By the Committee on Children, Families, and Elder Affairs; and Senator Storms

586-2067-07

1	A bill to be entitled
2	An act relating to adoption and child
3	protection; amending s. 39.001, F.S.;
4	redesignating the Office of Child Abuse
5	Prevention as the Office of Adoption and Child
6	Protection; revising the purpose of the office;
7	redesignating the director of the office as the
8	Chief Child Advocate; providing for the
9	promotion of adoption and support of adoptive
10	families in the state plan of the office;
11	revising the content requirement of an annual
12	report; establishing the Child Abuse Prevention
13	and Permanency Advisory Council and providing
14	for its composition; requiring the office, in
15	conjunction with the Department of Children and
16	Family Services and the Department of
17	Education, to develop a certification program
18	for certain professionals who provide services
19	related to adoption and support of adoptive
20	families; providing additional purposes for
21	district plans of action; creating s. 39.0011,
22	F.S.; authorizing the office to establish a
23	direct-support organization; providing
24	purposes, requirements, and objectives;
25	providing for members of a board of directors
26	of the direct-support organization; requiring
27	the organization to operate under contract with
28	the office; providing guidelines for the use of
29	funds; amending ss. 39.0014 and 39.01, F.S.;
30	conforming references to changes made by the
31	act; creating s. 409.1661, F.S.; establishing a

subsidized adoption program; providing definitions; providing eligibility; providing for waiver of certain adoption fees; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

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

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Section 1. Subsections (6) through (9) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.--

- ABANDONMENT, AND NEGLECT OF CHILDREN.—The incidence of known child abuse, abandonment, and neglect has increased rapidly over the past 5 years. The impact that abuse, abandonment, or neglect has on the victimized child, siblings, family structure, and inevitably on all citizens of the state has caused the Legislature to determine that the prevention of child abuse, abandonment, and neglect shall be a priority of this state. To further this end, it is the intent of the Legislature that an Office of Adoption and Child Protection Abuse Prevention be established.
- (7) OFFICE OF <u>ADOPTION AND</u> CHILD <u>PROTECTION</u> ABUSE PREVENTION.--
- (a) For purposes of establishing a comprehensive statewide approach for the <u>promotion of adoption</u>, <u>support of adoptive families</u>, <u>and prevention of child abuse</u>, abandonment, and neglect, the Office of <u>Adoption and Child Protection Abuse Prevention</u> is created within the Executive Office of the Governor. The Governor shall appoint a <u>Chief Child Advocate</u>

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director for the office who shall be subject to confirmation by the Senate.

- (b) The <u>Chief Child Advocate</u> <u>director</u> shall:
- 1. Assist in the development of developing rules pertaining to the promotion of adoption, support of adoptive families, and implementation of child abuse prevention efforts.
- 2. Act as the Governor's liaison with state agencies, other state governments, and the public and private sectors on matters that relate to the promotion of adoption, support of adoptive families, and child abuse prevention.
- 3. Work to secure funding and other support for the state's <u>efforts to promote adoption</u>, <u>support adoptive</u>

 <u>families</u>, <u>and prevent</u> child abuse <u>prevention efforts</u>,
 including, but not limited to, establishing cooperative relationships among state and private agencies.
- 4. Develop a strategic program and funding initiative that links the separate jurisdictional activities of state agencies with respect to the promotion of adoption, support of adoptive families, and child abuse prevention. The office may designate lead and contributing agencies to develop such initiatives.
- 5. Advise the Governor and the Legislature on statistics related to adoption and child abuse trends in this state, the status of current adoption programs and services, current child abuse prevention programs and services, the funding of those programs and services, and the status of the office with regard to the development and implementation of a the state strategy for the promotion of adoption, support of adoptive families, and child abuse prevention strategy.

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- 6. Develop child abuse prevention public awareness campaigns for the promotion of adoption, the support of adoptive families, and child abuse prevention to be implemented throughout the state.
 - (c) The office is authorized and directed to:
- 1. Oversee the preparation and implementation of the state plan established under subsection (8) and revise and update the state plan as necessary.
- 2. Provide for or make available continuing professional education and training in the prevention of child abuse and neglect.
- 3. Work to secure funding in the form of appropriations, gifts, and grants from the state, the Federal Government, and other public and private sources in order to ensure that sufficient funds are available for the promotion of adoption, support of adoptive families, and child abuse prevention efforts.
- 4. Make recommendations pertaining to agreements or contracts for the establishment and development of:
- a. Programs and services for <u>the promotion of</u>

 <u>adoption</u>, <u>support of adoptive families</u>, <u>and</u> the prevention of child abuse and neglect.
- b. Training programs for the prevention of child abuse and neglect.
- c. Multidisciplinary and discipline-specific training programs for professionals with responsibilities affecting children, young adults, and families.
 - d. Efforts to promote adoption.
 - e. Postadoptive services to support adoptive families.
- 5. Monitor, evaluate, and review the development and quality of local and statewide services and programs for the

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1	promotion of adoption, support of adoptive families, and
2	prevention of child abuse and neglect and shall publish and
3	distribute an annual report of its findings on or before
4	January 1 of each year to the Governor, the Speaker of the
5	House of Representatives, the President of the Senate, the
6	secretary of each state agency affected by the report, and the
7	appropriate substantive committees of the Legislature. The
8	report shall include:

- a. A summary of the activities of the office.
- b. A summary of adoption data collected and reported
 to the Adoption and Foster Care Analysis and Reporting System
 (AFCARS) and the federal Administration for Children and
 Families.
 - c. A summary of abuse prevention data collected and reported to the National Child Abuse and Neglect Data System (NCANDS) and the federal Administration for Children and Families.
 - <u>d.b.</u> A summary detailing the <u>timelines of the adoption</u> process for children adopted from within the child welfare system demographic and geographic characteristics of families served by the prevention programs.
 - <u>e.e.</u> Recommendations, by state agency, for the further development and improvement of services and programs for the <u>promotion of adoption, support of adoptive families, and prevention of child abuse and neglect.</u>
 - f.d. The budget requests, adoption promotion and support needs, and child abuse prevention program needs by state agency.
- 6. Work with the direct-support organization

 established under s. 39.0011 and receive financial support

 from the organization.

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(8) PLAN FOR COMPREHENSIVE APPROACH. --

(a) The office shall develop a state plan for the promotion of adoption, support of adoptive families, and prevention of abuse, abandonment, and neglect of children and shall submit the state plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 31, 2008 2007. The Department of Children and Family Services, the Department of Corrections, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Law Enforcement, the Agency for Persons with Disabilities, and the Agency for Workforce Innovation shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations must shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations includes shall include, but is not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the Florida local advocacy councils; community-based care lead agencies; private or public organizations or programs with recognized expertise in working with child abuse prevention programs for children and families; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care

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centers; law enforcement agencies; and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required under of the various groups in paragraph (b).

- (b) The development of the state plan shall be accomplished in the following manner:
- 1. The office shall establish a Child Abuse Prevention and Permanency Advisory Council composed of representatives from each state agency and appropriate local agencies and organizations specified in paragraph (a) and an adoptive parent who has adopted a child from within the child welfare system. The advisory council shall serve as the research arm of the office and shall be responsible for:
- a. Assisting in developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the <u>promotion and support of adoption</u> and the prevention of child abuse, abandonment, and neglect conducted by the office in order to maximize staff and resources at the state level. The plan of action <u>must shall</u> be included in the state plan.
- b. Assisting in providing a basic format to be <u>used</u> utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.
- c. Providing the districts with technical assistance in the development of local plans of action, if requested.
- d. Assisting in examining the local plans to determine if all the requirements of the local plans have been met and,

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if they have not, informing the districts of the deficiencies and requesting the additional information needed.

- e. Assisting in preparing the state plan for submission to the Legislature and the Governor. Such preparation <u>must shall</u> include <u>incorporating the incorporation into the state plan of information obtained</u> from the local plans <u>into the state plan</u>, the cooperative plans with the members of the advisory council, and the plan of action for coordination and integration of state departmental activities. The state plan <u>must shall</u> include a section reflecting general conditions and needs, an analysis of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the state plan <u>must shall</u> provide an analysis and summary of each element of the local plans to provide a statewide perspective. The state plan <u>must shall</u> also include each separate local plan of action.
- f. Conducting a feasibility study on the establishment of a Children's Cabinet.
- g. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.
- 2. The office, the department, the Department of Education, and the Department of Health shall work together in developing ways to inform and instruct parents of school children and appropriate district school personnel in all school districts in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect, and in caring for a child's needs after a report is made. The plan for accomplishing this end <u>must shall</u> be included in the state plan.

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- 3. The office, the department, the Department of Law Enforcement, and the Department of Health shall work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect.
- 4. Within existing appropriations, the office shall work with other appropriate public and private agencies to support emphasize efforts to educate the general public about the problem of and ways to detect child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect. The plan for accomplishing this end <u>must shall</u> be included in the state plan.
- 5. The office, the department, the Department of Education, and the Department of Health shall work together on enhancing or adapting the enhancement or adaptation of curriculum materials to assist instructional personnel in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse, abandonment, and neglect. The curriculum materials must shall be geared toward a sequential program of instruction at the four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging all school districts to use utilize the curriculum are to be included in the state plan for the prevention of child abuse, abandonment, and neglect.
- 6. The office, the department, and the Department of
 Education shall work together to develop a postgraduate

 certification program for mental health and education

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professionals who provide services to adoptive children and their families.

7.6. Each district of the department shall develop a <u>local</u> plan <u>of action</u> for its specific geographical area. The plan developed at the district level shall be submitted to the advisory council for utilization in preparing the state plan. The district local plan of action shall be prepared with the involvement and assistance of the local agencies and organizations listed in this paragraph, as well as representatives from those departmental district offices participating in the promotion of adoption, support of adoptive families, and treatment and prevention of child abuse, abandonment, and neglect. In order to accomplish this, the office shall establish a task force on the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect. The office shall appoint the members of the task force in accordance with the membership requirements of this section. The office shall ensure that individuals from both urban and rural areas and an adoptive parent who has adopted a child from within the child welfare system are represented on the task force. The task force shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The local district plan of action to be prepared by the task force $\underline{\text{must}}$ $\underline{\text{shall}}$ include, but shall not be limited to:

a. Documentation of the magnitude of the problems of child abuse, including sexual abuse, physical abuse, and emotional abuse, and child abandonment and neglect in its geographical area.

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- b. A description of programs currently serving abused,
 abandoned, and neglected children and their families and a
 description of programs for the prevention of child abuse,
 abandonment, and neglect, including information on the impact,
 cost-effectiveness, and sources of funding of such programs.
 - c. Information concerning the number of children within the child welfare system who are available for adoption and who need child-specific adoption promotion efforts.
 - d. A description of programs currently promoting and supporting adoptive families, including information concerning the results, cost-effectiveness, and sources of funding of such programs.
 - e. A description of a comprehensive strategy for providing postadoption services. The continuum of services must include, but need not be limited to, sufficient and accessible parent and teen support groups; case management, information, and referral services; and educational advocacy.
 - f.e. A continuum of programs and services necessary for <u>providing</u> a comprehensive approach to the <u>promotion of adoption and the prevention of all types of child abuse</u>, abandonment, and neglect as well as a brief description of such programs and services.
 - g.d. A description, documentation, and priority
 ranking of local needs related to the promotion of adoption,
 support of adoptive parents, and prevention of child abuse,
 abandonment, and neglect prevention based upon the continuum
 of programs and services.
 - $\underline{\text{h.e.}}$ A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the

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reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

- <u>i.f.</u> A description of barriers to the accomplishment of a comprehensive approach to the <u>promotion of adoption</u>, support of adoptive families, and prevention of child abuse, abandonment, and neglect.
- j.g. Recommendations for changes that can be accomplished only at the state program level or by legislative action.
 - (9) FUNDING AND SUBSEQUENT PLANS. --
- (a) All budget requests submitted by the office, the department, the Department of Health, the Department of Education, the Department of Juvenile Justice, the Department of Corrections, the Agency for Persons with Disabilities, the Agency for Workforce Innovation, or any other agency to the Legislature for funding of efforts for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect must shall be based on the state plan developed pursuant to this section.
- organizations listed in paragraph (8)(a) shall readdress the state plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be submitted to the Speaker of the House of Representatives and the President of the Senate no later than June 30 of each year divisible by 5. At least biennially, the office shall review the state plan and make any necessary revisions based on changing needs and program evaluation results. An annual progress report shall be submitted to update the state plan in the years between the 5-year intervals. In order to avoid duplication of effort,

these required plans may be made a part of or merged with 2 other plans required by either the state or Federal Government, so long as the portions of the other state or 3 Federal Government plan that constitute the state plan for the 4 promotion of adoption, support of adoptive families, and 5 prevention of child abuse, abandonment, and neglect are clearly identified as such and are provided to the Speaker of 8 the House of Representatives and the President of the Senate 9 as required above. 10 Section 2. Section 39.0011, Florida Statutes, is created to read: 11 12 39.0011 Direct-support organization. --13 (1) The Office of Adoption and Child Protection, established under s. 39.001, may establish a direct-support 14 organization to assist the state in carrying out its purposes 15 and responsibilities regarding the promotion of adoption, 16 support of adoptive families, and prevention of child abuse, 18 abandonment, and neglect by raising money; submitting requests for and receiving grants from the Federal Government, the 19 state or its political subdivisions, private foundations, and 2.0 21 individuals; and making expenditures to or for the benefit of the office. The sole purpose for the direct-support 22 23 organization is to support the office. The direct-support 2.4 organization must be: (a) Incorporated under chapter 617 and approved by the 25 26 Department of State as a Florida not-for-profit corporation; 27 (b) Organized and operated to make expenditures to or 2.8 for the benefit of the office; and (c) Approved by the office to be operating for the 29 benefit of and in a manner consistent with the goals of the 30

office and in the best interest of the state.

1	(2) The number of members on the board of directors of
2	the direct-support organization shall be determined by the
3	Chief Child Advocate. Membership on the board of directors of
4	the direct-support organization shall include, but need not be
5	limited to, a quardian ad litem; a member of a local advocacy
6	council; a representative from a community-based care lead
7	agency; a representative from a private or public organization
8	or program having recognized expertise in working with child
9	abuse prevention programs for children and families; a
10	representative of a private or public organization or program
11	with recognized expertise in working with children who are
12	sexually abused, physically abused, emotionally abused,
13	abandoned, or neglected and having expertise in working with
14	the families of such children; an individual working at a
15	state adoption agency; and the parent of a child adopted from
16	within the child welfare system.
17	(3) The direct-support organization shall operate
18	under written contract with the office.
19	(4) All moneys received by the direct-support
20	organization must be deposited into an account of the
21	direct-support organization and be used by the organization in
22	a manner consistent with the goals of the office.
23	Section 3. Section 39.0014, Florida Statutes, is
24	amended to read:
25	39.0014 Responsibilities of public agenciesAll
26	state, county, and local agencies shall cooperate, assist, and
27	provide information to the Office of Adoption and Child
28	Protection Abuse Prevention and the department as will enable
29	them to fulfill their responsibilities under this chapter.
30	Section 4. Subsection (45) of section 39.01, Florida
31	Statutes, is amended to read:

39.01 Definitions.--When used in this chapter, unless 2 the context otherwise requires: 3 (45) "Office" means the Office of Adoption and Child Protection Abuse Prevention within the Executive Office of the 4 5 Governor. 6 Section 5. Section 409.1661, Florida Statutes, is 7 created to read: 8 409.1661 Adoption promotion subsidy. (1) DEFINITIONS.--As used in this section, the term: 9 10 (a) "Licensed child-placing agency" has the same meaning as in s. 39.01. 11 12 (b) "Special needs child" has the same meaning as in 13 s. 409.166. (2) ADOPTION PROMOTION SUBSIDY. --14 (a) The Department of Children and Family Services 15 shall make adoption promotion subsidies available to 16 17 prospective adoptive parents. Funding appropriated for such 18 subsidies may not be used for any other purpose. Subject to appropriations, adoption promotion subsidies shall be 19 available when adopting the following children: 2.0 21 1. For the support and maintenance of a special needs child. An adoption promotion subsidy provided under this 2.2 23 subparagraph may be provided until the child's 18th birthday, shall be in addition to the adoption assistance subsidies 2.4 available under s. 409.166, and shall be in an amount agreed 2.5 to between the adoptive parents and the department which must 2.6 27 be memorialized in writing. However, the total amount of all 2.8 subsidy payments may not exceed \$5,000 annually unless the secretary of the department approves an enhanced rate due to 29 circumstances such as, but not limited to, the child's 30 physical or mental condition. 31

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For the support and maintenance of a child within the child welfare system who has been removed from the child's caregiver due to abuse, neglect, or abandonment and whose permanent custody has been awarded to the department or to a licensed child-placing agency. An adoption promotion subsidy provided under this subparagraph may be provided until the child's 18th birthday and shall be in an amount agreed to between the adoptive parents and the department which must be memorialized in writing. However, the payment amount may not exceed \$5,000 annually unless the secretary of the department approves an enhanced rate due to circumstances such as, but not limited to, a child's need for extensive care or supervision. 3. For the support and maintenance of a child other than a child described in subparagraph 1. or subparagraph 2. residing in this state, who was born in the United States or born to a United States citizen who was in the military or working overseas at the time of the child's birth, and whose biological parents have had their parental rights terminated. An adoption promotion subsidy provided under this subparagraph may be provided for the 3 years following the finalization of the adoption and may not exceed \$3,000 annually. The payment shall be in an amount agreed to between the adoptive parents and the department and must be memorialized in writing. In order to be eliqible for an adoption promotion subsidy, an adopting parent must be a legal resident of the state and have filed a sworn statement of domicile pursuant to s. 222.17. A stepparent who is legally married to a child's biological parent is not eliqible for a subsidy under this subparagraph. (b) The department shall keep the data and records

necessary to evaluate the effectiveness of the subsidy in

1	promoting adoption and supporting adoptive families. The
2	department shall provide this information to the Office of
3	Adoption and Child Protection.
4	(3) WAIVER OF ADOPTION FEES Adoption fees shall be
5	waived for an adoptive parent who adopts a child who is in the
6	custody of the department. Adoption fees may be waived for
7	families who adopt children in the custody of a licensed
8	child-placing agency, or who adopt children placed by an
9	intermediary, and who receive or may be eliqible for subsidies
10	under this section. Retroactive reimbursement of fees is not
11	required for families who adopt children in the custody of
12	licensed child-placing agencies.
13	(4) RULEMAKING The department shall adopt rules
14	pursuant to ss. 120.536(1) and 120.54 to administer this
15	section.
16	Section 6. This act shall take effect July 1, 2007.
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18	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19	COMMITTEE SUBSTITUTE FOR <u>Senate Bill 1388</u>
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21	Strikes the requirement for the Chief Child Advocate to be
22 funds, subject to certain contingencies,	confirmed by the Senate and strikes the section appropriating funds, subject to certain contingencies, to One Church, One
23	Child of Florida Corporation.
24	Corrects other technical deficiencies.
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