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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1 Section 25.385, Florida Statutes, is amended to
read:

25.385 Standards for instruction of circuit and county
court judges ~~in handling domestic violence cases.~~

(1) The Florida Court Educational Council shall establish
standards for instruction of circuit and county court judges who



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11 have responsibility for domestic violence cases, and the council
12 shall provide such instruction on a periodic and timely basis.

13 ~~(2) As used in this subsection, section:~~

14 ~~(a) the term "domestic violence" has the meaning set forth~~
15 ~~in s. 741.28.~~

16 ~~(b) "Family or household member" has the meaning set forth~~
17 ~~in s. 741.28.~~

18 (2) The Florida Court Educational Council shall establish
19 standards for instruction of circuit and county court judges who
20 have responsibility for dependency cases regarding the benefits
21 of a secure attachment with a primary caregiver, the importance
22 of a stable placement, and the impact of trauma on child
23 development. The council shall provide such instruction to the
24 circuit and county court judges handling dependency cases on a
25 periodic and timely basis.

26 Section 1. Section 39.01304, Florida Statutes, is created
27 to read:

28 39.01304 Early childhood court programs.-

29 (1) It is the intent of the Legislature to encourage the
30 department, the Department of Health, the Association of Early
31 Learning Coalitions, and other such agencies; local governments;
32 interested public or private entities; and individuals to
33 support the creation and establishment of early childhood court
34 programs. The purpose of an early childhood court program is to
35 address the root cause of court involvement through specialized
36 dockets, multidisciplinary teams, evidence-based treatment, and
37 the use of a nonadversarial approach. Such programs depend on
38 the leadership of a judge or magistrate who is educated about
39 the science of early childhood development and who requires



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40 rigorous efforts to heal children physically and emotionally in
41 the context of a broad collaboration among professionals from
42 different systems working directly in the court as a team,
43 recognizing that the parent-child relationship is the foundation
44 of child well-being.

45 (2) A circuit court may create an early childhood court
46 program to serve the needs of infants and toddlers in dependency
47 court. An early childhood court program must have all of the
48 following components:

49 (a) Therapeutic jurisprudence, which must drive every
50 aspect of judicial practice. The judge or magistrate must
51 support the therapeutic needs of the parent and child in a
52 nonadversarial manner. As used in this paragraph, the term
53 "therapeutic jurisprudence" means the study of how the law may
54 be used as a therapeutic agent and focuses on how laws impact
55 emotional and psychological well-being.

56 (b) A procedure for coordinating services and resources for
57 families who have a case on the court docket. To meet this
58 requirement, the court may create and fill at least one
59 community coordinator position pursuant to paragraph (3)(a).

60 (c) A multidisciplinary team made up of key community
61 stakeholders who commit to work with the judge or magistrate to
62 restructure the way the community responds to the needs of
63 maltreated children. The team may include, but is not limited
64 to, early intervention specialists; mental health and infant
65 mental health professionals; attorneys representing children,
66 parents, and the child welfare system; children's advocates;
67 early learning coalitions and child care providers; substance
68 abuse program providers; primary health care providers; domestic



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69 violence advocates; and guardians ad litem. The
70 multidisciplinary team must address the need for children in an
71 early childhood court program to receive medical care in a
72 medical home, a screening for developmental delays conducted by
73 the local agency responsible for complying with part C of the
74 federal Individuals with Disabilities Education Act, and quality
75 child care.

76 (d) A continuum of mental health services which includes a
77 focus on the parent-child relationship and is appropriate for
78 each child and family served.

79 (3) Contingent upon an annual appropriation by the
80 Legislature, and subject to available resources:

81 (a) The Office of the State Courts Administrator shall
82 coordinate with each participating circuit court to create and
83 fill at least one community coordinator position for the
84 circuit's early childhood court program. Each community
85 coordinator shall provide direct support to the program by
86 providing coordination between the multidisciplinary team and
87 the judiciary, coordinating the responsibilities of the
88 participating agencies and service providers, and managing the
89 collection of data for program evaluation and accountability.
90 The Office of State Courts Administrator may hire a statewide
91 training specialist to provide training to the participating
92 court teams.

93 (b) The department shall contract with one or more
94 university-based centers that have expertise in infant mental
95 health, and such university-based centers shall hire a clinical
96 director charged with ensuring the quality, accountability, and
97 fidelity of the program's evidence-based treatment, including,



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98 but not limited to, training and technical assistance related to
99 clinical services, clinical consultation and guidance for
100 difficult cases, and ongoing clinical training for court teams.

101 Section 2. Subsection (1) of section 39.0138, Florida
102 Statutes, is amended to read

103 39.0138 Criminal history and other records checks; limit on
104 placement of a child.-

105 (1) The department shall conduct a records check through
106 the State Automated Child Welfare Information System (SACWIS)
107 and a local and statewide criminal history records check on all
108 persons, including parents, being considered by the department
109 for placement of a child under this chapter, including all
110 nonrelative placement decisions, and all members of the
111 household, 12 years of age and older, of the person being
112 considered. For purposes of this section, a criminal history
113 records check may include, but is not limited to, submission of
114 fingerprints to the Department of Law Enforcement for processing
115 and forwarding to the Federal Bureau of Investigation for state
116 and national criminal history information, and local criminal
117 records checks through local law enforcement agencies of all
118 household members 18 years of age and older and other visitors
119 to the home. Background screenings must be completed within 14
120 business days after criminal history results are received by the
121 department, unless additional information regarding the criminal
122 history is required to complete processing. An out-of-state
123 criminal history records check must be initiated for any person
124 18 years of age or older who resided in another state if that
125 state allows the release of such records. The department shall
126 establish by rule standards for evaluating any information



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127 contained in the automated system relating to a person who must
128 be screened for purposes of making a placement decision.

129 Section 3. Subsection (1) and paragraph (a) of subsection
130 (9) of section 39.301, Florida Statutes, are amended to read:

131 39.301 Initiation of protective investigations.-

132 (1) (a) Upon receiving a report of known or suspected child
133 abuse, abandonment, or neglect, or that a child is in need of
134 supervision and care and has no parent, legal custodian, or
135 responsible adult relative immediately known and available to
136 provide supervision and care, the central abuse hotline shall
137 determine if the report requires an immediate onsite protective
138 investigation. For reports requiring an immediate onsite
139 protective investigation, the central abuse hotline shall
140 immediately notify the department's designated district staff
141 responsible for protective investigations to ensure that an
142 onsite investigation is promptly initiated. For reports not
143 requiring an immediate onsite protective investigation, the
144 central abuse hotline shall notify the department's designated
145 district staff responsible for protective investigations in
146 sufficient time to allow for an investigation. At the time of
147 notification, the central abuse hotline shall also provide
148 information to district staff on any previous report concerning
149 a subject of the present report or any pertinent information
150 relative to the present report or any noted earlier reports.

151 (b) The department shall promptly notify the court of any
152 report to the central abuse hotline that is accepted for a
153 protective investigation and involves a child over whom the
154 court has jurisdiction.

155 (9) (a) For each report received from the central abuse



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156 hotline and accepted for investigation, the department or the
157 sheriff providing child protective investigative services under
158 s. 39.3065, shall perform the following child protective
159 investigation activities to determine child safety:

160 1. Conduct a review of all relevant, available information
161 specific to the child and family and alleged maltreatment;
162 family child welfare history; local, state, and federal criminal
163 records checks; and requests for law enforcement assistance
164 provided by the abuse hotline. Based on a review of available
165 information, including the allegations in the current report, a
166 determination shall be made as to whether immediate consultation
167 should occur with law enforcement, the Child Protection Team, a
168 domestic violence shelter or advocate, or a substance abuse or
169 mental health professional. Such consultations should include
170 discussion as to whether a joint response is necessary and
171 feasible. A determination shall be made as to whether the person
172 making the report should be contacted before the face-to-face
173 interviews with the child and family members.

174 2. Conduct face-to-face interviews with the child; other
175 siblings, if any; and the parents, legal custodians, or
176 caregivers.

177 3. Assess the child's residence, including a determination
178 of the composition of the family and household, including the
179 name, address, date of birth, social security number, sex, and
180 race of each child named in the report; any siblings or other
181 children in the same household or in the care of the same
182 adults; the parents, legal custodians, or caregivers; and any
183 other adults in the same household.

184 4. Determine whether there is any indication that any child



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185 in the family or household has been abused, abandoned, or
186 neglected; the nature and extent of present or prior injuries,
187 abuse, or neglect, and any evidence thereof; and a determination
188 as to the person or persons apparently responsible for the
189 abuse, abandonment, or neglect, including the name, address,
190 date of birth, social security number, sex, and race of each
191 such person.

192 5. Complete assessment of immediate child safety for each
193 child based on available records, interviews, and observations
194 with all persons named in subparagraph 2. and appropriate
195 collateral contacts, which may include other professionals. The
196 department's child protection investigators are hereby
197 designated a criminal justice agency for the purpose of
198 accessing criminal justice information to be used for enforcing
199 this state's laws concerning the crimes of child abuse,
200 abandonment, and neglect. This information shall be used solely
201 for purposes supporting the detection, apprehension,
202 prosecution, pretrial release, posttrial release, or
203 rehabilitation of criminal offenders or persons accused of the
204 crimes of child abuse, abandonment, or neglect and may not be
205 further disseminated or used for any other purpose.

206 6. Document the present and impending dangers to each child
207 based on the identification of inadequate protective capacity
208 through utilization of a standardized safety assessment
209 instrument. If present or impending danger is identified, the
210 child protective investigator must implement a safety plan or
211 take the child into custody. If present danger is identified and
212 the child is not removed, the child protective investigator
213 shall create and implement a safety plan before leaving the home



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214 or the location where there is present danger. If impending
215 danger is identified, the child protective investigator shall
216 create and implement a safety plan as soon as necessary to
217 protect the safety of the child. The child protective
218 investigator may modify the safety plan if he or she identifies
219 additional impending danger.

220 a. If the child protective investigator implements a safety
221 plan, the plan must be specific, sufficient, feasible, and
222 sustainable in response to the realities of the present or
223 impending danger. A safety plan may be an in-home plan or an
224 out-of-home plan, or a combination of both. A safety plan may
225 include tasks or responsibilities for a parent, caregiver, or
226 legal custodian. However, a safety plan may not rely on
227 promissory commitments by the parent, caregiver, or legal
228 custodian who is currently not able to protect the child or on
229 services that are not available or will not result in the safety
230 of the child. A safety plan may not be implemented if for any
231 reason the parents, guardian, or legal custodian lacks the
232 capacity or ability to comply with the plan. If the department
233 is not able to develop a plan that is specific, sufficient,
234 feasible, and sustainable, the department shall file a shelter
235 petition. A child protective investigator shall implement
236 separate safety plans for the perpetrator of domestic violence,
237 if the investigator, using reasonable efforts, can locate the
238 perpetrator to implement a safety plan, and for the parent who
239 is a victim of domestic violence as defined in s. 741.28.
240 Reasonable efforts to locate a perpetrator include, but are not
241 limited to, a diligent search pursuant to the same requirements
242 as in s. 39.503. If the perpetrator of domestic violence is not



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243 the parent, guardian, or legal custodian of any child in the
244 home and if the department does not intend to file a shelter
245 petition or dependency petition that will assert allegations
246 against the perpetrator as a parent of a child in the home, the
247 child protective investigator shall seek issuance of an
248 injunction authorized by s. 39.504 to implement a safety plan
249 for the perpetrator and impose any other conditions to protect
250 the child. The safety plan for the parent who is a victim of
251 domestic violence may not be shared with the perpetrator. If any
252 party to a safety plan fails to comply with the safety plan
253 resulting in the child being unsafe, the department shall file a
254 shelter petition.

255 b. The child protective investigator shall collaborate with
256 the community-based care lead agency in the development of the
257 safety plan as necessary to ensure that the safety plan is
258 specific, sufficient, feasible, and sustainable. The child
259 protective investigator shall identify services necessary for
260 the successful implementation of the safety plan. The child
261 protective investigator and the community-based care lead agency
262 shall mobilize service resources to assist all parties in
263 complying with the safety plan. The community-based care lead
264 agency shall prioritize safety plan services to families who
265 have multiple risk factors, including, but not limited to, two
266 or more of the following:

- 267 (I) The parent or legal custodian is of young age;
268 (II) The parent or legal custodian, or an adult currently
269 living in or frequently visiting the home, has a history of
270 substance abuse, mental illness, or domestic violence;
271 (III) The parent or legal custodian, or an adult currently



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272 living in or frequently visiting the home, has been previously
273 found to have physically or sexually abused a child;

274 (IV) The parent or legal custodian or an adult currently
275 living in or frequently visiting the home has been the subject
276 of multiple allegations by reputable reports of abuse or
277 neglect;

278 (V) The child is physically or developmentally disabled; or

279 (VI) The child is 3 years of age or younger.

280 c. The child protective investigator shall monitor the
281 implementation of the plan to ensure the child's safety until
282 the case is transferred to the lead agency at which time the
283 lead agency shall monitor the implementation.

284 d. The department may file a petition for shelter or
285 dependency without a new child protective investigation or the
286 concurrence of the child protective investigator if the child is
287 unsafe but for the use of a safety plan and the parent or
288 caregiver has not sufficiently increased protective capacities
289 within 90 days after the transfer of the safety plan to the lead
290 agency.

291 Section 4. Subsection (1) of section 39.522, Florida
292 Statutes, is amended, and subsection (4) is added to that
293 section, to read:

294 39.522 Postdisposition change of custody.—The court may
295 change the temporary legal custody or the conditions of
296 protective supervision at a postdisposition hearing, without the
297 necessity of another adjudicatory hearing.

298 (1) (a) At any time before a child is residing in the
299 permanent placement approved at the permanency hearing, a child
300 who has been placed in the child's own home under the protective



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301 supervision of an authorized agent of the department, in the
302 home of a relative, in the home of a legal custodian, or in some
303 other place may be brought before the court by the department or
304 by any other interested person, upon the filing of a motion
305 alleging a need for a change in the conditions of protective
306 supervision or the placement. If the parents or other legal
307 custodians deny the need for a change, the court shall hear all
308 parties in person or by counsel, or both. Upon the admission of
309 a need for a change or after such hearing, the court shall enter
310 an order changing the placement, modifying the conditions of
311 protective supervision, or continuing the conditions of
312 protective supervision as ordered. The standard for changing
313 custody of the child shall be the best interests ~~interest~~ of the
314 child. When determining whether a change of legal custody or
315 placement is in applying this standard, the court shall consider
316 the continuity of the child's placement in the same out-of-home
317 residence as a factor when determining the best interests of the
318 child, the court shall consider:

- 319 1. The child's age.
- 320 2. The physical, mental, and emotional health benefits to
321 the child by remaining in his or her current placement or moving
322 to the proposed placement.
- 323 3. The stability and longevity of the child's current
324 placement.
- 325 4. The established bonded relationship between the child
326 and the current or proposed caregiver.
- 327 5. The reasonable preference of the child, if the court has
328 found that the child is of sufficient intelligence,
329 understanding, and experience to express a preference.



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330 6. The recommendation of the child's current caregiver.

331 7. The recommendation of the child's guardian ad litem, if
332 one has been appointed.

333 8. The child's previous and current relationship with a
334 sibling, if the change of legal custody or placement will
335 separate or reunite siblings.

336 9. The likelihood of the child attaining permanency in the
337 current or proposed placement.

338 10. Any other relevant factors.

339 (b) If the child is not placed in foster care, ~~then~~ the new
340 placement for the child must meet the home study criteria and
341 court approval under ~~pursuant to~~ this chapter.

342 (4) (a) The court or any party to the case may file a
343 petition to place a child in out-of-home care after the child
344 was placed in the child's own home with an in-home safety plan
345 or the child was reunified with a parent or caregiver with an
346 in-home safety plan if:

347 1. The child has again been abused, neglected, or abandoned
348 by the parent or caregiver, or is suffering from or is in
349 imminent danger of illness or injury as a result of abuse,
350 neglect, or abandonment that has reoccurred; or

351 2. The parent or caregiver has materially violated a
352 condition of placement imposed by the court, including, but not
353 limited to, not complying with the in-home safety plan or case
354 plan.

355 (b) If a child meets the criteria in paragraph (a) to be
356 removed and placed in out-of-home care, the court must consider,
357 at a minimum, the following in making its determination to
358 remove the child and place the child in out-of-home care:



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359 1. The circumstances that caused the child's dependency and
360 other subsequently identified issues.

361 2. The length of time the child has been placed in the home
362 with an in-home safety plan.

363 3. The parent's or caregiver's current level of protective
364 capacities.

365 4. The level of increase, if any, in the parent's or
366 caregiver's protective capacities since the child's placement in
367 the home based on the length of time the child has been placed
368 in the home.

369 (c) The court shall evaluate the child's permanency goal
370 and change the permanency goal as needed if doing so would be in
371 the best interests of the child.

372 Section 5. Subsection (5) of section 39.6011, Florida
373 Statutes, is amended to read:

374 39.6011 Case plan development.—

375 (5) The case plan must describe all of the following:

376 (a) The role of the foster parents or caregivers ~~legal~~
377 ~~custodians~~ when developing the services that are to be provided
378 to the child, foster parents, or caregivers. ~~legal custodians;~~

379 (b) The responsibility of the parents and caregivers to
380 work together to successfully implement the case plan, how the
381 case manager will assist the parents and caregivers in
382 developing a productive relationship that includes meaningful
383 communication and mutual support, and the ability of the parents
384 or caregivers to notify the court or the case manager if
385 ineffective communication takes place that negatively impacts
386 the child.

387 (c) ~~(b)~~ The responsibility of the case manager to forward a



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388 relative's request to receive notification of all proceedings
389 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the
390 attorney for the department. ~~+~~

391 (d) ~~(e)~~ The minimum number of face-to-face meetings to be
392 held each month between the parents and the department's family
393 services counselors to review the progress of the plan, to
394 eliminate barriers to progress, and to resolve conflicts or
395 disagreements between parents and caregivers, service providers,
396 or any other professional assisting the parents in the
397 completion of the case plan. ~~+~~ and

398 (e) ~~(d)~~ The parent's responsibility for financial support of
399 the child, including, but not limited to, health insurance and
400 child support. The case plan must list the costs associated with
401 any services or treatment that the parent and child are expected
402 to receive which are the financial responsibility of the parent.
403 The determination of child support and other financial support
404 shall be made independently of any determination of indigency
405 under s. 39.013.

406 Section 6. Paragraph (b) of subsection (1) and paragraphs
407 (a) and (c) of subsection (2) of section 39.701, Florida
408 Statutes, are amended to read:

409 39.701 Judicial review.—

410 (1) GENERAL PROVISIONS.—

411 (b) 1. The court shall retain jurisdiction over a child
412 returned to his or her parents for a minimum period of 6 months
413 following the reunification, but, at that time, based on a
414 report of the social service agency and the guardian ad litem,
415 if one has been appointed, and any other relevant factors, the
416 court shall make a determination as to whether supervision by



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417 the department and the court's jurisdiction shall continue or be
418 terminated.

419 2. Notwithstanding subparagraph 1., the court must retain
420 jurisdiction over a child if the child is placed in the home
421 with a parent or caregiver with an in-home safety plan and such
422 safety plan remains necessary for the child to reside safely in
423 the home.

424 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
425 AGE.—

426 (a) Social study report for judicial review.—Before every
427 judicial review hearing or citizen review panel hearing, the
428 social service agency shall make an investigation and social
429 study concerning all pertinent details relating to the child and
430 shall furnish to the court or citizen review panel a written
431 report that includes, but is not limited to:

432 1. A description of the type of placement the child is in
433 at the time of the hearing, including the safety of the child
434 and the continuing necessity for and appropriateness of the
435 placement.

436 2. Documentation of the diligent efforts made by all
437 parties to the case plan to comply with each applicable
438 provision of the plan.

439 3. The amount of fees assessed and collected during the
440 period of time being reported.

441 4. The services provided to the foster family or caregiver
442 ~~legal custodian~~ in an effort to address the needs of the child
443 as indicated in the case plan.

444 5. A statement that either:

445 a. The parent, though able to do so, did not comply



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446 substantially with the case plan, and the agency
447 recommendations;

448 b. The parent did substantially comply with the case plan;
449 or

450 c. The parent has partially complied with the case plan,
451 with a summary of additional progress needed and the agency
452 recommendations.

453 6. A statement from the foster parent or caregiver ~~legal~~
454 ~~custodian~~ providing any material evidence concerning the well-
455 being of the child, the impact of any services provided to the
456 child, the working relationship between the parents and
457 caregivers, and the return of the child to the ~~parent or~~
458 parents.

459 7. A statement concerning the frequency, duration, and
460 results of the parent-child visitation, if any, and the agency
461 and caregiver recommendations for an expansion or restriction of
462 future visitation.

463 8. The number of times a child has been removed from his or
464 her home and placed elsewhere, the number and types of
465 placements that have occurred, and the reason for the changes in
466 placement.

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

470 10. If the child has reached 13 years of age but is not yet
471 18 years of age, a statement from the caregiver on the progress
472 the child has made in acquiring independent living skills.

473 11. Copies of all medical, psychological, and educational
474 records that support the terms of the case plan and that have



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475 been produced concerning the parents or any caregiver since the
476 last judicial review hearing.

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

479 (c) *Review determinations.*—The court and any citizen review
480 panel shall take into consideration the information contained in
481 the social services study and investigation and all medical,
482 psychological, and educational records that support the terms of
483 the case plan; testimony by the social services agency, the
484 parent, the foster parent or caregiver ~~legal custodian~~, the
485 guardian ad litem or surrogate parent for educational
486 decisionmaking if one has been appointed for the child, and any
487 other person deemed appropriate; and any relevant and material
488 evidence submitted to the court, including written and oral
489 reports to the extent of their probative value. These reports
490 and evidence may be received by the court in its effort to
491 determine the action to be taken with regard to the child and
492 may be relied upon to the extent of their probative value, even
493 though not competent in an adjudicatory hearing. In its
494 deliberations, the court and any citizen review panel shall seek
495 to determine:

496 1. If the parent was advised of the right to receive
497 assistance from any person or social service agency in the
498 preparation of the case plan.

499 2. If the parent has been advised of the right to have
500 counsel present at the judicial review or citizen review
501 hearings. If not so advised, the court or citizen review panel
502 shall advise the parent of such right.

503 3. If a guardian ad litem needs to be appointed for the



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504 child in a case in which a guardian ad litem has not previously
505 been appointed or if there is a need to continue a guardian ad
506 litem in a case in which a guardian ad litem has been appointed.

507 4. Who holds the rights to make educational decisions for
508 the child. If appropriate, the court may refer the child to the
509 district school superintendent for appointment of a surrogate
510 parent or may itself appoint a surrogate parent under the
511 Individuals with Disabilities Education Act and s. 39.0016.

512 5. The compliance or lack of compliance of all parties with
513 applicable items of the case plan, including the parents'
514 compliance with child support orders.

515 6. The compliance or lack of compliance with a visitation
516 contract between the parent and the social service agency for
517 contact with the child, including the frequency, duration, and
518 results of the parent-child visitation and the reason for any
519 noncompliance.

520 7. The frequency, kind, and duration of contacts among
521 siblings who have been separated during placement, as well as
522 any efforts undertaken to reunite separated siblings if doing so
523 is in the best interests ~~interest~~ of the child.

524 8. The compliance or lack of compliance of the parent in
525 meeting specified financial obligations pertaining to the care
526 of the child, including the reason for failure to comply, if
527 applicable.

528 9. Whether the child is receiving safe and proper care
529 according to s. 39.6012, including, but not limited to, the
530 appropriateness of the child's current placement, including
531 whether the child is in a setting that is as family-like and as
532 close to the parent's home as possible, consistent with the



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533 child's best interests and special needs, and including
534 maintaining stability in the child's educational placement, as
535 documented by assurances from the community-based care lead
536 agency provider that:

537 a. The placement of the child takes into account the
538 appropriateness of the current educational setting and the
539 proximity to the school in which the child is enrolled at the
540 time of placement.

541 b. The community-based care lead agency has coordinated
542 with appropriate local educational agencies to ensure that the
543 child remains in the school in which the child is enrolled at
544 the time of placement.

545 10. A projected date likely for the child's return home or
546 other permanent placement.

547 11. When appropriate, the basis for the unwillingness or
548 inability of the parent to become a party to a case plan. The
549 court and the citizen review panel shall determine if the
550 efforts of the social service agency to secure party
551 participation in a case plan were sufficient.

552 12. For a child who has reached 13 years of age but is not
553 yet 18 years of age, the adequacy of the child's preparation for
554 adulthood and independent living. For a child who is 15 years of
555 age or older, the court shall determine if appropriate steps are
556 being taken for the child to obtain a driver license or
557 learner's driver license.

558 13. If amendments to the case plan are required. Amendments
559 to the case plan must be made under s. 39.6013.

560 14. If the parents and caregivers have developed a
561 productive relationship that includes meaningful communication



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562 and mutual support.

563 Section 7. Section 63.090, F.S., is created to read:

564 63.090 Adoption of a child from the child welfare system.—

565 The adoption of a child from Florida's foster care system is a
566 process that typically includes an orientation session, an in-
567 depth training program to help prospective parents determine if
568 adoption is right for the family, a home study and a background
569 check. Once the process has been completed, prospective parents
570 are ready to be matched with a child available for adoption.

571 (1) The prospective adoptive parents' initial inquiry to
572 the department or to the community-based care lead agency or
573 subcontractor staff, whether written or verbal, shall receive a
574 written response or a telephone call within 7 business days.
575 Prospective adoptive parents who indicate an interest in
576 adopting children in the custody of the department must be
577 referred to a department approved adoptive parent training
578 program as prescribed in rule.

579 (2) An application to adopt must be made on the "Adoptive
580 Home Application."

581 (3) An adoptive home study which includes observation,
582 screening and evaluation of the child and adoptive applicants
583 shall be completed by a staff person with the community-based
584 care lead agency, subcontractor agency, or other licensed child-
585 placing agency prior to the adoptive placement of the child. The
586 aim of this evaluation is to select families who will be able to
587 meet the physical, emotional, social, educational and financial
588 needs of a child, while safeguarding the child from further loss
589 and separation from siblings and significant adults. The
590 adoptive home study is valid for 12 months from the approval



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591 date.

592 (4) In addition to other required documentation, an
593 adoptive parent application file shall include the adoptive home
594 study and verification that all background screening
595 requirements have been met.

596 (5) The department approved adoptive parent training must
597 be provided to and successfully completed by all prospective
598 adoptive parents except licensed foster parents and relative and
599 non-relative caregivers who previously attended the training
600 within the last 5 years, as prescribed in rule or have the child
601 currently placed in their home for 6 months or longer and been
602 determined to understand the challenges and parenting skills
603 needed to successfully parent the children available for
604 adoption from foster care.

605 (6) At the conclusion of the preparation and study process,
606 the counselor and supervisor will make a decision about the
607 family's appropriateness to adopt. The decision to approve or
608 not to approve will be reflected in the final recommendation
609 included in the home study. If the recommendation is for
610 approval, the adoptive parent application file will be submitted
611 to the community-based lead agency or subcontractor agency for
612 approval which must be made within 14 business days.

613 Section 8. Subsection (3) of section 63.092, Florida
614 Statutes, is amended to read:

615 63.092 Report to the court of intended placement by an
616 adoption entity; at-risk placement; preliminary study.—

617 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
618 intended adoptive home, a preliminary home study must be
619 performed by a licensed child-placing agency, a child-caring



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620 agency registered under s. 409.176, a licensed professional, or
621 an agency described in s. 61.20(2), unless the adoptee is an
622 adult or the petitioner is a stepparent or a relative. If the
623 adoptee is an adult or the petitioner is a stepparent or a
624 relative, a preliminary home study may be required by the court
625 for good cause shown. The department is required to perform the
626 preliminary home study only if there is no licensed child-
627 placing agency, child-caring agency registered under s. 409.176,
628 licensed professional, or agency described in s. 61.20(2), in
629 the county where the prospective adoptive parents reside. The
630 preliminary home study must be made to determine the suitability
631 of the intended adoptive parents and may be completed prior to
632 identification of a prospective adoptive minor. Preliminary home
633 studies initiated for identified prospective adoptive minors
634 that are in the custody of the department must be completed
635 within 30 days of initiation. A favorable preliminary home study
636 is valid for 1 year after the date of its completion. Upon its
637 completion, a signed copy of the home study must be provided to
638 the intended adoptive parents who were the subject of the home
639 study. A minor may not be placed in an intended adoptive home
640 before a favorable preliminary home study is completed unless
641 the adoptive home is also a licensed foster home under s.
642 409.175. The preliminary home study must include, at a minimum:
643 (a) An interview with the intended adoptive parents;
644 (b) Records checks of the department's central abuse
645 registry, which the department shall provide to the entity
646 conducting the preliminary home study, and criminal records
647 correspondence checks under s. 39.0138 through the Department of
648 Law Enforcement on the intended adoptive parents;



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649 (c) An assessment of the physical environment of the home;

650 (d) A determination of the financial security of the
651 intended adoptive parents;

652 (e) Documentation of counseling and education of the
653 intended adoptive parents on adoptive parenting, as determined
654 by the entity conducting the preliminary home study. The
655 training specified in s. 409.175(14) shall only be required for
656 persons who adopt children from the department;

657 (f) Documentation that information on adoption and the
658 adoption process has been provided to the intended adoptive
659 parents;

660 (g) Documentation that information on support services
661 available in the community has been provided to the intended
662 adoptive parents; and

663 (h) A copy of each signed acknowledgment of receipt of
664 disclosure required by s. 63.085.

665

666 If the preliminary home study is favorable, a minor may be
667 placed in the home pending entry of the judgment of adoption. A
668 minor may not be placed in the home if the preliminary home
669 study is unfavorable. If the preliminary home study is
670 unfavorable, the adoption entity may, within 20 days after
671 receipt of a copy of the written recommendation, petition the
672 court to determine the suitability of the intended adoptive
673 home. A determination as to suitability under this subsection
674 does not act as a presumption of suitability at the final
675 hearing. In determining the suitability of the intended adoptive
676 home, the court must consider the totality of the circumstances
677 in the home. A minor may not be placed in a home in which there



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678 resides any person determined by the court to be a sexual
679 predator as defined in s. 775.21 or to have been convicted of an
680 offense listed in s. 63.089(4)(b)2.

681 Section 9. Section 409.1415, Florida Statutes, is created
682 to read:

683 409.1415 Parenting partnerships for children in out-of-home
684 care.-

685 (1) LEGISLATIVE FINDINGS AND INTENT.-

686 (a) The Legislature finds that reunification is the most
687 common outcome for children in out-of-home care and that foster
688 parents are one of the most important resources to help children
689 reunify with their families.

690 (b) The Legislature further finds that the most successful
691 foster parents understand that their role goes beyond supporting
692 the children in their care to supporting the children's
693 families, as a whole, and that children and their families
694 benefit when foster and birth parents are supported by an agency
695 culture that encourages a meaningful partnership between them
696 and provides quality support.

697 (c) Therefore, in keeping with national trends, it is the
698 intent of the Legislature to bring birth parents and foster
699 parents together in order to build strong relationships that
700 lead to more successful reunifications and more stability for
701 children being fostered in out-of-home care.

702 (2) PARENTING PARTNERSHIPS.-

703 (a) General provisions.-In order to ensure that children in
704 out-of-home care achieve legal permanency as soon as possible,
705 to reduce the likelihood that they will re-enter care or that
706 other children in the family are abused or neglected or enter



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707 out-of-home care, and to ensure that families are fully prepared
708 to resume custody of their children, the department and
709 community-based care lead agencies shall develop and support
710 relationships between foster families and the legal parents of
711 children in out-of-home care to the extent that it is safe and
712 in the child's best interest, by:

713 1. Facilitating telephone communication between the foster
714 parent and the birth or legal parent as soon as possible after
715 the child is placed in the home.

716 2. Facilitating and attending an in-person meeting between
717 the foster parent and the birth or legal parent within 2 weeks
718 after placement.

719 3. Developing and supporting a plan for birth or legal
720 parents to participate in medical appointments, educational and
721 extra-curricular activities, and other events involving the
722 child.

723 4. Facilitating participation by the foster parent in
724 visitation between the birth parent and child.

725 5. Involving the foster parent in planning meetings with
726 the birth parent.

727 6. Developing and implementing effective transition plans
728 for the child's return home or placement in any other living
729 environment.

730 7. Supporting continued contact between the foster family
731 and the child after the child returns home or moves to another
732 permanent living arrangement.

733 8. Supporting continued connection with the birth parent
734 after adoption.

735 (b) Responsibilities.-To ensure that a child in out-of-home



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736 care receives support for healthy development which gives him or
737 her the best possible opportunity for success, foster parents,
738 birth parents, the department, community-based care lead agency
739 staff, and other agency staff, as applicable, shall work
740 cooperatively in a respectful partnership by adhering to the
741 following requirements:

742 1. All members of the partnership must interact and
743 communicate professionally with one another, must share all
744 relevant information promptly, and must respect the
745 confidentiality of all information related to a child and his or
746 her family.

747 2. Caregivers, the family, the department, community-based
748 care lead agency staff, and other agency staff must participate
749 in developing a case plan for the child and family, and all
750 members of the team must work together to implement the plan.
751 Caregivers must participate in all team meetings or court
752 hearings related to the child's care and future plans. The
753 department, community-based care lead agency staff, and other
754 agency staff must support and facilitate caregiver participation
755 through timely notification of such meetings and hearings and an
756 inclusive process, and by providing alternative methods for
757 participation for caregivers who cannot be physically present at
758 a meeting or hearing.

759 3. Excellent parenting is a reasonable expectation of
760 caregivers. Caregivers must provide, and the department,
761 community-based care lead agency staff, and other agency staff
762 must support, excellent parenting. "Excellent parenting" means a
763 loving commitment to the child and the child's safety and well-
764 being; appropriate supervision and positive methods of



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765 discipline; encouragement of the child's strengths; respect for
766 the child's individuality and likes and dislikes; providing
767 opportunities to develop the child's interests and skills; being
768 aware of the impact of trauma on behavior; facilitating equal
769 participation of the child in family life; involving the child
770 within his or her community; and a commitment to enable the
771 child to lead a normal life.

772 4. Children in out-of-home care may be placed only with a
773 caregiver who has the ability to care for the child, is willing
774 to accept responsibility for providing care, and is willing and
775 able to learn about and be respectful of the child's culture,
776 religion, and ethnicity; special physical or psychological
777 needs; any circumstances unique to the child; and family
778 relationships. The department, the community-based care lead
779 agency, and other agencies must provide a caregiver with all
780 available information necessary to assist the caregiver in
781 determining whether he or she is able to appropriately care for
782 a particular child.

783 5. A caregiver must have access to and take advantage of
784 all training that he or she needs to improve his or her skills
785 in parenting a child who has experienced trauma due to neglect,
786 abuse, or separation from home; to meet the child's special
787 needs; and to work effectively with child welfare agencies, the
788 courts, the schools, and other community and governmental
789 agencies.

790 6. The department, community-based care lead agency staff,
791 and other agency staff must provide caregivers with the services
792 and support they need to enable them to provide quality care for
793 the child.



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794 7. Once a family accepts the responsibility of caring for a
795 child, the child may be removed from that family only if the
796 family is clearly unable to care for him or her safely or
797 legally, when the child and his or her biological family are
798 reunified, when the child is being placed in a legally permanent
799 home in accordance with a case plan or court order, or when the
800 removal is demonstrably in the best interests of the child.

801 8. If a child must leave the caregiver's home for one of
802 the reasons stated in subparagraph 7., and in the absence of an
803 unforeseeable emergency, the transition must be accomplished
804 according to a plan that involves cooperation and sharing of
805 information among all persons involved, respects the child's
806 developmental stage and psychological needs, ensures the child
807 has all of his or her belongings, allows for a gradual
808 transition from the caregiver's home, and, if possible, allows
809 for continued contact with the caregiver after the child leaves.

810 9. When the plan for a child includes reunification,
811 caregivers and agency staff must work together to assist the
812 biological parents in improving their ability to care for and
813 protect their children and to provide continuity for the child.

814 10. A caregiver must respect and support the child's ties
815 to his or her biological family including parents, siblings, and
816 extended family members and must assist the child in visitation
817 and other forms of communication. The department, community-
818 based care lead agency staff, and other agency staff must
819 provide caregivers with the information, guidance, training, and
820 support necessary for fulfilling this responsibility.

821 11. A caregiver must work in partnership with the
822 department, community-based care lead agency staff, and other



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823 agency staff to obtain and maintain records that are important
824 to the child's well-being including, but not limited to, child
825 resource records, medical records, school records, photographs,
826 and records of special events and achievements.

827 12. A caregiver must effectively advocate for a child in
828 his or her care with the child welfare system, the court, and
829 community agencies, including schools, child care providers,
830 health and mental health providers, and employers. The
831 department, community-based care lead agency staff, and other
832 agency staff must support a caregiver in effectively advocating
833 for a child and may not retaliate against the caregiver as a
834 result of this advocacy.

835 13. A caregiver must be as fully involved in the child's
836 medical, psychological, and dental care as he or she would be
837 for his or her biological child. Agency staff must support and
838 facilitate such participation. Caregivers, the department,
839 community-based care lead agency staff, and other agency staff
840 must share information with each other about the child's health
841 and well-being.

842 14. A caregiver must support a child's school success,
843 including, when possible, maintaining school stability by
844 participating in school activities and meetings, including
845 individual education plan meetings; assisting with school
846 assignments; supporting tutoring programs; meeting with teachers
847 and working with an educational surrogate, if one has been
848 appointed; and encouraging the child's participation in
849 extracurricular activities. Agency staff must facilitate this
850 participation and must be kept informed of the child's progress
851 and needs.



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852 15. Caseworkers and caseworker supervisors must mediate
853 disagreements that occur between foster parents and birth
854 parents.

855 (c) Residential group homes.—All caregivers employed by
856 residential group homes must meet the same education, training,
857 and background and other screening requirements as foster
858 parents and must adhere to the requirements in paragraph (b).

859 (3) RULEMAKING.—The department shall adopt by rule
860 procedures to administer this section.

861 Section 10. Section 409.145, Florida Statutes, is amended
862 to read:

863 409.145 Care of children; ~~quality parenting~~; “reasonable
864 and prudent parent” standard.—The child welfare system of the
865 department shall operate as a coordinated community-based system
866 of care which empowers all caregivers for children in foster
867 care to provide quality parenting, including approving or
868 disapproving a child’s participation in activities based on the
869 caregiver’s assessment using the “reasonable and prudent parent”
870 standard.

871 (1) SYSTEM OF CARE.—The department shall develop,
872 implement, and administer a coordinated community-based system
873 of care for children who are found to be dependent and their
874 families. This system of care must be directed toward the
875 following goals:

876 (a) Prevention of separation of children from their
877 families.

878 (b) Intervention to allow children to remain safely in
879 their own homes.

880 (c) Reunification of families who have had children removed



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881 from their care.

882 (d) Safety for children who are separated from their
883 families by providing alternative emergency or longer-term
884 parenting arrangements.

885 (e) Focus on the well-being of children through emphasis on
886 maintaining educational stability and providing timely health
887 care.

888 (f) Permanency for children for whom reunification with
889 their families is not possible or is not in the best interest of
890 the child.

891 (g) The transition to independence and self-sufficiency for
892 older children who remain in foster care through adolescence.

893 ~~(2) QUALITY PARENTING. A child in foster care shall be~~
894 ~~placed only with a caregiver who has the ability to care for the~~
895 ~~child, is willing to accept responsibility for providing care,~~
896 ~~and is willing and able to learn about and be respectful of the~~
897 ~~child's culture, religion and ethnicity, special physical or~~
898 ~~psychological needs, any circumstances unique to the child, and~~
899 ~~family relationships. The department, the community-based care~~
900 ~~lead agency, and other agencies shall provide such caregiver~~
901 ~~with all available information necessary to assist the caregiver~~
902 ~~in determining whether he or she is able to appropriately care~~
903 ~~for a particular child.~~

904 ~~(a) Roles and responsibilities of caregivers. A caregiver~~
905 ~~shall:~~

906 ~~1. Participate in developing the case plan for the child~~
907 ~~and his or her family and work with others involved in his or~~
908 ~~her care to implement this plan. This participation includes the~~
909 ~~caregiver's involvement in all team meetings or court hearings~~



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910 ~~related to the child's care.~~

911 ~~2. Complete all training needed to improve skills in~~
912 ~~parenting a child who has experienced trauma due to neglect,~~
913 ~~abuse, or separation from home, to meet the child's special~~
914 ~~needs, and to work effectively with child welfare agencies, the~~
915 ~~court, the schools, and other community and governmental~~
916 ~~agencies.~~

917 ~~3. Respect and support the child's ties to members of his~~
918 ~~or her biological family and assist the child in maintaining~~
919 ~~allowable visitation and other forms of communication.~~

920 ~~4. Effectively advocate for the child in the caregiver's~~
921 ~~care with the child welfare system, the court, and community~~
922 ~~agencies, including the school, child care, health and mental~~
923 ~~health providers, and employers.~~

924 ~~5. Participate fully in the child's medical, psychological,~~
925 ~~and dental care as the caregiver would for his or her biological~~
926 ~~child.~~

927 ~~6. Support the child's educational success by participating~~
928 ~~in activities and meetings associated with the child's school or~~
929 ~~other educational setting, including Individual Education Plan~~
930 ~~meetings and meetings with an educational surrogate if one has~~
931 ~~been appointed, assisting with assignments, supporting tutoring~~
932 ~~programs, and encouraging the child's participation in~~
933 ~~extracurricular activities.~~

934 ~~a. Maintaining educational stability for a child while in~~
935 ~~out-of-home care by allowing the child to remain in the school~~
936 ~~or educational setting that he or she attended before entry into~~
937 ~~out-of-home care is the first priority, unless not in the best~~
938 ~~interest of the child.~~



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939 ~~b. If it is not in the best interest of the child to remain~~
940 ~~in his or her school or educational setting upon entry into out-~~
941 ~~of-home care, the caregiver must work with the case manager,~~
942 ~~guardian ad litem, teachers and guidance counselors, and~~
943 ~~educational surrogate if one has been appointed to determine the~~
944 ~~best educational setting for the child. Such setting may include~~
945 ~~a public school that is not the school of origin, a private~~
946 ~~school pursuant to s. 1002.42, a virtual instruction program~~
947 ~~pursuant to s. 1002.45, or a home education program pursuant to~~
948 ~~s. 1002.41.~~

949 ~~7. Work in partnership with other stakeholders to obtain~~
950 ~~and maintain records that are important to the child's well-~~
951 ~~being, including child resource records, medical records, school~~
952 ~~records, photographs, and records of special events and~~
953 ~~achievements.~~

954 ~~8. Ensure that the child in the caregiver's care who is~~
955 ~~between 13 and 17 years of age learns and masters independent~~
956 ~~living skills.~~

957 ~~9. Ensure that the child in the caregiver's care is aware~~
958 ~~of the requirements and benefits of the Road-to-Independence~~
959 ~~Program.~~

960 ~~10. Work to enable the child in the caregiver's care to~~
961 ~~establish and maintain naturally occurring mentoring~~
962 ~~relationships.~~

963 ~~(b) Roles and responsibilities of the department, the~~
964 ~~community-based care lead agency, and other agency staff. The~~
965 ~~department, the community-based care lead agency, and other~~
966 ~~agency staff shall:~~

967 ~~1. Include a caregiver in the development and~~



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968 ~~implementation of the case plan for the child and his or her~~
969 ~~family. The caregiver shall be authorized to participate in all~~
970 ~~team meetings or court hearings related to the child's care and~~
971 ~~future plans. The caregiver's participation shall be facilitated~~
972 ~~through timely notification, an inclusive process, and~~
973 ~~alternative methods for participation for a caregiver who cannot~~
974 ~~be physically present.~~

975 ~~2. Develop and make available to the caregiver the~~
976 ~~information, services, training, and support that the caregiver~~
977 ~~needs to improve his or her skills in parenting children who~~
978 ~~have experienced trauma due to neglect, abuse, or separation~~
979 ~~from home, to meet these children's special needs, and to~~
980 ~~advocate effectively with child welfare agencies, the courts,~~
981 ~~schools, and other community and governmental agencies.~~

982 ~~3. Provide the caregiver with all information related to~~
983 ~~services and other benefits that are available to the child.~~

984 ~~4. Show no prejudice against a caregiver who desires to~~
985 ~~educate at home a child placed in his or her home through the~~
986 ~~child welfare system.~~

987 ~~(c) Transitions.—~~

988 ~~1. Once a caregiver accepts the responsibility of caring~~
989 ~~for a child, the child will be removed from the home of that~~
990 ~~caregiver only if:~~

991 ~~a. The caregiver is clearly unable to safely or legally~~
992 ~~care for the child;~~

993 ~~b. The child and his or her biological family are~~
994 ~~reunified;~~

995 ~~e. The child is being placed in a legally permanent home~~
996 ~~pursuant to the case plan or a court order; or~~



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997 ~~d. The removal is demonstrably in the child's best~~
998 ~~interest.~~

999 ~~2. In the absence of an emergency, if a child leaves the~~
1000 ~~caregiver's home for a reason provided under subparagraph 1.,~~
1001 ~~the transition must be accomplished according to a plan that~~
1002 ~~involves cooperation and sharing of information among all~~
1003 ~~persons involved, respects the child's developmental stage and~~
1004 ~~psychological needs, ensures the child has all of his or her~~
1005 ~~belongings, allows for a gradual transition from the caregiver's~~
1006 ~~home and, if possible, for continued contact with the caregiver~~
1007 ~~after the child leaves.~~

1008 ~~(d) Information sharing. Whenever a foster home or~~
1009 ~~residential group home assumes responsibility for the care of a~~
1010 ~~child, the department and any additional providers shall make~~
1011 ~~available to the caregiver as soon as is practicable all~~
1012 ~~relevant information concerning the child. Records and~~
1013 ~~information that are required to be shared with caregivers~~
1014 ~~include, but are not limited to:~~

1015 ~~1. Medical, dental, psychological, psychiatric, and~~
1016 ~~behavioral history, as well as ongoing evaluation or treatment~~
1017 ~~needs;~~

1018 ~~2. School records;~~

1019 ~~3. Copies of his or her birth certificate and, if~~
1020 ~~appropriate, immigration status documents;~~

1021 ~~4. Consents signed by parents;~~

1022 ~~5. Comprehensive behavioral assessments and other social~~
1023 ~~assessments;~~

1024 ~~6. Court orders;~~

1025 ~~7. Visitation and case plans;~~



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1026 ~~8. Guardian ad litem reports;~~
1027 ~~9. Staffing forms; and~~
1028 ~~10. Judicial or citizen review panel reports and~~
1029 ~~attachments filed with the court, except confidential medical,~~
1030 ~~psychiatric, and psychological information regarding any party~~
1031 ~~or participant other than the child.~~

1032 ~~(c) Caregivers employed by residential group homes. All~~
1033 ~~caregivers in residential group homes shall meet the same~~
1034 ~~education, training, and background and other screening~~
1035 ~~requirements as foster parents.~~

1036 ~~(2)(3) REASONABLE AND PRUDENT PARENT STANDARD.-~~

1037 ~~(a) Definitions.-As used in this subsection, the term:~~

1038 ~~1. "Age-appropriate" means an activity or item that is~~
1039 ~~generally accepted as suitable for a child of the same~~
1040 ~~chronological age or level of maturity. Age appropriateness is~~
1041 ~~based on the development of cognitive, emotional, physical, and~~
1042 ~~behavioral capacity which is typical for an age or age group.~~

1043 ~~2. "Caregiver" means a person with whom the child is placed~~
1044 ~~in out-of-home care, or a designated official for a group care~~
1045 ~~facility licensed by the department under s. 409.175.~~

1046 ~~3. "Reasonable and prudent parent" standard means the~~
1047 ~~standard of care used by a caregiver in determining whether to~~
1048 ~~allow a child in his or her care to participate in~~
1049 ~~extracurricular, enrichment, and social activities. This~~
1050 ~~standard is characterized by careful and thoughtful parental~~
1051 ~~decisionmaking that is intended to maintain a child's health,~~
1052 ~~safety, and best interest while encouraging the child's~~
1053 ~~emotional and developmental growth.~~

1054 ~~(b) Application of standard of care.-~~



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1055 1. Every child who comes into out-of-home care pursuant to
1056 this chapter is entitled to participate in age-appropriate
1057 extracurricular, enrichment, and social activities.

1058 2. Each caregiver shall use the reasonable and prudent
1059 parent standard in determining whether to give permission for a
1060 child living in out-of-home care to participate in
1061 extracurricular, enrichment, or social activities. When using
1062 the reasonable and prudent parent standard, the caregiver must
1063 consider:

1064 a. The child's age, maturity, and developmental level to
1065 maintain the overall health and safety of the child.

1066 b. The potential risk factors and the appropriateness of
1067 the extracurricular, enrichment, or social activity.

1068 c. The best interest of the child, based on information
1069 known by the caregiver.

1070 d. The importance of encouraging the child's emotional and
1071 developmental growth.

1072 e. The importance of providing the child with the most
1073 family-like living experience possible.

1074 f. The behavioral history of the child and the child's
1075 ability to safely participate in the proposed activity.

1076 (c) *Verification of services delivered.*—The department and
1077 each community-based care lead agency shall verify that private
1078 agencies providing out-of-home care services to dependent
1079 children have policies in place which are consistent with this
1080 section and that these agencies promote and protect the ability
1081 of dependent children to participate in age-appropriate
1082 extracurricular, enrichment, and social activities.

1083 (d) *Limitation of liability.*—A caregiver is not liable for



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1084 harm caused to a child who participates in an activity approved
1085 by the caregiver, provided that the caregiver has acted in
1086 accordance with the reasonable and prudent parent standard. This
1087 paragraph may not be interpreted as removing or limiting any
1088 existing liability protection afforded by law.

1089 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1090 (a) Effective July 1, 2018, room and board rates shall be
1091 paid to foster parents as follows:

Monthly Foster Care Rate

1092	0-5 Years	6-12 Years	13-21 Years
	Age	Age	Age
1093	\$457.95	\$469.68	\$549.74

1094 Section 1 Section 25.385, Florida Statutes, is amended to
1095 read:

1096 Section 1 Section 25.385, Florida Statutes, is amended to
1097 read:

1098 Section 1 Section 25.385, Florida Statutes, is amended to
1099 read:

1100 Section 1 Section 25.385, Florida Statutes, is amended to
1101 read:

1102
1103 (b) Each January, foster parents shall receive an annual
1104 cost of living increase. The department shall calculate the new
1105 room and board rate increase equal to the percentage change in
1106 the Consumer Price Index for All Urban Consumers, U.S. City
1107 Average, All Items, not seasonally adjusted, or successor



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1108 reports, for the preceding December compared to the prior
1109 December as initially reported by the United States Department
1110 of Labor, Bureau of Labor Statistics. The department shall make
1111 available the adjusted room and board rates annually.

1112 (c) Effective July 1, 2019, foster parents of level I
1113 family foster homes, as defined in s. 409.175(5) (a) shall
1114 receive a room and board rate of \$333.

1115 (d) Effective July 1, 2019, the foster care room and board
1116 rate for level II family foster homes as defined in s.
1117 409.175(5) (a) shall be the same as the new rate established for
1118 family foster homes as of January 1, 2019.

1119 (e) Effective January 1, 2020, paragraph (b) shall only
1120 apply to level II through level V family foster homes, as
1121 defined in s. 409.175(5) (a).

1122 (f) The amount of the monthly foster care room and board
1123 rate may be increased upon agreement among the department, the
1124 community-based care lead agency, and the foster parent.

1125 (g) From July 1, 2018, through June 30, 2019, community-
1126 based care lead agencies providing care under contract with the
1127 department shall pay a supplemental room and board payment to
1128 foster care parents of all family foster homes, on a per-child
1129 basis, for providing independent life skills and normalcy
1130 supports to children who are 13 through 17 years of age placed
1131 in their care. The supplemental payment shall be paid monthly to
1132 the foster care parents in addition to the current monthly room
1133 and board rate payment. The supplemental monthly payment shall
1134 be based on 10 percent of the monthly room and board rate for
1135 children 13 through 21 years of age as provided under this
1136 section and adjusted annually. Effective July 1, 2019, such



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1137 supplemental payments shall only be paid to foster parents of
1138 level II through level V family foster homes.

1139 (4)~~(5)~~ RULEMAKING.—The department shall adopt by rule
1140 procedures to administer this section.

1141 Section 11. Paragraph (b) of subsection (6) of section
1142 409.175, Florida Statutes, is amended and new paragraph (d) is
1143 added, to read:

1144 409.175 Licensure of family foster homes, residential
1145 child-caring agencies, and child-placing agencies; public
1146 records exemption.—

1147 (6)

1148 (b) Upon application for licensure, the department shall
1149 conduct a licensing study based on its licensing rules; shall
1150 inspect the home or the agency and the records, including
1151 financial records, of the applicant or agency; and shall
1152 interview the applicant. The department may authorize a licensed
1153 child-placing agency to conduct the licensing study of a family
1154 foster home to be used exclusively by that agency and to verify
1155 to the department that the home meets the licensing requirements
1156 established by the department. A licensing study of a family
1157 foster home must be completed by the department or an authorized
1158 licensed child-placing agency within 30 days of initiation. The
1159 department shall post on its website a list of the agencies
1160 authorized to conduct such studies.

1161 1. The complete application file shall be submitted in
1162 accordance with the traditional or attestation model for
1163 licensure as prescribed in rule. In addition to other required
1164 documentation a traditional licensing application file must
1165 include a completed licensing study and verification of



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1166 background screening requirements.

1167 2.The department regional licensing authority is
1168 responsible for ensuring that the licensing application file is
1169 complete and that all licensing requirements are met for the
1170 issuance of the license. If the child-placing agency is
1171 contracted with a community-based care lead agency, the
1172 licensing application file shall contain documentation of a
1173 review by the community-based care lead agency and the regional
1174 licensing authority and a recommendation for approval or denial
1175 by the community-based care lead agency. Upon certification by a
1176 licensed child-placing agency that a family foster home meets
1177 the licensing requirements and upon receipt of a letter from a
1178 community-based care lead agency in the service area where the
1179 home will be licensed which indicates that the family foster
1180 home meets the criteria established by the lead agency, the
1181 department shall issue the license. A letter from the lead
1182 agency is not required if the lead agency where the proposed
1183 home is located is directly supervising foster homes in the same
1184 service area.

1185 3. An application file must be approved or denied within 10
1186 business days after receipt by the regional licensing authority.
1187 If the application file is approved, a license shall be issued
1188 to the applicant(s). The license shall include the name and
1189 address of the caregiver(s), the name of the supervising agency,
1190 the licensed capacity, and the dates for which the license is
1191 valid. The department regional managing director or designee
1192 within upper level management shall sign the license. Any
1193 limitations shall be displayed on the license.

1194 4. A copy of the license shall be provided by the regional



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1195 licensing authority to the community-based care lead agency or
1196 supervising agency. The community-based care lead agency or
1197 supervising agency is responsible for ensuring the license is
1198 sent to the foster parent.

1199 (d) The department must issue a determination regarding an
1200 application for a family foster home license within 100 days of
1201 completion of orientation as provided in s. 409.175(14) (b)1,
1202 Florida Statutes. Licenses that require additional
1203 certifications pursuant to 409.175(5) (a), may be given
1204 additional time to issue a determination.

1205 Section 12. Paragraph (j) of subsection (1) of section
1206 409.988, Florida Statutes, is amended to read:

1207 409.988 Lead agency duties; general provisions.-

1208 (1) DUTIES.-A lead agency:

1209 (j) May subcontract for the provision of services required
1210 by the contract with the lead agency and the department;
1211 however, the subcontracts must specify how the provider will
1212 contribute to the lead agency meeting the performance standards
1213 established pursuant to the child welfare results-oriented
1214 accountability system required by s. 409.997. The lead agency
1215 shall directly provide no more than 35 percent of all child
1216 welfare services provided unless it can demonstrate a need,
1217 within the lead agency's geographic service area, to exceed this
1218 threshold. The local community alliance in the geographic
1219 service area in which the lead agency is seeking to exceed the
1220 threshold shall review the lead agency's justification for need
1221 and recommend to the department whether the department should
1222 approve or deny the lead agency's request for an exemption from
1223 the services threshold. If there is not a community alliance



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1224 operating in the geographic service area in which the lead
1225 agency is seeking to exceed the threshold, such review and
1226 recommendation shall be made by representatives of local
1227 stakeholders, including at least one representative from each of
1228 the following:

- 1229 1. The department.
- 1230 2. The county government.
- 1231 3. The school district.
- 1232 4. The county United Way.
- 1233 5. The county sheriff's office.
- 1234 6. The circuit court corresponding to the county.
- 1235 7. The county children's board, if one exists.

1236 Section 13. Paragraph (b) of subsection (7) of section
1237 39.302, Florida Statutes, is amended to read:

1238 39.302 Protective investigations of institutional child
1239 abuse, abandonment, or neglect.—

1240 (7) When an investigation of institutional abuse, neglect,
1241 or abandonment is closed and a person is not identified as a
1242 caregiver responsible for the abuse, neglect, or abandonment
1243 alleged in the report, the fact that the person is named in some
1244 capacity in the report may not be used in any way to adversely
1245 affect the interests of that person. This prohibition applies to
1246 any use of the information in employment screening, licensing,
1247 child placement, adoption, or any other decisions by a private
1248 adoption agency or a state agency or its contracted providers.

1249 (b) Likewise, if a person is employed as a caregiver in a
1250 residential group home licensed pursuant to s. 409.175 and is
1251 named in any capacity in three or more reports within a 5-year
1252 period, the department may review all reports for the purposes



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1253 of the employment screening required pursuant to s.
1254 409.1415(2)(c) ~~s. 409.145(2)(e)~~.

1255 Section 14. Paragraph (d) of subsection (5) of section
1256 39.6225, Florida Statutes, is amended to read:

1257 39.6225 Guardianship Assistance Program.—

1258 (5) A guardian with an application approved pursuant to
1259 subsection (2) who is caring for a child placed with the
1260 guardian by the court pursuant to this part may receive
1261 guardianship assistance payments based on the following
1262 criteria:

1263 (d) The department shall provide guardianship assistance
1264 payments in the amount of \$4,000 annually, paid on a monthly
1265 basis, or in an amount other than \$4,000 annually as determined
1266 by the guardian and the department and memorialized in a written
1267 agreement between the guardian and the department. The agreement
1268 shall take into consideration the circumstances of the guardian
1269 and the needs of the child. Changes may not be made without the
1270 concurrence of the guardian. However, in no case shall the
1271 amount of the monthly payment exceed the foster care maintenance
1272 payment that would have been paid during the same period if the
1273 child had been in licensed care at his or her designated level
1274 of care at the rate established in s. 409.145(3) ~~s. 409.145(4)~~.

1275 Section 15. Paragraph (b) of subsection (5) of section
1276 393.065, Florida Statutes, is amended to read:

1277 393.065 Application and eligibility determination.—

1278 (5) The agency shall assign and provide priority to clients
1279 waiting for waiver services in the following order:

1280 (b) Category 2, which includes individuals on the waiting
1281 list who are:



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1282 1. From the child welfare system with an open case in the
1283 Department of Children and Families' statewide automated child
1284 welfare information system and who are either:

1285 a. Transitioning out of the child welfare system at the
1286 finalization of an adoption, a reunification with family
1287 members, a permanent placement with a relative, or a
1288 guardianship with a nonrelative; or

1289 b. At least 18 years but not yet 22 years of age and who
1290 need both waiver services and extended foster care services; or

1291 2. At least 18 years but not yet 22 years of age and who
1292 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
1293 extended foster care system.

1294
1295 For individuals who are at least 18 years but not yet 22
1296 years of age and who are eligible under sub-subparagraph 1.b.,
1297 the agency shall provide waiver services, including residential
1298 habilitation, and the community-based care lead agency shall
1299 fund room and board at the rate established in s. 409.145(3) ~~s.~~
1300 ~~409.145(4)~~ and provide case management and related services as
1301 defined in s. 409.986(3)(e). Individuals may receive both waiver
1302 services and services under s. 39.6251. Services may not
1303 duplicate services available through the Medicaid state plan.

1304 Section 16. Paragraph (b) of subsection (2) of section
1305 409.1451, Florida Statutes, is amended to read:

1306 409.1451 The Road-to-Independence Program.—

1307 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1308 (b) The amount of the financial assistance shall be as
1309 follows:

1310 1. For a young adult who does not remain in foster care and



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1311 is attending a postsecondary school as provided in s. 1009.533,
1312 the amount is \$1,256 monthly.

1313 2. For a young adult who remains in foster care, is
1314 attending a postsecondary school, as provided in s. 1009.533,
1315 and continues to reside in a licensed foster home, the amount is
1316 the established room and board rate for foster parents. This
1317 takes the place of the payment provided for in s. 409.145(3) ~~s.~~
1318 ~~409.145(4)~~.

1319 3. For a young adult who remains in foster care, but
1320 temporarily resides away from a licensed foster home for
1321 purposes of attending a postsecondary school as provided in s.
1322 1009.533, the amount is \$1,256 monthly. This takes the place of
1323 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1324 4. For a young adult who remains in foster care, is
1325 attending a postsecondary school as provided in s. 1009.533, and
1326 continues to reside in a licensed group home, the amount is
1327 negotiated between the community-based care lead agency and the
1328 licensed group home provider.

1329 5. For a young adult who remains in foster care, but
1330 temporarily resides away from a licensed group home for purposes
1331 of attending a postsecondary school as provided in s. 1009.533,
1332 the amount is \$1,256 monthly. This takes the place of a
1333 negotiated room and board rate.

1334 6. A young adult is eligible to receive financial
1335 assistance during the months when he or she is enrolled in a
1336 postsecondary educational institution.

1337 Section 17. This act shall take effect July 1, 2020.

1338
1339 ===== T I T L E A M E N D M E N T =====



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1340 And the title is amended as follows:

1341 Delete everything before the enacting clause
1342 and insert:

1343 A bill to be entitled

1344 An act relating to child welfare; amending s. 25.385,
1345 F.S.; requiring the Florida Court Educational Council
1346 to establish certain standards for instruction of
1347 circuit and county court judges for dependency cases;
1348 requiring the council to provide such instruction on a
1349 periodic and timely basis; creating s. 39.01304, F.S.;
1350 providing legislative intent; providing a purpose;
1351 authorizing circuit courts to create early childhood
1352 court programs; requiring that early childhood court
1353 programs have certain components; defining the term
1354 "therapeutic jurisprudence"; providing requirements
1355 and guidelines for the Office of the State Courts
1356 Administrator when hiring community coordinators and a
1357 statewide training specialist; requiring the
1358 Department of Children and Families to contract with
1359 certain university-based centers; requiring the
1360 university-based centers to hire a clinical director;
1361 amending s. 39.0138, F.S.; providing a limitation on
1362 the amount of time to complete background screenings;
1363 amending s. 39.301, F.S.; requiring the Department of
1364 Children and Families to notify the court of certain
1365 reports; authorizing the department to file specified
1366 petitions under certain circumstances; amending s.
1367 39.522, F.S.; requiring the court to consider
1368 specified factors when making a certain determination;



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1369 authorizing the court or any party to the case to file
1370 a petition to place a child in out-of-home care under
1371 certain circumstances; requiring the court to consider
1372 specified factors when determining whether the child
1373 should be placed in out-of-home care; amending s.
1374 39.6011, F.S.; revising and providing requirements for
1375 case plan descriptions; amending s. 39.701, F.S.;
1376 requiring the court to retain jurisdiction over a
1377 child under certain circumstances; requiring specified
1378 parties to disclose certain information to the court;
1379 providing for certain caregiver recommendations to the
1380 court; requiring the court and citizen review panel to
1381 determine whether certain parties have developed a
1382 productive relationship; creating s. 63.090, F.S.;
1383 providing requirements for the adoption of children
1384 from the child welfare system; amending s. 63.092,
1385 F.S.; providing a deadline for completion of a
1386 preliminary home study; creating s. 409.1415, F.S.;
1387 providing legislative findings and intent; requiring
1388 the department and community-based care lead agencies
1389 to develop and support relationships between certain
1390 foster families and legal parents of children;
1391 providing responsibilities for foster parents, birth
1392 parents, the department, community-based care lead
1393 agency staff, and other agency staff; defining the
1394 term "excellent parenting"; requiring caregivers
1395 employed by residential group homes to meet specified
1396 requirements; requiring the department to adopt rules;
1397 amending s. 409.175, F.S.; providing specified



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1398 requirements related to the licensure of foster
1399 parents; amending s. 409.145, F.S.; conforming
1400 provisions to changes made by the act; amending s.
1401 409.988, F.S.; authorizing a lead agency to provide
1402 more than 35 percent of all child welfare services
1403 under certain conditions; requiring a specified local
1404 community alliance, or specified representatives in
1405 certain circumstances, to review and recommend
1406 approval or denial of the lead agency's request for a
1407 specified exemption; requiring the court to evaluate
1408 and change a child's permanency goal under certain
1409 circumstances; amending ss. 39.301, 39.6225, 393.065,
1410 409.1451, F.S.; conforming cross-references; providing
1411 an effective date.