

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Kendrick offered the following:

2
3 **Substitute Amendment for Amendment (799061) (with directory**
4 **and title amendments)**

5 Remove line(s) 53-297 and insert:

6 Section 1. Paragraph (j) is added to subsection (2) of
7 section 39.201, Florida Statutes, to read:

8 39.201 Mandatory reports of child abuse, abandonment, or
9 neglect; mandatory reports of death; central abuse hotline.--

10 (2)

11 (j) If an employee of the department or community-based
12 care lead agency, or any subcontractor of the community-based
13 care lead agency, believes that the physical, mental, or
14 emotional health or safety of a child in a shelter or foster
15 home is at risk, the employee shall, in addition to making a
16 call to the central abuse hotline or appropriate county

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17 sheriff's office, make a written request or recommendation to
18 move the child for his or her protection. The written request or
19 recommendation shall be made part of the child's case management
20 file and a copy of the written request or recommendation shall
21 be provided for review to the department, the community-based
22 care lead agency, the court, the guardian ad litem appointed to
23 the child, and the child's parents if their parental rights have
24 not been terminated and they are not the subject or cause of the
25 threat raised while the matter is still under investigation. The
26 court shall, on its own motion or upon the request of the
27 guardian ad litem or any other party, hold a status conference
28 or hearing to discuss the request, report, or recommendation and
29 any resulting investigation or review by the department or
30 community-based care lead agency.

31 Section 2. Section 39.4085, Florida Statutes, is amended
32 to read:

33 39.4085 Legislative findings and declaration of intent for
34 standards ~~goals~~ for dependent children and youth.--The
35 Legislature finds and declares that the design and delivery of
36 child welfare services should be directed by the principle that
37 the health and safety of children and youth should be of
38 paramount concern and, therefore, establishes the following
39 standards ~~goals~~ for children and youth in shelter or foster
40 care:

41 (1) To have an informational session with an employee of
42 the department or community-based care lead agency during which
43 they shall be advised of and receive a copy of this section ~~act~~

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44 and have it fully explained to them in an age-appropriate manner
45 when they are placed in the custody of the department.

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

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

54 (4) To have personnel providing services who are
55 sufficiently qualified and experienced to assess the risk
56 children and youth face prior to removal from their homes and to
57 meet the needs of the children and youth once they are in the
58 custody of the department.

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

64 (6) To have a full risk, health, educational, medical and
65 psychological screening and, if needed, assessment and testing
66 upon adjudication into foster care; and to have their
67 photograph, ~~and~~ fingerprints, birth certificate, and health
68 insurance information, if available, included in their case
69 management file.

70 (7) To be referred to and receive services, including
71 necessary medical, emotional, psychological, psychiatric, and
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72 educational evaluations and treatment, as soon as practicable
73 after identification of the need for such services by the
74 screening and assessment process.

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

77 (9) To be placed away from other children, youth, and
78 adults known to pose a threat of harm to them, either because of
79 their own risk factors or those of the other person ~~child~~.

80 (10) To be placed in a home where they will not be touched
81 in an inappropriate manner, asked to touch another person in an
82 inappropriate manner, or engage in any other inappropriate act.

83 (11) To be placed in a home where the child or youth feels
84 safe and, upon approval of the court, to be moved to a new out-
85 of-home placement if a qualified person exercising competent,
86 professional judgment makes a written request or recommendation
87 to move the child or youth to protect his or her physical,
88 mental, emotional, or behavioral health or safety.

89 (12) To have any and all criminal history records checks
90 pursuant to s. 39.0138, including a Florida Abuse Hotline
91 Information System (FAHIS) history check, completed on any
92 person with whom placement of a child or youth is being
93 considered, including any caregivers, family members, and
94 individuals residing in the household from which the child or
95 youth was removed if reunification after removal is sought
96 pursuant to s. 39.521, before the child or youth is placed.

97 (13)-(10) To be placed in a home where the shelter or
98 foster caregiver is aware of and understands the child's or
99 youth's history, needs, and risk factors.

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100 (14)-(11) If the court deems it is in the best interest of
101 the child or youth, to participate with caregivers and
102 professionals in developing a plan ~~To be the subject of a plan~~
103 ~~developed by the counselor and the shelter or foster caregiver~~
104 to deal with identified behaviors that may present a risk to the
105 child or youth or others. If the child or youth is participating
106 in the development of the plan, the caregivers and professionals
107 shall use age-appropriate terminology so that the child or youth
108 is able to understand the process and the decisions that are
109 made.

110 (15)-(12) If the court deems it is in the best interest of
111 the child or youth, to be involved and incorporated, where
112 ~~appropriate,~~ in the development of the case plan, to have a case
113 plan which will address the child's or youth's ~~their~~ specific
114 needs, to receive a copy of the written case plan, to have the
115 case plan and related services explained in an age-appropriate
116 manner, to have the opportunity and to object to any of the
117 provisions of the case plan, to receive an explanation of all
118 responses to his or her objections, and to initial the written
119 case plan before it is submitted to the court for approval.

120 (16)-(13) To receive meaningful case management and
121 planning that will quickly return the child or youth to his or
122 her family or move the child or youth on to other forms of
123 permanency consistent with the child's or youth's safety and
124 well-being.

125 (17)-(14) To receive regular communication with a
126 caseworker, at least once a month, which shall include meeting
127 with the child or youth alone and conferring with the shelter or
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128 foster caregiver and to have a written summary of that meeting
129 included in the child's or youth's case management file.

130 ~~(18)-(15)~~ To be placed in the same home as their siblings
131 or, when that is not possible, to enjoy regular visitation, at
132 least once a week, with their siblings unless the court orders
133 otherwise.

134 ~~(19)-(16)~~ To enjoy regular visitation with their parents,
135 at least once a month, unless the court orders otherwise.

136 ~~(20)-(17)~~ To receive a free and appropriate education;
137 minimal disruption to their education and retention in their
138 home school, if appropriate; referral to the child study team;
139 all special educational services, including, where appropriate,
140 the appointment of a parent surrogate; the sharing of all
141 necessary information between the school board and the
142 department, including information on attendance and educational
143 progress.

144 ~~(21)-(18)~~ To be able to raise grievances with the
145 department over the care they are receiving from their
146 caregivers, caseworkers, or other service providers.

147 ~~(22)-(19)~~ To be heard by the court, if appropriate, at all
148 review hearings.

149 ~~(23)~~ To have the department or community-based care lead
150 agency adhere to the requirements set forth in s. 39.701(7) (a)
151 and report the information required therein to the court.

152 ~~(24)-(20)~~ To have a guardian ad litem appointed to
153 represent, within reason, their best interests and report on
154 their expressed wishes and, where appropriate, an attorney ad
155 litem appointed by the court to represent their legal interests;
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156 the guardian ad litem and attorney ad litem shall have immediate
157 and unlimited access to the children and youth they represent.

158 ~~(25)(21)~~ To have all their records maintained in a
159 complete and accurate manner, including the full name and street
160 address of any and all shelters, foster parents, or permanent
161 placements with whom the child or youth is placed, to have those
162 records available for review at no cost by their guardian ad
163 litem and attorney ad litem if they deem such review necessary,
164 and to be provided a complete and accurate copy of his or her
165 entire case management file, including any documents or
166 materials concerning services or benefits that may be available
167 to him or her pursuant to s. 409.1451 to make the transition to
168 self-sufficiency when he or she leaves foster care at 18 years
169 of age.

170 ~~(26)(22)~~ To be permitted to communicate with other
171 children and youth in care for the purpose of organizing
172 ~~organize~~ as a group to advocate for ~~purposes of ensuring that~~
173 ~~they receive the~~ services and living conditions to which they
174 are entitled and to provide support for one another while in the
175 custody of the department.

176 ~~(27)(23)~~ To be afforded prompt access to all available
177 state and federal programs, including, but not limited to: Early
178 Periodic Screening, Diagnosis, and Testing (EPSDT) services,
179 developmental services programs, Medicare and supplemental
180 security income, Children's Medical Services, and programs for
181 severely emotionally and behaviorally disturbed children and
182 youth.

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184 The provisions of this section establish standards ~~goals~~ and not
185 rights. Nothing in this section shall be interpreted as
186 requiring the delivery of any particular service or level of
187 service in excess of existing appropriations. No person shall
188 have a cause of action against the state or any of its
189 subdivisions, agencies, contractors, subcontractors, or agents,
190 based upon the adoption of or failure to provide adequate
191 funding for the achievement of these standards ~~goals~~ by the
192 Legislature. Nothing herein shall require the expenditure of
193 funds to meet the standards ~~goals~~ established herein except
194 funds specifically appropriated for such purpose.

195 Section 3. Subsection (3) of section 39.6012, Florida
196 Statutes, is renumbered as subsection (4), and a new subsection
197 (3) is added to that section, to read:

198 39.6012 Case plan tasks; services.--

199 (3) The case plan shall include the full name and street
200 address of all shelters, foster parents, or permanent placements
201 with whom the child is placed. Notwithstanding s. 39.202(1), the
202 child shall receive a complete copy of his or her case
203 management file, including any documents or materials concerning
204 services or benefits that may be available to him or her
205 pursuant to s. 409.1451 to make the transition to self-
206 sufficiency, at no cost, when he or she leaves foster care at 18
207 years of age.

208 Section 4. Subsection (4) is added to section 39.603,
209 Florida Statutes, to read:

210 39.603 Court approvals of case planning.--

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211 (4) At the hearing on the case plan, the court may require
212 the child to appear before the court to discuss the placement
213 informational session provided for in s. 39.4085(1).

214 Section 5. Paragraph (e) is added to subsection (7) of
215 section 39.701, Florida Statutes, to read:

216 39.701 Judicial review.--

217 (7)

218 (e) After each meeting between the child and his or her
219 caseworker, the caseworker shall prepare a written report
220 summarizing his or her communication with the child for the
221 child's case management file. A copy of the written report shall
222 be provided for review to the department, the community-based
223 care lead agency, the court, the guardian ad litem appointed to
224 the child, and the child's parents if their parental rights have
225 not been terminated and they are not the subject or cause of the
226 concern while the matter is still under investigation. The court
227 shall, on its own motion or upon the request of the guardian ad
228 litem or any other party, hold a status conference or hearing to
229 discuss the report and any resulting investigation or review by
230 the department or community-based care lead agency.

231 Section 6. If any provision of this act or the application
232 thereof to any person or circumstance is held invalid, the
233 invalidity does not affect other provisions or applications of
234 the act which can be given effect without the invalid provision
235 or application, and to this end the provisions of this act are
236 declared severable.

237 Section 7. This act shall take effect July 1, 2007.

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239 ===== T I T L E A M E N D M E N T =====
240 Remove line(s) 2-49 and insert:
241 An act relating to dependent children and youth; amending
242 s. 39.201, F.S.; providing a process for recommending a
243 change of placement of a child in a shelter or foster home
244 who is perceived to be at risk; providing for a hearing;
245 requiring that any written requests, reports, or
246 recommendations required be provided to the department,
247 the community-based care lead agency, the court, the
248 parents, and the guardian ad litem for review; amending s.
249 39.4085, F.S.; revising legislative findings and intent;
250 establishing standards for delivery of child welfare
251 services for dependent children and youth; requiring an
252 informational session when children or youth are placed in
253 custody of the department; requiring additional
254 documentation in case management files; requiring that a
255 child or youth be placed in a home determined to be safe;
256 allowing for a change of placement when a threat to safety
257 exists; requiring criminal history records checks and
258 Florida Abuse Hotline Information System history checks of
259 persons with whom the child or youth may be placed;
260 providing for a child or youth to participate in
261 developing a plan to deal with behavioral risks; providing
262 for a child or youth to participate in developing the case
263 plan, make objections, and receive responses to
264 objections; providing for a move to permanency as soon as
265 appropriate and in the interest of the child's or youth's
266 safety or well-being; requiring case workers to prepare

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HOUSE AMENDMENT

Bill No. CS/CS/HB 507

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267 reports for a child's or youth's case management file;
268 requiring children or youths to be placed with their
269 siblings when possible; requiring the department or
270 community-based care lead agency to comply with reporting
271 requirements of the court; providing for a guardian ad
272 litem to report on a child's or youth's expressed wishes;
273 requiring records to be maintained in a complete and
274 accurate manner and to be available to the guardian ad
275 litem or attorney ad litem at no cost; permitting children
276 or youth in care to communicate and to organize an
277 advocacy plan; amending s. 39.6012, F.S.; requiring case
278 plans to include additional information; amending s.
279 39.603, F.S.; providing for the appearance of a child in
280 court to discuss the placement informational session;
281 amending s. 39.701, F.S.; requiring caseworkers to include
282 a written report regarding communication with the child in
283 the case management file; providing for a hearing;
284 providing for severability; providing an effective date.

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