

# Big Bend Community Based Care Policy & Procedure

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**Series:** 500: Special Populations  
**Policy Name:** Rilya Wilson Act Child Care Requirements  
**Policy Number:** 508  
**Origination Date:** 03/09/2009 **Revised:** Board Meeting of 12/13/2018  
**Regulation:** 39.604, F.S.  
65C-13.030, F.A.C.

## Referenced Documents:

500-508 x 1, Notification of Child Who Is Subject To Rilya Wilson Act Form  
500-508 x 2, Authorization to Withdraw/Reduce Number of Days for Child Who Is Subject to Rilya Wilson Act Form  
500-508 x 3, Parent or Caregiver Notification Form

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## Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to comply with the guidelines set forth in the Rilya Wilson Act.

## Procedure

### A. General.

1. The Rilya Wilson Act specifies certain requirements in regard to children birth to school entry who are under court-ordered protective supervision or in the custody of DCF or BBCBC and are already enrolled in licensed early education or childcare program. The following requirements apply:
  - a. Each child who is subject to this law must attend licensed early education or childcare services at least five (5) days a week, unless exempted by the court.
  - b. In order to ensure attendance is maintained as planned, the children who are subject to this law cannot be withdrawn from or have a reduction in the number of days the child is to attend the program, without the prior written approval of the individual Case Management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 (CMO) and the court.
  - c. The CMO must notify the operator of a licensed early education or childcare program whenever a child who is subject to this law is enrolled in this program by completing the appropriate ELC childcare referral form and *Notification of Child Who is Subject to Rilya Wilson Act Form*.
  - d. When a child is enrolled in an early education or childcare program the child's attendance must be a required action in the safety plan or case plan.
  - e. If a child is absent from the childcare program on a day when he or she is supposed to be present, the caregiver must report the absence by the end of the day to the childcare program for the absence to be excused. If the absence is not reported it will be considered unexcused. The program shall report to the local designated staff of DCF or the CMO by the end of the business day following the unexcused absence or seventh consecutive excused absence.
  - f. The CMO shall conduct a home visit and make face-to-face contact with the child upon receiving a report of two (2) consecutive unexcused absences or seven (7) consecutive

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- excused absences. If the site visit results in a determination that the child is missing, the Department or community-based lead agency shall report the child as missing to a law enforcement agency and proceed with the necessary actions to locate the child pursuant to procedures for locating missing children.
- g.** If the home visit results in a determination that the child is not missing, the parent or caregiver shall be notified that failure to ensure that the child attends the licensed early education or childcare program is a violation of the safety plan or the case plan. If an absence is not reported on two (2) or more occasions then staff shall initiate action to notify the court of the parent or caregiver's noncompliance with the case plan.
  - h.** Completion of the home visit or attempted home visit will be documented in FSFN.
- 2.** The following directions must be adhered to for children birth to school entry who are determined to need early education or child care services:
- a.** Petitions, Court Orders, Safety Plans and Case Plans:
    - i.** Determine if there is a need for an exception to the requirement that the child must participate five (5) days per week.
    - ii.** Case plans and petitions must be consistent and document the number of days per week the child is to attend care.
  - b.** DCMs are responsible for ensuring that caretakers fully comply with court orders or safety plans in regard to the number of days per week a child is to attend care.
    - i.** The DCM shall ensure that the operator of the licensed early education or childcare program is aware of the requirements of the Rilya Wilson Act and the names of the children who are to participate in the program.
    - ii.** The DCM will comply with all requirements of the Rilya Wilson Act, including:
      - a)** Making required site visits after two (2) unexcused absences or seven (7) consecutive excused absences;
      - b)** Reporting the child as missing to law enforcement if the DCM is unable to determine the whereabouts of the child and taking the necessary steps to locate the child pursuant to the procedures for locating missing children;
      - c)** Notify the court after two (2) site visits due to the child(ren)'s failure to attend the program as indicated in this case plan or court order.

## **B. Choosing an Early Learning or Child Care Center for Children in Licensed Care.**

- 1.** Childcare for children in licensed out-of-home care should be chosen by the foster parent(s) according to the following order:
  - a.** Gold-seal accredited childcare provider or provider participating in a quality rating system;
  - b.** Licensed child care providers;
  - c.** Public school providers;
  - d.** License-exempt child care providers, as long as the provider is participating in the school readiness program through the local early learning coalition.

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## C. Withdrawal Notification.

1. In order to ensure that notification of the child's attendance requirements are clearly communicated to the early learning/child care provider and the parent/caregiver for the child, the DCM must complete a *"Notification of Child Who is Subject To Rilya Wilson Act"* form and a *"Parent or Caregiver Notification"*. A copy of the completed forms must be maintained in the child's case record.
  - a. The child's DCM must consult with his or her supervisor prior to granting approval. Such consultation must be documented in FSN.
  - b. 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.
  - c. The application *"Authorization to Withdraw/Reduce Number of Days for Child Who Is Subject to Rilya Wilson Act"* form must be completed and signed by the DCM 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.
  - d. If the child is ceasing services at a licensed early education or childcare 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 or court order if it cites the specific program the child is attending.