

Bill No. CS for CS for SB 660

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Jones moved the following amendment to amendment (782172):

Senate Amendment (with title amendment)

On page 16, between lines 15 and 16,

insert:

Section 5. Section 39.4085, Florida Statutes, is created to read:

39.4085 Legislative findings and declaration of intent for goals for 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 for 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

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1 as persons in the custody of the state.

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

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

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

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

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

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

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

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1 (10) To be placed in a home where the shelter or
2 foster caregiver is aware of and understands the child's
3 history, needs, and risk factors.

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

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

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

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

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

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

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

31 (18) To be able to raise grievances with the

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1 department over the care they are receiving from their
2 caregivers, caseworkers, or other service providers.

3 (19) To be heard by the court, if appropriate, at all
4 review hearings.

5 (20) To have a guardian ad litem appointed to
6 represent, within reason, their best interests and, where
7 appropriate, an attorney ad litem appointed to represent their
8 legal interests; the guardian ad litem and attorney ad litem
9 shall have immediate and unlimited access to the children they
10 represent.

11 (21) To have all their records available for review by
12 their guardian ad litem and attorney ad litem if they deem
13 such review necessary.

14 (22) To organize as a group for purposes of ensuring
15 that they receive the services and living conditions to which
16 they are entitled and to provide support for one another while
17 in the custody of the department.

18 (23) To be afforded prompt access to all available
19 state and federal programs, including, but not limited to:
20 Early Periodic Screening, Diagnosis, and Testing (EPSDT)
21 services, developmental services programs, Medicare and
22 supplemental security income, Children's Medical Services, and
23 programs for severely emotionally disturbed children.

24
25 The provisions of this section establish goals and not rights.
26 Nothing in this section shall be interpreted as requiring the
27 delivery of any particular service or level of service in
28 excess of existing appropriations. No person shall have a
29 cause of action against the state or any of its subdivisions,
30 agencies, contractors, subcontractors, or agents, based upon
31 the adoption of or failure to provide adequate funding for the

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1 achievement of these goals by the Legislature. Nothing herein
 2 shall require the expenditure of funds to meet the goals
 3 established herein except funds specifically appropriated for
 4 such purpose.

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 6 (Redesignate subsequent sections.)

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

10 And the title is amended as follows:

11 On page 18, line 2, after "severability;"

12

13 insert:

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

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