

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Gottlieb offered the following:

Amendment (with title amendment)

On page 15, between lines 2 and 3,

insert:

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

39.4085 Legislative findings and declaration of intent for goals 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 the following goals in support of children in shelter or foster care:

(1) To receive a copy of this act and have it fully explained to them when they are placed in the custody of the department.

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

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

6 (4) To have personnel providing services who are
7 sufficiently qualified and experienced to assess the risk
8 children face prior to removal from their homes and to meet
9 the needs of the children once they are in the custody of the
10 department.

11 (5) To remain in the custody of their parents or legal
12 custodians unless and until there has been a determination by
13 a qualified person exercising competent professional judgment
14 that removal is necessary to protect their physical, mental,
15 or emotional health or safety.

16 (6) To have a full risk, health, educational, medical
17 and psychological screening and, if needed, assessment and
18 testing upon adjudication into foster care; and to have their
19 photograph and fingerprints included in their case management
20 file.

21 (7) To be referred to and receive services, including
22 necessary medical, emotional, psychological, psychiatric and
23 educational evaluations and treatment, as soon as practicable
24 after identification of the need for such services by the
25 screening and assessment process.

26 (8) To be placed in a home with no more than one other
27 child, unless they are part of a sibling group.

28 (9) To be placed away from other children known to
29 pose a threat of harm to them, either because of their own
30 risk factors or those of the other child.

31 (10) To be placed in a home where the shelter or

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1 foster caregiver is aware of and understands the child's
2 history, needs, and risk factors.

3 (11) To be the subject of a plan developed by the
4 counselor and the shelter or foster caregiver to deal with
5 identified behaviors that may present a risk to the child or
6 others.

7 (12) To be involved and incorporated, where
8 appropriate, in the development of the case plan, to have a
9 case plan which will address their specific needs, and to
10 object to any of the provisions of the case plan.

11 (13) To receive meaningful case management and
12 planning that will quickly return the child to his or her
13 family or move the child on to other forms of permanency.

14 (14) To receive regular communication with a
15 caseworker, at least once a month, which shall include meeting
16 with the child alone and conferring with the shelter or foster
17 caregiver.

18 (15) To enjoy regular visitation, at least once a
19 week, with their siblings unless the court orders otherwise.

20 (16) To enjoy regular visitation with their parents,
21 at least once a month, unless the court orders otherwise.

22 (17) To receive a free and appropriate education;
23 minimal disruption to their education and retention in their
24 home school, if appropriate; referral to the child study team;
25 all special educational services, including, where
26 appropriate, the appointment of a parent surrogate; the
27 sharing of all necessary information between the school board
28 and the department, including information on attendance and
29 educational progress.

30 (18) To be able to raise grievances with the
31 department over the care they are receiving from their

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1 caregivers, caseworkers, or other service providers.
2 (19) To be heard by the court, if appropriate, at all
3 review hearings.
4 (20) To have a guardian ad litem appointed to
5 represent, within reason, their best interests and, where
6 appropriate, an attorney ad litem appointed to represent their
7 legal interests; the guardian ad litem and attorney ad litem
8 shall have immediate and unlimited access to the children they
9 represent.
10 (21) To have all their records available for review by
11 their guardian ad litem and attorney ad litem if they deem
12 such review necessary.
13 (22) To organize as a group for purposes of ensuring
14 that they receive the services and living conditions to which
15 they are entitled and to provide support for one another while
16 in the custody of the department.
17 (23) To be afforded prompt access to all available
18 state and federal programs, including, but not limited to:
19 Early Periodic Screening, Diagnosis, and Testing (EPSDT)
20 services, developmental services programs, Medicare and
21 supplemental security income, Children's Medical Services, and
22 programs for severely emotionally disturbed children.
23
24 The provisions of this section establish goals and not rights.
25 Nothing in this section shall be interpreted as requiring the
26 delivery of any particular service or level of service in
27 excess of existing appropriations. No person shall have a
28 cause of action against the state or any of its subdivisions,
29 agencies, contractors, subcontractors, or agents, based upon
30 the adoption of or failure to provide adequate funding for the
31 achievement of these goals by the Legislature. Nothing herein

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1 shall require the expenditure of funds to meet the goals
2 established herein except funds specifically appropriated for
3 such purpose.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 2, line 9,

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10 after the semicolon insert:

11 creating s. 39.4085, F.S.; providing
12 legislative intent; specifying goals in support
13 of a "Bill of Rights," specifying the rights of
14 dependent children in shelter or foster care;
15 clarifying that the establishment of goals does
16 not create rights; prohibiting certain causes
17 of action;

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