



Series 100: Case Management
Policy Name: **Rilya Wilson Act, Senate Bill 1318**
Policy Number: 124
Origination Date: 11/1/2013 **Revision Date:** 2/1/2019
Regulation: FL statute 39.604

Policy: This law requires coordination by department staff and Community-Based Care Provider staff with Local School Readiness Coalitions and licensed early education or child care providers. The activities required by the law are designed to ensure the safety and well-being of specified children who are receiving licensed early education or childcare services. The law also provides priority for childcare services for specified children who are at risk of abuse, neglect or abandonment. Additionally, the law requires a study of licensed early education and childcare services and how they may or may not enhance child safety.

Procedure:

Definition of Terms

1. **“Age three to School entry”** means a child from the date of his or her third birthday to the date that the child enters a public, private or charter school for the first time (i.e., for the purpose of attending kindergarten or primary school classes).
2. **“Children who are subject to this law”** or **“Child who is subject to this law”** means children age three to school entry who are under court ordered protective supervision or in the custody of the department or a community-based lead agency **and** are enrolled in a licensed early education or child care program.
3. **“Child’s residence”** means the location where the child is currently residing with a caregiver who is responsible for the day to day care of the child. This may be the child’s own home, the home of a relative or non-relative, a shelter or foster home, a residential group care facility, or any other setting where the child is currently residing.
4. **“Community-based lead agency”** means a contracted Community-Based Care Provider whose staff performs the functions of department staff.
5. **“Department”** means the Department of Children and Families, Child Welfare/CBC Program Office.
6. **“Excused absence”** means an absence in which the parent or caregiver with whom the child resides reports the child’s absence by the end of the business day on which the absence occurs.
7. **“Licensed early education or child care program”** means a program licensed by the state or local county licensing agency to provide early education or child care services to children during a portion of a 24 hour day.
8. **“Under court ordered protective supervision or in the custody of the department or a community-based lead agency”** means a child who has been ordered by the court to receive protective supervision services whether in his or her own home or in the home of a relative or non-relative, or a child who has been ordered by the court into the custody of the department or of a community-based lead agency (Community-Based Care Provider). **Note: The study of licensed early education and child care services that is mandated by this law is not limited to court ordered services, so the term used in the explanation of the study varies**

slightly. The differing terminology implies the inclusion of children under voluntary supervision for purposes of the study.

Child Attendance and Reporting Requirements

A child from birth to the age of school entry, under court ordered protective supervision or in the custody of the Family Safety Program Office of the department of Children and Families or a community based lead agency, and enrolled in a licensed early education program must attend the program 5 days a week, unless the court grants an exemption due to the court determining it is in the best interest of a child from birth to age 3 years who is with a stay-at-home-caregiver or a caregiver who works less than full time.

Notwithstanding s.39.202, the Department of Children and Families must notify operators of the licensed early education or child care program, subject to the reporting requirements of this act, of the enrollment of any from birth to the age of school entry, under court ordered protective supervision or in the custody of the Family Safety Program Office of the Department of Children and Families or a community based lead agency.

When a child is enrolled in an early education or child care program regulated by the department, the child's attendance in the program must be a required action in the safety plan or the case plan developed for a child pursuant to this chapter.

The following information provides the requirements of the law for the children who are subject to the law, as well as guidance regarding how it should be implemented.

1. Each child who is subject to this law must participate in licensed early education or child care services at least five days a week, unless exempted by the court.
 - a. When preparing the case plan and petitioning the court in regard to acceptance of the case plan, it is important to determine if there is a need for an exception to the five day requirement (e.g., limited transportation, work schedule, involvement in therapy or treatment services).
 - b. c. Unless there is an overriding need, the case plan and court order should not cite a specific licensed early education or child care program. This will avoid the necessity of amending the case plan and court order if a change in programs is necessary.
2.
 - a. Each circuit/region must coordinate with the Local School Readiness Coalitions to establish procedures for sharing the information required by this act. Direct notification by the child's Child Welfare or community-based lead agency dependency case manager is encouraged for purposes of efficiency and timeliness.
 - b. c. The information should be provided to the operator of the licensed early education or child care program or to the director of the particular location where the child is enrolled. The procedures established by the circuit/region should ensure that management personnel at these programs who are knowledgeable about the child's attendance on a day to day basis are the individuals who are provided the information.
 - d. For purposes of confidentiality, care must be taken to notify only designated staff at the early education or child care program or service location.

3. Children who are subject to this law cannot be withdrawn from the program without the prior written approval of the department or the community-based lead agency.
 - a. The child's Child Welfare or community-based lead agency dependency case manager must provide a signed document verifying for the operator of the licensed early education or childcare program or to the director of the particular location where the child is enrolled that approval to cease attendance or reduce the weekly-required number of days attendance is approved.
 - b. The child's dependency case manager should consult with his or her supervisor prior to granting the approval.
 - c. Prior to reducing the weekly required number of days a child is to attend licensed early education or child care services, or prior to ceasing such services, the court must approve an amended case plan or issue an order that recognizes the change in requirements, unless services to the child are ceasing due to the initiation of school entry.
 - d. If the child is ceasing services at a licensed early education or child care program to initiate school entry, court approval prior to ceasing attendance is not required. However, the court should be petitioned to modify the case plan and court order as soon as practicable.
 - e. If the child is ceasing services at one program and will be attending another licensed early education or child care program for the weekly required number of days ordered by the court, court approval is not required, unless the case plan or court order cite the specific program the child is attending.
4. Providers of licensed early education or child care services are to notify the local designated departmental or community-based lead agency staff following each unexcused absence or seven consecutive excused absences for a child who is subject to this law.
 - a. The licensed early education or child care program must report absences by the end of the business day following an unexcused absence or a seventh consecutive excused absence.
 - b. The absences should be reported to the child's Child Welfare or community-based lead agency designated contact. This contact is the placement department at the community based care lead agency. The placement department then forwards the information to designated contacts for the case management organizations and Department of Children and Families staff.
 - c. Procedures established in coordination with the Local School Readiness Coalitions should specify how this notification is to occur.
5. For a child who is subject to this law, the child's Child Welfare or community-based lead agency dependency case manager must make a site visit to the child's residence following two consecutive reports of unexcused absences or a report of seven consecutive excused absences
 - a. To ensure the safety and well being of the child and determine whether or not the child is missing, the site visit to the child's residence should be made within one business day following receipt of the notification of absences.
 - b. When the child is determined to be missing, the child's dependency case manager must notify local law enforcement and initiate established procedures for locating missing children.
 - c. When the child is determined to not be missing, the parent or caregiver with whom the child resides must be informed that failure to ensure that the child attends the licensed early education or child care program is a violation of the case plan.



6. When more than two site visits are conducted due to the requirements of this act, the child's Child Welfare or community-based lead agency dependency case manager must notify the court of the parent or caregiver's noncompliance with the case plan. Court notification must occur whether or not the child is determined to be missing.

Local Procedures for Implementing Child Attendance and Reporting Requirements

Each circuit/region is to establish local procedures to ensure that the requirements of the Rilya Wilson Act are implemented. This includes actions regarding case planning and court orders and coordination with the Local School Readiness and child care programs. The procedures must also include information gathering activities associated with children who are subject to this law. These procedures may be circuit/region wide, county specific or multi-county within a circuit/region, depending on the most effective approach for the child welfare/community-based lead agency staff and the Local School Readiness Coalitions.

Though this law addresses only licensed early education or child care programs, if there are extraordinary circumstances that result in a child's participation in unlicensed care, the procedures must address how the child's referral and attendance will be tracked along with children in licensed care. Licensed programs are the first choice for care and unlicensed care is allowed only by exception. This exception may be made when no licensed programs are available within close proximity to work or home. In this case, the counselor must document the justification for using an unlicensed provider and the dependency case manager's supervisor must approve the use of unlicensed care.

1. The procedures must include the following direction for children from birth to the age of school entry who are determined to need early education or childcare services:
 - a. Petitions, Court Orders and Case Plans.
 - (1) Instruction in drafting case plans and petitions that are consistent and document the number of days per week the child is to attend care.
 - (2) Guidance in ensuring that case plans are consistent with court orders in regard to the number of days a child is to attend care
 - (3) Guidance in ensuring that court orders are fully complied with in regard to the number of days per week a child is to attend care.
 - b. Notification of Early Education or Child Care Providers.
 - (1) Forms and procedures to ensure that notification of a child's attendance is clearly communicated to a provider.
 - (2) Instruction on ensuring confidentiality regarding the at-risk status of referred children is maintained.
 - (a) Guidance regarding which Child Welfare/community-based lead agency staff will make the notification.
 - (b) Guidance regarding which provider personnel is to be notified.
 - c. Ensuring attendance is maintained as planned.



- (1) Forms and procedures for authorizing the withdrawal from, or reduction in the number of days a child is to attend, a program.
 - (2) Guidance on when and how the court is to be petitioned regarding a withdrawal from or reduction in the number of days a child is to attend a program.
 - (3) Guidance regarding actions that may be required when a child changes from one provider to another and any required court actions.
- d. Notification of Child Absences.
- (1) Forms and procedures for providers to notify Child Welfare/community-based lead agency staff of absences from care as required by the law.
 - (2) Guidance on the tracking of unexcused absences by Child Welfare/community-based lead agency staff to ensure that appropriate actions are taken after two consecutive unexcused absences.
 - (3) Guidance on the tracking of excused absences by early education and child care providers to ensure that timely notification of seven consecutive excused absences is made as required.
- e. Site Visits and Court Notification.
- (1) Instruction on required site visits following two reported consecutive unexcused absences or a report of seven consecutive excused absences to ensure the visits are timely.
 - (2) Guidance in instructing families of the importance of complying with the case plan when a site visit is required pursuant to the law.
 - (3) Guidance in initiating established procedures for locating missing children when a site visit results in a determination that a child is missing.
 - (4) Instruction in notifying the court of the family's noncompliance with the case plan following two site visits made due to reported absences.



Priority for Child Care:

This act amends s. 411.01(6), F.S., to provide priority for participation in the school readiness program for children age 3 to school entry who are served by the department or a community-based lead agency pursuant to Chapter 39, F.S. and for whom child care is needed to minimize risk of further abuse, neglect or abandonment.

1. This priority is not limited to children who are under court ordered protective supervision or in the custody of the department or a community-based lead agency, so children under voluntary supervision are included.
2. The department does not anticipate a significant increase in the number of at-risk children referred for licensed early education or child care services as a result of this specified priority for children age three to school entry.
3. Children who are recipients of a Temporary Cash Assistance (TCA) grant through the Economic Self-Sufficiency Program (ESS) have the first priority for early education and child care services through the Local School Readiness Coalitions. This is due to a federal requirement that emphasizes the need for child care services for children who are on public assistance.

Priority Choice of child care settings for licensed out of home caregivers

Child care. Child care for children in licensed out-of-home care shall be chosen by the caregiver(s) according to the following order:

1. Gold Seal accredited child care providers or providers participating in a quality rating system;
2. Licensed child care providers;
3. Public school providers;

Approved: Carol Deloach
Carol Deloach, CEO