



# Rilya Wilson Act

## Frequently Asked Questions

*"The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems. It is the intent of the Legislature that children who are currently in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect, or abandonment." – Section 39.604(2), Florida Statutes*

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Section 39.604, Florida Statutes is also known as the "Rilya Wilson Act," which states, in part: "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 or child care program must attend the program 5 days a week."

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**Q1:** What age group does the Rilya Wilson Act cover?

**A1:** The Rilya Wilson Act applies **only** to children who are age 0-to-school entry.

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**Q2:** How does Rilya Wilson affect or impact school-age children?

**A2:** In accordance with normalcy and the prudent parent standard, after-school, holiday, and summer care programs for school-age children are a **choice** the caregiver can make and are not impacted by Rilya Wilson.

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**Q3:** Does the change in law mean the child **must attend** an early education or child care program?

**A3:** No, the Act does not require all children to be enrolled in child care. If a child is not already enrolled at the time of placement with a caregiver, the child does not automatically have to be enrolled.

- All caregivers (regardless of whether they are licensed) who have a child placed with them who already is enrolled in licensed child care or early education at the time of placement, **must** send the child to the child care program **5 days per week**.
  - All caregivers (regardless of whether they are licensed) who choose to enroll the child in licensed care after placement, **must** send the child to the child care program **5 days per week**.
  - If the child is enrolled as part of his/her safety plan or case plan (in court-ordered protective services or the custody of the Department), all caregivers (regardless of whether they are licensed) **must** send the child to the child care program **5 days per week**.
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**Q4:** Is a non-licensed caregiver (relative, non-relative) required to enroll or keep enrolled, a child placed with them, in early education or child care program?

**A4:** Non-licensed caregivers (relative, non-relative) who have a child placed with them whether or not already enrolled in a licensed child care at the time of placement can choose to send the child to **any** early education or child care program of their choosing. However, enrollment is not required unless it is a part of his or her case plan or safety plan. All caregivers (regardless of whether they are licensed) who choose to enroll the child in licensed care after placement **must** send the child to the child care program **5 days per week**. The Department recommends caregivers consider Gold Seal-accredited child care providers or providers participating in a

quality rating system; licensed child care providers; public school providers; and license-exempt child care providers (religious exempt, registered and non-public schools) who are participating in the school readiness program through the local early learning coalition.

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**Q5:** What if my child is not already in child care?

**A5:** Licensed caregivers who have a child placed with them who is not already enrolled in licensed child care at the time of placement can choose to send the child to a child care program. If that child is enrolled in a child care program, the child must attend a child care program (5 days a week) based on the requirements in rule 65C-13, Florida Administrative Code (F.A.C.).

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**Q6:** What if the child is already enrolled in an early education or child care program that is not in line with the priority choices outlined in rule 65C-13.030, F.A.C.?

**A6:** A child already enrolled in an early education or child care program that does not meet the requirements in rule 65C-13.030, F.A.C., may remain in the program to promote consistency and security.

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39.604 Rilya Wilson Act; short title; legislative intent; requirements; attendance and reporting responsibilities. —

(1) **SHORT TITLE.**—This section may be cited as the “Rilya Wilson Act.”

(2) **LEGISLATIVE INTENT.**—The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems. It is the intent of the Legislature that children who are currently in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect, or abandonment.

(3) **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 or child care program must attend the program 5 days a week. 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 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. 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 the child pursuant to this chapter. An exemption to participating in the licensed early education or child care program 5 days a week may be granted by the court.

(4) **ATTENDANCE AND REPORTING REQUIREMENTS.**—

(a) A child enrolled in a licensed early education or child care program who meets the requirements of subsection (3) may not be withdrawn from the program without the prior written approval of the Family Safety Program Office of the Department of Children and Families or the community-based lead agency.

(b)1. If a child covered by this section is absent from the program on a day when he or she is supposed to be present, the person with whom the child resides must report the absence to the program by the end of the business day. If the person with whom the child resides, whether the parent or caregiver, fails to timely report the absence, the absence is considered to be unexcused. The program shall report any unexcused absence or seven consecutive excused absences of a child who is enrolled in the program and covered by this act to the local designated staff of the Family Safety Program Office of the Department of Children and Families or the community-based lead agency by the end of the business day following the unexcused absence or seventh consecutive excused absence.

2. The department or community-based lead agency shall conduct a site visit to the residence of the child upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences.

3. 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.

4. If the site 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 child care program is a violation of the safety plan or the case plan. If more than two site visits are conducted pursuant to this subsection, staff shall initiate action to notify the court of the parent or caregiver's noncompliance with the case plan.

History.—s. 1, ch. 2003-292; s. 21, ch. 2014-19; s. 16, ch. 2014-224.

For further questions or additional information on this subject, please contact:

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