

By Senator Jones

40-1219-99

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A bill to be entitled

An act relating to dependent children; creating s. 39.4085, F.S.; providing a "Bill of Rights," specifying the rights of dependent children in shelter or foster care; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 39.4085, Florida Statutes, is created to read:

39.4085 Rights of dependent children.--The Legislature finds and declares that the design and delivery of child welfare services should be directed by the principle that the health and safety of children should be of paramount concern and, therefore, establishes that children in shelter or foster care have the right to:

(1) Receive a copy of this "Bill of Rights" and have it fully explained to them when they are placed in the custody of the department.

(2) The guarantee of individual dignity, liberty, pursuit of happiness, and the protection of their civil and legal rights as persons in the custody of the state.

(3) Have their privacy protected, have their personal belongings secure and transported with them, and, unless otherwise ordered by the court, have uncensored communication, including receiving and sending unopened communications and having access to a telephone.

(4) Personnel providing services who are sufficiently qualified and experienced to assess the risk children face

1 prior to removal from their homes and to meet the needs of the  
2 children once they are in the custody of the department.

3 (5) Remain in the custody of their parents or legal  
4 custodians unless and until there has been a determination by  
5 a qualified person exercising competent professional judgment  
6 that removal is necessary to protect their physical, mental,  
7 or emotional health or safety.

8 (6) Have a full risk, health, educational, medical and  
9 psychological screening and, if needed, assessment and testing  
10 prior to placement in shelter or foster care; and to have  
11 their photograph and fingerprints included in their case  
12 management file.

13 (7) Referral to and receipt of any and all services,  
14 including necessary medical, emotional, psychological,  
15 psychiatric and educational evaluations and treatment, within  
16 1 week after identification of the need for such services by  
17 the screening and assessment process.

18 (8) Placement in a home with no more than one other  
19 child, unless they are part of a sibling group.

20 (9) Placement away from other children who pose a  
21 threat of harm to them, either because of their own risk  
22 factors or those of the other child.

23 (10) Placement in a home where the shelter or foster  
24 caregiver is aware of and understands the child's history,  
25 needs, and risk factors.

26 (11) Development of a plan by the counselor and the  
27 shelter or foster caregiver to deal with identified behaviors  
28 that may present a risk to the child or others.

29 (12) Be involved and incorporated, where appropriate,  
30 in the development of the case plan, to have a case plan which  
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1 will address their specific needs, and to object to any of the  
2 provisions of the case plan.

3 (13) Meaningful case management and planning that will  
4 quickly return the child to his or her family or move the  
5 child on to other forms of permanency.

6 (14) Regular visitation by a caseworker, at least once  
7 a month, which shall include meeting with the child alone and  
8 conferring with the shelter or foster caregiver.

9 (15) Regular visitation, at least once a week, with  
10 their siblings unless the court orders otherwise.

11 (16) Regular visitation with their parents, at least  
12 once a month, unless the court orders otherwise.

13 (17) A free and appropriate education; minimal  
14 disruption to their education and retention in their home  
15 school, if appropriate; referral to the child study team; all  
16 special educational services, including, where appropriate,  
17 the appointment of a parent surrogate; the sharing of all  
18 necessary information between the school board and the  
19 department, including information on attendance and  
20 educational progress.

21 (18) Raise grievances with the department over the  
22 care they are receiving from their caregivers, caseworkers, or  
23 other service providers.

24 (19) Be heard by the court, if appropriate, at all  
25 review hearings.

26 (20) Have a guardian ad litem appointed to represent  
27 their best interests and, where appropriate, an attorney ad  
28 litem appointed to represent their legal interests; the  
29 guardian ad litem and attorney ad litem shall have immediate  
30 and unlimited access to the children they represent.

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1           (21) Have all their records available for review by  
2 their guardian ad litem and attorney ad litem if they deem  
3 such review necessary.

4           (22) Organize as a group for purposes of ensuring that  
5 they receive the services and living conditions to which they  
6 are entitled and to provide support for one another while in  
7 the custody of the department.

8           (23) Be afforded prompt access to all available state  
9 and federal programs, including, but not limited to: Early  
10 Periodic Screening, Diagnosis, and Testing (EPSDT) services,  
11 developmental services programs, Medicare and supplemental  
12 security income, Children's Medical Services, and programs for  
13 severely emotionally disturbed children.

14           Section 2. This act shall take effect upon becoming a  
15 law.

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18           HOUSE SUMMARY

19           Provides a "Bill of Rights" specifying the rights of  
20 children in the custody of the Department of Children and  
21 Family Services who have been placed in shelter or foster  
22 care.  
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