30 days. If the Dependency Court finds the facts have not been proven, it must order that the dependency petition be dismissed and that the child be returned home.

In order to talk to the judge at this hearing, relatives must discuss only evidence of abuse, neglect, or abandonment about which they have personal knowledge. They cannot talk about what they "heard" someone say about the situation or what they "think" may be going on. Such testimony would be "hearsay" and "speculation." Witnesses, including relative caregivers, can only talk about what they saw, observed, participated in, or experienced. Children can also be called to testify as witnesses, but this is not a common practice. Usually the DCF investigator or caseworker or the Sheriff provides evidence about what happened to the child. Parents have the

right to present their own evidence and testimony through witnesses and themselves. This hearing is more formal than the shelter or arraignment hearings.

Disposition Hearing

What is a disposition hearing?

The disposition hearing is often thought of as the most important stage of the dependency process. It is at this hearing that the Dependency Court decides with whom the child will live on a more permanent basis and under what conditions. The Dependency Court looks at the various options discussed in Part II of this handbook and decides which one appears best for the child at that particular point in time. The Dependency Court also decides whether the State has made “reasonable efforts” to reunite the child with the parents through the provision of services. Thus, this is an important hearing requiring the relative caregiver’s full participation.

The disposition hearing is not a formal trial, and the formal rules of evidence do not apply. Caregivers can express their opinions at this hearing without having to prove facts, and the Dependency Court can accept related evidence, including written or oral reports, in order to gather more complete information before deciding what action will be taken for the child. The disposition hearing includes the filing of a predisposition study and a case plan, both prepared and filed by DCF.

What is a predisposition study?

A predisposition study is a document prepared by DCF that gives the Dependency Court a more complete picture of the dependent child and his or her needs. The predisposition study also describes the parents and their circumstances. It especially looks at the ability of the parent(s) to care for the child and keep the child safe if the child is returned home. The opinions of other professionals involved in the child’s life, including the child protection team and agencies providing evaluative, social, reunification, or other services to the parent(s) and the child are also included in the predisposition study. If a home study of a relative caregiver’s home has been conducted, it must be included in the predisposition study, as well.

What is a case plan?

The case plan is a legal document that is written by DCF with input from the parents, the GAL, and the child, who participates to the extent it is appropriate given the child’s age and maturity. The case plan is a roadmap detailing what must happen in the child’s life during the time the child is involved in the child protection system. With certain exceptions, this time is supposed to be no more than 12 months. The case plan spells out exactly what the parents must do in order to be reunified with the child, as well as what services will be provided to the family and by

whom. It also states any goals or tasks for the child and the GAL and may include the role of the relative caregiver or other custodian. If possible, caregivers should make every attempt to be present at the case plan staffing. It contains the permanency goal for the child, such as reunification, adoption, guardianship, long-term relative custody, or other options. Timeframes are included. The case plan must be simply worded in English or in the primary language of the parent(s). It can be amended based on changes in circumstances, but the Dependency Court must approve all changes.

Some parts of the case planning process are related to relative caregivers. The case plan describes the role of the relative caregiver in the development of the services to be provided to the child. For example, if the child needs mental health counseling, the plan should describe whether the caregiver will be required to drive the child to the counselor's office or whether someone else will have that responsibility. The case plan describes how often, for how long, when, and where the child will visit his or her parent(s) and siblings. Supervision is sometimes required for visitation, and the case plan will specify who is to provide visitation supervision. Sometimes, the relative caregiver may supervise. The case plan also describes how the child will receive necessary services while in a caregiver's home. For example, if the child is to receive child care, the case plan should say where and when, who is to pay, and how the child is to get there. The case plan also usually deals with child support that the parent(s) must pay, including how much and to whom.

If used correctly, the case plan is much more than a legal document. It can be as useful as a calendar in keeping track of all the information and services that will keep the child safe and healthy and, hopefully, provide the caregiver a less stressful experience. Caregivers should make sure they receive a copy of the case plan to ensure they are fully aware of what is supposed to occur and when. The case plan must be signed by all involved parties and accepted by the Dependency Court. Once the case plan is approved by the Dependency Court, it becomes an Order of the Dependency Court and must be followed. Again, a case plan can be amended, if appropriate, but only by the Dependency Court. If a parent does not substantially comply with the case plan by performing most of the assigned tasks, the parent's rights may be terminated.

What are “reasonable efforts”?

“Reasonable efforts” is a term that applies to all Dependency Court hearings and is an important part of the disposition hearing. “Reasonable efforts” means the exercise of reasonable diligence and care by DCF to provide the services ordered by the Dependency Court or contained in the case plan.

DCF must make reasonable efforts to prevent the removal of children from their parents' home and to promote their return after removal by offering appropriate and available social services. Even if a child is placed with relatives, DCF must make such reasonable efforts. Limited exceptions to the reasonable efforts rule that may apply in cases where such efforts would be futile or the child's health or safety would be endangered. Mental health counseling, child care, substance abuse treatment, and certain types of services related to housing are examples of services constituting reasonable efforts.

At the disposition hearing, the Dependency Court must determine whether reasonable efforts have been made and whether other efforts could have prevented or shortened the separation of parent and child. The predisposition study must list available and appropriate prevention or reunification services, and describe both the efforts that were made and the efforts that will be made.

For relative caregivers it is important to know that state and federal laws and the Florida and United States constitutions guarantee parents this chance to reunite their families. Reasonable efforts are a significant piece of this right. Until a parent has been given a chance to succeed with reasonable efforts by the State to help the parents succeed, relatives cannot count on the fact that the child's placement with them is permanent. While efforts toward reunification are being made, relatives should do everything they can to help the parents succeed. Recent laws have clarified that the State does not have to wait indefinitely for parents to improve. The law requires, with certain exceptions, only that parents be given 12 months to demonstrate improvement by compliance or substantial compliance with the tasks as outlined in the case plan. If the parents fail to comply with the case plan, the Dependency Court can act to assure the child other permanency options.

Tip for Relatives: Caregivers should be allowed to participate in developing the child's case plan. Even if not, be sure to get a copy of the case plan that is submitted to the Dependency Court by DCF. Also, be sure to get a copy of the Disposition and Case Plan Approval Order signed by the Dependency Court judge.

Why is the disposition hearing so important?

The disposition hearing is important because the Dependency Court decides many significant matters that may affect relative caregivers at that time. The Dependency Court has a lot of power and determines:

- The placement or custody of the child, including all forms of custody to a relative described in Part II;
- Special conditions of placement, such as whether or not the child can travel out of state and visitation with the parents and other persons;
- Evaluation, counseling, and/or treatment activities or other actions to be taken by any of the parties;
- The people who will supervise or monitor services to the child and to the parent;
- The date, time, and location of the next hearing;
- Child support;
- Whether diligent efforts have been made to find an adult relative willing to care for the child; and
- Other things necessary to protect the child's health, well being, and safety and to make the child's school placement stable.

The disposition hearing is also important because, once the Dependency Court judge signs the Order of Disposition, relative caregiver funds through the relative caregiver program should begin. Be sure to ask about these funds so there is no delay in receiving them. The DCF caseworker should assist in obtaining relative caregiver funds. If the caregiver is already receiving temporary cash assistance for the child through the economic services program of DCF, the source of funds should be switched to the relative caregiver program. Other services, such as child care, should become available at this time as well. Again, the DCF caseworker should assist with these tasks. Do not be afraid to ask questions or ask for help!

Tip for Relatives: The Dependency Court judge will put his decisions in writing in a document called an **Order of Disposition and Case Plan Approval**. If you are the child's relative caregiver, be sure you get a certified copy of this Order and keep it in a safe place. It is also recommended that you make several copies, as various agencies may need copies in the future. Do not give away your certified or "conformed" copy.

What is foster care?

Foster care is a service provided by the State of Florida, through DCF, for children that the Dependency Court finds cannot return home and cannot be placed with relatives or other safe adults. DCF, or agencies with whom they contract, find families in the community to serve as foster parents. When a child is in foster care, the child stays in the legal custody of DCF and DCF makes most major decisions about the child. Foster care is temporary. It should last only 12 months, except in extraordinary circumstances. A permanency option should be found within the 12 month time period, according to federal law.

Can a relative serve as a foster parent?

Yes, a relative can serve as a foster parent for a relative child. But to do so, the relative must meet all of the licensing requirements set by Florida law. These include adequate space and safety in the home. The relative would also have to attend foster parent training sessions.

Judicial Review

What is a judicial review hearing?

After the Dependency Court decides where the child should live and the other matters at the disposition hearing, the Dependency Court must hold regular judicial review hearings to review the status of the child and whether the parties are following the case plan and making progress toward achieving permanency for the child. These review hearings must take place at least every six (6) months, until permanency is achieved or the Dependency Court decides that there is no reason to continue having hearings.

Judicial reviews are not trials. They are more informal than the disposition hearing. Caregivers should make a point of going to these hearings because they have much to tell the Dependency

Court about the child. Caregivers should be prepared to discuss how the child is doing in school, any special medical or mental health needs or problems, and how visitation is going. If the caregiver or child needs a service, that information should be given to the Dependency Court, too. Judicial reviews are also important to relative caregivers because at these hearings the Dependency Court can decide whether the relative caregiver needs continuing supervision. [See Part II.]

For each judicial review, DCF files a report called a Judicial Review Social Study and Report that addresses the status of the case and the progress, or lack of progress, being made toward fulfilling the case plan. The DCF caseworker should be visiting with the child regularly (at least once a month) and checking with the relative caregiver as to the child's well being as well to as any needed services. Information provided to the caseworker may be used in the report. Caregivers should ask for a copy of the report before going to the judicial review hearing.

No later than 12 months after the date the child was initially removed from the parents, the Dependency Court must hold a review hearing to specifically plan for the child's permanency. At this time, the Dependency Court should determine whether or not the parent(s) has/have substantially complied with the case plan. If the parent(s) has/have substantially complied with the case plan, the child will probably be returned to the parent(s). If the child is not returned to the custody of the parent(s) at this hearing, the Dependency Court can continue the case plan, but only in special circumstances and only for short periods of time. Otherwise, the Dependency Court will set what is called an advisory hearing, where DCF will advise the Dependency Court as to its intentions regarding the parents' rights and the permanency for the child.

Tip for Relatives: Sometimes case plans are continued over and over again and permanency is delayed. As a relative, do not be afraid to speak up at the judicial review hearing and tell the Dependency Court why you think the child should be placed with you on a permanent basis and why you think the case plan should not be extended. The Dependency Court judge especially wants to hear from you because you can provide the most accurate and up-to-date information regarding the child.

What is permanency? Why is it so important, and what does it mean for a relative caregiver?

Research has shown that children need permanent homes. It is not emotionally healthy for children to have many different caregivers and to move from house to house. So, both federal and Florida laws now require the child protection system to reach permanency for children, if at all possible, within 12 months. In a legal sense, this means that the Dependency Court can close the case and not require hearings every six (6) months when it finds that the child is in a safe, stable, and permanent home.

In most cases, the law favors returning a child to a parent or finding an adoptive family for the child. But, in Florida, when a child is placed with a relative as a permanency option, state law requires that the Dependency Court recognize the placement as permanent, without requiring the relative to adopt the child. Thus, in Florida, permanency can be achieved, among other ways, through adoption, long-term relative custody, or guardianship.

It is important for relative caregivers to figure out which permanency option is best for the child and their family based on the child's and family's particular needs and characteristics. Caregivers know their family situation better than anyone else and are, thus, best suited to decide which option will work best. Is it adoption? Is it legal guardianship? Is it long-term custody? Different permanency options for different children may be appropriate. Once a caregiver has decided which permanency option is best, it is up to the caregiver to explain to the Dependency Court why this option is best for the child and the caregiver's family. Be sure to ask relevant questions or seek clarification before making permanency decisions.

Termination of Parental Rights

What is a termination of parental rights hearing?

As stated earlier, the goal of the child protection system is to see that children have permanent homes within 12 months of removal from a parent's home. If parents are not successful in improving their lives so that their children will be safe and healthy, the case may move to the next phase of the system, which is termination of parental rights.

The following situations, called "grounds" for termination of parental rights, are examples of when the State may seek to terminate parental rights:

- A parent has failed to do most of the tasks in the case plan;
- A parent has signed a voluntary surrender and agreed that DCF should arrange for an adoption;
- A parent will be in prison for most of the time before the child reaches age 18, and the Dependency Court finds by clear and convincing evidence that continuing the parental relationship would be harmful to the child;
- Even after the adjudicatory hearing and filing of a case plan, a parent continues to abuse or neglect the child;
- A parent engaged in "egregious conduct" or had the opportunity or capability to prevent "egregious conduct" but allowed it to happen. Egregious conduct is any conduct by the parent that is "deplorable, flagrant or outrageous by a normal standard of conduct." § 39.806(1)(f), Fla. Stat. (2003);
- A parent has committed crimes of aggravated child abuse, sexual battery, or sexual abuse;
- A parent has committed crimes of murder or manslaughter of another child or a felony assault resulting in severe bodily injury; and
- A parent has involuntarily lost their parental rights to another child.

Like the adjudication of dependency discussed earlier, termination of parental rights begins with the filing of a petition stating the grounds for termination. An advisory hearing is held to tell the parent(s) of their right to counsel and to set a date for the termination of parental rights trial. This hearing is sometimes referred to as a Permanent Commitment Advisory Hearing or PCA.

After the advisory hearing, an adjudicatory hearing based on the petition for termination of parental rights will be held. At the termination hearing, which is formal and may last for several days, the Dependency Court must find clear and convincing evidence of at least one ground for termination and that termination is in the best interest of the child.

If the Dependency Court decides to terminate parental rights, it must then decide who will have custody of the child. One of the choices the Dependency Court has is to place the child with an appropriate legal custodian. This can be a relative. In cases where the child is not placed with a relative, the Dependency Court must first consider adoption as the permanency option. But when the child is already placed with a relative, Florida law states that adoption need not be the first option. Long-term custody with that relative and legal guardianship are options equally available to kinship caregiving families. The Dependency Court must decide whether the relative is suitable by looking at the relative's fitness and capabilities. If a caregiver has been the child's caregiver and previously obtained a favorable home study, they should have little problem satisfying the Dependency Court. The Dependency Court may issue an order appointing the relative caregiver as the child's legal guardian or long-term legal custodian. Of course, as is explained in more detail in Part II, termination of parental rights is not necessary for either guardianship or long-term relative custody to be ordered by the Dependency Court.

If the relative wants to adopt the child after termination of parental rights has been ordered, the Dependency Court can also hear the petition for adoption. It is important that any relative who wishes to adopt notify DCF of this intent before the DCF case is closed; otherwise, the caregiver may need to hire a private attorney to handle the adoption.

If the child is placed with a social services agency instead of a legal custodian, the Dependency Court will continue to have judicial review hearings until the child is adopted or some other permanency plan is approved.

What if I am not the child's custodian but am a relative and want continued contact with the child?

Until the child is adopted, relatives may maintain their existing rights and relationship to the child, unless the Dependency Court decides the child's best interests require otherwise. At the termination of parental rights hearing, the Dependency Court will decide how much contact and communication with relatives is in the best interest of the child. This may include visits, letters, cards, and/or telephone calls. After an adoption is finalized, however, any rights of relatives end, unless otherwise agreed to by the parties. Legally, the child is no longer related to you, unless of course it is your side of the family who adopted the child.

Tip for Relatives: While much of the termination of parental rights hearing has nothing to do with relatives, they should still go to the hearing if they want to become the legal guardian of the child or if they want to continue communication or contact.

Adoption Hearing

What is an adoption hearing?

This was discussed in Part II. It is important to know that after termination of parental rights, if the case is proceeding to adoption, the adoptive parents may have to go to the Family Court to adopt the child. Although recent changes to Chapter 39 of the Florida Statutes authorize the Dependency Court to conduct adoption proceedings, some Circuit Courts continue to rely primarily on the Family Court division as the proper court to conduct adoptions. As a relative, you may be content with guardianship or long-term custody of the child for whom you are caring as the best permanency option for your family. Again, it may be important for the continuation of benefits that you remain the guardian or long term custodian. [See Part V.]

When does the child protection system's involvement in the child's case end?

This can happen in three ways: either the Dependency Court will order DCF supervision of the case to end when it finds that the child is in a safe, stable, and permanent home; an adoption will be finalized; or the child will turn 18 years of age.

Florida law requires DCF to supervise a relative caregiver placement for at least six (6) months. If after six (6) months it looks as if long-term relative custody or guardianship are best for the child and the caregiver's family, DCF will file a motion to terminate protective supervision and will recommend that the Dependency Court grant the caregiver either long-term relative custody or guardianship. The Dependency Court will hold a hearing, and if the judge is comfortable with the family placement, the case will be closed. This can also happen at a regularly scheduled judicial review hearing. Be sure to get a copy of the Order granting long-term relative custody or guardianship, as it will be important to be able to prove the caregiver's status as the legal custodian for purposes such as benefit eligibility and school enrollment. The Order will also spell out the caregiver's rights and responsibilities as a custodian.

Part IV: Visitation Rights

One of the biggest concerns relatives have is their uncertainty about parental visitation and its effect on the relative's newly formed family. This is a legitimate concern. Visitation between parent and child is necessary during reunification efforts. The child needs to maintain a broad relationship with the parent in order to know the parent is doing okay. Unfortunately, the law does not have all the answers in this area. Caregivers are best advised to seek out support groups, the Warmline, and other social services support if this issue becomes a stressful one. Of course, if the situation is one in which the caregiver feels the child is being harmed or is at risk of harm, they should contact the DCF caseworker to explore different arrangements. If necessary, the Dependency Court can order all visits to occur at a visitation center or that visits be supervised by DCF or other appropriate persons.

If I get legal custody through any of these routes, will the parents of the child have visitation rights? In what circumstances?

Other parts of this handbook discussed the strong constitutional rights of parents. In some situations, relatives have been found to have constitutional rights to family integrity, too, but this is usually when no parents are in the picture. Because of the longstanding legal principle regarding parents' rights, a Dependency Court will grant visitation to parents unless it finds that the parents are unfit or that the child will be harmed by visitation. Thus, if a caregiver has a temporary custody order or even a permanent custody order from Family Court, they should expect a court to allow the parents to visit, unless the court has had a hearing and found that the child will be harmed by visitation.

Similarly, if a caregiver has a temporary custody order or custody under protective supervision through the Dependency Court while the parents are working on a case plan, the Dependency Court will generally give parents the right to visit, unless the Dependency Court has found at a hearing that the child would be harmed by visitation.

If a caregiver has long-term relative custody, guardianship, or has adopted the child – those situations that the court regards as “permanent” – the Dependency Court may or may not allow the parents to visit. The most common situations in which visitation continues to take place is when everyone has agreed to visitation. When visitation is allowed in an adoption, it is called an “open adoption.”

How much visitation will take place?

The law requires that visitation be “reasonable.” Each family and each child differ, so what is reasonable in one person's eyes may not be reasonable in another. That is why court orders generally spell out what is reasonable in very specific terms. Courts do not like to supervise family fights about visitation and will generally send the family to mediation and ask them to work it out. So, the best advice is to put the interest of the child first and do everything you can to make the visitation a pleasant and positive experience for the child.

What if I choose not to honor parental visitation rights ordered by the court?

This is not a good thing to do. If you do not honor a court order for visitation, several things can happen. The least serious is that the judge will give you a lecture and order you not to do it again. The court can also hold you in contempt of court, fine you, take the child away from you, or even put you in jail.

A caregiver cannot decide to stop visitation without the court's permission. If a caregiver thinks the child is being harmed during visitation, the caregiver should inform the DCF caseworker or the child's GAL, see a lawyer about seeking a change of visitation from the court, or even calling the Child Abuse Hotline. The court may send the parties to mediation again, but if the caregiver

can prove harm to the child, the court is likely to change the visitation order.

In extreme cases, where the child is in immediate danger of harm, such as where a parent shows up for visitation while visibly intoxicated, it may be appropriate to stop the visitation. If this situation occurs, the caregiver should immediately notify the DCF caseworker, the GAL, and, when appropriate, law enforcement. If a parent takes the caregiver to court for violating court ordered visitation, the caregiver will be allowed to explain why they refused to allow the visit. The caregiver's case will be stronger if, in addition to their explanation, they have documentation of the valid reason for stopping the visit.

Can a parent's right to visitation ever be limited?

Yes. The Family Court or the Dependency Court can choose not to allow the parent to visit if visits would be harmful to the child. As stated previously, courts also sometimes order supervised visitation in order to protect the child. Supervised visitation simply means that someone else, such as a social worker or a caregiver, will be present during the entire visit. In some cities in Florida, child visitation centers have been established. These are facilities much like child care centers, with staff available to supervise the visits.

If I don't have any kind of custody order and the child is not living with me, what are my rights as a relative to visit?

This is an unsettled area of the law. Generally, parents are allowed to decide with whom their child visits. Because courts are not the best avenues to settle visitation rights with relatives, it is best to try to work out the situation with the child's parent(s) and to use mediation if that does not work.

If the child has been adjudicated dependent and is placed elsewhere, the Dependency Court may order "reasonable" visitation to a grandparent or step-grandparent, unless it finds that such visitation is not in the child's best interest. § 39.509, Fla. Stat. (2003).

What is mediation?

Mediation is an alternative to court. A trained person, the "mediator," tries to help the parties in disagreement reach an agreement so that everyone leaves winning something. What happens in mediation is confidential, but the mediator will tell the court either that the parties have agreed and what they have agreed to or that the parties cannot agree and the court must decide the controversy. There are excellent family and dependency mediation services available in most counties in the state. They are either connected to the court, a county agency or a non-profit agency. Most allow the parties to pay a fee based on their ability to pay.

Part V: Benefits and Services

Separate from its Family Safety division, DCF has a department known as the Economic Self Sufficiency Office. The Economic Self Sufficiency Office runs most benefit and service programs offering financial and medical assistance. Some benefits are accessed through other agencies.

Often the decision by a relative to take another's child into their home is one necessitated by circumstances. One of the biggest challenges facing these relatives is finding the economic resources to make ends meet, given the unexpected additions to the family. Many relative caregivers are on a fixed income, such as retirement or social security, and did not plan to raise a child at this later stage in life. Fortunately, there are programs available to assist many relatives who take on this new responsibility. This section briefly describes some of the benefits and services available.

What types of benefits are available to relative families?

Some families will be eligible for benefits, while others may not. The following are the benefits and services addressed in this handbook:

- Temporary Cash Assistance (TCA) also known as Temporary Assistance for Needy Families (TANF) [this program was formerly called WAGES and replaced the program which was known as AFDC];
- Food Stamps;
- Relative Caregiver Benefits;
- Foster Care Payment;
- Adoption Subsidies;
- Social Security Disability Insurance (SSDI);
- Supplemental Security Income (SSI);
- Unemployment;
- Child Support;
- Veterans' Benefits; and
- Health Services (Medicaid and other health care programs).

This list is not an exhaustive one. Some counties offer emergency assistance to residents who have nowhere else to turn. Sometimes emergency grants are available through local agencies. Private pension or disability plans may also provide assistance. Many **social services in the community** can assist relative caregivers with services and referrals even if DCF is involved.

Forms of Financial Assistance

What are temporary cash assistance benefits?

Temporary cash assistance (TCA) benefits are monthly cash benefits for children and their caretakers who have no other income or very low income. The amount of the monthly grant depends on the size of the family and the amount of the family's other income.

How can I apply for temporary cash assistance benefits?

One can apply for TCA online at www.dcf.state.fl.us /www.myflorida.com/accessflorida or at one of the ACCESS Florida community partner locations in your area. To find the community partners in your area, you can check online at the website above or call 1-866-762-2237. There are very few walk-in DCF Customer Service Centers in the State, however, to find a DCF office where you can fill-out an application and/or request assistance, you may contact the phone number above.

There are different rules for TCA depending on whether the children alone receive this Temporary Cash Assistance or whether the caregiver also receives TCA. If only the children are receiving TCA, called a "child only" grant, they may be able to receive benefits until the age of 18 or up to age 19 if a full time student, provided all financial eligibility criteria are met. In **these "child only" cases**, only the eligibility of the child will be considered. The relative caretaker will not have to meet financial eligibility criteria and will not have to comply with work requirements or be subject to time limits. However, if the relative caretaker also receives Temporary Cash Assistance, benefits are time limited, meaning they will only be available for a total of 24 months during each five year time-period. Also, the caretaker will be required to look for a job or work in order for the family to be eligible, unless the caretaker meets one of the exemptions from the work-related activities.

An extension of the 24 month limit may be available for hardships if the caretaker has not been able to find work. There is also a lifetime limit of four (4) years for the adult in the household to receive TCA. But this lifetime time limit may also be extended in limited cases based on hardship.

What are the maximum payments of temporary cash assistance?

Temporary Cash Assistance (TCA) Benefit Chart

The chart below shows the maximum payment of Temporary Cash Assistance available based upon the family size and the amount of the families' shelter obligation. A household's actual TCA payment will vary based upon the household's countable income. The family size is determined by the number of household members eligible to be included in the TCA filing unit.

TEMPORARY CASH ASSISTANCE PAYMENT STANDARDS			
Shelter Obligation		Shelter Obligation	
\$50.01/UP		.01-\$50	
Family Size	Payment Standard	Payment Standard	Payment Standard
1	180	153	95
2	241	205	158
3	303	258	198
4	364	309	254
5	426	362	289
6	487	414	346
7	549	467	392
8	610	519	438
Additio nal Person	+62	+52	+48

Tip for Relatives: If you do not want your income and assets to be considered and/or be subject to the work requirements, you should be sure to apply for "child only" Temporary Cash Assistance.

As a relative caregiver, can I get temporary cash assistance and relative caregiver funds?

No. Caregivers receiving temporary cash assistance for the relative child they are raising are not eligible to receive relative caregiver funds as well. However, if a caregiver has the child in their physical custody but the child has not yet been adjudicated dependent and the Dependency Court has not signed an Order of Disposition, the caregiver can apply for temporary cash assistance at the nearest DCF service center.

Caregivers who later become eligible for relative caregiver funds should see their temporary cash assistance automatically “roll over” to the higher monthly payment under the relative caregiver program. Relative caregiver funds should continue until the child reaches the age of 18 or the caregiver is no longer caring for the child, whichever comes first. It is almost always better to try to get relative caregiver funds, if eligible, as the monthly payments may be more, there are no time limits, there are no work requirements, and only the child’s income and/or assets are counted. Further, child care is more readily available through the relative caregiver program.

It is also possible for different children in the same household to become eligible under different benefit programs. For example, a relative caregiver may have his or her own children who qualify for temporary cash assistance, while the relative child qualifies for relative caregiver funds. The eligibility requirements may differ, the related services may differ, and the amount of financial assistance will differ between the programs. It is best to have the DCF family safety caseworker and/or DCF economic services worker assist in applying for benefits, as the programs can be very confusing.

RELATIVE CAREGIVER PROGRAM

What is the relative caregiver program?

The Relative Caregiver Program is only available for children who have been placed with relatives by the Dependency Court after they have been adjudicated dependent as a result of abuse, abandonment, or neglect. The purpose of the program is to help the relatives financially, in order to avoid placing children in foster care.

The amount of the cash assistance depends upon the age of the children and can be up to 82% of the foster care board rate. The monthly cash assistance payment is significantly higher than Temporary Cash Assistance. Relative Caregiver Program funds are available for each dependent child in the relative’s custodial care.

Please note: A child who is or was in the Relative Caregiver Program when he or she reaches age 18 is eligible for an exemption from tuition and fees at state community colleges and in certain vocational and education program.

What is the procedure for applying for Relative Caregiver Program cash assistance?

The custodial relative should ask the children’s assigned family safety caseworker about the Relative Caregiver Program. The custodial relative can also apply for the Relative Caregiver Program online at the DCF ACCESS site by marking the box indicating cash assistance for the child the court placed with the custodial relative (See the TCA section of this handbook for information about contacting DCF).

To be eligible for the Relative Caregiver Program, Florida law requires that a child cared for by a relative caregiver be declared dependent by the Dependency Court, placed with the relative after an approved home study, and be within the fifth (5th) degree of relationship by blood or marriage to the relative caregiver. Both the Economic Self-Sufficiency Office and the Family Safety Office of DCF must conduct or approve various parts of the eligibility process.

It is especially important to apply for a “child only” Temporary Cash Assistance grant through the Economic Self-Sufficiency Office as soon as the child is placed with a relative caretaker. Although the monthly temporary cash assistance benefit is less than the benefit under the Relative Caregiver Program, caretakers will begin receiving Temporary Cash Assistance payments almost immediately. After the TCA benefits start, , the “child only” grant SHOULD “roll over” to the Relative Caregiver Program as soon as all eligibility criteria for the Relative Caregiver Program are met. But stay involved in the process and follow-up with DCF to ensure receipt of the higher Relative Caregiver Program benefits as soon as possible.

Will Relative Caregiver Funds Affect my Food Stamps?

Food Stamp benefits will likely decrease. Relative Caregiver Program funds will count as household income for purposes of determining Food Stamp eligibility and the amount of food stamps a household receives. Depending on your situation, receiving the Relative Caregiver Program funds may lower your food stamp allotment or terminate your food stamp eligibility altogether. Unlike the Relative Caregiver Program and Temporary Cash Assistance, the Food Stamp program includes all members of the household and their income when determining eligibility and amount, and does not use the "child only" status.

Once a relative is qualified for the benefits, to what extent are DCF and the Dependency Court involved in the family’s life?

Florida law requires that DCF supervise a relative placement for at least six (6) months. Once permanency has been achieved, DCF, the custodial relative, and the child may agree to request termination of supervision. The Relative Caregiver Program requires that the child’s eligibility be recertified once each year. This recertification is through the Economic Self-Sufficiency Office of DCF. The annual recertification is required until the child reaches age 18, is adopted, is returned home, or is placed in another home. It is important for custodial relatives to follow all directions and to comply with all requests made by DCF’s Economic Self-Sufficiency Office so that Relative Caregiver Program payments are not stopped or interrupted.

Relative Caregiver Program benefit chart

Only the needs, income, and assets of the child(ren) are considered when determining eligibility and payment amounts. Payments are based on the child’s age and any countable income. Relative Caregiver Program (RCP) payments for children with no countable income are as follows:

◆ Age 0 through 5	\$242 per child
◆ Age 6 through 12	\$249 per child
◆ Age 13 through 17	\$298 per child

Please note: For both TCA and RCP benefits, the relative must cooperate with the Department of Revenue Child Support Enforcement in identifying the child’s parents so that the state can collect any support owed. Also, children who receive either TCA or RCP benefits are eligible for Medicaid.

As a custodial relative, can I get both TCA and RCP benefits?

No. Caregivers receiving TCA for the relative child they are raising are not eligible to receive Relative Caregiver Program benefits and TCA at the same time. However, if a relative has the child in their physical custody but the child has not yet been adjudicated dependent and the Dependency Court has not signed an Order of Disposition, the relative can apply for Temporary Cash Assistance online (see above) or at one of the community partner locations in your area. Caretakers who later become eligible for Relative Caregiver Program funds should see their Temporary Cash Assistance automatically “roll over” to the higher monthly payment under the Relative Caregiver Program.

The Relative Caregiver Program funds should continue until the child reaches the age of 18 or the caregiver is no longer caring for the child, whichever comes first. It is almost always better to try to get Relative Caregiver Program funds, if eligible, than TCA as the monthly payments are higher and subsidized child care and other supportive services are available. Further, the child/student is eligible, when he or she reaches 18 years of age, for an exemption from the payment of tuition and fees for postsecondary career programs, community college, or state university.

CHILD SUPPORT

Who is responsible for paying child support?

When parental rights have not been terminated, that parent is responsible for paying child support to help support the child. The Florida Department of Revenue is responsible for child support enforcement statewide. In some counties, child support enforcement efforts are led by the state attorney’s office. Custodial relatives should be able to receive assistance from either of these two agencies in pursuing a parent who is not contributing what the law requires. Usually, child support is set out in the case plan. If the parent fails to pay, he or she is not in compliance with the case plan. Relative caregivers must provide known information to DCF regarding parents and cooperate with child support enforcement efforts in order to receive public benefits. This does not mean relatives are required to find missing parents, but they must give the agencies whatever information they have about the parents’ whereabouts so that the agencies can attempt to recover money the state spends to support the child. The phone number for the Department of Revenue Customer Call Center is 1-800-622-5437.

FOOD STAMPS

What are food stamps, and how can I get them?

The food stamp program is designed to make sure that children do not go hungry. You may be able to get food stamps if:

- You have few resources (for example, little money or property); and
- You have little or no income (perhaps because you are unemployed, work part time or for low wages, get Temporary Cash Assistance benefits or other similar assistance, or are elderly or disabled and living on a small income). You will be considered for food stamps, based on your household information (for example, number of people in your household, your household income, assets, and resources). You can apply on-line for food stamps at www.myflorida.com/accessflorida and the phone number is 1-866-762-2237.

DCF has up to 30 days to approve or deny applications, but in some cases, emergency food stamps are available in seven (7) days. You will not have to use food stamp coupons. If you are eligible, you will be able to pay for groceries by using an electronic benefits transfer (EBT) card issued to you by DCF, which looks like an ordinary ATM bank card. Your food stamps benefit is automatically deposited into your account each month.

Unlike some of the other benefit programs, your relative child will not be considered as a “child only” case for eligibility purposes. Therefore, while you may qualify for some benefits, such as Temporary Cash Assistance under the “child only” category, for food stamps, both the children’s and your financial information will be considered together.

Please note: If receiving TCA and Food Stamps, there is a 6-12 month review cycle through DCF. However, if receiving Relative Caregiver Program benefits and Medicaid only, there’s an interim contact at 12-months review and simplified re-determination at 24-months. Depending upon the sources and frequency of your income and composition of your household changes of income and assets may not have to be reported to DCF to keep your food stamp information accurate between certification periods. Check with DCF to be sure.

FOSTER CARE PAYMENTS

A relative, like anyone else, may apply to become a foster parent. A foster parent must attend training and pass a more detailed home study than the one necessary for the relative caregiver program. Once these steps are completed, DCF can pay a relative caregiver the foster care board rate for the relative child in their care. But, if the child is in foster care, permanency must be achieved within 12 months, thus limiting the amount of time a relative acts a foster parent.

After a relative qualifies as a foster parent, what is the involvement of the Dependency Court and DCF in the family's life?

DCF has legal custody of foster children. This means that both the Dependency Court and DCF will be very much involved in the life of the family until permanency is achieved. However, foster parents may appear in court and, with the agreement of DCF, can play a significant role in making decisions for a child in their care.

ADOPTION SUBSIDY

An adoption subsidy is designed to financially assist families who adopt children with special needs. Relative caregivers who are receiving relative caregiver program cash assistance for a child may be eligible for a comparable adoption subsidy. It is important that each caregiver explore the adoption subsidy with DCF if the caregiver is contemplating adoption. The adoption subsidy amount depends on the number of children in a kinship group being adopted, their ages, the special needs of individual children, and the level of funding of the subsidy program in a given fiscal year. Like the relative caregiver program, the adoption subsidy program is subject to the financial restrictions of DCF's budget from year to year. In both cases, the child must be recertified each year.

Besides the adoption subsidy, are there other financial advantages to adoption?

Dependent children adopted through DCF, like foster care children, are eligible for a tuition waiver at Florida's public colleges, universities, and vocational training schools.

Tip for Relatives: In 2000, the Florida legislature passed a law allowing relative caregivers to achieve permanency through adoption, guardianship, or long-term relative custody. Since the relative caregiver program benefit and the adoption subsidy are comparable, many financial barriers to adoption have been removed. However, child care may not be available after adoption.

SOCIAL SECURITY

What is Social Security? How might Social Security be available for relative caregivers and their children?

Generally, Social Security Disability Insurance (SSDI) is available to those who have worked and paid into the Social Security system. Benefits are also available for the dependent families of eligible families. One must be aged, blind, or disabled to receive payments from SSDI. Children who are adopted automatically become eligible as children of the adoptive parent(s). Children placed with relatives may also be able to receive benefits through their parents' accounts if their parents are disabled, deceased, or retired, and the parents worked long enough to be covered by the SSDI system. The addresses and phone numbers of local Social Security offices are listed in the white pages of the phone book (or blue pages in communities that have

the special governmental listings) under “United States Government, Social Security Administration” The toll free phone number for the Social Security Administration is 1-800-772-1213. One can apply online at <http://www.ssa.gov/>.

SUPPLEMENTAL SECURITY INCOME (SSI)

What is SSI? How is this different from Social Security?

Supplemental Security Income (SSI) differs from SSDI in that it is for those who have not worked and paid into the Social Security System or have not worked long enough or recently enough for their work to count toward Social Security. Most children fall into this category due to their age. A relative child may qualify for SSI if he or she has few assets, little income, and a serious mental and/or physical disability that significantly impairs basic, necessary activities. If eligible, the child will receive a monthly SSI benefit and is also automatically eligible for Medicaid in Florida. A child who receives SSI is not eligible for Relative Caregiver Program benefits or Temporary Cash Assistance. Relatives should apply for SSI for a disabled relative child at the local Social Security office. See contact information for the Social Security Administration above. It is also possible to begin the application process online at <http://www.ssa.gov/applyfordisability/>.

If the Social Security Administration denies the relative child’s SSI disability application, caretakers can appeal by requesting “reconsideration” within 60 days of the denial. Claims that are denied at first can be awarded later on appeal. If the application is again denied, caretakers can again appeal by requesting a hearing before an Administrative Law Judge within 60 days of the denial of reconsideration.

It is important for custodial relatives to appeal unfavorable decisions or denials before the deadlines stated in the denial letters. Otherwise, they will have to reapply for the child and start the process over. If and when the child is found disabled and eligible for SSI payments, back payments will be paid, starting from the date of application. For this reason, it is better to timely pursue all appeals processes until a favorable decision is made, rather than reapplying for benefits.

SSI and SSDI cases can be very complicated and frustrating. Custodial relatives may be able to obtain the assistance of one of the legal service organizations listed following Part IX of this handbook in pursuing appeals on behalf of their relative child. Many legal organizations do not get involved in these cases unless and until there has been a denial at the reconsideration level of appeal.

Please note: You cannot receive SSI disability for a child AND TCA or Relative Caregiver benefits. However, SSI pays a maximum monthly benefit that is far higher than either TCA or RCP, so SSI is worth pursuing for an eligible disabled child.

UNEMPLOYMENT COMPENSATION BENEFITS

Are relative caregivers eligible for unemployment benefits?

Being a custodial relative should not affect the ability to collect Unemployment Compensation benefits. Generally, Unemployment Compensation benefits are available if you have been laid-off and the termination was not your fault. Individuals may also be eligible for Unemployment Compensation benefits if they left their job because it was medically harmful to them or job conditions were unsafe or unreasonable. Before quitting, workers should tell their employer about any problems and try to find a solution.

Generally, people who quit their jobs due to illness cannot get Unemployment Compensation until they are well, and this is true even if one quits to care for a relative. People are eligible for Unemployment Compensation benefits only if they are able to and available for work. If a person quits to care for a seriously ill child or spouse, they will not be able to collect benefits until they are “able and available” to look for work again.

After a person leaves or loses their job, they should immediately go to the local unemployment office and file a claim for benefits. Sometimes it makes sense to wait to apply in order to collect a higher weekly benefit because the rate depends on the average wage earned during certain quarters of the previous 18 months. The unemployment office can tell what the benefit rate will be if one applies immediately or waits.

Unemployment offices are listed in the white pages of the phone book (or blue pages if in communities that have the special government section) under “Florida, State of, Labor Department, and Job Center” or check on-line at www.fluidnow.com or www.floridajobs.org. One can file an application for Unemployment Compensation benefits online at these sites.

If a person is “disqualified” or denied benefits, they must follow the instructions in the disqualification notice explaining how to appeal. Again, do not miss any deadlines. Persons appealing a denial of Unemployment Compensation benefits may be able to obtain the assistance of one of the legal service organizations listed in this handbook following Part IX.

MEDICAL ASSISTANCE

What kinds of medical care assistance are available for relative caregiver families?

The best known of the medical assistance programs are Medicare and Medicaid. Medicare is a program providing medical coverage for qualified retired and disabled persons, generally those receiving SSDI benefits. Medicaid is a program that pays for medical services for eligible children and adults. Anyone who receives SSI disability benefits will also receive Medicaid.

This handbook focuses on Medicaid and other programs that may offer medical help for children in kinship care. In Florida, health care insurance for children is called KidCare and includes

Medicaid and three other programs: Medikids, Healthy Kids, and Children's Medical Services. There is a single, two (2) page application for all four (4) KidCare programs. The relative caretaker simply fills out the application, and the agency responsible for KidCare determines eligibility. The form should be available at DCF Economic Self Sufficiency offices, Health Department offices, and other community and governmental agencies, including public schools in many communities. The application form and further information concerning **Florida KidCare** is also available by calling, **toll- free, 1-888-540-5437** or access the application at <http://www.floridakidcare.org/>.

What are the differences in benefits among the four KidCare programs?

Medicaid has the most complete package of benefits and is, therefore, most helpful to families. Federal law requires that anyone who is financially eligible for Medicaid be provided with that benefit. Also, unlike the other KidCare programs, only Medicaid is an entitlement program. **MediKids** is, in many respects, the same as the Medicaid in terms of the benefit package, but it does not include all of the benefits and requires payment of monthly premiums. **Florida Healthy Kids** has a different, more restrictive benefit package, requires more co-payments, and payment of monthly premiums. **Children's Medical Services** provides a comprehensive continuum of medical and supporting services, including prevention and early intervention programs, primary care, medical and therapeutic specialty care and long-term care. It is available to medically and financially eligible children who have special behavioral or physical health needs or have a chronic medical condition. This network will provide case management services.

Will relative families definitely be able to qualify for one of the KidCare programs?

Any citizen or qualified immigrant child whose family income is less than 200% of the poverty level is eligible for one of the KidCare programs, but only Medicaid is an entitlement program. The other three are programs are capped at a certain number of funded slots, and new children can only be enrolled during limited enrollment periods. Children are "presumed" eligible if the application indicates they qualify. Non-qualified immigrant children are funded for a limited number of slots to the capped level during open enrollment until July 31, 2000. Most children in relative care should qualify for Medicaid.

Who might qualify for Medicaid?

The following individuals are automatically eligible for Medicaid:

- Individuals, both children and adults, who receive Temporary Cash Assistance under TANF;
- Children who receive Relative Caregiver Program cash assistance; and
- Children in DCF custody.

The following individuals may be eligible for Medicaid:

- Children with no or low incomes who live with relatives, even if the relative is not eligible.

Are there residency, citizenship and/or immigration status requirements to qualify for Medicaid?

Yes: in order to be eligible for Medicaid (or other KidCare programs) the applicant must be a citizen or a qualified alien not subject to a 5 year bar. You must also be a resident of Florida.

What are the financial eligibility requirements for Medicaid?

Medicaid covers otherwise eligible children up to the age of one (1) year old who live with a family whose income is equal to or less than 200% ¹ of the federal poverty level (FPL) income; all otherwise eligible children up to the age of six (6) whose family income is at or below 133% of the FPL; and a child under 19 years of age whose family income is at or below 100% of FPL. There is no asset test for children.

Note: The income of the non-parent caretaker is not counted, only the child's income is counted. The relative caretaker does not have to be related or have any legal custody to apply for the child.

What benefits are covered by Medicaid?

Medicaid will pay for immunizations, regular (well-care) check-ups, medications, doctor visits, hospital care, mental health treatment, and other medical services.

How do I apply for Medicaid, and where do I go for Medicaid health care?

Medicaid applications are accepted year round. You can apply on-line through DCF (ACCESS website) at <http://www.dcf.state.fl.us/ess/> or call toll-free at 1-866-762-2237. Recipient eligibility for Medicaid is determined by the Department of Children and Families (DCF). All Medicaid application must be approved or denied within 45 days from the date the application is received by the DCF. Changes must be reported to DCF within 10 days to ensure benefits are correct. The Agency for Health Care Administration (ACHA) administers Medicaid services in Florida. A Medicaid-eligible child who applies for KidCare will automatically be placed in Medicaid. If a caretaker and/or the child in their care are eligible, the caretaker will be asked to choose a Medicaid managed care plan. Information is available about Medicaid managed care choices through Florida Medicaid's Enrollment Broker, Medicaid Options. Go to <http://www.medicaidoptions.net/> or call toll-free Medicaid options HelpLine at 1-888-367-6554 for enrollment information and choices.

The plan will have one doctor, the primary care provider, who "manages" all medical care. The primary care provider decides what care is needed, how much, and when a specialist must be

¹ The statute and rule set eligibility at 185% of the FPL but the DCF manual sets eligibility at 200% FPL.

seen. If the caretaker disagrees, an appeal can be taken to someone higher in the plan or to DCF, and a hearing will be held.

What are the eligibility requirements for MediKids?

The following are the eligibility requirements for MediKids:

- Children who are between one (1) and five (5) years of age ;
- Children who are not eligible for Medicaid; and
- Children whose household income is between 133% and 200% of the federal poverty level.

What are the eligibility requirements for Florida Healthy Kids?

Florida Healthy Kids is an option for all children below age 19 who are not financially eligible for Medicaid or MediKids and whose family income is less than 200% of the federal poverty level. In order to simplify family care, a relative can opt to place a MediKids-eligible child in Florida Healthy Kids if the child has siblings in the Florida Healthy Kids program. Families with incomes above 200% of poverty may also be able to enroll children in Florida Healthy Kids, but they will be required to pay premiums.

What is Children's Medical Services?

The Children's Medical Services (CMS) program provides children with **special health care needs** with a family centered, managed system of care. Children with special health care needs are those children under age 21 whose serious or chronic physical, developmental, behavioral or emotional conditions require extensive preventive and maintenance care beyond that required by typically healthy children. For more information, please visit <http://www.cms-kids.com/>.

Tip for Relatives: You do not have to determine which of the KidCare programs suits your family income or provides you with eligibility. Simply fill out the KidCare application, and the agency will determine which program suits your family's circumstances.

APPEAL RIGHTS

What can I do if I apply for TCA, RCP, Food Stamps, or Medicaid and am denied or if I am unhappy with other decisions made by DCF?

You can appeal any delays, denial, reduction, or termination of your benefits, including but not limited to Temporary Cash Assistance, food stamps, or Medicaid, but you must ask for a "fair hearing" within 90 days of the adverse action by DCF. (Note that different appeal deadlines apply to SSDI, SSI, and the Unemployment Compensation programs.). Keep a copy of your request for a fair hearing. Generally, if you ask for a fair hearing within 10 days of being notified that your benefits will be reduced or terminated, benefits will continue until the hearing is held.

Repayment of any benefits paid in error may be required. If you qualify, one of the legal service organizations listed following Part IX of this handbook may be able to provide free representation at your fair hearing. To locate a local legal services or pro bono program in Florida on-line visit www.floridalawhelp.org or www.floridalegal.org or check your local phone book.

It is very important to read all letters from DCF carefully and completely. Generally, the letters explain what it is that you need to do next. In the event of an unfavorable decision, such as a denial of benefits, the letter should tell you exactly what to do to appeal the unfavorable decision. It is often better to appeal an unfavorable decision at the same time as you reapply for benefits. Even letters that state you have been found eligible for benefits contain important information about the next steps and should be read carefully and all recommendations followed. It is a good idea to keep copies of all letters from DCF. It is also helpful to keep a log recording dates, persons with whom you have spoken, and the details of conversations with DCF and other agencies.

Other Benefits and Services

Are other services available to help relative caregivers and their families?

There are many benefits and resources available to relatives, their families, and the relative children for whom they care. The list below is not comprehensive, but includes some of the more common resources available:

- Women, Infants, and Children's nutrition program (WIC);
- Veteran's Benefits;
- Refugee Entrant Benefit Program;
- Community Mental Health Services;
- Subsidized child care programs ;
- Benefit diversion program;
- Family safety services (those available to foster parents as well as family preservation services, including TANF- funded flex funds);
- County emergency funds;
- Public housing and subsidized rental payment (www.hud.gov);
- Emergency housing stipends;

- Emergency utility assistance;
- Job training programs ;
- Poison Information Center (1-800-282-3171);
- Department of Elder Affairs (www.elderaffairs.state.fl.us); and
- Meals on Wheels (www.mowaa.org)
- Florida Commission for the Transportation Disadvantaged (www.dot.state.fl.us)

Each of these programs has its own entry and eligibility requirements. Many communities maintain a local switchboard that keeps lists of all available services in a community.

Are there any services uniquely available to relative caregivers?

Yes. Relative caregivers who qualify for the relative caregiver program are also eligible to receive other services, such as child care. Relative caregivers should check with the local Family Safety office of DCF to determine what services are available. Caregivers should not be afraid to ask the DCF family safety counselor or caseworker to help them qualify for all benefits they may be entitled to receive.

IMPORTANT PHONE/HOTLINE NUMBERS

Statewide Kinship Care Warmline: 1-800-640-6444

Florida Department of Children and Families Abuse Hotline:
1-800-96ABUSE (962-2873)

TDD: 1-800-453-5145, FAX: 1-800-453-5145

ACCESS Response Unit: 1-866-76ACCES (762-2237)

Adoption Information: 1-800-96-ADOPT (962-3678)

Domestic Violence Hotline: 1-800-500-1119

EBT Customer Service: 1-888-356-3281

Emergency Financial Assistance for Housing Program: 1-877-891-6445

Food Stamp Fraud: 1-866-76ACCES (762-2237)

Florida Legal Services Medicare and Medicaid prescription drug help line: 1-800-436-6001

Part VI: Education

Are there any educational programs for infant children or toddlers?

Yes. Children with developmental delays may be able to receive help from the Florida Early Intervention Program. It provides a range of services to children from birth to age three (3), such as home visits, therapies, developmental evaluation, parent support, and health services, depending on the needs of the child and family. There are also child care programs that work with very young children.

Preschool Options

What are the child care, pre-school, and school readiness options available in Florida?

Beginning in 1999, Florida launched a major readiness for school initiative. In every community in the state, School Readiness Coalitions have been formed and are developing and implementing plans for achieving readiness to start school for all children. All of the funds that Florida previously spent on early intervention, subsidized child care, and early childhood education, including the Head Start Program, are pooled together in order to establish a coordinated system of quality child care and early childhood education for all children.

How will I find child care for my relative children?

Each School Readiness Coalition has a single point of entry for obtaining child care. Each community should maintain an informational phone line and placement office to assist families in finding quality day care and early childhood education in their own town, city, or county. Caregivers having trouble obtaining child care should speak to their family safety counselor, economic self sufficiency caseworker, or call the local DCF office. DCF should be able to assist or direct caregivers to the proper office. Be persistent and do not hesitate to ask questions!

What are the specific early childhood education alternatives?

The Head Start Program is part of a nationwide program providing preschool children from low-income families with a free, comprehensive program designed to meet their emotional, social, health, nutritional, and psychological needs. Most often, the Head Start Program is located outside the public school system but is geared toward preparing children for public school. In addition, there are public pre-kindergarten programs, which vary from school district to school district.

School Enrollment

Do I need to have legal custody to enroll my relative child?

Requirements may vary from school district to school district. It is best to call the school that the caregiver's child will attend to find out what is required in that particular district. Because of the impact of extensive immigration in some communities, formal legal custody is usually not required, but proof that the child resides with the caregiver is often required. Some school districts have a form that, when completed and signed by a parent in front of a notary, will suffice to allow caregivers to enroll the child.

It is very important to keep copies of any and all documents that grant custody or even limited permission to make decisions regarding a relative child. Such documents may include court orders that grant any type of custody or guardianship, a power of attorney signed by the parent(s), a letter from DCF stating it has placed the child with the caregiver, or even a notarized letter from a parent stating that they have placed the child with the caregiver. These documents may be useful in enrolling a relative child in school.

How do I register my relative child in school?

The child should be registered at the neighborhood school that he or she will attend. Federal law requires that no child be turned away from school. Caregivers should go to the school, preferably taking the child along, to register the child. Documents the school may require for registration include:

You will need to gather the documents required by the school system, such as:

- The child's birth certificate;
- Proof that the relative child is living with the caregiver;
- Proof that the caregiver lives within the school district (such as an electric or water bill);
- Proof of immunization on a State form that can be obtained from the school or the Department of Public Health; and
- Proof of hearing, vision, and dental screening, which can also be done at your local public health clinic.

Immigrant families who are unable to obtain the preferred documents may submit an affidavit. An affidavit is a statement of facts that one signs under oath in the presence of a notary public.

At what age can children be enrolled in school?

A child must be five (5) years old before September 1 to be admitted to a public kindergarten. To enter first grade, a child must be six (6) years old before September 1. If a child went to private school in the first grade, the child may be admitted in the second grade with documentation showing the child has been promoted to second grade. For children entering other grades, a report or record of the last grade passed will be needed.

What are my responsibilities as a caregiver/legal custodian/guardian regarding school attendance?

All children between the ages of seven (7) and 18, who have not yet graduated from high school, must attend school regularly in the State of Florida. The caregiver/custodian/guardian of a child must ensure that the child is enrolled and attending school. Florida's temporary cash assistance program and relative caregiver program require recipients to have their children enrolled in and attending school and making academic progress. Relative caregivers under these two programs must also attend quarterly school conferences with school personnel.

Can my relative child receive medications while in school?

If a relative child needs to take medication at school, the caregiver will need to speak with the school's main office and should obtain a copy of the school's policy on giving medications during the school day. Usually, a form must be completed. Then, office staff, a teacher, or the school nurse, depending on the school and school district regulations, will dispense the medications.

What can I do if my relative child is not doing well in school?

Caregivers should first talk with the teacher to get suggestions and explore services to help the child within the school. If the problem seems more serious and continues to show no improvement, caregivers may request an evaluation to determine if there are additional services that would benefit the relative child.

Exceptional Student Education

What should I do if my child has a disability?

If the child the caregiver is raising has a disability that affects his or her ability to learn or function in school, he or she may be entitled to special educational services from the school district. In Florida, special education is called "exceptional student education" (ESE) and includes gifted children. Depending on the disability, the services could range from speech therapy to a separate and special classroom. If a caregiver suspects that their relative child has a

special learning need, they should request that the school system evaluate the child. After the evaluation, the school will hold an Individual Education Plan meeting, where the caregiver and school personnel who know the child and the disability will discuss the child's needs and how to best meet them in the school setting. The group will write up a plan, called the Individual Education Plan (IEP), describing the program and services the child will receive.

Very specific state and federal laws govern this system, and caregivers and children have many important legal rights, including the right to challenge any decision. The following agencies may be able to provide further assistance:

- Florida Department of Education Special Education Division;
- National Information Center of Children and Youth with Disabilities, 1-800-695-0285; and
- Legal services offices listed in the Legal Services section of this handbook.

What kinds of ESE services are available for relative children with a disability?

Exceptional student education services include individualized education planning and related services. Related services are supportive services that assist the student in benefiting from special education. They include transportation, speech pathology, audiology, psychological services, physical and occupational therapy, counseling services, rehabilitation counseling, medical services for diagnostic and evaluation purposes, school health services, social work services in schools, and parent counseling and training. Other services may be available at your local school. Additional supportive services may be provided if they are required to assist the child in benefiting from special education. Lack of funding is not a sufficient reason for a school to refuse to provide a related service.

What is the process for applying for exceptional student education services?

In Florida, public schools must provide free and appropriate public education to all students between the ages of three (3) and 21. Caregivers who believe that their relative child has a disability affecting his or her ability to learn should request that the school evaluate the child to determine whether he or she needs special education. A team of people who work for the school system will evaluate the child. The team must include at least one teacher or other specialist with knowledge about the suspected disability.

The evaluation will determine whether the child has a disability that qualifies him or her for special education. The tests used during the evaluation must not be discriminatory on a racial or ethnic basis and must be given in the child's native language or in sign language, if necessary. If the child does not speak English well, the evaluation will be given in the language normally used by the child.

Caregivers may also choose to have an independent educational evaluation by a qualified person who does not work for the school system. The independent evaluation must be considered when determining whether a child qualifies for special education. Normally, the caregiver must pay for the independent evaluation, but if Medicaid covers the child, Medicaid may pay for the evaluation. The school system may pay for the independent evaluation under certain circumstances. Caregivers who disagree with the school's evaluation may request that the school system pay for the independent evaluation or request a hearing to determine if the school's evaluation was appropriate.

What is an Individualized Education Plan (IEP)?

If a relative child is determined to be eligible for special education, the child will have an Individualized Education Plan (IEP). The IEP must contain at least the following:

- A statement of the child's present levels of educational performance;
- A statement of annual educational goals, including short-term instructional objectives;
- A statement of the special education and related services that the school will provide and the extent that the child will participate in regular education;
- The dates the services are expected to begin and to end; and
- A schedule for determining whether the short-term objectives are being met.

The IEP is developed at an IEP meeting by an IEP team. The IEP team must include the following people:

- Child's parent/guardian/custodian;
- One of the child's special education teachers;
- One of the child's regular education teachers if the child is or may be in a regular classroom;
- A local school official, other than the child's teacher, who is qualified to provide or supervise the provision of special education; and
- A member of the child's evaluation team.

The school district and the parent/guardian/custodian may have an attorney present. Both the school district and the parent/guardian/custodian can invite other people who are interested in the child's education. If the parent/guardian/custodian has been invited to attend the IEP meeting but does not show up for the meeting, the school district must conduct the IEP meeting.

An IEP meeting must be held within 30 calendar days of the decision that the child is eligible for

special education. The purpose of the IEP meeting is to allow the parent/guardian/custodian and the school system to discuss and develop the child's educational program together. The school cannot provide special education to a child until an IEP has been developed.

An IEP must be revised at least once a year, and it must be in place at the beginning of each school year. It can be reviewed at any time during the school year, as long as it is in place at the beginning of the school year.

A child needing special education will be reevaluated at least every three (3) years unless there has been no change in the disability. A child may be reevaluated more often than every three (3) years if conditions warrant reevaluation or if a parent/guardian/custodian or the child's teacher requests reevaluation.

The reevaluation determines the following:

- Whether the child continues to have a disability;
- What the child's level of performance is at the time of the reevaluation;
- Whether the child continues to need special education and related services; and
- Whether changes to the child's IEP are needed.

Caregivers should also be aware that special discipline rules apply to special education students. If a relative child is in special education and the school is attempting to discipline the child, caregivers should contact an attorney with experience in education law to verify that the school is following the required procedure for disciplining special education students.

My relative child is doing exceptionally well in school; are there any special school programs available for talented or gifted children?

Most schools now offer special services for gifted or talented students. Services are provided to students who are very bright and are likely to achieve high grades. Goals for students often include creative thinking, improving research and discussion skills, teamwork, and advanced levels of thinking and academic programs. Some school districts have Magnet Programs where children attend some classes at schools with special computer, science, foreign language, music, and arts programs. Some high schools have cooperative programs with local colleges so that students can take college courses during high school, or they may offer an early graduation option. Caregivers should ask the child's teacher for more information regarding the gifted and talented program in the school district. The child will have to be evaluated to determine whether he or she qualifies for a gifted and talented program.

Privacy of Education Records

I am concerned about my relative child's privacy. Who will see the information that the school has about my relative child?

Most school records are kept private under federal law. This means that, generally, only a parent or a student at least 18 years old can see these records. The term "parent" includes legal guardians and people acting as parents when a parent is absent, which would include relative caregivers. A parent or student over 18 years can give consent for another person to look at these records. If a parent or student over 18 years gives permission for someone else to look at the student's educational records, it must be in writing and be very specific.

Are there any exceptions to the general privacy rule?

A federal law, the Family Educational Rights and Privacy Act (FERPA), provides parents and guardians of minors and students over the age of 18 with some control over who may access the student's school records. Parental consent or the consent of a legal guardian is usually necessary for the disclosure of educational records, but there are exceptions to this rule. The exceptions are:

- An emergency situation where the health or safety of the student or other individuals is threatened;
- Compliance with a court order or lawfully issued subpoena (schools should still make a reasonable effort to notify the parent/guardian/custodian);
- Information that a school official has directly observed or has personal knowledge of, if disclosure is to a law enforcement official;
- Disclosure to another school where a student is transferring or intends to enroll; and
- Disclosure as part of an audit or evaluation of federal or state-supported educational programs.

Tip for Relatives: Ask the school for a copy of its FERPA policy. The definition of what constitutes an educational record may vary from district to district. For example, in some districts an educational record is any record maintained by the school that relates to a student; other districts may exclude personal data or health records. The federal statute fails to define the term "educational record" and leaves that definition open for interpretation by the school district. The U.S. Department of Education Family Compliance Office may be able to answer questions about a school's FERPA policy.

If I am unable to take my relative child to school, is transportation available?

All children are entitled to transportation if they live at least two (2) miles from the school. Special traffic hazards between home and school may also allow for transportation within the two (2) mile area. Children in wheelchairs or who have other disabilities may be picked up at home. There is no special transportation for kindergarten or pre-kindergarten children. Transportation must also be provided for minority children to attend majority schools when a court order for desegregation requires it.

School Discipline

What types of discipline will the school use?

Although each school district may determine its individual policy, each district must follow Florida law. The State Board of Education has model codes of behavior and discipline that caregivers may want to obtain and compare to the local school district's policy and rules.

Corporal punishment (physical discipline) is not strictly prohibited under Florida law. Caregivers who do not agree with the use of physical punishment must file a written statement from the relative child's doctor with the school on the day of enrollment. This statement must indicate that the punishment is detrimental to the relative child's mental or emotional stability. Beyond referrals to the principal's office, the first option for minor problems and disruptive students is usually in-school suspension. This program isolates the student from the regular classroom and continues study assignments in the school. In-school suspension may be in the same school the child attends or may require the child to attend an "alternative school" until the unacceptable behavior improves and the child can be returned to his or her regular school.

Other forms of discipline established by school policy may include out-of-school suspension or expulsion. Children are entitled to a hearing when suspensions last longer than 10 days or in cases of expulsion.

Are there any school food programs?

All schools have lunch available, and breakfast is provided in some schools. If the caregiver's family receives food stamps, the relative child will be eligible for a free lunch and breakfast. For families not receiving food stamps, the household income must meet guidelines before the relative child will receive a free or reduced-cost meal. Every child, regardless of income, is required to complete a form regarding eligibility. If the relative child is a foster child, he or she should receive free meals. Be sure to indicate on the application that the child is a foster child.

Tip for Relatives: School law is complicated. Do not hesitate to get legal advice when difficulties continue despite your efforts to follow the suggestions in this handbook.

Part VII: Kinship Care and the Future

Most relative caregivers are concerned about raising the child in their custody, putting food on the table, educating their child, and getting through all of the changes in their lives. Many relative caregivers also think and worry about what will happen to their relative children in the future. The following questions may help in thinking about such issues and in asking the right questions and providing the right information when you go to see a lawyer.

What is a will?

A will is an important legal document. It tells the people who survive you exactly what you want to happen with your property and your money. You may think you don't need a will if you have little property or money, but that is not necessarily the case. Even if you have only a car, some furniture, and your Social Security death benefit, if you don't write down your wishes in a will, two things will happen. First, passing your property and money on to someone else may become quite complicated. Second, a person not chosen by you may wind up with your property and money, leaving your relative child with nothing.

If you don't have a will, you die "intestate." Your property and money will go to people designated by Florida law, starting with your spouse and your natural and adoptive children. If you do not have a surviving spouse or children, your property will pass to more distant relatives. In some cases, where there are no known surviving relatives, your property may go to the State of Florida. If you have adopted a relative children, he or she will be considered your child. But if you have only legal guardianship, long-term relative custody, or a Family Court order, your relative child will be considered only if your closer heirs do not survive you.

Several specific requirements must be met in order for a will to be valid. It is always best to obtain the assistance of an attorney when preparing a will.

What is a testamentary guardianship?

Some states use the term "testamentary guardian," but Florida uses the term "preneed guardian." Preneed guardians were previously explained in Part II. A preneed guardian can be named in a will or in a separate document containing the following information:

- Identifying information about you;
- Identifying information about who you wish to take care of the children in the event of your death;
- Each child's full name as it appears on the birth certificate or as ordered by a court, date of birth, and social security number; and
- The signatures of two witnesses present at the same time.

You **must** file this document in the office of the Clerk of the Circuit Court.

Tip for Relatives: This document is simple enough for you to do without a lawyer, but you must file it at the Circuit Court clerk's office. Keep a copy for yourself. It is also a good idea to give a copy to the person you want to become the child's guardian after your death.

What is a standby guardian?

Standby guardians were also described in Part II. Appointing a standby guardian is more complicated than designating a preneed guardian. If you are going to Probate Court to establish a guardianship anyway, you may want to have a standby guardian appointed at the same time. A major difference between a preneed guardian and a standby guardian is that the court must appoint the standby guardian after a petition has been filed.

What is a trust?

A trust is a legal arrangement in which property and money is held and managed by a competent adult or financial institution (the "trustee") for the benefit of another (the "beneficiary"). In the case of a relative child, the child would be the beneficiary. To properly establish a trust, you should consult with an attorney, who can help you select an appropriate trustee. If you fail to select a trustee prior to your death, the court will appoint one, and the cost of the court proceedings may be paid from the trust's assets, thus using up some of the assets you intended to leave to the child. The trustee cannot use trust assets for his or her personal benefit; trust assets are for the exclusive benefit of the beneficiary. Still, because the trustee holds the legal title to trust assets, it is important to choose someone you trust.

What is a life insurance policy?

A life insurance policy naming your relative child as the beneficiary will provide your relative child with a set amount of money after you die. This will provide the child with immediate cash to take care of living expenses and other financial needs, perhaps even college tuition. Life insurance money does not automatically become part of your estate, so if you have concerns about how the money will be managed after your death, you should consult with an attorney to make sure appropriate legal arrangements are made.

Some employers provide life insurance. Life insurance can also be purchased from a life insurance company, usually by paying a monthly premium. There are many different insurance companies and many different plans from which to choose. Be sure to shop around. A common crime is insurance fraud upon the elderly. If you are in doubt about an insurance company trying to sell you life insurance, check with the Better Business Bureau in your community or the Division of Consumer Affairs in Tallahassee before buying or signing an agreement to buy life insurance.

Tip for Relatives: Wills, guardianships, life estates, and trusts are complicated matters. You should have a lawyer assist you with all of these. Be sure to keep copies of all these important documents in a safe place.

What about the future of the law itself?

Laws that are made by the legislature in Tallahassee change all the time. This handbook is based on the law as it exists today. Relative caregivers should stay on top of changes in the law and seek legal advice whenever they are in doubt.

Part VIII: Kinship Care and Legal Representation

Many of the issues discussed in this handbook are complicated. Caregivers often wonder whether they need a lawyer. This section attempts to address common questions.

Do I really need the legal system?

Like it or not, the legal system is a very important part of the kinship caregiving experience. You will probably have to use the legal system if the child remains with you for more than a short time in order to obtain the legal documents that will allow you to provide medical care or enroll the child in school. Sometimes you will be involved in the legal system in order to protect the child from harm, and you will definitely need the legal system to plan for the child's future. The best approach to the legal system is to be prepared with good information.

Do I really need a lawyer?

Because the issues discussed in the handbook can be quite complicated, you will do better if you are represented by a lawyer. Lawyers help people in various ways. You may want a lawyer only for consultation and advice. Armed with a little advice in some areas, especially in applying for public benefits or talking to the school guidance counselor about special education, you can often handle the matter on your own. Sometimes, though, if you have tried on your own and not succeeded, a lawyer can help you resolve the problem more quickly.

In other, more technical areas such as wills, trusts, and guardianships, it is difficult to succeed without a lawyer. The best advice is that you hire a lawyer to make sure that your intent is carried out and that all of the requirements set by law are satisfied.

And finally, you may need a lawyer to actually represent you in court, whether it is Probate Court for a guardianship, Family Court for a custody or visitation problem, or Dependency Court because the child has been abused, neglected, or abandoned. Some people try to represent themselves in these matters, but most people do better with a lawyer.

What can I expect from my lawyer?

A lawyer is required to follow ethical rules in order to keep their license to practice law. These duties include confidentiality, zealous advocacy, loyalty to the client, timely handling of legal matters, timely and appropriate communication with clients, and, of course, meeting all deadlines.

Every lawyer should sign an agreement with you, even if the lawyer is representing you for free. This agreement should spell out exactly what you can expect of the lawyer and what the lawyer will expect of you. For example, the lawyer will want you to disclose all important information, to come to your appointments or the court on time, to sign for the receipt of important documents, to help make all important decisions in the case, and to pay your legal bill. This agreement is called a “retainer.”

You should go to your first appointment with all the important facts about your case and any papers you think would help the lawyer understand the situation more quickly. Dates of birth of relative children, locations of the child’s parents, court orders, applications for services you have made, and all letters from the agencies where you have applied for services are all good things to take with you.

You should feel comfortable asking your lawyer every possible question about your case. If you do not feel comfortable, feel free to shop around for another lawyer before you sign a retainer. A good way to find a lawyer is to ask your friends, co-workers, church members, and support groups about lawyers they would recommend.

If, after a lawyer starts representing you, you become dissatisfied, be sure to first discuss your concerns with the lawyer. If your concerns continue, you can fire the lawyer and hire someone else. If the lawyer has done something wrong in your case, you can make a complaint to The Florida Bar. The complaint must be in writing on a form provided by The Florida Bar. You may obtain the form by downloading it from the internet at www.flabar.org or by calling the Attorney Consumer Assistance Program at 1-866-352-0707.

Tip for Relatives: Many lawyers have legal specialties, such as adoption, family law matters, abuse and neglect matters, trusts and estates, guardianships, public benefits, and/or education law. Ask about these specialties and look for a lawyer in the right specialty area. And be sure to ask the lawyer how much experience they have with the type of issue for which you are seeking help. A good place to look is the Florida Bar Referral Service.

Where can I go for free or low cost legal representation?

You may be able to get good legal help even if you cannot afford to hire a lawyer. The best source of legal representation is the Legal Services or Legal Aid office. These lawyers specialize in areas of the law which are in great demand by low income people, including but not limited to family and dependency law, public benefits law, domestic violence, housing, consumer law, and education law. If you qualify for their services, you will not be charged a fee. A list of these offices is provided in this handbook following Part IX.

Because Legal Services and Legal Aid cannot handle every request for representation, they have established Pro Bono Projects. Pro Bono means “for the public good.” Through these projects, private attorneys may agree to take cases referred by Legal Services or Legal Aid offices for free. Call and ask your Legal Services or Legal Aid office if you are eligible for a pro bono attorney. Also, many law schools have legal clinics in which law students, supervised by an experienced attorney, represent people with low incomes. If there is a law school near you, call and ask if they have a legal clinic or any other program that can assist you.

Finally, just about every county in Florida has a bar association. They are generally listed in the phone book by the name of county followed by “Bar Association,” such as “Hillsborough County Bar Association” or “Broward County Bar Association.” The bar association may be able to refer you to lawyers by specialty. The main lawyer referral services in Florida are listed following Part IX of this handbook.

Tip for Relatives: Lawyers must do their best in every case, whether or not you can afford to pay. Do not be shy about talking to the lawyer or the lawyer’s supervisor if you are unhappy with the service you are getting.

Part IX: Conclusion

This handbook is designed to give basic answers to some of the most common questions asked by relative caregivers. In parting, the following advice will help you manage the vital role you are playing in the life of your relative child:

- Keep good records. Keep legal documents in a safe place and make sure a relative or friend has copies. Take these documents with you to all appointments with DCF, the court, your lawyer, the school, and any service provider.
- Ask questions of DCF workers, the judge, your lawyer, and service providers. Write down your questions and the answers you are given. Every question is important. If you don’t understand the answer, ask for clarification.
- If you don’t get your problem resolved at the first level, ask to speak to a supervisor.
- Keep a notebook handy and document all dates, times, activities, and decisions regarding the child. Do this even at times when all seems to be going well. You may need this information the next time you go to court or even a year or two later.
- Be sure to give full, accurate information to everyone who might help you. Even a small detail can change the outcome completely.
- Ask for the full name and telephone for every DCF worker, lawyer, and service provider who is assisting you. Ask for business cards. Record this information in your notebook.
- Different rules apply when judges are involved. Do not contact the judge out of court. The judge cannot talk to one party when the other parties are not present, and if you write to the judge, he or she will give copies of what you write to the other parties.
- Join a support group. Meeting others in similar situations will help you cope. Support groups can also help you figure out the questions to ask of your DCF worker, the lawyer, the judge, and service providers. Support groups can also help you locate resources.
- Contact the Kinship Care Warmline at **1-800-640-6444** for information and support, and review the Florida Kinship Center’s website at www.flkin.org.

Remember: *You are needed and appreciated.*

Florida Bar-Sponsored Lawyer Referral Service Offices

Broward County Bar Association Lawyer Referral Service

Area(s) Served: Broward County; Miami-Dade County

Phone: (954) 764-8310; (305) 350-5297

Clearwater Bar Association Lawyer Referral Service

Area(s) Served: North Pinellas County

Phone: (727) 461-4880

Collier County Bar Association Lawyer Referral Service

Area(s) Served: Collier County

Phone: (239) 252-8138

Escambia-Santa Rosa Bar Association Lawyer Referral Service

Area(s) Served: Escambia and Santa Rosa Counties

Phone: (850) 434-6009

Hillsborough County Bar Association Lawyer Referral Service

Area(s) Served: Hillsborough County

Phone: (813) 221-7780

Jacksonville Bar Association Lawyer Referral Service

Area(s) Served: Duval, Clay, Nassau, and Baker Counties

Phone: (904) 399-5780

Lee County Bar Association Lawyer Referral Service

Area(s) Served: Lee County

Phone: (239) 334-4491

Orange County Bar Association Lawyer Referral Service

Area(s) Served: Orange County

Phone: (407) 422-4537

Palm Beach County Bar Association Lawyer Referral Service

Area(s) Served: Palm Beach County

Phone: (561) 687-3266; (561) 451-3256

St. Petersburg Bar Association Lawyer Referral Service

Area(s) Served: South Pinellas County

Phone: (727) 821-5450

Tallahassee Bar Association Lawyer Referral Service

Area(s) Served: Leon, Gadsden, Wakulla, Liberty, Franklin, and Jefferson Counties

Phone: (850) 681-0601

The Florida Bar Lawyer Referral Service

Area(s) Served: All other counties not covered by a local bar association lawyer referral service

Phone: (800) 342-8011 / (850) 561-5844

Legal Aid Offices

ALACHUA

Three Rivers Legal Services, Inc.
901 N.W. Eight Ave.
Gainesville 32601.....(352) 372-0519

BAKER

Three Rivers Legal Services, Inc.
(see DUVAL)

BAY

Legal Services of North Florida, Inc.
221 E. 23rd Street, Suite B
Panama City 32405.....(850) 769-3581

BRADFORD

Three Rivers Legal Services
(See ALACHUA)

BREVARD

Brevard County Legal Aid
1017 S. Florida Ave.
Rockledge 32955.....(321) 631-2500

BROWARD

Legal Aid Services of Broward County, Inc.
491 N. State Road 7
Plantation, FL 33617...(954) 765-8950

Coast to Coast Legal Aid of South FL, Inc.
491 N. State Road 7
Plantation, FL 33617...(954) 760-2400

CALHOUN

Legal Services of North Florida, Inc.
(See GADSDEN)

CHARLOTTE

Florida Rural Legal Services, Inc.
350 E. Marion Avenue, Suite A1017
Punta Gorda 33950.....(941) 505-9007

Florida Immigrant Advocacy Center
(see COLLIER)

CITRUS

Community Legal Services of Mid-FL
106 N. Osceola Avenue
Inverness 34450.....(352) 726-8512

CLAY

Jacksonville Area Legal Aid
1107 Middleburg Avenue
Green Cove Springs 32043..(866) 284-8410

Three Rivers Legal Services, Inc.
(see DUVAL)

COLLIER

Florida Rural Legal Services, Inc.
212 S. 1st St.
PO Box 1109
Immokalee 34143-1109..(800) 476-3681

COLUMBIA

Three Rivers Legal Services, Inc.
334 N.W. Lake City Ave
Lake City 32056...(386) 752-5960;
Toll-free (800) 495-0039

DESOTO

Florida Rural Legal Services, Inc.
(See LEE)

DIXIE

Three Rivers Legal Services, Inc.
(See COLUMBIA)

DUVAL

Jacksonville Area Legal Aid, Inc.
126 West Adams

Jacksonville 32202-4092.....(904) 356-8371
Toll-free (866) 356-8371

ESCAMBIA

Legal Services of North Florida, Inc.
118 South Baylen Street
Pensacola 32501.....(850) 432-8222

FLAGLER

Community Legal Services of Mid-FL
1105 US 1 South
Bunnell 32110.....(386) 437-7172

FRANKLIN

Legal Services of North Florida, Inc.
(See **LEON**)

GADSDEN

Legal Services of North Florida, Inc.
121 N. Jackson Street
Quincy 32351.....(850) 875-9881

GILCHRIST

Three Rivers Legal Services, Inc.
(See **ALACHUA**)

GLADES

Florida Rural Legal Services, Inc.
(See **COLLIER**)

GULF

Legal Services of North Florida, Inc.
(See **BAY**)

HAMILTON

Three Rivers Legal Services, Inc.
(See **COLUMBIA**)

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Director: Gloria Stern
PO Box 370705
Miami 33137.....(305) 576-5997

Opa Locka Neighborhood Office

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16405 N.W. 25th Avenue
Miami 33054.....(305) 620-6609

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(Wednesday 1:30-4:30p.m. only)
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