

By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled
2 An act relating to independent living; amending s.
3 39.013, F.S.; providing that when the court obtains
4 jurisdiction over a child who has been found to be
5 dependent, the court retains jurisdiction until the
6 child reaches 21 years of age; providing exceptions;
7 creating s. 39.6035, F.S.; requiring the Department of
8 Children and Families, the community-based care
9 provider, and others to assist a child in developing a
10 transition plan after the child reaches 17 years of
11 age and requiring a meeting to develop the plan;
12 specifying requirements and procedures for the
13 transition plan; requiring periodic review of the
14 transition plan; requiring the court to approve the
15 transition plan before the child leaves foster care
16 and the court terminates jurisdiction; creating s.
17 39.6251, F.S.; providing definitions; providing that a
18 young adult may remain in foster care under certain
19 circumstances after attaining 18 years of age;
20 specifying criteria for extended foster care;
21 providing that the permanency goal for a young adult
22 who chooses to remain in care is transition from care
23 to independent living; specifying dates for
24 eligibility for a young adult to remain in extended
25 foster care; providing for supervised living
26 arrangements in extended foster care; authorizing a
27 young adult to return to foster care under certain
28 circumstances; specified services that must be
29 provided to the young adult; directing the court to

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30 retain jurisdiction and hold review hearings; amending
31 s. 39.701, F.S.; revising judicial review of foster
32 care cases; making technical changes; providing
33 criteria for review hearings for children younger than
34 18 years of age; providing criteria for review
35 hearings for children 17 years of age; requiring the
36 department to verify that the child has certain
37 documents; requiring the department to update the case
38 plan; providing for review hearings for young adults
39 in foster care; amending s. 409.145, F.S.; requiring
40 the department to develop and implement a system of
41 care for children in foster care; specifying the goals
42 of the foster care system; requiring the department to
43 assist foster care caregivers to achieve quality
44 parenting; specifying the roles and responsibilities
45 of caregivers, the department, and others; providing
46 for transition from a caregiver; requiring information
47 sharing; providing for the adoption and use of a
48 "reasonable and prudent parent" standard; defining
49 terms; providing for the application for the standard
50 of care; providing for limiting liability of
51 caregivers; specifying foster care room and board
52 rates; directing the department to adopt rules;
53 deleting obsolete provisions; amending s. 409.1451,
54 F.S.; providing for the Road-to-Independence program;
55 providing legislative findings and intent; providing
56 for postsecondary services and supports; specifying
57 aftercare services; providing for appeals of a
58 determination of eligibility; providing for

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59 portability of services across county lines and
60 between lead agencies; providing for accountability;
61 creating the Independent Living Services Advisory
62 Council; providing for membership and specifying the
63 duties and functions of the council; requiring reports
64 and recommendations; directing the department to adopt
65 rules; amending s. 409.175; allowing for young adults
66 remaining in care to be considered in total number of
67 children placed in a foster home; amending s. 409.903,
68 F.S.; conforming a cross-reference; directing the
69 Department of Children and Families to work in
70 collaboration with the Board of Governors, the Florida
71 College System, and the Department of Education to
72 help address the need for a comprehensive support
73 structure in the academic arena to assist young adults
74 who have been or remain in the foster care system;
75 providing for a transfer of services; providing for
76 foster care services to be paid from a special
77 category in the General Appropriations Act; providing
78 an effective date.

79
80 Be It Enacted by the Legislature of the State of Florida:

81
82 Section 1. Subsection (2) of section 39.013, Florida
83 Statutes, is amended to read:

84 39.013 Procedures and jurisdiction; right to counsel.—

85 (2) The circuit court has exclusive original jurisdiction
86 of all proceedings under this chapter, of a child voluntarily
87 placed with a licensed child-caring agency, a licensed child-

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88 placing agency, or the department, and of the adoption of
89 children whose parental rights have been terminated under this
90 chapter. Jurisdiction attaches when the initial shelter
91 petition, dependency petition, or termination of parental rights
92 petition, or a petition for an injunction to prevent child abuse
93 issued pursuant to s. 39.504, is filed or when a child is taken
94 into the custody of the department. The circuit court may assume
95 jurisdiction over any such proceeding regardless of whether the
96 child was in the physical custody of both parents, was in the
97 sole legal or physical custody of only one parent, caregiver, or
98 some other person, or was not in the physical or legal custody
99 of any person when the event or condition occurred that brought
100 the child to the attention of the court. When the court obtains
101 jurisdiction of any child who has been found to be dependent,
102 the court shall retain jurisdiction, unless relinquished by its
103 order, until the child reaches 21 ~~18~~ years of age, with the
104 following exceptions:

105 (a) If a young adult chooses to leave foster care upon
106 reaching 18 years of age.

107 (b) If a young adult does not meet the eligibility
108 requirements to remain in foster care under s. 39.6251.

109 (c) ~~However,~~ If a young adult ~~youth~~ petitions the court at
110 any time before his or her 19th birthday requesting the court's
111 continued jurisdiction, the juvenile court may retain
112 jurisdiction under this chapter for a period not to exceed 1
113 year following the young adult's ~~youth's~~ 18th birthday for the
114 purpose of determining whether appropriate ~~aftercare support,~~
115 ~~Road-to-Independence Program, transitional support, mental~~
116 health, and developmental disability services, that were

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117 required to be provided to the young adult before reaching 18
118 years of age, to the extent otherwise authorized by law, have
119 been provided ~~to the formerly dependent child who was in the~~
120 ~~legal custody of the department immediately before his or her~~
121 ~~18th birthday.~~

122 (d) If a petition for special immigrant juvenile status and
123 an application for adjustment of status have been filed on
124 behalf of a foster child and the petition and application have
125 not been granted by the time the child reaches 18 years of age,
126 the court may retain jurisdiction over the dependency case
127 solely for the purpose of allowing the continued consideration
128 of the petition and application by federal authorities. Review
129 hearings for the child shall be set solely for the purpose of
130 determining the status of the petition and application. The
131 court's jurisdiction terminates upon the final decision of the
132 federal authorities. Retention of jurisdiction in this instance
133 does not affect the services available to a young adult under s.
134 409.1451. The court may not retain jurisdiction of the case
135 after the immigrant child's 22nd birthday.

136 Section 2. Section 39.6035, Florida Statutes, is created to
137 read:

138 39.6035 Transition plan.—

139 (1) During the 180-day period after a child reaches 17
140 years of age, the department and the community-based care
141 provider, in collaboration with the caregiver and any other
142 individual whom the child would like to include, shall assist
143 the child in developing a transition plan. The required
144 transition plan is in addition to standard case management
145 requirements. The transition plan must address specific options

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146 for the child to use in obtaining services, including housing,
147 health insurance, education, and workforce support and
148 employment services. The plan must also consider establishing
149 and maintaining naturally occurring mentoring relationships and
150 other personal support services. The transition plan may be as
151 detailed as the child chooses. In developing the transition
152 plan, the department and the community-based provider shall:

153 (a) Provide the child with the documentation required
154 pursuant to s. 39.701(7); and

155 (b) Coordinate the transition plan with the independent
156 living provisions in the case plan and, for a child with
157 disabilities, the Individuals with Disabilities Education Act
158 transition plan.

159 (2) The department and the child shall schedule a time,
160 date, and place for a meeting to assist the child in drafting
161 the transition plan. The time, date, and place must be
162 convenient for the child and any individual whom the child would
163 like to include. This meeting shall be conducted in the child's
164 primary language.

165 (3) The transition plan shall be reviewed periodically with
166 the child, the department, and other individuals of the child's
167 choice and updated when necessary before each judicial review so
168 long as the child or young adult remains in care.

169 (4) If a child is planning to leave care upon reaching 18
170 years of age, the transition plan must be approved by the court
171 before the child leaves care and the court terminates
172 jurisdiction.

173 Section 3. Section 39.6251, Florida Statutes, is created to
174 read:

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175 39.6251 Continuing care for young adults.—

176 (1) As used in this section, the term "child" means an
177 individual who has not attained 21 years of age, and the term
178 "young adult" means an individual who has attained 18 years of
179 age but who has not attained 21 years of age.

180 (2) The primary goal for a child in care is permanency. A
181 child who is living in licensed care on his or her 18th birthday
182 and who has not achieved permanency under s. 39.621, is eligible
183 to remain in licensed care under the jurisdiction of the court
184 and in the care of the department. A child is eligible to remain
185 in licensed care if he or she is:

186 (a) Completing secondary education or a program leading to
187 an equivalent credential;

188 (b) Enrolled in an institution that provides postsecondary
189 or vocational education;

190 (c) Participating in a program or activity designed to
191 promote or eliminate barriers to employment;

192 (d) Employed for at least 80 hours per month; or

193 (e) Unable to participate in programs or activities listed
194 in (a)-(d) full time due to a physical, intellectual, emotional,
195 or psychiatric condition that limits participation. Any such
196 barrier to participation must be supported by documentation in
197 the child's case file or school or medical records of a
198 physical, intellectual, or psychiatric condition that impairs
199 the child's ability to perform one or more life activities.

200 (3) The permanency goal for a young adult who chooses to
201 remain in care is transition from licensed care to independent
202 living.

203 (4) (a) The young adult must reside in a supervised living

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204 environment that is approved by the department or a community-
205 based care lead agency. The young adult shall live
206 independently, but in an environment in which he or she is
207 provided supervision, case management, and supportive services
208 by the department or lead agency. Such an environment must offer
209 developmentally appropriate freedom and responsibility to
210 prepare the young adult for adulthood. For the purposes of this
211 subsection, a supervised living arrangement may include a
212 licensed foster home, licensed group home, college dormitory,
213 shared housing, apartment, or another housing arrangement if the
214 arrangement is approved by the community-based care lead agency
215 and is acceptable to the young adult, with first choice being a
216 licensed foster home. A young adult may continue to reside with
217 the same licensed foster family or group care provider with whom
218 he or she was residing at the time he or she reached the age of
219 18 years.

220 (b) Before approving the residential setting in which the
221 young adult will live, the department or community-based care
222 lead agency must ensure that:

223 1. The young adult will be provided with a level of
224 supervision consistent with his or her individual education,
225 health care needs, permanency plan, and independent living goals
226 as assessed by the department or lead agency with input from the
227 young adult. Twenty-four hour on-site supervision is not
228 required, however, 24-hour crisis intervention and support must
229 be available.

230 2. The young adult will live in an independent living
231 environment that offers, at a minimum, life skills instruction,
232 counseling, educational support, employment preparation and

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233 placement, and development of support networks. The
234 determination of the type and duration of services shall be
235 based on the young adult's assessed needs, interests, and input
236 and must be consistent with the goals set in the young adult's
237 case plan.

238 (5) Eligibility for a young adult to remain in extended
239 foster care ends on the earliest of the dates that the young
240 adult:

241 1. Reaches 21 years of age or, in the case of a young adult
242 with a disability, reaches 22 years of age;

243 2. Leaves care to live in a permanent home consistent with
244 his or her permanency plan; or

245 3. Knowingly and voluntarily withdraws his or her consent
246 to participate in extended care. Withdrawal of consent to
247 participate in extended care shall be verified by the court
248 pursuant to s. 39.701, unless the young adult refuses to
249 participate in any further court proceeding.

250 (6) A young adult who is between the ages of 18 and 21 and
251 who has left care may return to care by applying to the
252 community-based care lead agency for readmission. The community-
253 based care lead agency shall readmit the young adult if he or
254 she continues to meet the eligibility requirements in this
255 section.

256 (a) The department shall develop a standard procedure and
257 application packet for readmission to care to be used by all
258 community-based care lead agencies.

259 (b) Within 30 days after the young adult has been
260 readmitted to care, the community-based care lead agency shall
261 assign a case manager to update the case plan and the transition

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262 plan and to arrange for the required services. Such activities
263 shall be undertaken in consultation with the young adult. The
264 department shall petition the court to reinstate jurisdiction
265 over the young adult.

266 (7) During each period of time that a young adult is in
267 care, the community-based lead agency shall provide regular case
268 management reviews that must include at least monthly contact
269 with the case manager. If a young adult lives outside the
270 service area of his or her community-based care lead agency,
271 monthly contact may occur by telephone.

272 (8) During the time that a young adult is in care, the
273 court shall maintain jurisdiction to ensure that the department
274 and the lead agencies are providing services and coordinate
275 with, and maintain oversight of, other agencies involved in
276 implementing the young adult's case plan, individual education
277 plan, and transition plan. The court shall review the status of
278 the young adult at least every 6 months and hold a permanency
279 review hearing at least annually. The court may appoint a
280 guardian ad litem or continue the appointment of a guardian ad
281 litem with the young adult's consent. The young adult or any
282 other party to the dependency case may request an additional
283 hearing or review.

284 (9) The department shall establish a procedure by which a
285 young adult may appeal a determination of eligibility to remain
286 in care that was made by a community-based care lead agency. The
287 procedure must be readily accessible to young adults, must
288 provide for timely decisions, and must provide for an appeal to
289 the department. The decision of the department constitutes final
290 agency action and is reviewable by the court as provided in s.

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291 120.68.292 Section 4. Section 39.701, Florida Statutes, is amended to
293 read:

294 39.701 Judicial review.—

295 (1) GENERAL PROVISIONS.—296 (a) The court shall have continuing jurisdiction in
297 accordance with this section and shall review the status of the
298 child at least every 6 months as required by this subsection or
299 more frequently if the court deems it necessary or desirable.300 (b) The court shall retain jurisdiction over a child
301 returned to his or her parents for a minimum period of 6 months
302 following the reunification, but, at that time, based on a
303 report of the social service agency and the guardian ad litem,
304 if one has been appointed, and any other relevant factors, the
305 court shall make a determination as to whether supervision by
306 the department and the court's jurisdiction shall continue or be
307 terminated.308 (c) 1.~~(2)~~~~(a)~~ The court shall review the status of the child
309 and shall hold a hearing as provided in this part at least every
310 6 months until the child reaches permanency status. The court
311 may dispense with the attendance of the child at the hearing,
312 but may not dispense with the hearing or the presence of other
313 parties to the review unless before the review a hearing is held
314 before a citizen review panel.315 2.~~(b)~~ Citizen review panels may conduct hearings to review
316 the status of a child. The court shall select the cases
317 appropriate for referral to the citizen review panels and may
318 order the attendance of the parties at the review panel
319 hearings. However, any party may object to the referral of a

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320 case to a citizen review panel. Whenever such an objection has
321 been filed with the court, the court shall review the substance
322 of the objection and may conduct the review itself or refer the
323 review to a citizen review panel. All parties retain the right
324 to take exception to the findings or recommended orders of a
325 citizen review panel in accordance with Rule 1.490(h), Florida
326 Rules of Civil Procedure.

327 3.(e) Notice of a hearing by a citizen review panel must be
328 provided as set forth in paragraph (f) ~~subsection (5)~~. At the
329 conclusion of a citizen review panel hearing, each party may
330 propose a recommended order to the chairperson of the panel.
331 Thereafter, the citizen review panel shall submit its report,
332 copies of the proposed recommended orders, and a copy of the
333 panel's recommended order to the court. The citizen review
334 panel's recommended order must be limited to the dispositional
335 options available to the court in paragraph (2)(d) ~~subsection~~
336 ~~(10)~~. Each party may file exceptions to the report and
337 recommended order of the citizen review panel in accordance with
338 Rule 1.490, Florida Rules of Civil Procedure.

339 (d)1.(3)(a) The initial judicial review hearing must be
340 held no later than 90 days after the date of the disposition
341 hearing or after the date of the hearing at which the court
342 approves the case plan, whichever comes first, but in no event
343 shall the review be held later than 6 months after the date the
344 child was removed from the home. Citizen review panels may ~~shall~~
345 not conduct more than two consecutive reviews without the child
346 and the parties coming before the court for a judicial review.

347 2.(b) If the citizen review panel recommends extending the
348 goal of reunification for any case plan beyond 12 months from

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349 the date the child was removed from the home, the case plan was
350 adopted, or the child was adjudicated dependent, whichever date
351 came first, the court must schedule a judicial review hearing to
352 be conducted by the court within 30 days after receiving the
353 recommendation from the citizen review panel.

354 3.(e) If the child is placed in the custody of the
355 department or a licensed child-placing agency for the purpose of
356 adoptive placement, judicial reviews must be held at least every
357 6 months until the adoption is finalized.

358 4.(d) If the department and the court have established a
359 formal agreement that includes specific authorization for
360 particular cases, the department may conduct administrative
361 reviews instead of the judicial reviews for children in out-of-
362 home care. Notices of such administrative reviews must be
363 provided to all parties. However, an administrative review may
364 not be substituted for the first judicial review, and in every
365 case the court must conduct a judicial review at least every 6
366 months. Any party dissatisfied with the results of an
367 administrative review may petition for a judicial review.

368 5.(e) The clerk of the circuit court shall schedule
369 judicial review hearings in order to comply with the mandated
370 times cited in this section.

371 6.(f) In each case in which a child has been voluntarily
372 placed with the licensed child-placing agency, the agency shall
373 notify the clerk of the court in the circuit where the child
374 resides of such placement within 5 working days. Notification of
375 the court is not required for any child who will be in out-of-
376 home care no longer than 30 days unless that child is placed in
377 out-of-home care a second time within a 12-month period. If the

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378 child is returned to the custody of the parents before the
379 scheduled review hearing or if the child is placed for adoption,
380 the child-placing agency shall notify the court of the child's
381 return or placement within 5 working days, and the clerk of the
382 court shall cancel the review hearing.

383 (e)~~(4)~~ The court shall schedule the date, time, and
384 location of the next judicial review during the judicial review
385 hearing and shall list same in the judicial review order.

386 (f)~~(5)~~ Notice of a judicial review hearing or a citizen
387 review panel hearing, and a copy of the motion for judicial
388 review, if any, must be served by the clerk of the court upon
389 all of the following persons, if available to be served,
390 regardless of whether the person was present at the previous
391 hearing at which the date, time, and location of the hearing was
392 announced:

393 1.~~(a)~~ The social service agency charged with the
394 supervision of care, custody, or guardianship of the child, if
395 that agency is not the movant.

396 2.~~(b)~~ The foster parent or legal custodian in whose home
397 the child resides.

398 3.~~(c)~~ The parents.

399 4.~~(d)~~ The guardian ad litem for the child, or the
400 representative of the guardian ad litem program if the program
401 has been appointed.

402 5.~~(e)~~ The attorney for the child.

403 6.~~(f)~~ The child, if the child is 13 years of age or older.

404 7.~~(g)~~ Any preadoptive parent.

405 8.~~(h)~~ Such other persons as the court may direct.

406 (g)~~(6)~~ The attorney for the department shall notify a

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407 relative who submits a request for notification of all
408 proceedings and hearings pursuant to s. 39.301(14) (b). The
409 notice shall include the date, time, and location of the next
410 judicial review hearing.

411 ~~(7)(a) In addition to paragraphs (1)(a) and (2)(a), the~~
412 ~~court shall hold a judicial review hearing within 90 days after~~
413 ~~a youth's 17th birthday. The court shall also issue an order,~~
414 ~~separate from the order on judicial review, that the disability~~
415 ~~of nonage of the youth has been removed pursuant to s. 743.045.~~
416 ~~The court shall continue to hold timely judicial review hearings~~
417 ~~thereafter. In addition, the court may review the status of the~~
418 ~~child more frequently during the year prior to the youth's 18th~~
419 ~~birthday if necessary. At each review held under this~~
420 ~~subsection, in addition to any information or report provided to~~
421 ~~the court, the foster parent, legal custodian, guardian ad~~
422 ~~litem, and the child shall be given the opportunity to address~~
423 ~~the court with any information relevant to the child's best~~
424 ~~interests, particularly as it relates to independent living~~
425 ~~transition services. In addition to any information or report~~
426 ~~provided to the court, the department shall include in its~~
427 ~~judicial review social study report written verification that~~
428 ~~the child:~~

429 ~~1. Has been provided with a current Medicaid card and has~~
430 ~~been provided all necessary information concerning the Medicaid~~
431 ~~program sufficient to prepare the youth to apply for coverage~~
432 ~~upon reaching age 18, if such application would be appropriate.~~

433 ~~2. Has been provided with a certified copy of his or her~~
434 ~~birth certificate and, if the child does not have a valid~~
435 ~~driver's license, a Florida identification card issued under s.~~

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436 ~~322.051.~~

437 ~~3. Has been provided information relating to Social~~
438 ~~Security Insurance benefits if the child is eligible for these~~
439 ~~benefits. If the child has received these benefits and they are~~
440 ~~being held in trust for the child, a full accounting of those~~
441 ~~funds must be provided and the child must be informed about how~~
442 ~~to access those funds.~~

443 ~~4. Has been provided with information and training related~~
444 ~~to budgeting skills, interviewing skills, and parenting skills.~~

445 ~~5. Has been provided with all relevant information related~~
446 ~~to the Road-to-Independence Program, including, but not limited~~
447 ~~to, eligibility requirements, forms necessary to apply, and~~
448 ~~assistance in completing the forms. The child shall also be~~
449 ~~informed that, if he or she is eligible for the Road-to-~~
450 ~~Independence Program, he or she may reside with the licensed~~
451 ~~foster family or group care provider with whom the child was~~
452 ~~residing at the time of attaining his or her 18th birthday or~~
453 ~~may reside in another licensed foster home or with a group care~~
454 ~~provider arranged by the department.~~

455 ~~6. Has an open bank account, or has identification~~
456 ~~necessary to open an account, and has been provided with~~
457 ~~essential banking skills.~~

458 ~~7. Has been provided with information on public assistance~~
459 ~~and how to apply.~~

460 ~~8. Has been provided a clear understanding of where he or~~
461 ~~she will be living on his or her 18th birthday, how living~~
462 ~~expenses will be paid, and what educational program or school he~~
463 ~~or she will be enrolled in.~~

464 ~~9. Has been provided with notice of the youth's right to~~

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465 ~~petition for the court's continuing jurisdiction for 1 year~~
466 ~~after the youth's 18th birthday as specified in s. 39.013(2) and~~
467 ~~with information on how to obtain access to the court.~~

468 ~~10. Has been encouraged to attend all judicial review~~
469 ~~hearings occurring after his or her 17th birthday.~~

470 ~~(b) At the first judicial review hearing held subsequent to~~
471 ~~the child's 17th birthday, in addition to the requirements of~~
472 ~~subsection (8), the department shall provide the court with an~~
473 ~~updated case plan that includes specific information related to~~
474 ~~independent living services that have been provided since the~~
475 ~~child's 13th birthday, or since the date the child came into~~
476 ~~foster care, whichever came later.~~

477 ~~(c) At the time of a judicial review hearing held pursuant~~
478 ~~to this subsection, if, in the opinion of the court, the~~
479 ~~department has not complied with its obligations as specified in~~
480 ~~the written case plan or in the provision of independent living~~
481 ~~services as required by s. 409.1451 and this subsection, the~~
482 ~~court shall issue a show cause order. If cause is shown for~~
483 ~~failure to comply, the court shall give the department 30 days~~
484 ~~within which to comply and, on failure to comply with this or~~
485 ~~any subsequent order, the department may be held in contempt.~~

486 ~~(2)(8) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS~~
487 ~~OF AGE.~~

488 ~~(a) Social study report for judicial review.~~ Before every
489 judicial review hearing or citizen review panel hearing, the
490 social service agency shall make an investigation and social
491 study concerning all pertinent details relating to the child and
492 shall furnish to the court or citizen review panel a written
493 report that includes, but is not limited to:

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494 1. A description of the type of placement the child is in
495 at the time of the hearing, including the safety of the child
496 and the continuing necessity for and appropriateness of the
497 placement.

498 2. Documentation of the diligent efforts made by all
499 parties to the case plan to comply with each applicable
500 provision of the plan.

501 3. The amount of fees assessed and collected during the
502 period of time being reported.

503 4. The services provided to the foster family or legal
504 custodian in an effort to address the needs of the child as
505 indicated in the case plan.

506 5. A statement that either:

507 a. The parent, though able to do so, did not comply
508 substantially with the case plan, and the agency
509 recommendations;

510 b. The parent did substantially comply with the case plan;
511 or

512 c. The parent has partially complied with the case plan,
513 with a summary of additional progress needed and the agency
514 recommendations.

515 6. A statement from the foster parent or legal custodian
516 providing any material evidence concerning the return of the
517 child to the parent or parents.

518 7. A statement concerning the frequency, duration, and
519 results of the parent-child visitation, if any, and the agency
520 recommendations for an expansion or restriction of future
521 visitation.

522 8. The number of times a child has been removed from his or

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523 her home and placed elsewhere, the number and types of
524 placements that have occurred, and the reason for the changes in
525 placement.

526 9. The number of times a child's educational placement has
527 been changed, the number and types of educational placements
528 which have occurred, and the reason for any change in placement.

529 10. If the child has reached 13 years of age but is not yet
530 18 years of age, a statement from the caregiver on the progress
531 the child has made in acquiring independent living skills ~~the~~
532 ~~results of the preindependent living, life skills, or~~
533 ~~independent living assessment; the specific services needed; and~~
534 ~~the status of the delivery of the identified services.~~

535 11. Copies of all medical, psychological, and educational
536 records that support the terms of the case plan and that have
537 been produced concerning the parents or any caregiver since the
538 last judicial review hearing.

539 12. Copies of the child's current health, mental health,
540 and education records as identified in s. 39.6012.

541 (b) Submission and distribution of reports.-

542 1. A copy of the social service agency's written report and
543 the written report of the guardian ad litem must be served on
544 all parties whose whereabouts are known; to the foster parents
545 or legal custodians; and to the citizen review panel, at least
546 72 hours before the judicial review hearing or citizen review
547 panel hearing. The requirement for providing parents with a copy
548 of the written report does not apply to those parents who have
549 voluntarily surrendered their child for adoption or who have had
550 their parental rights to the child terminated.

551 2.(e) In a case in which the child has been permanently

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552 placed with the social service agency, the agency shall furnish
553 to the court a written report concerning the progress being made
554 to place the child for adoption. If the child cannot be placed
555 for adoption, a report on the progress made by the child towards
556 alternative permanency goals or placements, including, but not
557 limited to, guardianship, long-term custody, long-term licensed
558 custody, or independent living, must be submitted to the court.
559 The report must be submitted to the court at least 72 hours
560 before each scheduled judicial review.

561 3.~~(d)~~ In addition to or in lieu of any written statement
562 provided to the court, the foster parent or legal custodian, or
563 any preadoptive parent, shall be given the opportunity to
564 address the court with any information relevant to the best
565 interests of the child at any judicial review hearing.

566 (c)~~(9)~~ Review determinations.—The court and any citizen
567 review panel shall take into consideration the information
568 contained in the social services study and investigation and all
569 medical, psychological, and educational records that support the
570 terms of the case plan; testimony by the social services agency,
571 the parent, the foster parent or legal custodian, the guardian
572 ad litem or surrogate parent for educational decisionmaking if
573 one has been appointed for the child, and any other person
574 deemed appropriate; and any relevant and material evidence
575 submitted to the court, including written and oral reports to
576 the extent of their probative value. These reports and evidence
577 may be received by the court in its effort to determine the
578 action to be taken with regard to the child and may be relied
579 upon to the extent of their probative value, even though not
580 competent in an adjudicatory hearing. In its deliberations, the

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581 court and any citizen review panel shall seek to determine:

582 1.(a) If the parent was advised of the right to receive
583 assistance from any person or social service agency in the
584 preparation of the case plan.

585 2.(b) If the parent has been advised of the right to have
586 counsel present at the judicial review or citizen review
587 hearings. If not so advised, the court or citizen review panel
588 shall advise the parent of such right.

589 3.(c) If a guardian ad litem needs to be appointed for the
590 child in a case in which a guardian ad litem has not previously
591 been appointed or if there is a need to continue a guardian ad
592 litem in a case in which a guardian ad litem has been appointed.

593 4.(d) Who holds the rights to make educational decisions
594 for the child. If appropriate, the court may refer the child to
595 the district school superintendent for appointment of a
596 surrogate parent or may itself appoint a surrogate parent under
597 the Individuals with Disabilities Education Act and s. 39.0016.

598 5.(e) The compliance or lack of compliance of all parties
599 with applicable items of the case plan, including the parents'
600 compliance with child support orders.

601 6.(f) The compliance or lack of compliance with a
602 visitation contract between the parent and the social service
603 agency for contact with the child, including the frequency,
604 duration, and results of the parent-child visitation and the
605 reason for any noncompliance.

606 7.(g) The compliance or lack of compliance of the parent in
607 meeting specified financial obligations pertaining to the care
608 of the child, including the reason for failure to comply if such
609 is the case.

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610 8.~~(h)~~ Whether the child is receiving safe and proper care
611 according to s. 39.6012, including, but not limited to, the
612 appropriateness of the child's current placement, including
613 whether the child is in a setting that is as family-like and as
614 close to the parent's home as possible, consistent with the
615 child's best interests and special needs, and including
616 maintaining stability in the child's educational placement, as
617 documented by assurances from the community-based care provider
618 that:

619 a.1.~~(1)~~ The placement of the child takes into account the
620 appropriateness of the current educational setting and the
621 proximity to the school in which the child is enrolled at the
622 time of placement.

623 b.2.~~(2)~~ The community-based care agency has coordinated with
624 appropriate local educational agencies to ensure that the child
625 remains in the school in which the child is enrolled at the time
626 of placement.

627 9.~~(i)~~ A projected date likely for the child's return home
628 or other permanent placement.

629 10.~~(j)~~ When appropriate, the basis for the unwillingness or
630 inability of the parent to become a party to a case plan. The
631 court and the citizen review panel shall determine if the
632 efforts of the social service agency to secure party
633 participation in a case plan were sufficient.

634 11.~~(k)~~ For a child who has reached 13 years of age but is
635 not yet 18 years of age, the adequacy of the child's preparation
636 for adulthood and independent living.

637 12.~~(l)~~ If amendments to the case plan are required.

638 Amendments to the case plan must be made under s. 39.6013.

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639 (d)~~(10)(a)~~ Orders.-

640 1. Based upon the criteria set forth in paragraph (c)
641 ~~subsection (9)~~ and the recommended order of the citizen review
642 panel, if any, the court shall determine whether or not the
643 social service agency shall initiate proceedings to have a child
644 declared a dependent child, return the child to the parent,
645 continue the child in out-of-home care for a specified period of
646 time, or initiate termination of parental rights proceedings for
647 subsequent placement in an adoptive home. Amendments to the case
648 plan must be prepared as prescribed in s. 39.6013. If the court
649 finds that the prevention or reunification efforts of the
650 department will allow the child to remain safely at home or be
651 safely returned to the home, the court shall allow the child to
652 remain in or return to the home after making a specific finding
653 of fact that the reasons for the creation of the case plan have
654 been remedied to the extent that the child's safety, well-being,
655 and physical, mental, and emotional health will not be
656 endangered.

657 2.~~(b)~~ The court shall return the child to the custody of
658 the parents at any time it determines that they have
659 substantially complied with the case plan, if the court is
660 satisfied that reunification will not be detrimental to the
661 child's safety, well-being, and physical, mental, and emotional
662 health.

663 3.~~(e)~~ If, in the opinion of the court, the social service
664 agency has not complied with its obligations as specified in the
665 written case plan, the court may find the social service agency
666 in contempt, shall order the social service agency to submit its
667 plans for compliance with the agreement, and shall require the

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668 social service agency to show why the child could not safely be
669 returned to the home of the parents.

670 4.~~(d)~~ If, at any judicial review, the court finds that the
671 parents have failed to substantially comply with the case plan
672 to the degree that further reunification efforts are without
673 merit and not in the best interest of the child, on its own
674 motion, the court may order the filing of a petition for
675 termination of parental rights, whether or not the time period
676 as contained in the case plan for substantial compliance has
677 expired.

678 5.~~(e)~~ Within 6 months after the date that the child was
679 placed in shelter care, the court shall conduct a judicial
680 review hearing to review the child's permanency goal as
681 identified in the case plan. At the hearing the court shall make
682 findings regarding the likelihood of the child's reunification
683 with the parent or legal custodian within 12 months after the
684 removal of the child from the home. If the court makes a written
685 finding that it is not likely that the child will be reunified
686 with the parent or legal custodian within 12 months after the
687 child was removed from the home, the department must file with
688 the court, and serve on all parties, a motion to amend the case
689 plan under s. 39.6013 and declare that it will use concurrent
690 planning for the case plan. The department must file the motion
691 within 10 business days after receiving the written finding of
692 the court. The department must attach the proposed amended case
693 plan to the motion. If concurrent planning is already being
694 used, the case plan must document the efforts the department is
695 taking to complete the concurrent goal.

696 6.~~(f)~~ The court may issue a protective order in assistance,

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697 or as a condition, of any other order made under this part. In
698 addition to the requirements included in the case plan, the
699 protective order may set forth requirements relating to
700 reasonable conditions of behavior to be observed for a specified
701 period of time by a person or agency who is before the court;
702 and the order may require any person or agency to make periodic
703 reports to the court containing such information as the court in
704 its discretion may prescribe.

705 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

706 (a) In addition to the review and report required under
707 paragraphs (1) (a) and (2) (a), respectively, the court shall hold
708 a judicial review hearing within 90 days after a child's 17th
709 birthday. The court shall also issue an order, separate from the
710 order on judicial review, that the disability of nonage of the
711 child has been removed pursuant to s. 743.045 and shall continue
712 to hold timely judicial review hearings. If necessary, the court
713 may review the status of the child more frequently during the
714 year before the child's 18th birthday. At each review hearing
715 held under this subsection, in addition to any information or
716 report provided to the court by the foster parent, legal
717 custodian, or guardian ad litem, the child shall be given the
718 opportunity to address the court with any information relevant
719 to the child's best interest, particularly in relation to
720 independent living transition services. The department shall
721 include in the social study report for judicial review written
722 verification that the child has:

723 1. A current Medicaid card and all necessary information
724 concerning the Medicaid program sufficient to prepare the child
725 to apply for coverage upon reaching the age of 18, if such

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726 application is appropriate.

727 2. A certified copy of the child's birth certificate and,
728 if the child does not have a valid driver license, a Florida
729 identification card issued under s. 322.051.

730 3. A social security card and information relating to
731 social security insurance benefits if the child is eligible for
732 those benefits. If the child has received such benefits and they
733 are being held in trust for the child, a full accounting of
734 these funds must be provided and the child must be informed as
735 to how to access those funds.

736 4. All relevant information related to the Road-to-
737 Independence Program, including, but not limited to, eligibility
738 requirements, information on participation, and assistance in
739 gaining admission to the program. If the child is eligible for
740 the Road-to-Independence Program, he or she must be advised that
741 he or she may continue to reside with the licensed family home
742 or group care provider with whom the child was residing at the
743 time the child attained his or her 18th birthday, in another
744 licensed family home, or with a group care provider arranged by
745 the department.

746 5. An open bank account or the identification necessary to
747 open a bank account and to acquire essential banking and
748 budgeting skills.

749 6. Information on public assistance and how to apply for
750 public assistance.

751 7. A clear understanding of where he or she will be living
752 on his or her 18th birthday, how living expenses will be paid,
753 and the educational program or school in which he or she will be
754 enrolled.

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755 8. Information related to the ability of the child to
756 remain in care until he or she reaches 21 years of age under s.
757 39.013.

758 9. A letter providing the dates that the child is under the
759 jurisdiction of the court.

760 10. A letter stating that the child is in compliance with
761 financial aid documentation requirements.

762 11. The child's educational records.

763 12. The child's entire health and mental health records.

764 13. The process for accessing his or her case file.

765 14. A statement encouraging the child to attend all
766 judicial review hearings occurring after the child's 17th
767 birthday.

768 (b) At the first judicial review hearing held subsequent to
769 the child's 17th birthday, the department shall provide the
770 court with an updated case plan that includes specific
771 information related to the independent living skills that the
772 child has acquired since the child's 13th birthday, or since the
773 date the child came into foster care, whichever came later.

774 (c) If the court finds at the judicial review hearing that
775 the department has not met with its obligations to the child as
776 stated in the written case plan or in the provision of
777 independent living services, the court may issue an order
778 directing the department to show cause as to why it has not done
779 so. If the department cannot justify its noncompliance, the
780 court may give the department 30 days within which to comply. If
781 the department fails to comply within 30 days, the court may
782 hold the department in contempt.

783 (d) At the last review hearing before the child reaches 18

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784 years of age, and in addition to the requirements of subsection
785 (2), the court shall:

786 1. Address whether the child plans to remain in foster
787 care, and, if so, ensure that the child's transition plan
788 includes a plan for meeting one or more of the criteria
789 specified in s. 39.6251.

790 2. Ensure that the transition plan includes a supervised
791 living arrangement under s. 39.6251.

792 3. Ensure the child has been informed of:

793 a. The right to continued support and services from the
794 department and the community-based care lead agency.

795 b. The right to request termination of dependency
796 jurisdiction and be discharged from foster care.

797 c. The opportunity to reenter foster care pursuant to s.
798 39.6251.

799 4. Ensure that the young adult, if he or she requests
800 termination of dependency jurisdiction and discharge from foster
801 care, has been informed of:

802 a. Services or benefits for which the young adult may be
803 eligible based on his or her former placement in foster care;

804 b. Services or benefits that may be lost through
805 termination of dependency jurisdiction; and

806 c. Other federal, state, local, or community-based services
807 or supports available to the him or her.

808 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.-

809 During each period of time that a young adult remains in foster
810 care, the court shall review the status of the young adult at
811 least every 6 months and must hold a permanency review hearing
812 at least annually.

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813 (a) The department and community-based care lead agency
814 shall prepare and submit to the court a report, developed in
815 collaboration with the young adult, which addresses the young
816 adult's progress in meeting the goals in the case plan. The
817 report must include progress information related to the young
818 adult's independent living plan and transition plan, if
819 applicable, and shall propose modifications as necessary to
820 further the young adult's goals.

821 (b) The court shall attempt to determine whether the
822 department and any service provider under contract with the
823 department are providing the appropriate services as provided in
824 the case plan.

825 (c) If the court believes that the young adult is entitled
826 under department policy or under a contract with a service
827 provider to additional services to achieve the goals enumerated
828 in the case plan, it may order the department to take action to
829 ensure that the young adult receives the identified services.

830 (d) The young adult or any other party to the dependency
831 case may request an additional hearing or judicial review.

832 (e) Notwithstanding the provisions of this subsection, if a
833 young adult has chosen to remain in extended foster care after
834 he or she has reached 18 years of age, the department may not
835 close a case and the court may not terminate jurisdiction until
836 the court finds, following a hearing, that the following
837 criteria have been met:

838 1. Attendance of the young adult at the hearing; or

839 2. Findings by the court that:

840 a. The young adult has been informed by the department of
841 his or her right to attend the hearing and has provided written

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842 consent to waive this right; and

843 b. The young adult has been informed of the potential
844 negative effects of early termination of care, the option to
845 reenter care before reaching 21 years of age, the procedure for,
846 and limitations on, reentering care, and the availability of
847 alternative services, and has signed a document attesting that
848 he or she has been so informed and understands these provisions;
849 or

850 c. The young adult has voluntarily left the program, has
851 not signed the document in sub-subparagraph b., and is unwilling
852 to participate in any further court proceeding.

853 3. In all permanency hearings or hearings regarding the
854 transition of the young adult from care to independent living,
855 the court shall consult with the young adult regarding the
856 proposed permanency plan, case plan, and individual education
857 plan for the young adult and ensure that he or she has
858 understood the conversation.

859 Section 5. Section 409.145, Florida Statutes, is amended to
860 read:

861 409.145 Care of children; quality parenting; "reasonable
862 and prudent parent" standard.—The child welfare system of the
863 department shall operate as a coordinated community-based system
864 of care which empowers all caregivers for children in foster
865 care to provide quality parenting, including approving or
866 disapproving a child's participation in activities based on the
867 caregiver's assessment using the "reasonable and prudent parent"
868 standard.

869 (1) SYSTEM OF CARE.—The department shall develop, implement
870 conduct, supervise, and administer a coordinated community-based

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871 system of care program for dependent children who are found to
872 be dependent and their families. This system of care must ~~The~~
873 ~~services of the department are to~~ be directed toward the
874 following goals:

875 (a) ~~The~~ Prevention of separation of children from their
876 families.

877 (b) Intervention to allow children to remain safely in
878 their own homes.

879 (c) ~~(b)~~ The Reunification of families who have had children
880 removed from their care placed in foster homes or institutions.

881 (d) Safety for children who are separated from their
882 families by providing alternative emergency or longer-term
883 parenting arrangements.

884 (e) Focus on the well-being of children through emphasis on
885 maintaining educational stability and providing timely health
886 care.

887 (f) ~~(e)~~ Permanency for The permanent placement of children
888 for whom reunification who cannot be reunited with their
889 families is not possible or when reunification would is not be
890 in the best interest of the child.

891 ~~(d) The protection of dependent children or children~~
892 ~~alleged to be dependent, including provision of emergency and~~
893 ~~long term alternate living arrangements.~~

894 (g) ~~(e)~~ The transition to independence and self-sufficiency
895 for older children who remain in foster care through adolescence
896 continue to be in foster care as adolescents.

897 ~~(2) The following dependent children shall be subject to~~
898 ~~the protection, care, guidance, and supervision of the~~
899 ~~department or any duly licensed public or private agency:~~

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900 ~~(a) Any child who has been temporarily or permanently taken~~
901 ~~from the custody of the parents, custodians, or guardians in~~
902 ~~accordance with those provisions in chapter 39 that relate to~~
903 ~~dependent children.~~

904 ~~(b) Any child who is in need of the protective supervision~~
905 ~~of the department as determined by intake or by the court in~~
906 ~~accordance with those provisions of chapter 39 that relate to~~
907 ~~dependent children.~~

908 ~~(c) Any child who is voluntarily placed, with the written~~
909 ~~consent of the parents or guardians, in the department's foster~~
910 ~~care program or the foster care program of a licensed private~~
911 ~~agency.~~

912 ~~(3) The circuit courts exercising juvenile jurisdiction in~~
913 ~~the various counties of this state shall cooperate with the~~
914 ~~department and its employees in carrying out the purposes and~~
915 ~~intent of this chapter.~~

916 ~~(4) The department is authorized to accept children on a~~
917 ~~permanent placement basis by order of a court of competent~~
918 ~~jurisdiction for the single purpose of adoption placement of~~
919 ~~these children. The department is authorized to provide the~~
920 ~~necessary services to place these children ordered to the~~
921 ~~department on a permanent placement basis for adoption.~~

922 ~~(5) Any funds appropriated by counties for child welfare~~
923 ~~services may be matched by state and federal funds, such funds~~
924 ~~to be utilized by the department for the benefit of children in~~
925 ~~those counties.~~

926 ~~(6) Whenever any child is placed under the protection,~~
927 ~~care, and guidance of the department or a duly licensed public~~
928 ~~or private agency, or as soon thereafter as is practicable, the~~

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929 ~~department or agency, as the case may be, shall endeavor to~~
930 ~~obtain such information concerning the family medical history of~~
931 ~~the child and the natural parents as is available or readily~~
932 ~~obtainable. This information shall be kept on file by the~~
933 ~~department or agency for possible future use as provided in ss.~~
934 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

935 ~~(7) Whenever any child is placed by the department in a~~
936 ~~shelter home, foster home, or other residential placement, the~~
937 ~~department shall make available to the operator of the shelter~~
938 ~~home, foster home, other residential placement, or other~~
939 ~~caretaker as soon thereafter as is practicable, all relevant~~
940 ~~information concerning the child's demographic, social, and~~
941 ~~medical history.~~

942 (2) QUALITY PARENTING.—A child in foster care shall be
943 placed only with a caregiver who has the ability to care for the
944 child, is willing to accept responsibility for providing care,
945 and is willing and able to learn about and be respectful of the
946 child's culture, religion and ethnicity, special physical or
947 psychological needs, any circumstances unique to the child, and
948 family relationships. The department, the community-based care
949 lead agency, and other agencies shall provide such caregiver
950 with all available information necessary to assist the caregiver
951 in determining whether he or she is able to appropriately care
952 for a particular child.

953 (a) Roles and responsibilities of caregivers.—A caregiver
954 shall:

955 1. Participate in developing the case plan for the child
956 and his or her family and work with others involved in his or
957 her care to implement this plan. This participation includes the

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958 caregiver's involvement in all team meetings or court hearings
959 related to the child's care.

960 2. Complete all training needed to improve skills in
961 parenting a child who has experienced trauma due to neglect,
962 abuse, or separation from home, to meet the child's special
963 needs, and to work effectively with child welfare agencies, the
964 court, the schools, and other community and governmental
965 agencies.

966 3. Respect and support the child's ties to members of his
967 or her biological family and assist the child in maintaining
968 allowable visitation and other forms of communication.

969 4. Effectively advocate for the child in the caregiver's
970 care with the child welfare system, the court, and community
971 agencies, including the school, child care, health and mental
972 health providers, and employers.

973 5. Participate fully in the child's medical, psychological,
974 and dental care as the caregiver would for his or her biological
975 child.

976 6. Support the child's school success by participating in
977 school activities and meetings, including Individual Education
978 Plan meetings, assisting with school assignments, supporting
979 tutoring programs, meeting with teachers and working with an
980 educational surrogate if one has been appointed, and encouraging
981 the child's participation in extracurricular activities.

982 7. Work in partnership with other stakeholders to obtain
983 and maintain records that are important to the child's well-
984 being, including child resource records, medical records, school
985 records, photographs, and records of special events and
986 achievements.

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987 8. Ensure that the child in the caregiver's care who is
988 between 13 and 17 years of age learns and masters independent
989 living skills.

990 9. Ensure that the child in the caregiver's care is aware
991 of the requirements and benefits of the Road-to-Independence
992 Program.

993 10. Work to enable the child in the caregiver's care to
994 establish and maintain naturally occurring mentoring
995 relationships.

996 (b) Roles and responsibilities of the department, the
997 community-based care lead agency, and other agency staff.—The
998 department, the community-based care lead agency, and other
999 agency staff shall:

1000 1. Include a caregiver in the development and
1001 implementation of the case plan for the child and his or her
1002 family. The caregiver shall be authorized to participate in all
1003 team meetings or court hearings related to the child's care and
1004 future plans. The caregiver's participation shall be facilitated
1005 through timely notification, an inclusive process, and
1006 alternative methods for participation for a caregiver who cannot
1007 be physically present.

1008 2. Develop and make available to the caregiver the
1009 information, services, training, and support that the caregiver
1010 needs to improve his or her skills in parenting children who
1011 have experienced trauma due to neglect, abuse, or separation
1012 from home, to meet these children's special needs and to
1013 advocate effectively with child welfare agencies, the courts,
1014 schools, and other community and governmental agencies.

1015 3. Provide the caregiver with all information related to

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1016 services and other benefits that are available to the child.

1017 (c) Transitions.—

1018 1. Once a caregiver accepts the responsibility of caring
1019 for a child, the child will be removed from the home of that
1020 caregiver only if:

1021 a. The caregiver is clearly unable to safely or legally
1022 care for the child;

1023 b. The child and his or her biological family are
1024 reunified;

1025 c. The child is being placed in a legally permanent home
1026 pursuant to the case plan or a court order; or

1027 d. The removal is demonstrably in the child's best
1028 interest.

1029 2. In the absence of an emergency, if a child leaves the
1030 caregiver's home for a reason provided under subparagraph 1.,
1031 the transition must be accomplished according to a plan that
1032 involves cooperation and sharing of information among all
1033 persons involved, respects the child's developmental stage and
1034 psychological needs, ensures the child has all of his or her
1035 belongings, allows for a gradual transition from the caregiver's
1036 home and, if possible, for continued contact with the caregiver
1037 after the child leaves.

1038 (d) Information sharing.—Whenever a foster home or
1039 residential group home assumes responsibility for the care of a
1040 child, the department and any additional providers shall make
1041 available to the caregiver as soon as is practicable all
1042 relevant information concerning the child. Records and
1043 information that are required to be shared with caregivers
1044 include, but are not limited to:

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1045 1. Medical, dental, psychological, psychiatric, and
1046 behavioral history, as well as ongoing evaluation or treatment
1047 needs;

1048 2. School records;

1049 3. Copies of his or her birth certificate and, if
1050 appropriate, immigration status documents;

1051 4. Consents signed by parents;

1052 5. Comprehensive behavioral assessments and other social
1053 assessments;

1054 6. Court orders;

1055 7. Visitation and case plans;

1056 8. Guardian ad litem reports;

1057 9. Staffing forms; and

1058 10. Judicial or citizen review panel reports and
1059 attachments filed with the court, except confidential medical,
1060 psychiatric, and psychological information regarding any party
1061 or participant other than the child.

1062 (e) Caregivers employed by residential group homes.-All
1063 caregivers in residential group homes shall meet the same
1064 education, training, and background and other screening
1065 requirements as foster parents.

1066 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

1067 (a) Definitions.-As used in this subsection, the term:

1068 1. "Age-appropriate" means an activity or item that is
1069 generally accepted as suitable for a child of the same
1070 chronological age or level of maturity. Age appropriateness is
1071 based on the development of cognitive, emotional, physical, and
1072 behavioral capacity which is typical for an age or age group.

1073 2. "Caregiver" means a person with whom the child is placed

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1074 in out-of-home care, or a designated official for a group care
1075 facility licensed by the department under s. 409.175.

1076 3. "Reasonable and prudent parent" standard means the
1077 standard of care used by a caregiver in determining whether to
1078 allow a child in his or her care to participate in
1079 extracurricular, enrichment, and social activities. This
1080 standard is characterized by careful and thoughtful parental
1081 decisionmaking that is intended to maintain a child's health,
1082 safety, and best interest while encouraging the child's
1083 emotional and developmental growth.

1084 (b) Application of standard of care.-

1085 1. Every child who comes into out-of-home care pursuant to
1086 this chapter is entitled to participate in age-appropriate
1087 extracurricular, enrichment, and social activities.

1088 2. Each caregiver shall use the reasonable and prudent
1089 parent standard in determining whether to give permission for a
1090 child living in out-of-home care to participate in
1091 extracurricular, enrichment, or social activities. When using
1092 the reasonable and prudent parent standard, the caregiver must
1093 consider:

1094 a. The child's age, maturity, and developmental level to
1095 maintain the overall health and safety of the child.

1096 b. The potential risk factors and the appropriateness of
1097 the extracurricular, enrichment, or social activity.

1098 c. The best interest of the child, based on information
1099 known by the caregiver.

1100 d. The importance of encouraging the child's emotional and
1101 developmental growth.

1102 e. The importance of providing the child with the most

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1103 family-like living experience possible.

1104 f. The behavioral history of the child and the child's
 1105 ability to safely participate in the proposed activity.

1106 (c) Verification of services delivered.—The department and
 1107 each community-based care lead agency shall verify that private
 1108 agencies providing out-of-home care services to dependent
 1109 children have policies in place which are consistent with this
 1110 section and that these agencies promote and protect the ability
 1111 of dependent children to participate in age-appropriate
 1112 extracurricular, enrichment, and social activities.

1113 (d) Limitation of liability.—A caregiver is not liable for
 1114 harm caused to a child who participates in an activity approved
 1115 by the caregiver, provided that the caregiver has acted in
 1116 accordance with the reasonable and prudent parent standard. This
 1117 paragraph may not be interpreted as removing or limiting any
 1118 existing liability protection afforded by law.

1119 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1120 (a) Effective October 1, 2013, room and board rates paid to
 1121 foster parents are as follows:

<u>Monthly Foster</u>	<u>0-5 Years Age</u>	<u>6-12 Years Age</u>	<u>13-21 Years Age</u>
<u>Care Rate</u>			
	<u>\$429</u>	<u>\$440</u>	<u>\$515</u>

1124 (b) Foster parents shall receive an annual cost of living
 1125 increase. The department shall calculate the new room and board
 1126 rate increase equal to the percentage change in the Consumer
 1127 price index for all urban consumers.

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1129 Price Index for All Urban Consumers, U.S. City Average, All
1130 Items, not seasonally adjusted, or successor reports, for the
1131 preceding December compared to the prior December as initially
1132 reported by the United States Department of Labor, Bureau of
1133 Labor Statistics.

1134 (c) The amount of the monthly foster care board rate may be
1135 increased upon agreement among the department, the community-
1136 based care lead agency, and the foster parent.

1137 (5) RULEMAKING.—The department shall adopt by rule
1138 procedures to administer this section.

1139 Section 6. Section 409.1451, Florida Statutes, is amended
1140 to read:

1141 (Substantial rewording of section. See
1142 s. 409.1451, F.S., for present text).

1143 409.1451 The Road-to-Independence Program.—

1144 (1) LEGISLATIVE FINDINGS AND INTENT.—

1145 (a) The Legislature recognizes that most children and young
1146 adults are resilient and, with adequate support, can expect to
1147 be successful as independent adults. Not unlike many young
1148 adults, some young adults who have lived in foster care need
1149 additional support and resources for a period of time after
1150 reaching 18 years of age.

1151 (b) The Legislature finds that while it is important to
1152 provide young adults who have lived in foster care with
1153 education and independent living skills, there is also a need to
1154 focus more broadly on creating and preserving family
1155 relationships so that young adults have a permanent connection
1156 with at least one committed adult who provides a safe and stable
1157 parenting relationship.

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1158 (c) It is the intent of the Legislature that young adults
1159 who choose to participate in the program receive the skills,
1160 education, and support necessary to become self-sufficient and
1161 leave foster care with a lifelong connection to a supportive
1162 adult through the Road-to-Independence Program, either through
1163 postsecondary education services and support, as provided in
1164 subsection (2), or aftercare services.

1165 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1166 (a) A young adult is eligible for services and support
1167 under this subsection if he or she:

1168 1. Was living in licensed care on his or her 18th birthday
1169 or is currently living in licensed care; or was at least 16
1170 years of age and was adopted from foster care or placed with a
1171 court-approved dependency guardian after spending at least 6
1172 months in licensed care within the 12 months immediately
1173 preceding such placement or adoption;

1174 2. Spent at least 6 months in licensed care before reaching
1175 his or her 18th birthday;

1176 3. Earned a standard high school diploma or its equivalent
1177 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
1178 or s. 1003.435;

1179 4. Has been admitted for enrollment in an eligible
1180 postsecondary educational institution as provided in s.
1181 1009.533;

1182 5. Has reached 18 years of age but is not yet 23 years of
1183 age;

1184 6. Has applied, with assistance from the young adult's
1185 caregiver and the community-based lead agency, for any other
1186 grants and scholarships for which he or she may qualify;

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1187 7. Submitted a Free Application for Federal Student Aid
1188 which is complete and error free; and

1189 8. Signed an agreement to allow the department and the
1190 community-based care lead agency access to school records.

1191 (b) The amount of the financial assistance shall be as
1192 follows:

1193 1. For a young adult who does not remain in foster care and
1194 is attending a postsecondary school as provided in s. 1009.533,
1195 the amount is \$1,256 monthly.

1196 2. For a young adult who remains in foster care, is
1197 attending a postsecondary school, as provided in s. 1009.533,
1198 and continues to reside in a licensed foster home, the amount is
1199 the established room and board rate for foster parents. This
1200 takes the place of the payment provided for in subsection (4).

1201 3. For a young adult who remains in foster care, but
1202 temporarily resides away from a licensed foster home for
1203 purposes of attending a postsecondary school as provided in s.
1204 1009.533, the amount is \$1,256 monthly. This takes the place of
1205 the payment provided for in subsection (4).

1206 4. For a young adult who remains in foster care, is
1207 attending a postsecondary school as provided in s. 1009.533, and
1208 continues to reside in a licensed group home, the amount is
1209 negotiated between the community-based care lead agency and the
1210 licensed group home provider.

1211 5. For a young adult who remains in foster care, but
1212 temporarily resides away from a licensed group home for purposes
1213 of attending a postsecondary school as provided in s. 1009.533,
1214 the amount is \$1,256 monthly. This takes the place of a
1215 negotiated room and board rate.

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1216 6. The amount of the award may be disregarded for purposes
1217 of determining the eligibility for, or the amount of, any other
1218 federal or federally supported assistance.

1219 7. A young adult is eligible to receive financial
1220 assistance during the months when enrolled in a postsecondary
1221 educational institution.

1222 (c) Payment of financial assistance for a young adult who:

1223 1. Has chosen not to remain in foster care and is attending
1224 a postsecondary school as provided in s. 1009.533, shall be made
1225 to the community-based care lead agency in order to secure
1226 housing and utilities, with the balance being paid directly to
1227 the young adult until such time the lead agency and the young
1228 adult determine that the young adult can successfully manage the
1229 full amount of the assistance.

1230 2. Has remained in foster care under s. 39.6251 and who is
1231 attending postsecondary school as provided in s. 1009.533, shall
1232 be made directly to the foster parent or group home provider.

1233 (d)1. The department must advertise the availability of the
1234 stipend and must provide notification of the criteria and
1235 application procedures for the stipend to children and young
1236 adults leaving, or who were formerly in, foster care;
1237 caregivers; case managers; guidance and family services
1238 counselors; principals or other relevant school administrators;
1239 and guardians ad litem.

1240 2. If the award recipient transfers from one eligible
1241 institution to another and continues to meet eligibility
1242 requirements, the award shall be transferred with the recipient.

1243 (3) AFTERCARE SERVICES.—

1244 (a) Aftercare services are available to young adults who

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1245 have chosen not to remain in foster care after reaching 18 years
1246 of age and who are not receiving financial assistance under
1247 subsection (2) to pursue postsecondary education. These
1248 aftercare services include, but are not limited to, the
1249 following:

- 1250 1. Mentoring and tutoring.
- 1251 2. Mental health services and substance abuse counseling.
- 1252 3. Life skills classes, including credit management and
1253 preventive health activities.
- 1254 4. Parenting classes.
- 1255 5. Job and career skills training.
- 1256 6. Counselor consultations.
- 1257 7. Temporary financial assistance for emergency situations.
- 1258 8. Financial literacy skills training.

1260 The specific services to be provided under this paragraph shall
1261 be determined by an assessment of the young adult and may be
1262 provided by the community-based care provider or through
1263 referrals in the community.

1264 (b) Temporary assistance provided to prevent homelessness
1265 shall be provided as expeditiously as possible and within the
1266 limitations defined by the department.

1267 (c) A young adult who has reached 18 years of age but is
1268 not yet 23 years of age who leaves foster care at 18 years of
1269 age may request and is eligible for such services before
1270 reaching 23 years of age.

1271 (4) APPEALS PROCESS.—

1272 (a) The department shall have a procedure by which a young
1273 adult may appeal the department's refusal to provide Road-to-

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1274 Independence Program services or support, or the termination of
1275 such services or support if funds for such services or support
1276 are available.

1277 (b) The appeal procedure must be readily accessible to
1278 young adults, must provide for timely decisions, and must
1279 provide for an appeal to the department. The decision of the
1280 department constitutes final agency action and is reviewable by
1281 the court as provided in s. 120.68.

1282 (5) PORTABILITY.—The services provided under this section
1283 are portable across county lines and between lead agencies.

1284 (a) The service needs that are identified in the original
1285 or updated transition plan, pursuant to s. 39.6035, shall be
1286 provided by the lead agency where the young adult is currently
1287 residing but shall be funded by the lead agency who initiated
1288 the transition plan.

1289 (b) The lead agency with primary case management
1290 responsibilities shall provide maintenance payments, case
1291 planning, including a written description of all services that
1292 will assist a child 16 years of age or older in preparing for
1293 the transition from care to independence, as well as regular
1294 case reviews that conform with all federal scheduling and
1295 content requirements, for all children in foster care who are
1296 placed or visiting out-of-state.

1297 (6) ACCOUNTABILITY.—The department shall develop outcome
1298 measures for the program and other performance measures in order
1299 to maintain oversight of the program. No later than January 31
1300 of each year, the department shall prepare a report on the
1301 outcome measures and the department's oversight activities and
1302 submit the report to the President of the Senate, the Speaker of

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1303 the House of Representatives, and the committees with
1304 jurisdiction over issues relating to children and families in
1305 the Senate and the House of Representatives. The report must
1306 include:

1307 (a) An analysis of performance on the outcome measures
1308 developed under this section reported for each community-based
1309 care lead agency and compared with the performance of the
1310 department on the same measures.

1311 (b) A description of the department's oversight of the
1312 program, including, by lead agency, any programmatic or fiscal
1313 deficiencies found, corrective actions required, and current
1314 status of compliance.

1315 (c) Any rules adopted or proposed under this section since
1316 the last report. For the purposes of the first report, any rules
1317 adopted or proposed under this section must be included.

1318 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1319 secretary shall establish the Independent Living Services
1320 Advisory Council for the purpose of reviewing and making
1321 recommendations concerning the implementation and operation of
1322 the provisions of s. 39.6015 and the Road-to-Independence
1323 Program. The advisory council shall function as specified in
1324 this subsection until the Legislature determines that the
1325 advisory council can no longer provide a valuable contribution
1326 to the department's efforts to achieve the goals of the services
1327 designed to enable a young adult to live independently.

1328 (a) The advisory council shall assess the implementation
1329 and operation of the Road-to-Independence Program and advise the
1330 department on actions that would improve the ability of these
1331 Road-to-Independence Program services to meet the established

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1332 goals. The advisory council shall keep the department informed
1333 of problems being experienced with the services, barriers to the
1334 effective and efficient integration of services and support
1335 across systems, and successes that the system of services has
1336 achieved. The department shall consider, but is not required to
1337 implement, the recommendations of the advisory council.

1338 (b) The advisory council shall report to the secretary on
1339 the status of the implementation of the Road-To-Independence
1340 Program, efforts to publicize the availability of the Road-to-
1341 Independence Program, the success of the services, problems
1342 identified, recommendations for department or legislative
1343 action, and the department's implementation of the
1344 recommendations contained in the Independent Living Services
1345 Integration Workgroup Report submitted to the appropriate
1346 substantive committees of the Legislature by December 31, 2013.
1347 The department shall submit a report by December 31 of each year
1348 to the Governor, the President of the Senate, and the Speaker of
1349 the House of Representatives which includes a summary of the
1350 factors reported on by the council and identifies the
1351 recommendations of the advisory council and either describes the
1352 department's actions to implement the recommendations or
1353 provides the department's rationale for not implementing the
1354 recommendations.

1355 (c) Members of the advisory council shall be appointed by
1356 the secretary of the department. The membership of the advisory
1357 council must include, at a minimum, representatives from the
1358 headquarters and regional offices of the Department of Children
1359 and Families, community-based care lead agencies, the Department
1360 of Juvenile Justice, the Department of Economic Opportunity, the

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1361 Department of Education, the Agency for Health Care
1362 Administration, the State Youth Advisory Board, Workforce
1363 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
1364 parents, recipients of services and funding through the Road-to-
1365 Independence Program, and advocates for children in care. The
1366 secretary shall determine the length of the term to be served by
1367 each member appointed to the advisory council, which may not
1368 exceed 4 years.

1369 (d) The department shall provide administrative support to
1370 the Independent Living Services Advisory Council to accomplish
1371 its assigned tasks. The advisory council shall be afforded
1372 access to all appropriate data from the department, each
1373 community-based care lead agency, and other relevant agencies in
1374 order to accomplish the tasks set forth in this section. The
1375 data collected may not include any information that would
1376 identify a specific child or young adult.

1377 (e) The advisory council report required under paragraph
1378 (b), must include an analysis of the system of independent
1379 living transition services for young adults who reach 18 years
1380 of age while in foster care before completing high school or its
1381 equivalent and recommendations for department or legislative
1382 action. The council shall assess and report on the most
1383 effective method of assisting these young adults to complete
1384 high school or its equivalent by examining the practices of
1385 other states.

1386 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
1387 young adult in this program shall become the personal property
1388 of the young adult and is not subject to the requirements of
1389 chapter 273 relating to state-owned tangible personal property.

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1390 Such property continues to be subject to applicable federal
1391 laws.

1392 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—

1393 The department or community-based care lead agency shall
1394 document that eligible young adults are enrolled in Medicaid
1395 under s. 409.903(4).

1396 (10) RULEMAKING.—The department shall adopt rules to
1397 administer this section.

1398 Section 7. Paragraph (a) of subsection (3) of section
1399 409.175, Florida Statutes, is amended to read:

1400 409.175 Licensure of family foster homes, residential
1401 child-caring agencies, and child-placing agencies; public
1402 records exemption.—

1403 (3) (a) The total number of children placed in each family
1404 foster home shall be based on the recommendation of the
1405 department, or the community-based care lead agency where one is
1406 providing foster care and related services, based on the needs
1407 of each child in care, the ability of the foster family to meet
1408 the individual needs of each child, including any adoptive or
1409 biological children or young adults remaining in foster care
1410 living in the home, the amount of safe physical plant space, the
1411 ratio of active and appropriate adult supervision, and the
1412 background, experience, and skill of the family foster parents.

1413 Section 8. Subsection (4) of section 409.903, Florida
1414 Statutes, is amended to read:

1415 409.903 Mandatory payments for eligible persons.—The agency
1416 shall make payments for medical assistance and related services
1417 on behalf of the following persons who the department, or the
1418 Social Security Administration by contract with the Department

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1419 of Children and Family Services, determines to be eligible,
1420 subject to the income, assets, and categorical eligibility tests
1421 set forth in federal and state law. Payment on behalf of these
1422 Medicaid eligible persons is subject to the availability of
1423 moneys and any limitations established by the General
1424 Appropriations Act or chapter 216.

1425 (4) A child who is eligible under Title IV-E of the Social
1426 Security Act for subsidized board payments, foster care, or
1427 adoption subsidies, and a child for whom the state has assumed
1428 temporary or permanent responsibility and who does not qualify
1429 for Title IV-E assistance but is in foster care, shelter or
1430 emergency shelter care, or subsidized adoption. This category
1431 includes a young adult who is eligible to receive services under
1432 s. 409.1451~~(5)~~, until the young adult reaches 21 years of age,
1433 without regard to any income, resource, or categorical
1434 eligibility test that is otherwise required. This category also
1435 includes a person who as a child was eligible under Title IV-E
1436 of the Social Security Act for foster care or the state-provided
1437 foster care and who is a participant in the Road-to-Independence
1438 Program.

1439 Section 9. The Department of Children and Families shall
1440 work in collaboration with the Board of Governors, the Florida
1441 College System, and the Department of Education to help address
1442 the need for a comprehensive support structure in the academic
1443 arena to assist young adults who have been or continue to remain
1444 in the foster care system in making the transition from a
1445 structured care system into an independent living setting.

1446 Section 10. Effective October 1, 2013, a child or young
1447 adult who is a participant in the Road-to-Independence Program

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1448 may continue in the program as it exists through December 31,
1449 2013. Effective January 1, 2014, a child or young adult who is a
1450 participant in the program shall transfer to the program
1451 services provided in this act and his or her monthly stipend may
1452 not be reduced, the method of payment of the monthly stipend may
1453 not be changed, and the young adult may not be required to
1454 change his or her living arrangement. These conditions shall
1455 remain in effect for a child or young adult until he or she
1456 ceases to meet the eligibility requirements under which he or
1457 she entered the Road-to-Independence Program. A child or young
1458 adult applying or reapplying for the Road-to-Independence
1459 Program on or after October 1, 2013, may apply for program
1460 services only as provided in this act.

1461 Section 11. The cost of foster care payments for children
1462 in foster care from age 18 until age 21, and the cost of
1463 independent living services for those qualified former foster
1464 care children up until the age of 23, shall be paid from a
1465 special category established for that purpose in the General
1466 Appropriations Act. The amount and fund source in this special
1467 category will be set each year by the legislature.

1468 Section 12. This act shall take effect July 1, 2013.