

Committee on Children, Families, and Elder Affairs

CS/CS/SB 80 — Child Welfare

by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Brodeur and others

The bill amends and creates a number of sections of law related to the child welfare system, making substantial changes that will impact the lives of children in out-of-home care and young adults who have aged out of care. Specifically, the bill makes the following changes:

Consolidated Information Record

- Requires the Department of Children and Families (the DCF) or a third party to develop a “FACE sheet” which must include minimum specified information related to the child’s case to be kept in the dependency case file as a quick reference resource.
- Requires that the FACE sheet must be in a uniform and standardized format, be electronic and have the capability to be printed, and be updated at least once a month.

Best Interest and Priority Placement Determinations

- Creates a new section of law that relocates, consolidates, and expands current factors that must be considered for various decisions related to a child that enters or is in out-of-home care and requires the DCF, a community-based care lead agency (lead agency), or the court to consider such enumerated factors when determining whether a proposed placement for a child in out-of-home care is in the child’s best interest.
- Provides legislative findings and intent related to priority placements for children in out-of-home care and expands and relocates the list of persons that should be considered as priority placements for these children.
- Requires the priority placement list to be applied to initial placement decisions and all subsequent placement decisions.

Multidisciplinary Teams

- Relocates and expands the use of existing multidisciplinary teams (MDT) to emphasize the importance of engaging with families and other important individuals in order to make better decisions for children in out-of-home care.
- Requires the MDT to be convened within specified timeframes to consider certain decisions related to the child, including initial and subsequent placement decisions, creating transition plans for such placement decisions, determining educational placement decisions, and the above-mentioned decisions specifically related to sibling placements.
- Specifies the participants that must be invited to MDT staffings and provides authority for the DCF or lead agency to invite other relevant participants.
- Requires the MDT staffing to be led by a facilitator who is a trained professional and a person otherwise required to attend the staffing.
- Requires MDT staffing participants to gather when an important decision about a child’s life is required to be made and consider data and information on the child before reaching a decision.

- Requires MDTs to conduct supplemental assessments for children under age 3, including to collect specified additional data and consider factors when making decisions relating to such children.
- Provides that a unanimous consensus decision reached by the MDT becomes the official position and that specified parties are bound by such consensus decision.
- Provides procedures for when the MDT does not reach a unanimous consensus decision, and requires the facilitator to notify the court and the DCF within a certain time frame.
- Requires the DCF to determine how to address the goal of the staffing in the absence of a unanimous consensus decision.

Changes in Placement and Education Settings; Transition Planning

- Provides a number of additions and amendments to provisions related to changes in placement and education settings and for appropriately planned and executed transitions in order to reduce the possible trauma of such changes to the child, and his or her family, caregivers and other professionals involved in the case.
- Requires the DCF or lead agency to convene the MDT to develop transition plans for placement changes and education transitions within specified time frames for emergency versus nonemergency circumstances that focus on minimizing the impact on the child.
- Requires the transition plans to address specialized concerns, including, in part, additional specified factors for children that are younger than 3 years of age.
- Requires the DCF and lead agency to consider certain factors when determining the best education placement for a child and provide additional considerations for transitions of early education or programs versus K-12 education schools.
- Requires the DCF to develop a form related to transition plans in collaboration with the Quality Parenting Initiative and requires such form to be attached to a child's FACE sheet.
- Requires the DCF to contract for the development of model placement transition plans and related material that provide a basis for developing individualized transition plans for children in out-of-home care who are changing placements.

Placement of Siblings in Out-of-Home Care

- Consolidates existing provisions and creates new provisions addressing the complexities of placing sibling groups in out-of-home care or, in the alternative, allowing the siblings to maintain visitation and ongoing contact when placement together is not possible.
- Creates specified provisions for handling changes in placement or educational settings and transitions of sibling groups throughout the dependency case process.
- Requires that the DCF make reasonable efforts to place sibling groups together when they are removed at the same time from the same home and on an initial placement of a child who enters out-of-home care later than his or her siblings if it won't disrupt the placement of the sibling already in out-of-home care.
- Requires the DCF or lead agency to convene a MDT staffing to make a decision regarding placements of sibling groups.
- Provides specified factors to consider when determining placement of a child who is part of a sibling group and who is younger than 3 years of age.

- Requires contact and visitation between siblings who are not placed together in out-of-home care, which will assist the siblings with continuing established relationships or possibly developing a relationship.
- Provides, in very limited instances, for continued communication between a child and his or her sibling who has legally exited out-of-home care.

Postdisposition Placement Changes

- Requires the court to consider MDT reports and placement priorities when making a decision regarding a placement change.
- Creates a rebuttable presumption that when certain specified criteria are satisfied that it is in the best interest of the child to remain in the current placement and requires the court to conduct an evidentiary hearing to determine the best placement for a child when such rebuttable presumption applies.
- Permits the caregiver to, in response to receiving written notice of the DCF or lead agency's intent to change a placement, file written notice to the court and the DCF requesting the above-mentioned evidentiary hearing.
- Requires the court to hold the initial status hearing and conduct the evidentiary hearing within specified timeframes, appoint an attorney for the child and an expert in attachment and bonding, and advise the caregiver that he or she may retain counsel for the evidentiary hearing.
- Prohibits the DCF from moving the child until the evidentiary hearing has been conducted and unless a court finds that the change of placement is in the child's best interest and requires the DCF or lead agency to implement an appropriate transition place if the court makes such a finding.

Increased Support for Young Adults Aging Out of Care

- Requires the DCF to assess each child's readiness for transition to adulthood and requires transition planning at an earlier age to allow more time for appropriate preparation.
- Requires the court to consider factors related to older children at an earlier age and more frequently if necessary.
- Improves collection and reporting of performance measures and outcomes for independent living skill development and transition success.
- Requires lead agencies to provide post-adoption supports to avoid dissolution of adoptions.
- Creates an Office of Continuing Care at the DCF to help young adults who have aged out of the child welfare system and also requires lead agencies to annually contact young adults to advise such youth of eligible services, inquire about the youth's needs, and provide assistance with connecting them to independent living services.
- Expands eligibility for having the cost of licensure and motor vehicle insurance reimbursed through the Keys-to-Independence program to include young adults who were 18 at the time of aging out of care and who are currently enrolled in the Postsecondary Education Supports and Services (PESS) program, rather than only for young adults in Extended Foster Care (EFC).

- Allows young adults in the Road-to-Independence program to access financial assistance in times of emergency, such as large medical expenses or automobile repairs.
- Requires lead agencies to provide intensive supports for young adults who have aged out of care and who show the greatest deficits in life.
- Requires the Florida Institute for Child Welfare to evaluate the state's delivery of life skill services and the DCF to provide more support to caregivers in delivering those services.

Reinstatement of Parental Rights

- Allows the court to consider a motion to reinstate parental rights if certain factors are satisfied including, in part, the termination of such rights was based on either the parent's voluntary surrender or as a result of failing to substantially comply with his or her case plan; that the child must be at least 13 years of age; both the child and parent want the reinstatement; and the MDT convened for this identified goal recommends the reinstatement is in the child's best interest.
- Requires the court, upon a finding of clear and convincing evidence that all the necessary factors are met, to conduct supervised visitation and trial home visits for at least 3 consecutive months with regular reports on progress.
- Allows the court to reinstate the parental rights with an in-home safety plan and protective supervision for a specified time if the court finds by clear and convincing evidence after the completion of the 3 month supervised visitation and trial home visits that it is in the best interest of the child.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-0; House 114-0