



**Child Care Requirements for Children Described  
In the Rilya Wilson Act**

<b><u>Department Name</u></b> Quality Management		
<b><u>CHAPTER:</u></b>	<b><u>SUBJECT:</u></b> Rilya Wilson Act Child Care Requirements	<b><u>POLICY NUMBER:</u></b> <b><u>QM-005</u></b>
<b><u>APPROVAL:</u></b>	<b><u>EFFECTIVE DATE:</u></b> 7/8/2005	<b><u>REPLACES:</u></b> No previous policy

- I. **PURPOSE:** This operating procedure establishes the steps to be followed when children, aged between three and school entry who are enrolled in an early education or day care program, are taken into custody of the Children’s Network of SW Florida, Inc.
- II. **REVIEW HISTORY:** New Policy
- III.
- IV. **CONTACT:** Quality Management Department
- V. **PERSONS AFFECTED:** Children’s Network staff and contracted providers
- VI. **POLICY:** It is the policy of the Children’s Network of Southwest Florida to comply with the guidelines set by Florida Statute 39.604, the Rilya Wilson Act.
- VII. **RATIONALE:** The Children's Network of Southwest Florida will ensure the safety and well-being of children who are under the supervision of Department of Children and Families and its community-based care providers by mandating child care for children subject to the applicable statute.
- VIII. **CROSS REFERENCES:**  
Florida Statute, Chapter 39.604
- IX. **DEFINITIONS:**
  - A. “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.
  - B. Case management organization is the contracted agency that provides case management services to dependent children and their families.

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- C. "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, a residential group care facility, or any setting where the child is currently residing.
- D. "Community based lead agency" means the Children's Network of Southwest Florida.
- E. "Department" means the Department of Children and Family Services, Child Welfare/CBC program office.
- F. "Excused absence" means an absence from child care in which the parent or caregiver with whom the child resides reports the child's absence to the child care provider by the end of the business day on which the absence occurs.
- G. "Unexcused absence" means an absence from child care in which the parent or caregiver with whom the child resides does not report the child's absence to the child care provider by the end of the business day on which the absence occurs.
- H. "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
- I. "Under court ordered protective supervision or in the custody of the department or a community based care 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.

**IX. PROCEDURES:**

A. The Rilya Wilson Act specifies certain requirements in regard to children ages 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. The following provides the requirements of the law for the children who are subject to the law:

1. Each child who is subject to this law must participate in licensed early education or child care services at least five (5) days a week, unless exempted by the court.
2. The community based lead agency's case management organization must notify the operator of a licensed early education or child care program whenever a child who is subject to this law is enrolled in the program.
3. Children who are subject to this law cannot be withdrawn from the program without the prior written approval of the community based lead agency's case management organization.
4. Providers of licensed early education or child care services are to notify the local designated community based lead agency staff following each

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unexcused absence or seven consecutive excused absences for a child who is subject to this law.

5. For a child who is subject to this law, the child's child welfare 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 to determine whether or not the child is missing.

6. When more than two site visits are conducted due to the requirements of this act, the child's community based lead agency case manager must notify the court whether or not the child is determined to be missing.

B. The following direction must be adhered to for children age three to school entry who are determined to need early education or child care services:

1. Petitions, Court Orders, and Case Plans:

- a. When preparing the case plan and petitioning the court in regards to acceptance of the case plan, it is necessary to determine if there is a need for an exception to the five day requirement (eg. limited transportation, work schedule, involvement in therapy or treatment services). Case plans and petitions must be consistent and document the number of days per week the child is to attend care. 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.
- b. In order to ensure that case plans are consistent with court orders, they will contain the following standard language, relative to children subject to this law:

*The custodian/caregiver/parent shall ensure that (name of child(ren)) attend(s) a licensed child care or early education program a minimum of \_\_\_\_\_ days per week (the law requires five days a week unless exempted by the court and a court order indicates otherwise). Any absences from the program must be reported to the designated individual at the program by the end of the business day on which the absence occurs or it will be considered unexcused. Any unexcused absence or seven consecutive absences will be reported by the provider to the Community Based Care lead agency. Upon notification of two unexcused absences or seven consecutive excused absences a site visit to the child(ren)s residence will be conducted. The custodian/caregiver/parent shall notify the individual CMO of changes in any court approved early*

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*education/daycare arrangements. The child(ren) shall not be withdrawn from the program without prior written approval of the CMO or the Community Based Care lead agency. The court will be notified after it is necessary to conduct two site visits due to the custodian/caregiver/parent(s) failure to ensure the child(ren) attend the program.*

*The child welfare case manager shall ensure that the operator of the licensed early education or childcare program is aware of the requirements of the Rilya Wilson Act and of the (Child(ren)s names) participation in the program. The child welfare case manager will comply with all requirements of the Rilya Wilson Act including making required site visits after two unexcused absences or seven consecutive excused absences. If the child is missing the child welfare case manager will report the missing child to the local law enforcement office and taking the necessary actions to locate the child pursuant to the procedures for locating missing children as well as notifying the court after having to conduct two site visits due to the child(ren)s failure to attend the program as indicated in the case plan or court order.*

- c. Child welfare case managers are responsible for ensuring that caretakers fully comply with court orders in regard to the number of days per week a child is to attend care. The case manager shall ensure that the operator of the licensed early education or child care program is aware of the requirements of the Rilya Wilson Act and the names of the children who are to participate in the program. The case manager will comply with all requirements of the Rilya Wilson Act, including
  - (1) making required site visits after two unexcused absences or seven consecutive excused absences,
  - (2) reporting the child as missing to law enforcement if the case manager is unable to determine the whereabouts of the child and
  - (3) taking the necessary steps to locate the child pursuant to the procedures for locating missing children and notify the court after two site visits due to the child(ren)'s failure to attend the program as indicated in this case plan or court order.

C. Notification to the early education or child care providers and the parent/caregiver:

1. In order to ensure that notification of a child's attendance is clearly communicated to the early learning/child care provider and the parent/caregiver for the child, the case

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manager must complete a "Notification of Child Who Is Subject To Rilya Wilson Act" form (See Exhibit I) and a "Parent or Caregiver Notification" (See exhibit II). Within three (3) days of the child being enrolled in the program, or becoming subject to this law, the completed referral form must be sent to the named operator of the licensed early education or child care program. A copy of the completed forms (Exhibit I and II) must be maintained in the child's case file. The names and addresses of all licensed early education/child care programs can be obtained from the Department's licensing unit.

2. In order to ensure that confidentiality regarding the at-risk status of referred children is maintained, the following must occur:
  - a. Only the Case Management Organization case manager or the supervisor will make the notification to the provider.
  - b. Only the named operator or his/her in-charge designee is to be notified of the child's at risk status.
  - c. The "Notification of Child Who is Subject To Rilya Wilson Act" form contains written notice that the confidentiality regarding the child's at risk status must be maintained.

D. In order to ensure attendance is maintained as planned, the children who are subject to this law cannot be withdrawn from or have a reduction in the number of days the child is to attend the program, without the prior written approval of the individual case management organization and the court.

1. The child's case manager must provide a signed document verifying for the operator/in-charge designee of the licensed early education/child care program where the child is enrolled that approval to cease attendance or reduce weekly required number of days of attendance is approved. The applicable "Authorization to Withdraw/Reduce Number of Days for Child Who Is Subject to Rilya Wilson Act" form (Attachment III) must be completed and signed by the case manager and his/her supervisor. This completed and signed form must be sent to the provider/operator/in-charge designee as such required verification. A copy of the completed form must be maintained in the child's case file.
2. The child's case manager must consult with his or her supervisor prior to granting approval. Such consultation must be documented in HomeSafenet chronological notes, within 48 hours of the consult.

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3. 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.
  4. 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 must be petitioned to modify the case plan and court order as soon as possible.
  5. 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.
- E. In order to ensure the case manager is aware of all significant child absences, the provider of the licensed early education or child care program is to notify the local designated community based care lead agency's staff following each unexcused absence or seven consecutive excused absences for a child who is subject to this law.
1. The licensed early education or child care program operator/in-charge designee must report absences by the end of the business day following an unexcused absence or the seventh consecutive absence.
  2. The absences must be reported to the community based care lead agency using the **Absence Alert form (Exhibit IV)**.
  3. The licensed early learning/child care provider must complete, sign and send the "Notification of Absences of Child Who Is Subject To Rilya Wilson Act" form (Attachment V) to the community based care lead agency, in order to notify the case manager of significant child absences as required by the law. This notification must be sent to the community based care lead agency on the first business day following an unexcused absence or seven consecutive days of excused absences, as required by the law.
  4. Unexcused absences and consecutive excused absences of seven or more days must be tracked by the community based care lead agency to ensure that appropriate actions are taken as required by law.
  5. Unexcused absences and consecutive excused absences of seven or more days must be tracked by early education/child care providers to ensure that timely

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notification of absences is made to the community based care lead agency as required by law.

F. For a child who is subject to this law, the child's case manager must make visit to the child's residence following two (2) consecutive reports of unexcused absences or a report of seven (7) consecutive excused absences, to determine whether or not the child is missing.

1. Following two reported consecutive unexcused absences or a report of seven consecutive excused absences, the case manager must make a site visit to the child's residence within one (1) business day following receipt of the notification of absences to ensure the safety and well being of the child.
2. During the site visit the case manager is required to instruct the custodian/caregiver/parent of the importance of complying with the case plan and that failure to ensure that the child attends the licensed early education or child care program is a violation of the case plan. The case manager must document in HomeSafenet chronological notes within 48 hours that such instruction was provided to the custodian/caregiver/parent.
3. When a site visit results in a determination that a child is missing, the case manager must notify law enforcement within four (4) hours, complete a missing child report form within twenty-four (24) hours and initiate established procedures for locating missing children.
4. In addition to the aforementioned reporting requirements when there is a missing child, the case manager will complete an incident report.
5. The case manager's efforts to locate the child will occur at a minimum, weekly for the first three months a child is missing and monthly for every additional month thereafter. These efforts will include contacting the family, legal custodian, relatives, GAL, provider agencies, friends, schools and law enforcement. Efforts to locate must be documented explicitly in HomeSafenet and in all judicial review reports.
6. The court must be notified of the family's non-compliance with the case plan following two site visits made due to reported absences. The court notification must occur whether or not the child is determined to be missing. The court will be kept informed at judicial review hearings of the custodian/caregiver/parental compliance related to applicable case plan tasks and compliance with the law.

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**EXHIBITS:**

- Exhibit I (Provider Alert)
- Exhibit II (Parent/Caregiver Notification)
- Exhibit III (Change Alert)
- Exhibit IV (Absence Alert)

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