

1 A bill to be entitled
2 An act relating to independent living; amending s.
3 39.013, F.S.; providing that when the court obtains
4 jurisdiction over a child who has been found to be
5 dependent, the court retains jurisdiction until the
6 child reaches a certain age; providing exceptions;
7 amending s. 39.6013, F.S.; conforming a cross-
8 reference; creating s. 39.6035, F.S.; requiring the
9 Department of Children and Families, the community-
10 based care provider, and others to assist a child in
11 developing a transition plan after the child reaches a
12 specified age and requiring a meeting to develop the
13 plan; specifying requirements and procedures for the
14 transition plan; requiring periodic review of the
15 transition plan; requiring the court to approve the
16 transition plan before the child leaves foster care
17 and the court terminates jurisdiction; creating s.
18 39.6251, F.S.; providing definitions; providing that a
19 young adult may remain in foster care under certain
20 circumstances after attaining 18 years of age;
21 specifying criteria for extended foster care;
22 providing that the permanency goal for a young adult
23 who chooses to remain in care is transition from care
24 to independent living; specifying dates for
25 eligibility for a young adult to remain in extended
26 foster care; providing for supervised living
27 arrangements in extended foster care; authorizing a
28 young adult to return to foster care under certain

29 | circumstances; specifying services that must be
30 | provided to the young adult; directing the court to
31 | retain jurisdiction and hold review hearings; amending
32 | s. 39.701, F.S.; revising judicial review of foster
33 | care cases; making technical changes; providing
34 | criteria for review hearings for children younger than
35 | 18 years of age; providing criteria for review
36 | hearings for children 17 years of age; requiring the
37 | department to verify that the child has certain
38 | documents; requiring the department to update the case
39 | plan; providing for review hearings for young adults
40 | in foster care; amending s. 409.145, F.S.; requiring
41 | the department to develop and implement a system of
42 | care for children in foster care; specifying the goals
43 | of the foster care system; requiring the department to
44 | assist foster care caregivers to achieve quality
45 | parenting; specifying the roles and responsibilities
46 | of caregivers, the department, and others; providing
47 | for transition from a caregiver; requiring information
48 | sharing; providing for the adoption and use of a
49 | reasonable and prudent parent standard; defining
50 | terms; providing for the application for the standard
51 | of care; providing for limiting liability of
52 | caregivers; specifying foster parent room and board
53 | rates; authorizing community-based care service
54 | providers to pay a supplemental monthly room and board
55 | payment to foster parents for providing certain
56 | services; directing the department to adopt rules;

57 deleting obsolete provisions; amending s. 409.1451,
58 F.S.; providing for the Road-to-Independence program;
59 providing legislative findings and intent; providing
60 for postsecondary services and support; specifying
61 aftercare services; providing for appeals of a
62 determination of eligibility; providing for
63 portability of services across county lines and
64 between lead agencies; providing for accountability;
65 requiring a report to the Legislature; creating the
66 Independent Living Services Advisory Council;
67 providing for membership and specifying the duties and
68 functions of the council; requiring reports and
69 recommendations; providing for a young adult to retain
70 personal property; requiring the department to
71 document enrollment of eligible young adults in
72 Medicaid; directing the department to adopt rules;
73 amending s. 409.175, F.S.; allowing young adults
74 remaining in care to be considered in the total number
75 of children placed in a foster home; amending s.
76 409.903, F.S.; conforming a cross-reference; requiring
77 the department to acquire postsecondary educational
78 campus coaching positions for certain purposes;
79 providing for a network coordinator to provide
80 oversight; providing for a transfer of services;
81 providing an effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:
84

85 Section 1. Subsection (2) of section 39.013, Florida
86 Statutes, is amended to read:

87 39.013 Procedures and jurisdiction; right to counsel.—

88 (2) The circuit court has exclusive original jurisdiction
89 of all proceedings under this chapter, of a child voluntarily
90 placed with a licensed child-caring agency, a licensed child-
91 placing agency, or the department, and of the adoption of
92 children whose parental rights have been terminated under this
93 chapter. Jurisdiction attaches when the initial shelter
94 petition, dependency petition, or termination of parental rights
95 petition, or a petition for an injunction to prevent child abuse
96 issued pursuant to s. 39.504, is filed or when a child is taken
97 into the custody of the department. The circuit court may assume
98 jurisdiction over any such proceeding regardless of whether the
99 child was in the physical custody of both parents, was in the
100 sole legal or physical custody of only one parent, caregiver, or
101 some other person, or was not in the physical or legal custody
102 of any person when the event or condition occurred that brought
103 the child to the attention of the court. When the court obtains
104 jurisdiction of any child who has been found to be dependent,
105 the court shall retain jurisdiction, unless relinquished by its
106 order, until the child reaches 21 ~~18~~ years of age, with the
107 following exceptions:

108 (a) If a young adult chooses to leave foster care upon
109 reaching 18 years of age, the court shall relinquish
110 jurisdiction.

111 (b) If a young adult does not meet the eligibility
112 requirements to remain in foster care under s. 39.6251, the
113 court shall relinquish jurisdiction.

114 (c) However, If a young adult ~~youth~~ petitions the court at
115 any time before his or her 19th birthday requesting the court's
116 continued jurisdiction, the juvenile court may retain
117 jurisdiction under this chapter for a period not to exceed 1
118 year following the young adult's ~~youth's~~ 18th birthday for the
119 purpose of determining whether appropriate ~~aftercare support,~~
120 ~~Road to Independence Program, transitional support, mental~~
121 ~~health, and developmental disability services~~ that were required
122 to be provided to the young adult, ~~to the extent otherwise~~
123 ~~authorized by law, have been provided to the formerly dependent~~
124 ~~child who was in the legal custody of the department immediately~~
125 ~~before his or her 18th birthday~~ were provided.

126 (d) If a petition for special immigrant juvenile status
127 and an application for adjustment of status have been filed on
128 behalf of a foster child and the petition and application have
129 not been granted by the time the child reaches 18 years of age,
130 the court may retain jurisdiction over the dependency case
131 solely for the purpose of allowing the continued consideration
132 of the petition and application by federal authorities. Review
133 hearings for the child shall be set solely for the purpose of
134 determining the status of the petition and application. The
135 court's jurisdiction terminates upon the final decision of the
136 federal authorities. Retention of jurisdiction in this instance
137 does not affect the services available to a young adult under s.

138 409.1451. The court may not retain jurisdiction of the case
 139 after the immigrant child's 22nd birthday.

140 Section 2. Subsection (6) of section 39.6013, Florida
 141 Statutes, is amended to read:

142 39.6013 Case plan amendments.—

143 (6) The case plan is deemed amended as to the child's
 144 health, mental health, and education records required by s.
 145 39.6012 when the child's updated health and education records
 146 are filed by the department under s. 39.701(2)(a) ~~39.701(8)(a)~~.

147 Section 3. Section 39.6035, Florida Statutes, is created
 148 to read:

149 39.6035 Transition plan.—

150 (1) During the 180-day period after a child reaches 17
 151 years of age, the department and the community-based care
 152 provider, in collaboration with the caregiver and any other
 153 individual who the child would like to include, shall assist the
 154 child in developing a transition plan. The required transition
 155 plan is in addition to standard case management requirements.
 156 The transition plan must address specific options for the child
 157 to use in obtaining services, including housing, health
 158 insurance, education, and workforce support and employment
 159 services. The plan must also consider establishing and
 160 maintaining naturally occurring mentoring relationships and
 161 other personal support services. The transition plan may be as
 162 detailed as the child chooses. In developing the transition
 163 plan, the department and the community-based provider shall:

164 (a) Provide the child with the documentation required
 165 pursuant to s. 39.701(2).

166 (b) Coordinate the transition plan with the independent
167 living provisions in the case plan and, for a child with a
168 disability, the Individuals with Disabilities Education Act
169 transition plan.

170 (2) The department and the child shall schedule a time,
171 date, and place for a meeting to assist the child in drafting
172 the transition plan. The time, date, and place must be
173 convenient for the child and any individual who the child would
174 like to include. This meeting shall be conducted in the child's
175 primary language.

176 (3) The transition plan shall be reviewed periodically
177 with the child, the department, and other individuals of the
178 child's choice and updated when necessary before each judicial
179 review so long as the child or young adult remains in care.

180 (4) If a child is planning to leave care upon reaching 18
181 years of age, the transition plan must be approved by the court
182 before the child leaves care and the court terminates
183 jurisdiction.

184 Section 4. Section 39.6251, Florida Statutes, is created
185 to read:

186 39.6251 Continuing care for young adults.-

187 (1) As used in this section, the term "child" means an
188 individual who has not attained 21 years of age and the term
189 "young adult" means an individual who has attained 18 years of
190 age but who has not attained 21 years of age.

191 (2) The primary goal for a child in care is permanency. A
192 child who is living in licensed care on his or her 18th birthday
193 and who has not achieved permanency under s. 39.621 is eligible

194 to remain in licensed care under the jurisdiction of the court
195 and in the care of the department. A child is eligible to remain
196 in licensed care if he or she is:

197 (a) Completing secondary education or a program leading to
198 an equivalent credential;

199 (b) Enrolled in an institution that provides postsecondary
200 or vocational education;

201 (c) Participating in a program or activity designed to
202 promote or eliminate barriers to employment;

203 (d) Employed for at least 80 hours per month; or

204 (e) Unable to participate in programs or activities listed
205 in paragraphs (a)-(d) full time due to a physical, intellectual,
206 emotional, or psychiatric condition that limits participation.

207 Any such barrier to participation must be supported by
208 documentation in the child's case file or school or medical
209 records of a physical, intellectual, or psychiatric condition
210 that impairs the child's ability to perform one or more life
211 activities. This decision is to be made by the department, and
212 is subject to judicial review.

213 (3) The permanency goal for a young adult who chooses to
214 remain in care is transition from licensed care to independent
215 living.

216 (4) (a) The young adult must reside in a supervised living
217 environment that is approved by the department or a community-
218 based care lead agency. The young adult shall live independently
219 but in an environment in which he or she is provided
220 supervision, case management, and supportive services by the
221 department or lead agency. Such an environment must offer

222 developmentally appropriate freedom and responsibility to
223 prepare the young adult for adulthood. For the purposes of this
224 subsection, a supervised living arrangement may include a
225 licensed foster home, licensed group home, college dormitory,
226 shared housing, apartment, or another housing arrangement if the
227 arrangement is approved by the community-based care lead agency
228 and is acceptable to the young adult, with first choice being a
229 licensed foster home. A young adult may continue to reside with
230 the same licensed foster family or group care provider with whom
231 he or she was residing at the time he or she reached the age of
232 18 years.

233 (b) Before approving the residential setting in which the
234 young adult will live, the department or community-based care
235 lead agency must ensure that:

236 1. The young adult will be provided with a level of
237 supervision consistent with his or her individual education,
238 health care needs, permanency plan, and independent living goals
239 as assessed by the department or lead agency with input from the
240 young adult. Twenty-four hour onsite supervision is not
241 required; however, 24-hour crisis intervention and support must
242 be available.

243 2. The young adult will live in an independent living
244 environment that offers, at a minimum, life skills instruction,
245 counseling, educational support, employment preparation and
246 placement, and development of support networks. The
247 determination of the type and duration of services shall be
248 based on the young adult's assessed needs, interests, and input

249 and must be consistent with the goals set in the young adult's
250 case plan.

251 (5) Eligibility for a young adult to remain in extended
252 foster care ends on the earliest of the dates that the young
253 adult:

254 (a) Reaches 21 years of age or, in the case of a young
255 adult with a disability, reaches 22 years of age;

256 (b) Leaves care to live in a permanent home consistent
257 with his or her permanency plan; or

258 (c) Knowingly and voluntarily withdraws his or her consent
259 to participate in extended care. Withdrawal of consent to
260 participate in extended care shall be verified by the court
261 pursuant to s. 39.701, unless the young adult refuses to
262 participate in any further court proceeding.

263 (6) A young adult who has reached 18 years of age but is
264 not yet 21 years of age and who has left care may return to care
265 by applying to the community-based care lead agency for
266 readmission. The community-based care lead agency shall readmit
267 the young adult if he or she continues to meet the eligibility
268 requirements of this section.

269 (a) The department shall develop a standard procedure and
270 application packet for readmission to care to be used by all
271 community-based care lead agencies.

272 (b) Within 30 days after the young adult has been
273 readmitted to care, the community-based care lead agency shall
274 assign a case manager to update the case plan and the transition
275 plan and to arrange for the required services. Such activities
276 shall be undertaken in consultation with the young adult. The

277 department shall petition the court to reinstate jurisdiction
278 over the young adult.

279 (7) During each period of time that a young adult is in
280 care, the community-based care lead agency shall provide regular
281 case management reviews that must include at least monthly
282 contact with the case manager. If a young adult lives outside
283 the service area of his or her community-based care lead agency,
284 monthly contact may occur by telephone.

285 (8) During the time that a young adult is in care, the
286 court shall maintain jurisdiction to ensure that the department
287 and the lead agencies are providing services and coordinate
288 with, and maintain oversight of, other agencies involved in
289 implementing the young adult's case plan, individual education
290 plan, and transition plan. The court shall review the status of
291 the young adult at least every 6 months and hold a permanency
292 review hearing at least annually. The court may appoint a
293 guardian ad litem or continue the appointment of a guardian ad
294 litem with the young adult's consent. The young adult or any
295 other party to the dependency case may request an additional
296 hearing or review.

297 (9) The department shall establish a procedure by which a
298 young adult may appeal a determination of eligibility to remain
299 in care that was made by a community-based care lead agency. The
300 procedure must be readily accessible to young adults, must
301 provide for timely decisions, and must provide for an appeal to
302 the department. The decision of the department constitutes final
303 agency action and is reviewable by the court as provided in s.
304 120.68.

305 Section 5. Section 39.701, Florida Statutes, is amended to
306 read:

307 39.701 Judicial review.—

308 (1) GENERAL PROVISIONS.—

309 (a) The court shall have continuing jurisdiction in
310 accordance with this section and shall review the status of the
311 child at least every 6 months as required by this subsection or
312 more frequently if the court deems it necessary or desirable.

313 (b) The court shall retain jurisdiction over a child
314 returned to his or her parents for a minimum period of 6 months
315 following the reunification, but, at that time, based on a
316 report of the social service agency and the guardian ad litem,
317 if one has been appointed, and any other relevant factors, the
318 court shall make a determination as to whether supervision by
319 the department and the court's jurisdiction shall continue or be
320 terminated.

321 (c) 1.~~(2)~~~~(a)~~ The court shall review the status of the child
322 and shall hold a hearing as provided in this part at least every
323 6 months until the child reaches permanency status. The court
324 may dispense with the attendance of the child at the hearing,
325 but may not dispense with the hearing or the presence of other
326 parties to the review unless before the review a hearing is held
327 before a citizen review panel.

328 2.~~(b)~~ Citizen review panels may conduct hearings to review
329 the status of a child. The court shall select the cases
330 appropriate for referral to the citizen review panels and may
331 order the attendance of the parties at the review panel
332 hearings. However, any party may object to the referral of a

333 case to a citizen review panel. Whenever such an objection has
334 been filed with the court, the court shall review the substance
335 of the objection and may conduct the review itself or refer the
336 review to a citizen review panel. All parties retain the right
337 to take exception to the findings or recommended orders of a
338 citizen review panel in accordance with Rule 1.490(h), Florida
339 Rules of Civil Procedure.

340 3.~~(e)~~ Notice of a hearing by a citizen review panel must
341 be provided as set forth in paragraph (f) ~~subsection (5)~~. At the
342 conclusion of a citizen review panel hearing, each party may
343 propose a recommended order to the chairperson of the panel.
344 Thereafter, the citizen review panel shall submit its report,
345 copies of the proposed recommended orders, and a copy of the
346 panel's recommended order to the court. The citizen review
347 panel's recommended order must be limited to the dispositional
348 options available to the court in paragraph (2) (d) ~~subsection~~
349 ~~(10)~~. Each party may file exceptions to the report and
350 recommended order of the citizen review panel in accordance with
351 Rule 1.490, Florida Rules of Civil Procedure.

352 (d)1.~~(3)(a)~~ The initial judicial review hearing must be
353 held no later than 90 days after the date of the disposition
354 hearing or after the date of the hearing at which the court
355 approves the case plan, whichever comes first, but in no event
356 shall the review be held later than 6 months after the date the
357 child was removed from the home. Citizen review panels may ~~shall~~
358 not conduct more than two consecutive reviews without the child
359 and the parties coming before the court for a judicial review.

360 2.~~(b)~~ If the citizen review panel recommends extending the
361 goal of reunification for any case plan beyond 12 months from
362 the date the child was removed from the home, the case plan was
363 adopted, or the child was adjudicated dependent, whichever date
364 came first, the court must schedule a judicial review hearing to
365 be conducted by the court within 30 days after receiving the
366 recommendation from the citizen review panel.

367 3.~~(e)~~ If the child is placed in the custody of the
368 department or a licensed child-placing agency for the purpose of
369 adoptive placement, judicial reviews must be held at least every
370 6 months until the adoption is finalized.

371 4.~~(d)~~ If the department and the court have established a
372 formal agreement that includes specific authorization for
373 particular cases, the department may conduct administrative
374 reviews instead of the judicial reviews for children in out-of-
375 home care. Notices of such administrative reviews must be
376 provided to all parties. However, an administrative review may
377 not be substituted for the first judicial review, and in every
378 case the court must conduct a judicial review at least every 6
379 months. Any party dissatisfied with the results of an
380 administrative review may petition for a judicial review.

381 5.~~(e)~~ The clerk of the circuit court shall schedule
382 judicial review hearings in order to comply with the mandated
383 times cited in this section.

384 6.~~(f)~~ In each case in which a child has been voluntarily
385 placed with the licensed child-placing agency, the agency shall
386 notify the clerk of the court in the circuit where the child
387 resides of such placement within 5 working days. Notification of

388 the court is not required for any child who will be in out-of-
389 home care no longer than 30 days unless that child is placed in
390 out-of-home care a second time within a 12-month period. If the
391 child is returned to the custody of the parents before the
392 scheduled review hearing or if the child is placed for adoption,
393 the child-placing agency shall notify the court of the child's
394 return or placement within 5 working days, and the clerk of the
395 court shall cancel the review hearing.

396 (e)~~(4)~~ The court shall schedule the date, time, and
397 location of the next judicial review during the judicial review
398 hearing and shall list same in the judicial review order.

399 (f)~~(5)~~ Notice of a judicial review hearing or a citizen
400 review panel hearing, and a copy of the motion for judicial
401 review, if any, must be served by the clerk of the court upon
402 all of the following persons, if available to be served,
403 regardless of whether the person was present at the previous
404 hearing at which the date, time, and location of the hearing was
405 announced:

406 1.~~(a)~~ The social service agency charged with the
407 supervision of care, custody, or guardianship of the child, if
408 that agency is not the movant.

409 2.~~(b)~~ The foster parent or legal custodian in whose home
410 the child resides.

411 3.~~(c)~~ The parents.

412 4.~~(d)~~ The guardian ad litem for the child, or the
413 representative of the guardian ad litem program if the program
414 has been appointed.

415 5.~~(e)~~ The attorney for the child.

416 6.~~(f)~~ The child, if the child is 13 years of age or older.

417 7.~~(g)~~ Any preadoptive parent.

418 8.~~(h)~~ Such other persons as the court may direct.

419 (g)~~(6)~~ The attorney for the department shall notify a
420 relative who submits a request for notification of all
421 proceedings and hearings pursuant to s. 39.301(14) (b). The
422 notice shall include the date, time, and location of the next
423 judicial review hearing.

424 ~~(7)(a) In addition to paragraphs (1)(a) and (2)(a), the~~
425 ~~court shall hold a judicial review hearing within 90 days after~~
426 ~~a youth's 17th birthday. The court shall also issue an order,~~
427 ~~separate from the order on judicial review, that the disability~~
428 ~~of nonage of the youth has been removed pursuant to s. 743.045.~~
429 ~~The court shall continue to hold timely judicial review hearings~~
430 ~~thereafter. In addition, the court may review the status of the~~
431 ~~child more frequently during the year prior to the youth's 18th~~
432 ~~birthday if necessary. At each review held under this~~
433 ~~subsection, in addition to any information or report provided to~~
434 ~~the court, the foster parent, legal custodian, guardian ad~~
435 ~~litem, and the child shall be given the opportunity to address~~
436 ~~the court with any information relevant to the child's best~~
437 ~~interests, particularly as it relates to independent living~~
438 ~~transition services. In addition to any information or report~~
439 ~~provided to the court, the department shall include in its~~
440 ~~judicial review social study report written verification that~~
441 ~~the child:~~

442 ~~1. Has been provided with a current Medicaid card and has~~
443 ~~been provided all necessary information concerning the Medicaid~~

444 ~~program sufficient to prepare the youth to apply for coverage~~
445 ~~upon reaching age 18, if such application would be appropriate.~~

446 ~~2. Has been provided with a certified copy of his or her~~
447 ~~birth certificate and, if the child does not have a valid~~
448 ~~driver's license, a Florida identification card issued under s.~~
449 ~~322.051.~~

450 ~~3. Has been provided information relating to Social~~
451 ~~Security Insurance benefits if the child is eligible for these~~
452 ~~benefits. If the child has received these benefits and they are~~
453 ~~being held in trust for the child, a full accounting of those~~
454 ~~funds must be provided and the child must be informed about how~~
455 ~~to access those funds.~~

456 ~~4. Has been provided with information and training related~~
457 ~~to budgeting skills, interviewing skills, and parenting skills.~~

458 ~~5. Has been provided with all relevant information related~~
459 ~~to the Road to Independence Program, including, but not limited~~
460 ~~to, eligibility requirements, forms necessary to apply, and~~
461 ~~assistance in completing the forms. The child shall also be~~
462 ~~informed that, if he or she is eligible for the Road to~~
463 ~~Independence Program, he or she may reside with the licensed~~
464 ~~foster family or group care provider with whom the child was~~
465 ~~residing at the time of attaining his or her 18th birthday or~~
466 ~~may reside in another licensed foster home or with a group care~~
467 ~~provider arranged by the department.~~

468 ~~6. Has an open bank account, or has identification~~
469 ~~necessary to open an account, and has been provided with~~
470 ~~essential banking skills.~~

471 ~~7. Has been provided with information on public assistance~~
472 ~~and how to apply.~~

473 ~~8. Has been provided a clear understanding of where he or~~
474 ~~she will be living on his or her 18th birthday, how living~~
475 ~~expenses will be paid, and what educational program or school he~~
476 ~~or she will be enrolled in.~~

477 ~~9. Has been provided with notice of the youth's right to~~
478 ~~petition for the court's continuing jurisdiction for 1 year~~
479 ~~after the youth's 18th birthday as specified in s. 39.013(2) and~~
480 ~~with information on how to obtain access to the court.~~

481 ~~10. Has been encouraged to attend all judicial review~~
482 ~~hearings occurring after his or her 17th birthday.~~

483 ~~(b) At the first judicial review hearing held subsequent~~
484 ~~to the child's 17th birthday, in addition to the requirements of~~
485 ~~subsection (8), the department shall provide the court with an~~
486 ~~updated case plan that includes specific information related to~~
487 ~~independent living services that have been provided since the~~
488 ~~child's 13th birthday, or since the date the child came into~~
489 ~~foster care, whichever came later.~~

490 ~~(c) At the time of a judicial review hearing held pursuant~~
491 ~~to this subsection, if, in the opinion of the court, the~~
492 ~~department has not complied with its obligations as specified in~~
493 ~~the written case plan or in the provision of independent living~~
494 ~~services as required by s. 409.1451 and this subsection, the~~
495 ~~court shall issue a show cause order. If cause is shown for~~
496 ~~failure to comply, the court shall give the department 30 days~~
497 ~~within which to comply and, on failure to comply with this or~~
498 ~~any subsequent order, the department may be held in contempt.~~

499 (2) ~~(8)~~ REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS
 500 OF AGE.—

501 (a) Social study report for judicial review.—Before every
 502 judicial review hearing or citizen review panel hearing, the
 503 social service agency shall make an investigation and social
 504 study concerning all pertinent details relating to the child and
 505 shall furnish to the court or citizen review panel a written
 506 report that includes, but is not limited to:

507 1. A description of the type of placement the child is in
 508 at the time of the hearing, including the safety of the child
 509 and the continuing necessity for and appropriateness of the
 510 placement.

511 2. Documentation of the diligent efforts made by all
 512 parties to the case plan to comply with each applicable
 513 provision of the plan.

514 3. The amount of fees assessed and collected during the
 515 period of time being reported.

516 4. The services provided to the foster family or legal
 517 custodian in an effort to address the needs of the child as
 518 indicated in the case plan.

519 5. A statement that either:

520 a. The parent, though able to do so, did not comply
 521 substantially with the case plan, and the agency
 522 recommendations;

523 b. The parent did substantially comply with the case plan;
 524 or

525 c. The parent has partially complied with the case plan,
526 with a summary of additional progress needed and the agency
527 recommendations.

528 6. A statement from the foster parent or legal custodian
529 providing any material evidence concerning the return of the
530 child to the parent or parents.

531 7. A statement concerning the frequency, duration, and
532 results of the parent-child visitation, if any, and the agency
533 recommendations for an expansion or restriction of future
534 visitation.

535 8. The number of times a child has been removed from his
536 or her home and placed elsewhere, the number and types of
537 placements that have occurred, and the reason for the changes in
538 placement.

539 9. The number of times a child's educational placement has
540 been changed, the number and types of educational placements
541 which have occurred, and the reason for any change in placement.

542 10. If the child has reached 13 years of age but is not
543 yet 18 years of age, a statement from the caregiver on the
544 progress the child has made in acquiring independent living
545 skills ~~the results of the preindependent living, life skills, or~~
546 ~~independent living assessment; the specific services needed; and~~
547 ~~the status of the delivery of the identified services.~~

548 11. Copies of all medical, psychological, and educational
549 records that support the terms of the case plan and that have
550 been produced concerning the parents or any caregiver since the
551 last judicial review hearing.

552 12. Copies of the child's current health, mental health,
553 and education records as identified in s. 39.6012.

554 (b) Submission and distribution of reports.—

555 1. A copy of the social service agency's written report
556 and the written report of the guardian ad litem must be served
557 on all parties whose whereabouts are known; to the foster
558 parents or legal custodians; and to the citizen review panel, at
559 least 72 hours before the judicial review hearing or citizen
560 review panel hearing. The requirement for providing parents with
561 a copy of the written report does not apply to those parents who
562 have voluntarily surrendered their child for adoption or who
563 have had their parental rights to the child terminated.

564 2.(e) In a case in which the child has been permanently
565 placed with the social service agency, the agency shall furnish
566 to the court a written report concerning the progress being made
567 to place the child for adoption. If the child cannot be placed
568 for adoption, a report on the progress made by the child towards
569 alternative permanency goals or placements, including, but not
570 limited to, guardianship, long-term custody, long-term licensed
571 custody, or independent living, must be submitted to the court.
572 The report must be submitted to the court at least 72 hours
573 before each scheduled judicial review.

574 3.(d) In addition to or in lieu of any written statement
575 provided to the court, the foster parent or legal custodian, or
576 any preadoptive parent, shall be given the opportunity to
577 address the court with any information relevant to the best
578 interests of the child at any judicial review hearing.

579 (c)-(9) Review determinations.—The court and any citizen
580 review panel shall take into consideration the information
581 contained in the social services study and investigation and all
582 medical, psychological, and educational records that support the
583 terms of the case plan; testimony by the social services agency,
584 the parent, the foster parent or legal custodian, the guardian
585 ad litem or surrogate parent for educational decisionmaking if
586 one has been appointed for the child, and any other person
587 deemed appropriate; and any relevant and material evidence
588 submitted to the court, including written and oral reports to
589 the extent of their probative value. These reports and evidence
590 may be received by the court in its effort to determine the
591 action to be taken with regard to the child and may be relied
592 upon to the extent of their probative value, even though not
593 competent in an adjudicatory hearing. In its deliberations, the
594 court and any citizen review panel shall seek to determine:

595 1.(a) If the parent was advised of the right to receive
596 assistance from any person or social service agency in the
597 preparation of the case plan.

598 2.(b) If the parent has been advised of the right to have
599 counsel present at the judicial review or citizen review
600 hearings. If not so advised, the court or citizen review panel
601 shall advise the parent of such right.

602 3.(e) If a guardian ad litem needs to be appointed for the
603 child in a case in which a guardian ad litem has not previously
604 been appointed or if there is a need to continue a guardian ad
605 litem in a case in which a guardian ad litem has been appointed.

606 4.~~(d)~~ Who holds the rights to make educational decisions
607 for the child. If appropriate, the court may refer the child to
608 the district school superintendent for appointment of a
609 surrogate parent or may itself appoint a surrogate parent under
610 the Individuals with Disabilities Education Act and s. 39.0016.

611 5.~~(e)~~ The compliance or lack of compliance of all parties
612 with applicable items of the case plan, including the parents'
613 compliance with child support orders.

614 6.~~(f)~~ The compliance or lack of compliance with a
615 visitation contract between the parent and the social service
616 agency for contact with the child, including the frequency,
617 duration, and results of the parent-child visitation and the
618 reason for any noncompliance.

619 7.~~(g)~~ The compliance or lack of compliance of the parent
620 in meeting specified financial obligations pertaining to the
621 care of the child, including the reason for failure to comply if
622 such is the case.

623 8.~~(h)~~ Whether the child is receiving safe and proper care
624 according to s. 39.6012, including, but not limited to, the
625 appropriateness of the child's current placement, including
626 whether the child is in a setting that is as family-like and as
627 close to the parent's home as possible, consistent with the
628 child's best interests and special needs, and including
629 maintaining stability in the child's educational placement, as
630 documented by assurances from the community-based care provider
631 that:

632 a.1.~~1.~~ The placement of the child takes into account the
633 appropriateness of the current educational setting and the

634 proximity to the school in which the child is enrolled at the
 635 time of placement.

636 ~~b.2.~~ The community-based care agency has coordinated with
 637 appropriate local educational agencies to ensure that the child
 638 remains in the school in which the child is enrolled at the time
 639 of placement.

640 9.(i) A projected date likely for the child's return home
 641 or other permanent placement.

642 10.(j) When appropriate, the basis for the unwillingness
 643 or inability of the parent to become a party to a case plan. The
 644 court and the citizen review panel shall determine if the
 645 efforts of the social service agency to secure party
 646 participation in a case plan were sufficient.

647 11.(k) For a child who has reached 13 years of age but is
 648 not yet 18 years of age, the adequacy of the child's preparation
 649 for adulthood and independent living.

650 12.(l) If amendments to the case plan are required.
 651 Amendments to the case plan must be made under s. 39.6013.

652 ~~(d)(10)(a)~~ Orders.-

653 1. Based upon the criteria set forth in paragraph (c)
 654 ~~subsection (9)~~ and the recommended order of the citizen review
 655 panel, if any, the court shall determine whether or not the
 656 social service agency shall initiate proceedings to have a child
 657 declared a dependent child, return the child to the parent,
 658 continue the child in out-of-home care for a specified period of
 659 time, or initiate termination of parental rights proceedings for
 660 subsequent placement in an adoptive home. Amendments to the case
 661 plan must be prepared as prescribed in s. 39.6013. If the court

662 finds that the prevention or reunification efforts of the
663 department will allow the child to remain safely at home or be
664 safely returned to the home, the court shall allow the child to
665 remain in or return to the home after making a specific finding
666 of fact that the reasons for the creation of the case plan have
667 been remedied to the extent that the child's safety, well-being,
668 and physical, mental, and emotional health will not be
669 endangered.

670 2.~~(b)~~ The court shall return the child to the custody of
671 the parents at any time it determines that they have
672 substantially complied with the case plan, if the court is
673 satisfied that reunification will not be detrimental to the
674 child's safety, well-being, and physical, mental, and emotional
675 health.

676 3.~~(e)~~ If, in the opinion of the court, the social service
677 agency has not complied with its obligations as specified in the
678 written case plan, the court may find the social service agency
679 in contempt, shall order the social service agency to submit its
680 plans for compliance with the agreement, and shall require the
681 social service agency to show why the child could not safely be
682 returned to the home of the parents.

683 4.~~(d)~~ If, at any judicial review, the court finds that the
684 parents have failed to substantially comply with the case plan
685 to the degree that further reunification efforts are without
686 merit and not in the best interest of the child, on its own
687 motion, the court may order the filing of a petition for
688 termination of parental rights, whether or not the time period

689 as contained in the case plan for substantial compliance has
690 expired.

691 5.~~(e)~~ Within 6 months after the date that the child was
692 placed in shelter care, the court shall conduct a judicial
693 review hearing to review the child's permanency goal as
694 identified in the case plan. At the hearing the court shall make
695 findings regarding the likelihood of the child's reunification
696 with the parent or legal custodian within 12 months after the
697 removal of the child from the home. If the court makes a written
698 finding that it is not likely that the child will be reunified
699 with the parent or legal custodian within 12 months after the
700 child was removed from the home, the department must file with
701 the court, and serve on all parties, a motion to amend the case
702 plan under s. 39.6013 and declare that it will use concurrent
703 planning for the case plan. The department must file the motion
704 within 10 business days after receiving the written finding of
705 the court. The department must attach the proposed amended case
706 plan to the motion. If concurrent planning is already being
707 used, the case plan must document the efforts the department is
708 taking to complete the concurrent goal.

709 6.~~(f)~~ The court may issue a protective order in
710 assistance, or as a condition, of any other order made under
711 this part. In addition to the requirements included in the case
712 plan, the protective order may set forth requirements relating
713 to reasonable conditions of behavior to be observed for a
714 specified period of time by a person or agency who is before the
715 court; and the order may require any person or agency to make

716 periodic reports to the court containing such information as the
717 court in its discretion may prescribe.

718 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

719 (a) In addition to the review and report required under
720 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
721 a judicial review hearing within 90 days after a child's 17th
722 birthday. The court shall also issue an order, separate from the
723 order on judicial review, that the disability of nonage of the
724 child has been removed pursuant to s. 743.045 and shall continue
725 to hold timely judicial review hearings. If necessary, the court
726 may review the status of the child more frequently during the
727 year before the child's 18th birthday. At each review hearing
728 held under this subsection, in addition to any information or
729 report provided to the court by the foster parent, legal
730 custodian, or guardian ad litem, the child shall be given the
731 opportunity to address the court with any information relevant
732 to the child's best interest, particularly in relation to
733 independent living transition services. The department shall
734 include in the social study report for judicial review written
735 verification that the child has:

736 1. A current Medicaid card and all necessary information
737 concerning the Medicaid program sufficient to prepare the child
738 to apply for coverage upon reaching the age of 18, if such
739 application is appropriate.

740 2. A certified copy of the child's birth certificate and a
741 valid driver license or, if the child does not have a valid
742 driver license, a Florida identification card issued under s.
743 322.051.

744 3. A social security card and information relating to
745 social security insurance benefits if the child is eligible for
746 those benefits. If the child has received such benefits and they
747 are being held in trust for the child, a full accounting of
748 these funds must be provided and the child must be informed as
749 to how to access those funds.

750 4. All relevant information related to the Road-to-
751 Independence Program, including, but not limited to, eligibility
752 requirements, information on participation, and assistance in
753 gaining admission to the program. If the child is eligible for
754 the Road-to-Independence Program, he or she must be advised that
755 he or she may continue to reside with the licensed family home
756 or group care provider with whom the child was residing at the
757 time the child attained his or her 18th birthday, in another
758 licensed family home, or with a group care provider arranged by
759 the department.

760 5. An open bank account or the identification necessary to
761 open a bank account and to acquire essential banking and
762 budgeting skills.

763 6. Information on public assistance and how to apply for
764 public assistance.

765 7. A clear understanding of where he or she will be living
766 on his or her 18th birthday, how living expenses will be paid,
767 and the educational program or school in which he or she will be
768 enrolled.

769 8. Information related to the ability of the child to
770 remain in care until he or she reaches 21 years of age under s.
771 39.013.

772 9. A letter providing the dates that the child is under
773 the jurisdiction of the court.

774 10. When applicable, a letter stating that the child is in
775 compliance with financial aid documentation requirements.

776 11. The child's educational records.

777 12. The child's entire health and mental health records.

778 13. The process for accessing his or her case file.

779 14. A statement encouraging the child to attend all
780 judicial review hearings occurring after the child's 17th
781 birthday.

782 (b) At the first judicial review hearing held subsequent
783 to the child's 17th birthday, the department shall provide the
784 court with an updated case plan that includes specific
785 information related to the independent living skills that the
786 child has acquired since the child's 13th birthday, or since the
787 date the child came into foster care, whichever came later.

788 (c) If the court finds at the judicial review hearing that
789 the department has not met with its obligations to the child as
790 stated in the written case plan or in the provision of
791 independent living services, the court may issue an order
792 directing the department to show cause as to why it has not done
793 so. If the department cannot justify its noncompliance, the
794 court may give the department 30 days within which to comply. If
795 the department fails to comply within 30 days, the court may
796 hold the department in contempt.

797 (d) At the last review hearing before the child reaches 18
798 years of age, and in addition to the requirements of subsection
799 (2), the court shall:

- 800 1. Address whether the child plans to remain in foster
801 care, and, if so, ensure that the child's transition plan
802 includes a plan for meeting one or more of the criteria
803 specified in s. 39.6251.
- 804 2. Ensure that the transition plan includes a supervised
805 living arrangement under s. 39.6251.
- 806 3. Ensure the child has been informed of:
- 807 a. The right to continued support and services from the
808 department and the community-based care lead agency.
- 809 b. The right to request termination of dependency
810 jurisdiction and be discharged from foster care.
- 811 c. The opportunity to reenter foster care pursuant to s.
812 39.6251.
- 813 4. Ensure that the young adult, if he or she requests
814 termination of dependency jurisdiction and discharge from foster
815 care, has been informed of:
- 816 a. Services or benefits for which the young adult may be
817 eligible based on his or her former placement in foster care.
- 818 b. Services or benefits that may be lost through
819 termination of dependency jurisdiction.
- 820 c. Other federal, state, local, or community-based
821 services or supports available to him or her.
- 822 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—
823 During each period of time that a young adult remains in foster
824 care, the court shall review the status of the young adult at
825 least every 6 months and must hold a permanency review hearing
826 at least annually.

827 (a) The department and community-based care lead agency
828 shall prepare and submit to the court a report, developed in
829 collaboration with the young adult, which addresses the young
830 adult's progress in meeting the goals in the case plan. The
831 report must include progress information related to the young
832 adult's independent living plan and transition plan, if
833 applicable, and shall propose modifications as necessary to
834 further the young adult's goals.

835 (b) The court shall attempt to determine whether the
836 department and any service provider under contract with the
837 department are providing the appropriate services as provided in
838 the case plan.

839 (c) If the court believes that the young adult is entitled
840 under department policy or under a contract with a service
841 provider to additional services to achieve the goals enumerated
842 in the case plan, it may order the department to take action to
843 ensure that the young adult receives the identified services.

844 (d) The young adult or any other party to the dependency
845 case may request an additional hearing or judicial review.

846 (e) Notwithstanding the provisions of this subsection, if
847 a young adult has chosen to remain in extended foster care after
848 he or she has reached 18 years of age, the department may not
849 close a case and the court may not terminate jurisdiction until
850 the court finds, following a hearing, that the following
851 criteria have been met:

- 852 1. Attendance of the young adult at the hearing; or
853 2. Findings by the court that:

854 a. The young adult has been informed by the department of
855 his or her right to attend the hearing and has provided written
856 consent to waive this right; and

857 b. The young adult has been informed of the potential
858 negative effects of early termination of care, the option to
859 reenter care before reaching 21 years of age, the procedure for,
860 and limitations on, reentering care, and the availability of
861 alternative services, and has signed a document attesting that
862 he or she has been so informed and understands these provisions;
863 or

864 c. The young adult has voluntarily left the program, has
865 not signed the document in sub-subparagraph b., and is unwilling
866 to participate in any further court proceeding.

867 (f) In all permanency hearings or hearings regarding the
868 transition of the young adult from care to independent living,
869 the court shall consult with the young adult regarding the
870 proposed permanency plan, case plan, and individual education
871 plan for the young adult and ensure that he or she has
872 understood the conversation.

873 Section 6. Section 409.145, Florida Statutes, is amended
874 to read:

875 409.145 Care of children; quality parenting; "reasonable
876 and prudent parent" standard.—The child welfare system of the
877 department shall operate as a coordinated community-based system
878 of care which empowers all caregivers for children in foster
879 care to provide quality parenting, including approving or
880 disapproving a child's participation in activities based on the

881 caregiver's assessment using the "reasonable and prudent parent"
 882 standard.

883 (1) SYSTEM OF CARE.—The department shall develop,
 884 implement ~~conduct, supervise,~~ and administer a coordinated
 885 community-based system of care ~~program~~ for ~~dependent~~ children
 886 who are found to be dependent and their families. This system of
 887 care must ~~The services of the department are to be directed~~
 888 toward the following goals:

889 (a) ~~The~~ Prevention of separation of children from their
 890 families.

891 (b) Intervention to allow children to remain safely in
 892 their own homes.

893 (c) ~~(b)~~ ~~The~~ Reunification of families who have had children
 894 removed from their care ~~placed in foster homes or institutions.~~

895 (d) Safety for children who are separated from their
 896 families by providing alternative emergency or longer-term
 897 parenting arrangements.

898 (e) Well-being of children through emphasis on maintaining
 899 educational stability and providing timely health care.

900 (f) ~~(e)~~ Permanency for ~~The permanent placement of~~ children
 901 for whom reunification ~~who cannot be reunited~~ with their
 902 families is not possible or ~~when reunification would~~ is not be
 903 in the best interest of the child.

904 ~~(d)~~ ~~The protection of dependent children or children~~
 905 ~~alleged to be dependent, including provision of emergency and~~
 906 ~~long term alternate living arrangements.~~

907 ~~(g)(e)~~ The transition to independence and self-sufficiency
908 for older children who remain in foster care through adolescence
909 ~~continue to be in foster care as adolescents.~~

910 ~~(2) The following dependent children shall be subject to~~
911 ~~the protection, care, guidance, and supervision of the~~
912 ~~department or any duly licensed public or private agency:~~

913 ~~(a) Any child who has been temporarily or permanently~~
914 ~~taken from the custody of the parents, custodians, or guardians~~
915 ~~in accordance with those provisions in chapter 39 that relate to~~
916 ~~dependent children.~~

917 ~~(b) Any child who is in need of the protective supervision~~
918 ~~of the department as determined by intake or by the court in~~
919 ~~accordance with those provisions of chapter 39 that relate to~~
920 ~~dependent children.~~

921 ~~(c) Any child who is voluntarily placed, with the written~~
922 ~~consent of the parents or guardians, in the department's foster~~
923 ~~care program or the foster care program of a licensed private~~
924 ~~agency.~~

925 ~~(3) The circuit courts exercising juvenile jurisdiction in~~
926 ~~the various counties of this state shall cooperate with the~~
927 ~~department and its employees in carrying out the purposes and~~
928 ~~intent of this chapter.~~

929 ~~(4) The department is authorized to accept children on a~~
930 ~~permanent placement basis by order of a court of competent~~
931 ~~jurisdiction for the single purpose of adoption placement of~~
932 ~~these children. The department is authorized to provide the~~
933 ~~necessary services to place these children ordered to the~~
934 ~~department on a permanent placement basis for adoption.~~

935 ~~(5) Any funds appropriated by counties for child welfare~~
936 ~~services may be matched by state and federal funds, such funds~~
937 ~~to be utilized by the department for the benefit of children in~~
938 ~~those counties.~~

939 ~~(6) Whenever any child is placed under the protection,~~
940 ~~care, and guidance of the department or a duly licensed public~~
941 ~~or private agency, or as soon thereafter as is practicable, the~~
942 ~~department or agency, as the case may be, shall endeavor to~~
943 ~~obtain such information concerning the family medical history of~~
944 ~~the child and the natural parents as is available or readily~~
945 ~~obtainable. This information shall be kept on file by the~~
946 ~~department or agency for possible future use as provided in ss.~~
947 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

948 ~~(7) Whenever any child is placed by the department in a~~
949 ~~shelter home, foster home, or other residential placement, the~~
950 ~~department shall make available to the operator of the shelter~~
951 ~~home, foster home, other residential placement, or other~~
952 ~~caretaker as soon thereafter as is practicable, all relevant~~
953 ~~information concerning the child's demographic, social, and~~
954 ~~medical history.~~

955 (2) QUALITY PARENTING.—A child in foster care shall be
956 placed only with a caregiver who has the ability to care for the
957 child, is willing to accept responsibility for providing care,
958 and is willing and able to learn about and be respectful of the
959 child's culture, religion and ethnicity, special physical or
960 psychological needs, unique circumstances, and family
961 relationships. The department, the community-based care lead
962 agency, and other agencies shall provide such caregiver with all

963 available information necessary to assist the caregiver in
964 determining whether he or she is able to appropriately care for
965 a particular child.

966 (a) Roles and responsibilities of caregivers.—A caregiver
967 shall:

968 1. Participate in developing the case plan for the child
969 and his or her family and work with others involved in his or
970 her care to implement this plan. This participation includes the
971 caregiver's involvement in all team meetings or court hearings
972 related to the child's care.

973 2. Complete all training needed to improve skills in
974 parenting a child who has experienced trauma due to neglect,
975 abuse, or separation from home, to meet the child's special
976 needs, and to work effectively with child welfare agencies, the
977 court, the schools, and other community and governmental
978 agencies.

979 3. Respect and support the child's ties to members of his
980 or her biological family and assist the child in maintaining
981 allowable visitation and other forms of communication.

982 4. Effectively advocate for the child in the caregiver's
983 care with the child welfare system, the court, and community
984 agencies, including the school, child care providers, health and
985 mental health providers, and employers.

986 5. Participate fully in the child's medical,
987 psychological, and dental care as the caregiver would for his or
988 her biological child.

989 6. Support the child's school success by participating in
990 school activities and meetings, including individual education

991 plan meetings, assisting with school assignments, supporting
992 tutoring programs, meeting with teachers and working with an
993 educational surrogate if one has been appointed, and encouraging
994 the child's participation in extracurricular activities.

995 7. Work in partnership with other stakeholders to obtain
996 and maintain records that are important to the child's well-
997 being, including child resource records, medical records, school
998 records, photographs, and records of special events and
999 achievements.

1000 8. Ensure that the child who has reached 13 years of age
1001 but is not yet 17 years of age learns and masters independent
1002 living skills.

1003 9. Ensure that the child is aware of the requirements and
1004 benefits of the Road-to-Independence Program.

1005 10. Work to enable the child to establish and maintain
1006 naturally occurring mentoring relationships.

1007 (b) Roles and responsibilities of the department, the
1008 community-based care lead agency, and other agency staff.—The
1009 department, the community-based care lead agency, and other
1010 agency staff shall:

1011 1. Include the caregiver in the development and
1012 implementation of the case plan for the child and his or her
1013 family. The caregiver shall be authorized to participate in all
1014 team meetings or court hearings related to the child's care and
1015 future plans. The caregiver's participation shall be facilitated
1016 through timely notification, an inclusive process, and
1017 alternative methods for participation for a caregiver who cannot
1018 be physically present.

1019 2. Develop and make available to the caregiver the
1020 information, services, training, and support that the caregiver
1021 needs to improve his or her skills in parenting children who
1022 have experienced trauma due to neglect, abuse, or separation
1023 from home, to meet these children's special needs, and to
1024 advocate effectively with child welfare agencies, the courts,
1025 schools, and other community and governmental agencies.

1026 3. Provide the caregiver with all information related to
1027 services and other benefits that are available to the child.

1028 (c) Transitions.—

1029 1. Once a caregiver accepts the responsibility of caring
1030 for a child, the child will be removed from the home of that
1031 caregiver only if:

1032 a. The caregiver is clearly unable to safely or legally
1033 care for the child;

1034 b. The child and his or her biological family are
1035 reunified;

1036 c. The child is being placed in a legally permanent home
1037 pursuant to the case plan or a court order;

1038 d. The removal is demonstrably in the child's best
1039 interest; or

1040 e. The caregiver is no longer able or willing to care for
1041 the child.

1042 2. In the absence of an emergency, if a child leaves the
1043 caregiver's home for a reason provided under subparagraph 1.,
1044 the transition must be accomplished according to a plan that
1045 involves cooperation and sharing of information among all
1046 persons involved, respects the child's developmental stage and

1047 psychological needs, ensures the child has all of his or her
1048 belongings, and allows for a gradual transition from the
1049 caregiver's home and, if possible, for continued contact with
1050 the caregiver after the child leaves.

1051 (d) Information sharing.—Whenever a foster home or
1052 residential group home assumes responsibility for the care of a
1053 child, the department and any additional providers shall make
1054 available to the caregiver as soon as is practicable all
1055 relevant information concerning the child. Records and
1056 information that are required to be shared with caregivers
1057 include, but are not limited to:

1058 1. Medical, dental, psychological, psychiatric, and
1059 behavioral history, as well as ongoing evaluation or treatment
1060 needs.

1061 2. School records.

1062 3. Copies of his or her birth certificate and, if
1063 appropriate, immigration status documents.

1064 4. Consents signed by parents.

1065 5. Comprehensive behavioral assessments and other social
1066 assessments.

1067 6. Court orders.

1068 7. Visitation and case plans.

1069 8. Guardian ad litem reports.

1070 9. Staffing forms.

1071 10. Judicial or citizen review panel reports and
1072 attachments filed with the court, except confidential medical,
1073 psychiatric, and psychological information regarding any party
1074 or participant other than the child.

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1075 (e) Caregivers employed by residential group homes.-All
1076 caregivers in residential group homes shall meet the same
1077 education, training, and background and other screening
1078 requirements as foster parents.

1079 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

1080 (a) Definitions.-As used in this subsection, the term:

1081 1. "Age-appropriate" means generally accepted as suitable
1082 for a child of the same chronological age or level of maturity.
1083 Age appropriateness is based on the development of cognitive,
1084 emotional, physical, and behavioral capacity which is typical
1085 for an age or age group.

1086 2. "Caregiver" means a person with whom the child is
1087 placed in out-of-home care, or a designated official for a group
1088 care facility licensed by the department under s. 409.175.

1089 3. "Reasonable and prudent parent standard" means the
1090 standard characterized by careful and sensible parental
1091 decisions that maintain the child's health, safety, and best
1092 interest while at the same time encouraging the child's
1093 emotional and developmental growth, that a caregiver shall use
1094 when determining whether to allow a child in out-of-home care to
1095 participate in extracurricular, enrichment, and social
1096 activities.

1097 (b) Application of standard of care.-

1098 1. Every child who comes into out-of-home care pursuant to
1099 this chapter is entitled to participate in age-appropriate
1100 extracurricular, enrichment, and social activities.

1101 2. Each caregiver shall use the reasonable and prudent
1102 parent standard in determining whether to give permission for a

1103 child living in out-of-home care to participate in
1104 extracurricular, enrichment, or social activities. When using
1105 the reasonable and prudent parent standard, the caregiver must
1106 consider:

1107 a. The child's age, maturity, and developmental level to
1108 maintain the overall health and safety of the child.

1109 b. The potential risk factors and the appropriateness of
1110 the extracurricular, enrichment, or social activity.

1111 c. The best interest of the child, based on information
1112 known by the caregiver.

1113 d. The importance of encouraging the child's emotional and
1114 developmental growth.

1115 e. The importance of providing the child with the most
1116 family-like living experience possible.

1117 f. The behavioral history of the child and the child's
1118 ability to safely participate in the proposed activity.

1119 (c) Verification of services delivered.—The department and
1120 each community-based care lead agency shall verify that private
1121 agencies providing out-of-home care services to dependent
1122 children have policies in place which are consistent with this
1123 section and that these agencies promote and protect the ability
1124 of dependent children to participate in age-appropriate
1125 extracurricular, enrichment, and social activities.

1126 (d) Limitation of liability.—A caregiver is not liable for
1127 harm caused to a child who participates in an activity approved
1128 by the caregiver, provided that the caregiver has acted in
1129 accordance with the reasonable and prudent parent standard. This

1130 paragraph may not be interpreted as removing or limiting any
 1131 existing liability protection afforded by law.

1132 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1133 (a) Effective October 1, 2013, monthly room and board
 1134 rates paid to foster parents are as follows:

1135

<u>Monthly Foster</u>	<u>0-5 Years Age</u>	<u>6-12 Years Age</u>	<u>13-21 Years Age</u>
<u>Care Rate</u>			
	<u>\$429</u>	<u>\$440</u>	<u>\$515</u>

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1139 (b) Foster parents who are receiving the minimum room and
 1140 board rate as provided in paragraph (a) shall receive an annual
 1141 cost-of-living increase. The department shall calculate the new
 1142 room and board rate increase equal to the percentage change in
 1143 the Consumer Price Index for All Urban Consumers, U.S. City
 1144 Average, All Items, not seasonally adjusted, or successor
 1145 reports, for the preceding December compared to the prior
 1146 December as initially reported by the United States Department
 1147 of Labor, Bureau of Labor Statistics.

1148 (c) The amount of the monthly foster parent room and board
 1149 rate may be increased upon agreement among the department, the
 1150 community-based care lead agency, and the foster parent.

1151 (d) Community-based care lead agencies providing care
 1152 under contract with the department may pay a supplemental room
 1153 and board payment to foster care parents for providing
 1154 independent life skills and normalcy supports to children who

1155 are age 13 through 17 placed in their care. The supplemental
1156 payment shall be paid monthly to the foster care parents on a
1157 per-child basis in addition to the current monthly room and
1158 board rate payment. The supplemental monthly payment shall be
1159 based on 10 percent of the monthly room and board rate for
1160 children age 13 through 21 as provided under this section and
1161 adjusted annually.

1162 (5) RULEMAKING.—The department shall adopt by rule
1163 procedures to administer this section.

1164 Section 7. Section 409.1451, Florida Statutes, is amended
1165 to read:

1166 (Substantial rewording of section. See
1167 s. 409.1451, F.S., for present text).

1168 409.1451 The Road-to-Independence Program.—

1169 (1) LEGISLATIVE FINDINGS AND INTENT.—

1170 (a) The Legislature recognizes that most children and
1171 young adults are resilient and, with adequate support, can
1172 expect to be successful as independent adults. Not unlike many
1173 young adults, some young adults who have lived in foster care
1174 need additional support and resources for a period of time after
1175 reaching 18 years of age.

1176 (b) The Legislature finds that while it is important to
1177 provide young adults who have lived in foster care with
1178 education and independent living skills, there is also a need to
1179 focus more broadly on creating and preserving family
1180 relationships so that young adults have a permanent connection
1181 with at least one committed adult who provides a safe and stable
1182 parenting relationship.

1183 (c) It is the intent of the Legislature that young adults
1184 who choose to participate in the program receive the skills,
1185 education, and support necessary to become self-sufficient and
1186 leave foster care with a lifelong connection to a supportive
1187 adult through the Road-to-Independence Program, either through
1188 postsecondary education services and support, as provided in
1189 subsection (2), or aftercare services.

1190 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1191 (a) A young adult is eligible for services and support
1192 under this subsection if he or she:

1193 1. Was living in licensed care on his or her 18th birthday
1194 or is currently living in licensed care, or was at least 16
1195 years of age and was adopted from foster care or placed with a
1196 court-approved dependency guardian after spending at least 6
1197 months in licensed care within the 12 months immediately
1198 preceding such placement or adoption;

1199 2. Spent at least 6 months in licensed care before
1200 reaching his or her 18th birthday;

1201 3. Earned a standard high school diploma or its equivalent
1202 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
1203 or s. 1003.435;

1204 4. Has been admitted for enrollment as a full-time student
1205 or its equivalent in an eligible postsecondary educational
1206 institution as provided in s. 1009.533 unless the young adult
1207 has a recognized disability preventing full-time attendance;

1208 5. Has reached 18 years of age but is not yet 23 years of
1209 age;

1210 6. Has applied, with assistance from the young adult's
1211 caregiver and the community-based care lead agency, for grants
1212 and scholarships;

1213 7. Submitted a Free Application for Federal Student Aid
1214 which is complete and error free; and

1215 8. Signed an agreement to allow the department and the
1216 community-based care lead agency access to school records.

1217 (b) The amount of the financial assistance shall be as
1218 follows:

1219 1. For a young adult who does not remain in foster care
1220 and is attending a postsecondary educational institution as
1221 provided in s. 1009.533, the amount is \$1,256 monthly.

1222 2. For a young adult who remains in foster care, is
1223 attending a postsecondary educational institution as provided in
1224 s. 1009.533, and continues to reside in a licensed foster home,
1225 the amount is the established room and board rate for foster
1226 parents as provided in s. 409.145(4).

1227 3. For a young adult who remains in foster care, but
1228 temporarily resides away from a licensed foster home for
1229 purposes of attending a postsecondary educational institution as
1230 provided in s. 1009.533, the amount is \$1,256 monthly while the
1231 young adult resides away from the licensed group home. The
1232 amount is the board rate while the child resides in the foster
1233 home, instead of the \$1,256.

1234 4. For a young adult who remains in foster care, is
1235 attending a postsecondary educational institution as provided in
1236 s. 1009.533, and continues to reside in a licensed group home,

1237 the amount is negotiated between the community-based care lead
1238 agency and the licensed group home provider.

1239 5. For a young adult who remains in foster care but
1240 temporarily resides away from a licensed group home for purposes
1241 of attending a postsecondary educational institution as provided
1242 in s. 1009.533, the amount is \$1,256 monthly while the young
1243 adult resides away from the licensed group home. The amount is
1244 negotiated between the licensed group home and the community-
1245 based care lead agency while the young adult resides in the
1246 licensed group home, instead of the \$1,256.

1247 6. The amount of the award may be disregarded for purposes
1248 of determining the eligibility for, or the amount of, any other
1249 federal or federally supported assistance.

1250 7. A young adult is eligible to receive financial
1251 assistance during the months when enrolled in a postsecondary
1252 educational institution.

1253 (c) Payment of financial assistance for a young adult who:

1254 1. Has chosen not to remain in foster care and is
1255 attending a postsecondary educational institution as provided in
1256 s. 1009.533 shall be made to the community-based care lead
1257 agency in order to secure housing and utilities, with the
1258 balance being paid directly to the young adult until such time
1259 the lead agency and the young adult determine that the young
1260 adult can successfully manage the full amount of the assistance.

1261 2. Has remained in foster care, is attending a
1262 postsecondary educational institution as provided in s.
1263 1009.533, and is residing in a foster home or group home shall
1264 be made directly to the foster parent or group home provider.

1265 3. Has chosen to reside temporarily away from a licensed
 1266 foster home or group home for purposes of attending
 1267 postsecondary educational institution as provided in s. 1009.533
 1268 shall be made to the community-based care lead agency in order
 1269 to secure housing and utilities, with the balance being paid
 1270 directly to the young adult while they temporarily reside away
 1271 from a licensed foster home or group home for purposes of
 1272 attending postsecondary school. When the young adult returns to
 1273 reside in the foster home or group home, the payment will be
 1274 paid directly to the foster parent or licensed group home.

1275 (d)1. The department must advertise the availability of
 1276 the stipend and must provide notification of the criteria and
 1277 application procedures for the stipend to children and young
 1278 adults leaving, or who were formerly in, foster care;
 1279 caregivers; case managers; guidance and family services
 1280 counselors; principals or other relevant school administrators;
 1281 and guardians ad litem.

1282 2. If the award recipient transfers from one eligible
 1283 institution to another and continues to meet eligibility
 1284 requirements, the award shall be transferred with the recipient.

1285 3. The department, or an agency under contract with the
 1286 department, shall evaluate each Road-to-Independence award for
 1287 renewal eligibility on an annual basis. In order to be eligible
 1288 for a renewal award for the subsequent year, the young adult
 1289 must:

1290 a. Be enrolled for or have completed the number of hours,
 1291 or the equivalent, to be considered a full-time student by the
 1292 eligible postsecondary educational institution in which the

1293 young adult is enrolled, unless the young adult has a recognized
1294 disability preventing full-time attendance.

1295 b. Maintain appropriate progress as required by the
1296 educational institution, except that if the young adult's
1297 progress is insufficient to renew the award at any time during
1298 the eligibility period, the young adult may restore eligibility
1299 by improving his or her progress to the required level.

1300 4. Funds may be terminated during the interim between an
1301 award and the evaluation for a renewal award if the department,
1302 or an agency under contract with the department, determines that
1303 the award recipient is no longer enrolled in an educational
1304 institution as described in subparagraph (a)4. or is no longer a
1305 resident of this state.

1306 5. The department, or an agency under contract with the
1307 department, shall notify a recipient who is terminated and
1308 inform the recipient of his or her right to appeal.

1309 6. An award recipient who does not qualify for a renewal
1310 award or who chooses not to renew the award may immediately
1311 apply for reinstatement. An application for reinstatement must
1312 be made before the young adult reaches 23 years of age, and a
1313 student may not apply for reinstatement more than once. In order
1314 to be eligible for reinstatement, the young adult must meet the
1315 eligibility criteria and the criteria for award renewal for the
1316 program.

1317 (3) ~~AFTERCARE SERVICES.~~

1318 (a) Aftercare services are available to young adults who
1319 have chosen not to remain in foster care after reaching 18 years
1320 of age and who are not receiving financial assistance under

1321 subsection (2) to pursue postsecondary education. These
1322 aftercare services include, but are not limited to, the
1323 following:

- 1324 1. Mentoring and tutoring.
- 1325 2. Mental health services and substance abuse counseling.
- 1326 3. Life skills classes, including credit management and
1327 preventive health activities.
- 1328 4. Parenting classes.
- 1329 5. Job and career skills training.
- 1330 6. Counselor consultations.
- 1331 7. Temporary financial assistance for emergency
1332 situations.
- 1333 8. Financial literacy skills training.

1334
1335 The specific services to be provided under this paragraph shall
1336 be determined by an assessment of the young adult and may be
1337 provided by the community-based care provider or through
1338 referrals in the community.

1339 (b) Temporary assistance provided to prevent homelessness
1340 shall be provided as expeditiously as possible and within the
1341 limitations defined by the department.

1342 (c) A young adult who has reached 18 years of age but is
1343 not yet 23 years of age who leaves foster care at 18 years of
1344 age may request and is eligible for such services before
1345 reaching 23 years of age.

1346 (4) APPEAL PROCEDURE.—

1347 (a) The department shall have a procedure by which a young
1348 adult may appeal the department's refusal to provide Road-to-

1349 Independence Program services or support, or the termination of
1350 such services or support if funds for such services or support
1351 are available.

1352 (b) The appeal procedure must be readily accessible to
1353 young adults, must provide for timely decisions, and must
1354 provide for an appeal to the department. The decision of the
1355 department constitutes final agency action and is reviewable by
1356 the court as provided in s. 120.68.

1357 (5) PORTABILITY.—The services provided under this section
1358 are portable across county lines and between lead agencies.

1359 (a) The service needs that are identified in the original
1360 or updated transition plan, pursuant to s. 39.6035, shall be
1361 provided by the lead agency where the young adult is currently
1362 residing but shall be funded by the lead agency that initiated
1363 the transition plan.

1364 (b) The lead agency with primary case management
1365 responsibilities shall provide maintenance payments, case
1366 planning, including a written description of all services that
1367 will assist a child 16 years of age or older in preparing for
1368 the transition from care to independence, and regular case
1369 reviews that conform with all federal scheduling and content
1370 requirements for all children in foster care who are placed or
1371 visiting out-of-state.

1372 (6) ACCOUNTABILITY.—The department shall develop outcome
1373 measures for the program and other performance measures in order
1374 to maintain oversight of the program. No later than January 31
1375 of each year, the department shall prepare a report on the
1376 outcome measures and the department's oversight activities and

1377 submit the report to the President of the Senate, the Speaker of
1378 the House of Representatives, and the committees with
1379 jurisdiction over issues relating to children and families in
1380 the Senate and the House of Representatives. The report must
1381 include:

1382 (a) An analysis of performance on the outcome measures
1383 developed under this section reported for each community-based
1384 care lead agency and compared with the performance of the
1385 department on the same measures.

1386 (b) A description of the department's oversight of the
1387 program, including, by lead agency, any programmatic or fiscal
1388 deficiencies found, corrective actions required, and current
1389 status of compliance.

1390 (c) Any rules adopted or proposed under this section since
1391 the last report. For the purposes of the first report, any rules
1392 adopted or proposed under this section must be included.

1393 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1394 secretary shall establish the Independent Living Services
1395 Advisory Council for the purpose of reviewing and making
1396 recommendations concerning the implementation and operation of
1397 the provisions of s. 39.6015 and the Road-to-Independence
1398 Program. The advisory council shall function as specified in
1399 this subsection until the Legislature determines that the
1400 advisory council can no longer provide a valuable contribution
1401 to the department's efforts to achieve the goals of the services
1402 designed to enable a young adult to live independently.

1403 (a) The advisory council shall assess the implementation
1404 and operation of the Road-to-Independence Program and advise the

1405 department on actions that would improve the ability of these
1406 Road-to-Independence Program services to meet the established
1407 goals. The advisory council shall keep the department informed
1408 of problems being experienced with the services, barriers to the
1409 effective and efficient integration of services and support
1410 across systems, and successes that the system of services has
1411 achieved. The department shall consider, but is not required to
1412 implement, the recommendations of the advisory council.

1413 (b) The advisory council shall report to the secretary on
1414 the status of the implementation of the Road-To-Independence
1415 Program, efforts to publicize the availability of the Road-to-
1416 Independence Program, the success of the services, problems
1417 identified, recommendations for department or legislative
1418 action, and the department's implementation of the
1419 recommendations contained in the Independent Living Services
1420 Integration Workgroup Report submitted to the appropriate
1421 substantive committees of the Legislature by December 31, 2013.
1422 The department shall submit a report by December 31 of each year
1423 to the Governor, the President of the Senate, and the Speaker of
1424 the House of Representatives which includes a summary of the
1425 factors reported on by the advisory council and identifies the
1426 recommendations of the advisory council and either describes the
1427 department's actions to implement the recommendations or
1428 provides the department's rationale for not implementing the
1429 recommendations.

1430 (c) Members of the advisory council shall be appointed by
1431 the secretary of the department. The membership of the advisory
1432 council must include, at a minimum, representatives from the

1433 headquarters and regional offices of the Department of Children
1434 and Families, community-based care lead agencies, the Department
1435 of Juvenile Justice, the Department of Economic Opportunity, the
1436 Department of Education, the Agency for Health Care
1437 Administration, the State Youth Advisory Board, Workforce
1438 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
1439 parents, recipients of services and funding through the Road-to-
1440 Independence Program, and advocates for children in care. The
1441 secretary shall determine the length of the term to be served by
1442 each member appointed to the advisory council, which may not
1443 exceed 4 years.

1444 (d) The department shall provide administrative support to
1445 the Independent Living Services Advisory Council to accomplish
1446 its assigned tasks. The advisory council shall be afforded
1447 access to all appropriate data from the department, each
1448 community-based care lead agency, and other relevant agencies in
1449 order to accomplish the tasks set forth in this section. The
1450 data collected may not include any information that would
1451 identify a specific child or young adult.

1452 (e) The advisory council report required under paragraph
1453 (b) must include an analysis of the system of independent living
1454 transition services for young adults who reach 18 years of age
1455 while in foster care before completing high school or its
1456 equivalent and recommendations for department or legislative
1457 action. The council shall assess and report on the most
1458 effective method of assisting these young adults to complete
1459 high school or its equivalent by examining the practices of
1460 other states.

1461 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
 1462 young adult in this program shall become the personal property
 1463 of the young adult and is not subject to the requirements of
 1464 chapter 273 relating to state-owned tangible personal property.
 1465 Such property continues to be subject to applicable federal
 1466 laws.

1467 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—
 1468 The department or community-based care lead agency shall
 1469 document that eligible young adults are enrolled in Medicaid
 1470 under s. 409.903(4).

1471 (10) RULEMAKING.—The department shall adopt rules to
 1472 administer this section.

1473 Section 8. Paragraph (a) of subsection (3) of section
 1474 409.175, Florida Statutes, is amended to read:

1475 409.175 Licensure of family foster homes, residential
 1476 child-caring agencies, and child-placing agencies; public
 1477 records exemption.—

1478 (3) (a) The total number of children placed in each family
 1479 foster home shall be based on the recommendation of the
 1480 department, or the community-based care lead agency where one is
 1481 providing foster care and related services, based on the needs
 1482 of each child in care, the ability of the foster family to meet
 1483 the individual needs of each child, including any adoptive or
 1484 biological children or young adults remaining in foster care
 1485 living in the home, the amount of safe physical plant space, the
 1486 ratio of active and appropriate adult supervision, and the
 1487 background, experience, and skill of the family foster parents.

1488 Section 9. Subsection (4) of section 409.903, Florida
 1489 Statutes, is amended to read:

1490 409.903 Mandatory payments for eligible persons.—The
 1491 agency shall make payments for medical assistance and related
 1492 services on behalf of the following persons who the department,
 1493 or the Social Security Administration by contract with the
 1494 Department of Children and Family Services, determines to be
 1495 eligible, subject to the income, assets, and categorical
 1496 eligibility tests set forth in federal and state law. Payment on
 1497 behalf of these Medicaid eligible persons is subject to the
 1498 availability of moneys and any limitations established by the
 1499 General Appropriations Act or chapter 216.

1500 (4) A child who is eligible under Title IV-E of the Social
 1501 Security Act for subsidized board payments, foster care, or
 1502 adoption subsidies, and a child for whom the state has assumed
 1503 temporary or permanent responsibility and who does not qualify
 1504 for Title IV-E assistance but is in foster care, shelter or
 1505 emergency shelter care, or subsidized adoption. This category
 1506 includes a young adult who is eligible to receive services under
 1507 s. 409.1451~~(5)~~, until the young adult reaches 21 years of age,
 1508 without regard to any income, resource, or categorical
 1509 eligibility test that is otherwise required. This category also
 1510 includes a person who as a child was eligible under Title IV-E
 1511 of the Social Security Act for foster care or the state-provided
 1512 foster care and who is a participant in the Road-to-Independence
 1513 Program.

1514 Section 10. (1) The Department of Children and Families
 1515 shall acquire, through the use of existing independent living

1516 services funding and via contract, postsecondary educational
1517 campus coaching positions. These positions shall be integrated
1518 into state colleges' and university institutions' general
1519 support services structure to provide former foster care youth
1520 with dedicated, on-campus support to aid these youth in
1521 transitioning from foster care toward graduation. The number and
1522 distribution of these positions shall be determined by the
1523 department based on the availability of funds and overall need,
1524 as determined by the number of former foster care youth
1525 attending postsecondary educational institutions receiving Road-
1526 to-Independence education tuition waivers within a given
1527 community.

1528 (2) The existing independent living services funding shall
1529 also provide for a network coordinator, who shall be responsible
1530 for overseeing startup, implementation, and evaluation of the
1531 support program described in subsection (1). The network
1532 coordinator's position shall be a state full-time equivalent
1533 position.

1534 Section 11. Effective October 1, 2013, a child or young
1535 adult who is a participant in the Road-to-Independence Program
1536 may continue in the program as it exists through December 31,
1537 2013. Effective January 1, 2014, a child or young adult who is a
1538 participant in the program shall transfer to the program
1539 services provided in this act, and his or her monthly stipend
1540 may not be reduced, the method of payment of the monthly stipend
1541 may not be changed, and the young adult may not be required to
1542 change his or her living arrangement. These conditions shall
1543 remain in effect for a child or young adult until he or she

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1544 ceases to meet the eligibility requirements under which he or
1545 she entered the Road-to-Independence Program. A child or young
1546 adult applying or reapplying for the Road-to-Independence
1547 Program on or after October 1, 2013, may apply for program
1548 services only as provided in this act.

1549 Section 12. This act shall take effect October 1, 2013.