

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senator Detert

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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 amending s. 39.6013, F.S.; conforming a cross
8 reference; creating s. 39.6035, F.S.; requiring the
9 Department of Children and Families, the community-
10 based care provider, and others to assist a child in
11 developing a transition plan after the child reaches
12 17 years of age and requiring a meeting to develop the
13 plan; specifying requirements and procedures for the
14 transition plan; requiring periodic review of the
15 transition plan; requiring the court to approve the
16 transition plan before the child leaves foster care
17 and the court terminates jurisdiction; creating s.
18 39.6251, F.S.; providing definitions; providing that a
19 young adult may remain in foster care under certain
20 circumstances after attaining 18 years of age;
21 specifying criteria for extended foster care;
22 providing that the permanency goal for a young adult
23 who chooses to remain in care is transition from care
24 to independent living; specifying dates for
25 eligibility for a young adult to remain in extended
26 foster care; providing for supervised living
27 arrangements in extended foster care; authorizing a
28 young adult to return to foster care under certain
29 circumstances; specifying services that must be

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

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59 providing legislative findings and intent; providing
60 for postsecondary services and supports; specifying
61 aftercare services; providing for appeals of a
62 determination of eligibility; providing for
63 portability of services across county lines and
64 between lead agencies; providing for accountability;
65 creating the Independent Living Services Advisory
66 Council; providing for membership and specifying the
67 duties and functions of the council; requiring reports
68 and recommendations; directing the department to adopt
69 rules; amending s. 409.175; allowing for young adults
70 remaining in care to be considered in total number of
71 children placed in a foster home; amending s. 409.903,
72 F.S.; conforming a cross-reference; directing the
73 Department of Children and Families to work in
74 collaboration with the Board of Governors, the Florida
75 College System, and the Department of Education to
76 help address the need for a comprehensive support
77 structure in the academic arena to assist young adults
78 who have been or remain in the foster care system;
79 providing for a transfer of services; directing the
80 Department of Children and Families in collaboration
81 with the Florida Foster and Adoptive Parent
82 Association and the Quality Parenting Initiative to
83 develop design training for caregivers; providing
84 effective dates.

85
86 Be It Enacted by the Legislature of the State of Florida:
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88 Section 1. Subsection (2) of section 39.013, Florida
89 Statutes, is amended to read:

90 39.013 Procedures and jurisdiction; right to counsel.—

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

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

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

115 (c) ~~However,~~ If a young adult youth petitions the court at
116 any time before his or her 19th birthday requesting the court's

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117 continued jurisdiction, the juvenile court may retain
118 jurisdiction under this chapter for a period not to exceed 1
119 year following the young adult's ~~youth's~~ 18th birthday for the
120 purpose of determining whether appropriate ~~aftercare support,~~
121 ~~Road-to-Independence Program, transitional support, mental~~
122 ~~health, and developmental disability services,~~ that were
123 required to be provided to the young adult before reaching 18
124 years of age, ~~to the extent otherwise authorized by law,~~ have
125 been provided ~~to the formerly dependent child who was in the~~
126 ~~legal custody of the department immediately before his or her~~
127 ~~18th birthday.~~

128 (d) If a petition for special immigrant juvenile status and
129 an application for adjustment of status have been filed on
130 behalf of a foster child and the petition and application have
131 not been granted by the time the child reaches 18 years of age,
132 the court may retain jurisdiction over the dependency case
133 solely for the purpose of allowing the continued consideration
134 of the petition and application by federal authorities. Review
135 hearings for the child shall be set solely for the purpose of
136 determining the status of the petition and application. The
137 court's jurisdiction terminates upon the final decision of the
138 federal authorities. Retention of jurisdiction in this instance
139 does not affect the services available to a young adult under s.
140 409.1451. The court may not retain jurisdiction of the case
141 after the immigrant child's 22nd birthday.

142 Section 2. Subsection (6) of section 39.6013, Florida
143 Statutes, is amended to read:

144 39.6013 Case plan amendments.—

145 (6) The case plan is deemed amended as to the child's

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146 health, mental health, and education records required by s.
147 39.6012 when the child's updated health and education records
148 are filed by the department under s. 39.701(2)(a) ~~s.~~
149 ~~39.701(8)(a)~~.

150 Section 3. Section 39.6035, Florida Statutes, is created to
151 read:

152 39.6035 Transition plan.-

153 (1) During the 180-day period after a child reaches 17
154 years of age, the department and the community-based care
155 provider, in collaboration with the caregiver and any other
156 individual whom the child would like to include, shall assist
157 the child in developing a transition plan. The required
158 transition plan is in addition to standard case management
159 requirements. The transition plan must address specific options
160 for the child to use in obtaining services, including housing,
161 health insurance, education, and workforce support and
162 employment services. The plan must also consider establishing
163 and maintaining naturally occurring mentoring relationships and
164 other personal support services. The transition plan may be as
165 detailed as the child chooses. In developing the transition
166 plan, the department and the community-based provider shall:

167 (a) Provide the child with the documentation required
168 pursuant to s. 39.701(3); and

169 (b) Coordinate the transition plan with the independent
170 living provisions in the case plan and, for a child with
171 disabilities, the Individuals with Disabilities Education Act
172 transition plan.

173 (2) The department and the child shall schedule a time,
174 date, and place for a meeting to assist the child in drafting

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175 the transition plan. The time, date, and place must be
176 convenient for the child and any individual whom the child would
177 like to include. This meeting shall be conducted in the child's
178 primary language.

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

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

187 Section 4. Section 39.6251, Florida Statutes, is created to
188 read:

189 39.6251 Continuing care for young adults.-

190 (1) As used in this section, the term "child" means an
191 individual who has not attained 21 years of age, and the term
192 "young adult" means an individual who has attained 18 years of
193 age but who has not attained 21 years of age.

194 (2) The primary goal for a child in care is permanency. A
195 child who is living in licensed care on his or her 18th birthday
196 and who has not achieved permanency under s. 39.621, is eligible
197 to remain in licensed care under the jurisdiction of the court
198 and in the care of the department. A child is eligible to remain
199 in licensed care if he or she is:

200 (a) Completing secondary education or a program leading to
201 an equivalent credential;

202 (b) Enrolled in an institution that provides postsecondary
203 or vocational education;

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

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

207 (e) Unable to participate in programs or activities listed
208 in (a)-(d) full time due to a physical, intellectual, emotional,
209 or psychiatric condition that limits participation. Any such
210 barrier to participation must be supported by documentation in
211 the child's case file or school or medical records of a
212 physical, intellectual, or psychiatric condition that impairs
213 the child's ability to perform one or more life activities.

214 (3) The permanency goal for a young adult who chooses to
215 remain in care is transition from licensed care to independent
216 living.

217 (4) (a) The young adult must reside in a supervised living
218 environment that is approved by the department or a community-
219 based care lead agency. The young adult shall live
220 independently, but in an environment in which he or she is
221 provided supervision, case management, and supportive services
222 by the department or lead agency. Such an environment must offer
223 developmentally appropriate freedom and responsibility to
224 prepare the young adult for adulthood. For the purposes of this
225 subsection, a supervised living arrangement may include a
226 licensed foster home, licensed group home, college dormitory,
227 shared housing, apartment, or another housing arrangement if the
228 arrangement is approved by the community-based care lead agency
229 and is acceptable to the young adult, with first choice being a
230 licensed foster home. A young adult may continue to reside with
231 the same licensed foster family or group care provider with whom
232 he or she was residing at the time he or she reached the age of

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233 18 years.

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

237 1. The young adult will be provided with a level of
238 supervision consistent with his or her individual education,
239 health care needs, permanency plan, and independent living goals
240 as assessed by the department or lead agency with input from the
241 young adult. Twenty-four hour on-site supervision is not
242 required, however, 24-hour crisis intervention and support must
243 be available.

244 2. The young adult will live in an independent living
245 environment that offers, at a minimum, life skills instruction,
246 counseling, educational support, employment preparation and
247 placement, and development of support networks. The
248 determination of the type and duration of services shall be
249 based on the young adult's assessed needs, interests, and input
250 and must be consistent with the goals set in the young adult's
251 case plan.

252 (5) Eligibility for a young adult to remain in extended
253 foster care ends on the earliest of the dates that the young
254 adult:

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

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

259 3. Knowingly and voluntarily withdraws his or her consent
260 to participate in extended care. Withdrawal of consent to
261 participate in extended care shall be verified by the court

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262 pursuant to s. 39.701, unless the young adult refuses to
263 participate in any further court proceeding.

264 (6) A young adult who is between the ages of 18 and 21 and
265 who has left care may return to care by applying to the
266 community-based care lead agency for readmission. The community-
267 based care lead agency shall readmit the young adult if he or
268 she continues to meet the eligibility requirements in this
269 section.

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

273 (b) Within 30 days after the young adult has been
274 readmitted to care, the community-based care lead agency shall
275 assign a case manager to update the case plan and the transition
276 plan and to arrange for the required services. Such activities
277 shall be undertaken in consultation with the young adult. The
278 department shall petition the court to reinstate jurisdiction
279 over the young adult.

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

286 (8) During the time that a young adult is in care, the
287 court shall maintain jurisdiction to ensure that the department
288 and the lead agencies are providing services and coordinate
289 with, and maintain oversight of, other agencies involved in
290 implementing the young adult's case plan, individual education

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291 plan, and transition plan. The court shall review the status of
292 the young adult at least every 6 months and hold a permanency
293 review hearing at least annually. The court may appoint a
294 guardian ad litem or continue the appointment of a guardian ad
295 litem with the young adult's consent. The young adult or any
296 other party to the dependency case may request an additional
297 hearing or review.

298 (9) The department shall establish a procedure by which a
299 young adult may appeal a determination of eligibility to remain
300 in care that was made by a community-based care lead agency. The
301 procedure must be readily accessible to young adults, must
302 provide for timely decisions, and must provide for an appeal to
303 the department. The decision of the department constitutes final
304 agency action and is reviewable by the court as provided in s.
305 120.68.

306 Section 5. Section 39.701, Florida Statutes, is amended to
307 read:

308 39.701 Judicial review.—

309 (1) GENERAL PROVISIONS.—

310 (a) The court shall have continuing jurisdiction in
311 accordance with this section and shall review the status of the
312 child at least every 6 months as required by this subsection or
313 more frequently if the court deems it necessary or desirable.

314 (b) The court shall retain jurisdiction over a child
315 returned to his or her parents for a minimum period of 6 months
316 following the reunification, but, at that time, based on a
317 report of the social service agency and the guardian ad litem,
318 if one has been appointed, and any other relevant factors, the
319 court shall make a determination as to whether supervision by

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320 the department and the court's jurisdiction shall continue or be
321 terminated.

322 (c)1.~~(2)(a)~~ The court shall review the status of the child
323 and shall hold a hearing as provided in this part at least every
324 6 months until the child reaches permanency status. The court
325 may dispense with the attendance of the child at the hearing,
326 but may not dispense with the hearing or the presence of other
327 parties to the review unless before the review a hearing is held
328 before a citizen review panel.

329 2.~~(b)~~ Citizen review panels may conduct hearings to review
330 the status of a child. The court shall select the cases
331 appropriate for referral to the citizen review panels and may
332 order the attendance of the parties at the review panel
333 hearings. However, any party may object to the referral of a
334 case to a citizen review panel. Whenever such an objection has
335 been filed with the court, the court shall review the substance
336 of the objection and may conduct the review itself or refer the
337 review to a citizen review panel. All parties retain the right
338 to take exception to the findings or recommended orders of a
339 citizen review panel in accordance with Rule 1.490(h), Florida
340 Rules of Civil Procedure.

341 3.~~(e)~~ Notice of a hearing by a citizen review panel must be
342 provided as set forth in paragraph (f) ~~subsection (5)~~. At the
343 conclusion of a citizen review panel hearing, each party may
344 propose a recommended order to the chairperson of the panel.
345 Thereafter, the citizen review panel shall submit its report,
346 copies of the proposed recommended orders, and a copy of the
347 panel's recommended order to the court. The citizen review
348 panel's recommended order must be limited to the dispositional

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349 options available to the court in paragraph (2)(d) subsection
350 ~~(10)~~. Each party may file exceptions to the report and
351 recommended order of the citizen review panel in accordance with
352 Rule 1.490, Florida Rules of Civil Procedure.

353 (d)1.~~(3)(a)~~ The initial judicial review hearing must be
354 held no later than 90 days after the date of the disposition
355 hearing or after the date of the hearing at which the court
356 approves the case plan, whichever comes first, but in no event
357 shall the review be held later than 6 months after the date the
358 child was removed from the home. Citizen review panels may ~~shall~~
359 not conduct more than two consecutive reviews without the child
360 and the parties coming before the court for a judicial review.

361 2.~~(b)~~ If the citizen review panel recommends extending the
362 goal of reunification for any case plan beyond 12 months from
363 the date the child was removed from the home, the case plan was
364 adopted, or the child was adjudicated dependent, whichever date
365 came first, the court must schedule a judicial review hearing to
366 be conducted by the court within 30 days after receiving the
367 recommendation from the citizen review panel.

368 3.~~(e)~~ If the child is placed in the custody of the
369 department or a licensed child-placing agency for the purpose of
370 adoptive placement, judicial reviews must be held at least every
371 6 months until the adoption is finalized.

372 4.~~(d)~~ If the department and the court have established a
373 formal agreement that includes specific authorization for
374 particular cases, the department may conduct administrative
375 reviews instead of the judicial reviews for children in out-of-
376 home care. Notices of such administrative reviews must be
377 provided to all parties. However, an administrative review may

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378 not be substituted for the first judicial review, and in every
379 case the court must conduct a judicial review at least every 6
380 months. Any party dissatisfied with the results of an
381 administrative review may petition for a judicial review.

382 5.~~(e)~~ The clerk of the circuit court shall schedule
383 judicial review hearings in order to comply with the mandated
384 times cited in this section.

385 6.~~(f)~~ In each case in which a child has been voluntarily
386 placed with the licensed child-placing agency, the agency shall
387 notify the clerk of the court in the circuit where the child
388 resides of such placement within 5 working days. Notification of
389 the court is not required for any child who will be in out-of-
390 home care no longer than 30 days unless that child is placed in
391 out-of-home care a second time within a 12-month period. If the
392 child is returned to the custody of the parents before the
393 scheduled review hearing or if the child is placed for adoption,
394 the child-placing agency shall notify the court of the child's
395 return or placement within 5 working days, and the clerk of the
396 court shall cancel the review hearing.

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

400 (f)~~(5)~~ Notice of a judicial review hearing or a citizen
401 review panel hearing, and a copy of the motion for judicial
402 review, if any, must be served by the clerk of the court upon
403 all of the following persons, if available to be served,
404 regardless of whether the person was present at the previous
405 hearing at which the date, time, and location of the hearing was
406 announced:

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

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

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

413 4.~~(d)~~ The guardian ad litem for the child, or the
414 representative of the guardian ad litem program if the program
415 has been appointed.

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

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

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

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

420 (g)~~(6)~~ The attorney for the department shall notify a
421 relative who submits a request for notification of all
422 proceedings and hearings pursuant to s. 39.301(14) (b). The
423 notice shall include the date, time, and location of the next
424 judicial review hearing.

425 ~~(7) (a) In addition to paragraphs (1) (a) and (2) (a), the~~
426 ~~court shall hold a judicial review hearing within 90 days after~~
427 ~~a youth's 17th birthday. The court shall also issue an order,~~
428 ~~separate from the order on judicial review, that the disability~~
429 ~~of nonage of the youth has been removed pursuant to s. 743.045.~~
430 ~~The court shall continue to hold timely judicial review hearings~~
431 ~~thereafter. In addition, the court may review the status of the~~
432 ~~child more frequently during the year prior to the youth's 18th~~
433 ~~birthday if necessary. At each review held under this~~
434 ~~subsection, in addition to any information or report provided to~~
435 ~~the court, the foster parent, legal custodian, guardian ad~~

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436 ~~litem, and the child shall be given the opportunity to address~~
437 ~~the court with any information relevant to the child's best~~
438 ~~interests, particularly as it relates to independent living~~
439 ~~transition services. In addition to any information or report~~
440 ~~provided to the court, the department shall include in its~~
441 ~~judicial review social study report written verification that~~
442 ~~the child:~~

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

447 ~~2. Has been provided with a certified copy of his or her~~
448 ~~birth certificate and, if the child does not have a valid~~
449 ~~driver's license, a Florida identification card issued under s.~~
450 ~~322.051.~~

451 ~~3. Has been provided information relating to Social~~
452 ~~Security Insurance benefits if the child is eligible for these~~
453 ~~benefits. If the child has received these benefits and they are~~
454 ~~being held in trust for the child, a full accounting of those~~
455 ~~funds must be provided and the child must be informed about how~~
456 ~~to access those funds.~~

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

459 ~~5. Has been provided with all relevant information related~~
460 ~~to the Road to Independence Program, including, but not limited~~
461 ~~to, eligibility requirements, forms necessary to apply, and~~
462 ~~assistance in completing the forms. The child shall also be~~
463 ~~informed that, if he or she is eligible for the Road-to-~~
464 ~~Independence Program, he or she may reside with the licensed~~

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465 ~~foster family or group care provider with whom the child was~~
466 ~~residing at the time of attaining his or her 18th birthday or~~
467 ~~may reside in another licensed foster home or with a group care~~
468 ~~provider arranged by the department.~~

469 ~~6. Has an open bank account, or has identification~~
470 ~~necessary to open an account, and has been provided with~~
471 ~~essential banking skills.~~

472 ~~7. Has been provided with information on public assistance~~
473 ~~and how to apply.~~

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

478 ~~9. Has been provided with notice of the youth's right to~~
479 ~~petition for the court's continuing jurisdiction for 1 year~~
480 ~~after the youth's 18th birthday as specified in s. 39.013(2) and~~
481 ~~with information on how to obtain access to the court.~~

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

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

491 ~~(c) At the time of a judicial review hearing held pursuant~~
492 ~~to this subsection, if, in the opinion of the court, the~~
493 ~~department has not complied with its obligations as specified in~~

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494 ~~the written case plan or in the provision of independent living~~
495 ~~services as required by s. 409.1451 and this subsection, the~~
496 ~~court shall issue a show cause order. If cause is shown for~~
497 ~~failure to comply, the court shall give the department 30 days~~
498 ~~within which to comply and, on failure to comply with this or~~
499 ~~any subsequent order, the department may be held in contempt.~~

500 (2) ~~(8)~~ REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS
501 OF AGE.—

502 (a) Social study report for judicial review.—Before every
503 judicial review hearing or citizen review panel hearing, the
504 social service agency shall make an investigation and social
505 study concerning all pertinent details relating to the child and
506 shall furnish to the court or citizen review panel a written
507 report that includes, but is not limited to:

508 1. A description of the type of placement the child is in
509 at the time of the hearing, including the safety of the child
510 and the continuing necessity for and appropriateness of the
511 placement.

512 2. Documentation of the diligent efforts made by all
513 parties to the case plan to comply with each applicable
514 provision of the plan.

515 3. The amount of fees assessed and collected during the
516 period of time being reported.

517 4. The services provided to the foster family or legal
518 custodian in an effort to address the needs of the child as
519 indicated in the case plan.

520 5. A statement that either:

521 a. The parent, though able to do so, did not comply
522 substantially with the case plan, and the agency

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523 recommendations;

524 b. The parent did substantially comply with the case plan;
525 or

526 c. The parent has partially complied with the case plan,
527 with a summary of additional progress needed and the agency
528 recommendations.

529 6. A statement from the foster parent or legal custodian
530 providing any material evidence concerning the return of the
531 child to the parent or parents.

532 7. A statement concerning the frequency, duration, and
533 results of the parent-child visitation, if any, and the agency
534 recommendations for an expansion or restriction of future
535 visitation.

536 8. The number of times a child has been removed from his or
537 her home and placed elsewhere, the number and types of
538 placements that have occurred, and the reason for the changes in
539 placement.

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

543 10. If the child has reached 13 years of age but is not yet
544 18 years of age, a statement from the caregiver on the progress
545 the child has made in acquiring independent living skills ~~the~~
546 ~~results of the preindependent living, life skills, or~~
547 ~~independent living assessment; the specific services needed; and~~
548 ~~the status of the delivery of the identified services.~~

549 11. Copies of all medical, psychological, and educational
550 records that support the terms of the case plan and that have
551 been produced concerning the parents or any caregiver since the

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552 last judicial review hearing.

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

555 (b) Submission and distribution of reports.—

556 1. A copy of the social service agency's written report and
557 the written report of the guardian ad litem must be served on
558 all parties whose whereabouts are known; to the foster parents
559 or legal custodians; and to the citizen review panel, at least
560 72 hours before the judicial review hearing or citizen review
561 panel hearing. The requirement for providing parents with a copy
562 of the written report does not apply to those parents who have
563 voluntarily surrendered their child for adoption or who have had
564 their parental rights to the child terminated.

565 2.(e) In a case in which the child has been permanently
566 placed with the social service agency, the agency shall furnish
567 to the court a written report concerning the progress being made
568 to place the child for adoption. If the child cannot be placed
569 for adoption, a report on the progress made by the child towards
570 alternative permanency goals or placements, including, but not
571 limited to, guardianship, long-term custody, long-term licensed
572 custody, or independent living, must be submitted to the court.
573 The report must be submitted to the court at least 72 hours
574 before each scheduled judicial review.

575 3.(d) In addition to or in lieu of any written statement
576 provided to the court, the foster parent or legal custodian, or
577 any preadoptive parent, shall be given the opportunity to
578 address the court with any information relevant to the best
579 interests of the child at any judicial review hearing.

580 (c) ~~(9)~~ Review determinations.—The court and any citizen

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581 review panel shall take into consideration the information
582 contained in the social services study and investigation and all
583 medical, psychological, and educational records that support the
584 terms of the case plan; testimony by the social services agency,
585 the parent, the foster parent or legal custodian, the guardian
586 ad litem or surrogate parent for educational decisionmaking if
587 one has been appointed for the child, and any other person
588 deemed appropriate; and any relevant and material evidence
589 submitted to the court, including written and oral reports to
590 the extent of their probative value. These reports and evidence
591 may be received by the court in its effort to determine the
592 action to be taken with regard to the child and may be relied
593 upon to the extent of their probative value, even though not
594 competent in an adjudicatory hearing. In its deliberations, the
595 court and any citizen review panel shall seek to determine:

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

599 2.(b) If the parent has been advised of the right to have
600 counsel present at the judicial review or citizen review
601 hearings. If not so advised, the court or citizen review panel
602 shall advise the parent of such right.

603 3.(c) If a guardian ad litem needs to be appointed for the
604 child in a case in which a guardian ad litem has not previously
605 been appointed or if there is a need to continue a guardian ad
606 litem in a case in which a guardian ad litem has been appointed.

607 4.(d) Who holds the rights to make educational decisions
608 for the child. If appropriate, the court may refer the child to
609 the district school superintendent for appointment of a

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610 surrogate parent or may itself appoint a surrogate parent under
611 the Individuals with Disabilities Education Act and s. 39.0016.

612 ~~5.(e)~~ The compliance or lack of compliance of all parties
613 with applicable items of the case plan, including the parents'
614 compliance with child support orders.

615 ~~6.(f)~~ The compliance or lack of compliance with a
616 visitation contract between the parent and the social service
617 agency for contact with the child, including the frequency,
618 duration, and results of the parent-child visitation and the
619 reason for any noncompliance.

620 ~~7.(g)~~ The compliance or lack of compliance of the parent in
621 meeting specified financial obligations pertaining to the care
622 of the child, including the reason for failure to comply if such
623 is the case.

624 ~~8.(h)~~ Whether the child is receiving safe and proper care
625 according to s. 39.6012, including, but not limited to, the
626 appropriateness of the child's current placement, including
627 whether the child is in a setting that is as family-like and as
628 close to the parent's home as possible, consistent with the
629 child's best interests and special needs, and including
630 maintaining stability in the child's educational placement, as
631 documented by assurances from the community-based care provider
632 that:

633 ~~a.1.~~ The placement of the child takes into account the
634 appropriateness of the current educational setting and the
635 proximity to the school in which the child is enrolled at the
636 time of placement.

637 ~~b.2.~~ The community-based care agency has coordinated with
638 appropriate local educational agencies to ensure that the child

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639 remains in the school in which the child is enrolled at the time
640 of placement.

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

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

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

651 12.~~(l)~~ If amendments to the case plan are required.
652 Amendments to the case plan must be made under s. 39.6013.

653 (d)~~(10)(a)~~ Orders.—

654 1. Based upon the criteria set forth in paragraph (c)
655 ~~subsection (9)~~ and the recommended order of the citizen review
656 panel, if any, the court shall determine whether or not the
657 social service agency shall initiate proceedings to have a child
658 declared a dependent child, return the child to the parent,
659 continue the child in out-of-home care for a specified period of
660 time, or initiate termination of parental rights proceedings for
661 subsequent placement in an adoptive home. Amendments to the case
662 plan must be prepared as prescribed in s. 39.6013. If the court
663 finds that the prevention or reunification efforts of the
664 department will allow the child to remain safely at home or be
665 safely returned to the home, the court shall allow the child to
666 remain in or return to the home after making a specific finding
667 of fact that the reasons for the creation of the case plan have

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668 been remedied to the extent that the child's safety, well-being,
669 and physical, mental, and emotional health will not be
670 endangered.

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

677 3.~~(e)~~ If, in the opinion of the court, the social service
678 agency has not complied with its obligations as specified in the
679 written case plan, the court may find the social service agency
680 in contempt, shall order the social service agency to submit its
681 plans for compliance with the agreement, and shall require the
682 social service agency to show why the child could not safely be
683 returned to the home of the parents.

684 4.~~(d)~~ If, at any judicial review, the court finds that the
685 parents have failed to substantially comply with the case plan
686 to the degree that further reunification efforts are without
687 merit and not in the best interest of the child, on its own
688 motion, the court may order the filing of a petition for
689 termination of parental rights, whether or not the time period
690 as contained in the case plan for substantial compliance has
691 expired.

692 5.~~(e)~~ Within 6 months after the date that the child was
693 placed in shelter care, the court shall conduct a judicial
694 review hearing to review the child's permanency goal as
695 identified in the case plan. At the hearing the court shall make
696 findings regarding the likelihood of the child's reunification

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697 with the parent or legal custodian within 12 months after the
698 removal of the child from the home. If the court makes a written
699 finding that it is not likely that the child will be reunified
700 with the parent or legal custodian within 12 months after the
701 child was removed from the home, the department must file with
702 the court, and serve on all parties, a motion to amend the case
703 plan under s. 39.6013 and declare that it will use concurrent
704 planning for the case plan. The department must file the motion
705 within 10 business days after receiving the written finding of
706 the court. The department must attach the proposed amended case
707 plan to the motion. If concurrent planning is already being
708 used, the case plan must document the efforts the department is
709 taking to complete the concurrent goal.

710 6.(f) The court may issue a protective order in assistance,
711 or as a condition, of any other order made under this part. In
712 addition to the requirements included in the case plan, the
713 protective order may set forth requirements relating to
714 reasonable conditions of behavior to be observed for a specified
715 period of time by a person or agency who is before the court;
716 and the order may require any person or agency to make periodic
717 reports to the court containing such information as the court in
718 its discretion may prescribe.

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

720 (a) In addition to the review and report required under
721 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
722 a judicial review hearing within 90 days after a child's 17th
723 birthday. The court shall also issue an order, separate from the
724 order on judicial review, that the disability of nonage of the
725 child has been removed pursuant to s. 743.045 and shall continue

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726 to hold timely judicial review hearings. If necessary, the court
727 may review the status of the child more frequently during the
728 year before the child's 18th birthday. At each review hearing
729 held under this subsection, in addition to any information or
730 report provided to the court by the foster parent, legal
731 custodian, or guardian ad litem, the child shall be given the
732 opportunity to address the court with any information relevant
733 to the child's best interest, particularly in relation to
734 independent living transition services. The department shall
735 include in the social study report for judicial review written
736 verification that the child has:

737 1. A current Medicaid card and all necessary information
738 concerning the Medicaid program sufficient to prepare the child
739 to apply for coverage upon reaching the age of 18, if such
740 application is appropriate.

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

744 3. A social security card and information relating to
745 social security insurance benefits if the child is eligible for
746 those benefits. If the child has received such benefits and they
747 are being held in trust for the child, a full accounting of
748 these funds must be provided and the child must be informed as
749 to how to access those funds.

750 4. All relevant information related to the Road-to-
751 Independence Program, including, but not limited to, eligibility
752 requirements, information on participation, and assistance in
753 gaining admission to the program. If the child is eligible for
754 the Road-to-Independence Program, he or she must be advised that

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755 he or she may continue to reside with the licensed family home
756 or group care provider with whom the child was residing at the
757 time the child attained his or her 18th birthday, in another
758 licensed family home, or with a group care provider arranged by
759 the department.

760 5. An open bank account or the identification necessary to
761 open a bank account and to acquire essential banking and
762 budgeting skills.

763 6. Information on public assistance and how to apply for
764 public assistance.

765 7. A clear understanding of where he or she will be living
766 on his or her 18th birthday, how living expenses will be paid,
767 and the educational program or school in which he or she will be
768 enrolled.

769 8. Information related to the ability of the child to
770 remain in care until he or she reaches 21 years of age under s.
771 39.013.

772 9. A letter providing the dates that the child is under the
773 jurisdiction of the court.

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

776 11. The child's educational records.

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

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

779 14. A statement encouraging the child to attend all
780 judicial review hearings occurring after the child's 17th
781 birthday.

782 (b) At the first judicial review hearing held subsequent to
783 the child's 17th birthday, the department shall provide the

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784 court with an updated case plan that includes specific
785 information related to the independent living skills that the
786 child has acquired since the child's 13th birthday, or since the
787 date the child came into foster care, whichever came later.

788 (c) If the court finds at the judicial review hearing that
789 the department has not met with its obligations to the child as
790 stated in the written case plan or in the provision of
791 independent living services, the court may issue an order
792 directing the department to show cause as to why it has not done
793 so. If the department cannot justify its noncompliance, the
794 court may give the department 30 days within which to comply. If
795 the department fails to comply within 30 days, the court may
796 hold the department in contempt.

797 (d) At the last review hearing before the child reaches 18
798 years of age, and in addition to the requirements of subsection
799 (2), the court shall:

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

804 2. Ensure that the transition plan includes a supervised
805 living arrangement under s. 39.6251.

806 3. Ensure the child has been informed of:

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

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

811 c. The opportunity to reenter foster care pursuant to s.
812 39.6251.

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

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

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

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

822 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.-
823 During each period of time that a young adult remains in foster
824 care, the court shall review the status of the young adult at
825 least every 6 months and must hold a permanency review hearing
826 at least annually.

827 (a) The department and community-based care lead agency
828 shall prepare and submit to the court a report, developed in
829 collaboration with the young adult, which addresses the young
830 adult's progress in meeting the goals in the case plan. The
831 report must include progress information related to the young
832 adult's independent living plan and transition plan, if
833 applicable, and shall propose modifications as necessary to
834 further the young adult's goals.

835 (b) The court shall attempt to determine whether the
836 department and any service provider under contract with the
837 department are providing the appropriate services as provided in
838 the case plan.

839 (c) If the court believes that the young adult is entitled
840 under department policy or under a contract with a service
841 provider to additional services to achieve the goals enumerated

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842 in the case plan, it may order the department to take action to
843 ensure that the young adult receives the identified services.

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

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

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

853 2. Findings by the court that:

854 a. The young adult has been informed by the department of
855 his or her right to attend the hearing and has provided written
856 consent to waive this right; and

857 b. The young adult has been informed of the potential
858 negative effects of early termination of care, the option to
859 reenter care before reaching 21 years of age, the procedure for,
860 and limitations on, reentering care, and the availability of
861 alternative services, and has signed a document attesting that
862 he or she has been so informed and understands these provisions;
863 or

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

867 3. In all permanency hearings or hearings regarding the
868 transition of the young adult from care to independent living,
869 the court shall consult with the young adult regarding the
870 proposed permanency plan, case plan, and individual education

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871 plan for the young adult and ensure that he or she has
872 understood the conversation.

873 Section 6. Section 409.145, Florida Statutes, is amended to
874 read:

875 409.145 Care of children; quality parenting; "reasonable
876 and prudent parent" standard.—The child welfare system of the
877 department shall operate as a coordinated community-based system
878 of care which empowers all caregivers for children in foster
879 care to provide quality parenting, including approving or
880 disapproving a child's participation in activities based on the
881 caregiver's assessment using the "reasonable and prudent parent"
882 standard.

883 (1) SYSTEM OF CARE.—The department shall develop, implement
884 conduct, supervise, and administer a coordinated community-based
885 system of care program for dependent children who are found to
886 be dependent and their families. This system of care must ~~The~~
887 ~~services of the department are to~~ be directed toward the
888 following goals:

889 (a) ~~The~~ Prevention of separation of children from their
890 families.

891 (b) Intervention to allow children to remain safely in
892 their own homes.

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

895 (d) Safety for children who are separated from their
896 families by providing alternative emergency or longer-term
897 parenting arrangements.

898 (e) Focus on the well-being of children through emphasis on
899 maintaining educational stability and providing timely health

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900 care.

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

905 ~~(d)~~ ~~The protection of dependent children or children~~
906 ~~alleged to be dependent, including provision of emergency and~~
907 ~~long-term alternate living arrangements.~~

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

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

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

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

922 ~~(c)~~ ~~Any child who is voluntarily placed, with the written~~
923 ~~consent of the parents or guardians, in the department's foster~~
924 ~~care program or the foster care program of a licensed private~~
925 ~~agency.~~

926 ~~(3)~~ ~~The circuit courts exercising juvenile jurisdiction in~~
927 ~~the various counties of this state shall cooperate with the~~
928 ~~department and its employees in carrying out the purposes and~~

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929 ~~intent of this chapter.~~

930 ~~(4) The department is authorized to accept children on a~~
931 ~~permanent placement basis by order of a court of competent~~
932 ~~jurisdiction for the single purpose of adoption placement of~~
933 ~~these children. The department is authorized to provide the~~
934 ~~necessary services to place these children ordered to the~~
935 ~~department on a permanent placement basis for adoption.~~

936 ~~(5) Any funds appropriated by counties for child welfare~~
937 ~~services may be matched by state and federal funds, such funds~~
938 ~~to be utilized by the department for the benefit of children in~~
939 ~~those counties.~~

940 ~~(6) Whenever any child is placed under the protection,~~
941 ~~care, and guidance of the department or a duly licensed public~~
942 ~~or private agency, or as soon thereafter as is practicable, the~~
943 ~~department or agency, as the case may be, shall endeavor to~~
944 ~~obtain such information concerning the family medical history of~~
945 ~~the child and the natural parents as is available or readily~~
946 ~~obtainable. This information shall be kept on file by the~~
947 ~~department or agency for possible future use as provided in ss.~~
948 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

949 ~~(7) Whenever any child is placed by the department in a~~
950 ~~shelter home, foster home, or other residential placement, the~~
951 ~~department shall make available to the operator of the shelter~~
952 ~~home, foster home, other residential placement, or other~~
953 ~~caretaker as soon thereafter as is practicable, all relevant~~
954 ~~information concerning the child's demographic, social, and~~
955 ~~medical history.~~

956 (2) QUALITY PARENTING.—A child in foster care shall be
957 placed only with a caregiver who has the ability to care for the

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958 child, is willing to accept responsibility for providing care,
959 and is willing and able to learn about and be respectful of the
960 child's culture, religion and ethnicity, special physical or
961 psychological needs, any circumstances unique to the child, and
962 family relationships. The department, the community-based care
963 lead agency, and other agencies shall provide such caregiver
964 with all available information necessary to assist the caregiver
965 in determining whether he or she is able to appropriately care
966 for a particular child.

967 (a) Roles and responsibilities of caregivers.—A caregiver
968 shall:

969 1. Participate in developing the case plan for the child
970 and his or her family and work with others involved in his or
971 her care to implement this plan. This participation includes the
972 caregiver's involvement in all team meetings or court hearings
973 related to the child's care.

974 2. Complete all training needed to improve skills in
975 parenting a child who has experienced trauma due to neglect,
976 abuse, or separation from home, to meet the child's special
977 needs, and to work effectively with child welfare agencies, the
978 court, the schools, and other community and governmental
979 agencies.

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

983 4. Effectively advocate for the child in the caregiver's
984 care with the child welfare system, the court, and community
985 agencies, including the school, child care, health and mental
986 health providers, and employers.

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987 5. Participate fully in the child's medical, psychological,
988 and dental care as the caregiver would for his or her biological
989 child.

990 6. Support the child's school success by participating in
991 school activities and meetings, including Individual Education
992 Plan meetings, assisting with school assignments, supporting
993 tutoring programs, meeting with teachers and working with an
994 educational surrogate if one has been appointed, and encouraging
995 the child's participation in extracurricular activities.

996 7. Work in partnership with other stakeholders to obtain
997 and maintain records that are important to the child's well-
998 being, including child resource records, medical records, school
999 records, photographs, and records of special events and
1000 achievements.

1001 8. Ensure that the child in the caregiver's care who is
1002 between 13 and 17 years of age learns and masters independent
1003 living skills.

1004 9. Ensure that the child in the caregiver's care is aware
1005 of the requirements and benefits of the Road-to-Independence
1006 Program.

1007 10. Work to enable the child in the caregiver's care to
1008 establish and maintain naturally occurring mentoring
1009 relationships.

1010 (b) Roles and responsibilities of the department, the
1011 community-based care lead agency, and other agency staff.-The
1012 department, the community-based care lead agency, and other
1013 agency staff shall:

1014 1. Include a caregiver in the development and
1015 implementation of the case plan for the child and his or her

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1016 family. The caregiver shall be authorized to participate in all
1017 team meetings or court hearings related to the child's care and
1018 future plans. The caregiver's participation shall be facilitated
1019 through timely notification, an inclusive process, and
1020 alternative methods for participation for a caregiver who cannot
1021 be physically present.

1022 2. Develop and make available to the caregiver the
1023 information, services, training, and support that the caregiver
1024 needs to improve his or her skills in parenting children who
1025 have experienced trauma due to neglect, abuse, or separation
1026 from home, to meet these children's special needs and to
1027 advocate effectively with child welfare agencies, the courts,
1028 schools, and other community and governmental agencies.

1029 3. Provide the caregiver with all information related to
1030 services and other benefits that are available to the child.

1031 (c) Transitions.—

1032 1. Once a caregiver accepts the responsibility of caring
1033 for a child, the child will be removed from the home of that
1034 caregiver only if:

1035 a. The caregiver is clearly unable to safely or legally
1036 care for the child;

1037 b. The child and his or her biological family are
1038 reunified;

1039 c. The child is being placed in a legally permanent home
1040 pursuant to the case plan or a court order; or

1041 d. The removal is demonstrably in the child's best
1042 interest.

1043 2. In the absence of an emergency, if a child leaves the
1044 caregiver's home for a reason provided under subparagraph 1.,

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1045 the transition must be accomplished according to a plan that
1046 involves cooperation and sharing of information among all
1047 persons involved, respects the child's developmental stage and
1048 psychological needs, ensures the child has all of his or her
1049 belongings, allows for a gradual transition from the caregiver's
1050 home and, if possible, for continued contact with the caregiver
1051 after the child leaves.

1052 (d) Information sharing.—Whenever a foster home or
1053 residential group home assumes responsibility for the care of a
1054 child, the department and any additional providers shall make
1055 available to the caregiver as soon as is practicable all
1056 relevant information concerning the child. Records and
1057 information that are required to be shared with caregivers
1058 include, but are not limited to:

1059 1. Medical, dental, psychological, psychiatric, and
1060 behavioral history, as well as ongoing evaluation or treatment
1061 needs;

1062 2. School records;

1063 3. Copies of his or her birth certificate and, if
1064 appropriate, immigration status documents;

1065 4. Consents signed by parents;

1066 5. Comprehensive behavioral assessments and other social
1067 assessments;

1068 6. Court orders;

1069 7. Visitation and case plans;

1070 8. Guardian ad litem reports;

1071 9. Staffing forms; and

1072 10. Judicial or citizen review panel reports and
1073 attachments filed with the court, except confidential medical,

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1074 psychiatric, and psychological information regarding any party
1075 or participant other than the child.

1076 (e) Caregivers employed by residential group homes.-All
1077 caregivers in residential group homes shall meet the same
1078 education, training, and background and other screening
1079 requirements as foster parents.

1080 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

1081 (a) Definitions.-As used in this subsection, the term:

1082 1. "Age-appropriate" means an activity or item that is
1083 generally accepted as suitable for a child of the same
1084 chronological age or level of maturity. Age appropriateness is
1085 based on the development of cognitive, emotional, physical, and
1086 behavioral capacity which is typical for an age or age group.

1087 2. "Caregiver" means a person with whom the child is placed
1088 in out-of-home care, or a designated official for a group care
1089 facility licensed by the department under s. 409.175.

1090 3. "Reasonable and prudent parent" standard means the
1091 standard of care used by a caregiver in determining whether to
1092 allow a child in his or her care to participate in
1093 extracurricular, enrichment, and social activities. This
1094 standard is characterized by careful and thoughtful parental
1095 decisionmaking that is intended to maintain a child's health,
1096 safety, and best interest while encouraging the child's
1097 emotional and developmental growth.

1098 (b) Application of standard of care.-

1099 1. Every child who comes into out-of-home care pursuant to
1100 this chapter is entitled to participate in age-appropriate
1101 extracurricular, enrichment, and social activities.

1102 2. Each caregiver shall use the reasonable and prudent

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1103 parent standard in determining whether to give permission for a
1104 child living in out-of-home care to participate in
1105 extracurricular, enrichment, or social activities. When using
1106 the reasonable and prudent parent standard, the caregiver must
1107 consider:

1108 a. The child's age, maturity, and developmental level to
1109 maintain the overall health and safety of the child.

1110 b. The potential risk factors and the appropriateness of
1111 the extracurricular, enrichment, or social activity.

1112 c. The best interest of the child, based on information
1113 known by the caregiver.

1114 d. The importance of encouraging the child's emotional and
1115 developmental growth.

1116 e. The importance of providing the child with the most
1117 family-like living experience possible.

1118 f. The behavioral history of the child and the child's
1119 ability to safely participate in the proposed activity.

1120 (c) Verification of services delivered.—The department and
1121 each community-based care lead agency shall verify that private
1122 agencies providing out-of-home care services to dependent
1123 children have policies in place which are consistent with this
1124 section and that these agencies promote and protect the ability
1125 of dependent children to participate in age-appropriate
1126 extracurricular, enrichment, and social activities.

1127 (d) Limitation of liability.—A caregiver is not liable for
1128 harm caused to a child who participates in an activity approved
1129 by the caregiver, provided that the caregiver has acted in
1130 accordance with the reasonable and prudent parent standard. This
1131 paragraph may not be interpreted as removing or limiting any

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1132 existing liability protection afforded by law.

1133 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1134 (a) Effective October 1, 2013, room and board rates paid to
 1135 foster parents are as follows:

1136

<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>

1137

1138

1139

1140 (b) Foster parents shall receive an annual cost of living
 1141 increase. The department shall calculate the new room and board
 1142 rate increase equal to the percentage change in the Consumer
 1143 Price Index for All Urban Consumers, U.S. City Average, All
 1144 Items, not seasonally adjusted, or successor reports, for the
 1145 preceding December compared to the prior December as initially
 1146 reported by the United States Department of Labor, Bureau of
 1147 Labor Statistics. The department shall make available the
 1148 adjusted room and board rates annually.

1149 (c) The amount of the monthly foster care board rate may be
 1150 increased upon agreement among the department, the community-
 1151 based care lead agency, and the foster parent.

1152 (d) Community-based care lead agencies providing care under
 1153 contract with the department shall pay a supplemental room and
 1154 board payment to foster care parents for providing independent
 1155 life skills and normalcy supports to children who are 13 through
 1156 17 years of age placed in their care. The supplemental payment
 1157 shall be paid monthly to the foster care parents on a per-child

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1158 basis in addition to the current monthly room and board rate
1159 payment. The supplemental monthly payment shall be based on 10
1160 percent of the monthly room and board rate for children 13
1161 through 21 years of age as provided under this section and
1162 adjusted annually.

1163 (5) RULEMAKING.—The department shall adopt by rule
1164 procedures to administer this section.

1165 Section 7. Section 409.1451, Florida Statutes, is amended
1166 to read:

1167 (Substantial rewording of section. See
1168 s. 409.1451, F.S., for present text).

1169 409.1451 The Road-to-Independence Program.—

1170 (1) LEGISLATIVE FINDINGS AND INTENT.—

1171 (a) The Legislature recognizes that most children and young
1172 adults are resilient and, with adequate support, can expect to
1173 be successful as independent adults. Not unlike many young
1174 adults, some young adults who have lived in foster care need
1175 additional support and resources for a period of time after
1176 reaching 18 years of age.

1177 (b) The Legislature finds that while it is important to
1178 provide young adults who have lived in foster care with
1179 education and independent living skills, there is also a need to
1180 focus more broadly on creating and preserving family
1181 relationships so that young adults have a permanent connection
1182 with at least one committed adult who provides a safe and stable
1183 parenting relationship.

1184 (c) It is the intent of the Legislature that young adults
1185 who choose to participate in the program receive the skills,
1186 education, and support necessary to become self-sufficient and

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1187 leave foster care with a lifelong connection to a supportive
1188 adult through the Road-to-Independence Program, either through
1189 postsecondary education services and support, as provided in
1190 subsection (2), or aftercare services.

1191 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1192 (a) A young adult is eligible for services and support
1193 under this subsection if he or she:

1194 1. Was living in licensed care on his or her 18th birthday
1195 or is currently living in licensed care; or was at least 16
1196 years of age and was adopted from foster care or placed with a
1197 court-approved dependency guardian after spending at least 6
1198 months in licensed care within the 12 months immediately
1199 preceding such placement or adoption;

1200 2. Spent at least 6 months in licensed care before reaching
1201 his or her 18th birthday;

1202 3. Earned a standard high school diploma or its equivalent
1203 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
1204 or s. 1003.435;

1205 4. Has been admitted for enrollment as a full-time student
1206 or its equivalent in an eligible postsecondary educational
1207 institution as provided in s. 1009.533. For purposes of this
1208 section, the term "full-time" means 9 credit hours or the
1209 vocational school equivalent. A student may enroll part-time if
1210 he or she has a recognized disability or is faced with another
1211 challenge or circumstance that would prevent full-time
1212 attendance. A student needing to enroll part-time for any reason
1213 other than having a recognized disability must get approval from
1214 his or her academic advisor;

1215 5. Has reached 18 years of age but is not yet 23 years of

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1216 age;

1217 6. Has applied, with assistance from the young adult's
1218 caregiver and the community-based lead agency, for any other
1219 grants and scholarships for which he or she may qualify;

1220 7. Submitted a Free Application for Federal Student Aid
1221 which is complete and error free; and

1222 8. Signed an agreement to allow the department and the
1223 community-based care lead agency access to school records.

1224 (b) The amount of the financial assistance shall be as
1225 follows:

1226 1. For a young adult who does not remain in foster care and
1227 is attending a postsecondary school as provided in s. 1009.533,
1228 the amount is \$1,256 monthly.

1229 2. For a young adult who remains in foster care, is
1230 attending a postsecondary school, as provided in s. 1009.533,
1231 and continues to reside in a licensed foster home, the amount is
1232 the established room and board rate for foster parents. This
1233 takes the place of the payment provided for in subsection (4).

1234 3. For a young adult who remains in foster care, but
1235 temporarily resides away from a licensed foster home for
1236 purposes of attending a postsecondary school as provided in s.
1237 1009.533, the amount is \$1,256 monthly. This takes the place of
1238 the payment provided for in subsection (4).

1239 4. For a young adult who remains in foster care, is
1240 attending a postsecondary school as provided in s. 1009.533, and
1241 continues to reside in a licensed group home, the amount is
1242 negotiated between the community-based care lead agency and the
1243 licensed group home provider.

1244 5. For a young adult who remains in foster care, but

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1245 temporarily resides away from a licensed group home for purposes
1246 of attending a postsecondary school as provided in s. 1009.533,
1247 the amount is \$1,256 monthly. This takes the place of a
1248 negotiated room and board rate.

1249 6. The amount of the award may be disregarded for purposes
1250 of determining the eligibility for, or the amount of, any other
1251 federal or federally supported assistance.

1252 7. A young adult is eligible to receive financial
1253 assistance during the months when enrolled in a postsecondary
1254 educational institution.

1255 (c) Payment of financial assistance for a young adult who:

1256 1. Has chosen not to remain in foster care and is attending
1257 a postsecondary school as provided in s. 1009.533, shall be made
1258 to the community-based care lead agency in order to secure
1259 housing and utilities, with the balance being paid directly to
1260 the young adult until such time the lead agency and the young
1261 adult determine that the young adult can successfully manage the
1262 full amount of the assistance.

1263 2. Has remained in foster care under s. 39.6251 and who is
1264 attending postsecondary school as provided in s. 1009.533, shall
1265 be made directly to the foster parent or group home provider.

1266 3. Community-based care lead agencies or other contracted
1267 providers are prohibited from charging a fee associated with
1268 administering the Road-to-Independence payments.

1269 (d)1. The department must advertise the availability of the
1270 stipend and must provide notification of the criteria and
1271 application procedures for the stipend to children and young
1272 adults leaving, or who were formerly in, foster care;
1273 caregivers; case managers; guidance and family services

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1274 counselors; principals or other relevant school administrators;
1275 and guardians ad litem.

1276 2. If the award recipient transfers from one eligible
1277 institution to another and continues to meet eligibility
1278 requirements, the award shall be transferred with the recipient.

1279 3. The department, or an agency under contract with the
1280 department, shall evaluate each Road-to-Independence award for
1281 renewal eligibility on an annual basis. In order to be eligible
1282 for a renewal award for the subsequent year, the young adult
1283 must:

1284 a. Be enrolled for or have completed the number of hours,
1285 or the equivalent, to be considered a full-time student under
1286 subparagraph (a)4., unless the young adult qualifies for an
1287 exception under subparagraph (a)4.

1288 b. Maintain appropriate progress as determined by the
1289 educational institution, except that if the young adult's
1290 progress is insufficient to renew the award at any time during
1291 the eligibility period, the young adult may restore eligibility
1292 by improving his or her progress to the required level.

1293 4. Funds may be terminated during the interim between an
1294 award and the evaluation for a renewal award if the department,
1295 or an agency under contract with the department, determines that
1296 the award recipient is no longer enrolled in an educational
1297 institution as described in subparagraph (a)4. or is no longer a
1298 resident of this state.

1299 5. The department, or an agency under contract with the
1300 department, shall notify a recipient who is terminated and
1301 inform the recipient of his or her right to appeal.

1302 6. An award recipient who does not qualify for a renewal

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1303 award or who chooses not to renew the award may apply for
1304 reinstatement. An application for reinstatement must be made
1305 before the young adult reaches 23 years of age. In order to be
1306 eligible for reinstatement, the young adult must meet the
1307 eligibility criteria and the criteria for award renewal for the
1308 program.

1309 (3) AFTERCARE SERVICES.—

1310 (a) Aftercare services are available to young adults who
1311 have chosen not to remain in foster care after reaching 18 years
1312 of age and who are not receiving financial assistance under
1313 subsection (2) to pursue postsecondary education. These
1314 aftercare services include, but are not limited to, the
1315 following:

1316 1. Mentoring and tutoring.

1317 2. Mental health services and substance abuse counseling.

1318 3. Life skills classes, including credit management and
1319 preventive health activities.

1320 4. Parenting classes.

1321 5. Job and career skills training.

1322 6. Counselor consultations.

1323 7. Temporary financial assistance for emergency situations.

1324 8. Financial literacy skills training.

1325
1326 The specific services to be provided under this paragraph shall
1327 be determined by an assessment of the young adult and may be
1328 provided by the community-based care provider or through
1329 referrals in the community.

1330 (b) Temporary assistance provided to prevent homelessness
1331 shall be provided as expeditiously as possible and within the

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1332 limitations defined by the department.

1333 (c) A young adult who has reached 18 years of age but is
1334 not yet 23 years of age who leaves foster care at 18 years of
1335 age may request and is eligible for such services before
1336 reaching 23 years of age.

1337 (4) APPEALS PROCESS.—

1338 (a) The department shall have a procedure by which a young
1339 adult may appeal the department's refusal to provide Road-to-
1340 Independence Program services or support, or the termination of
1341 such services or support if funds for such services or support
1342 are available.

1343 (b) The appeal procedure must be readily accessible to
1344 young adults, must provide for timely decisions, and must
1345 provide for an appeal to the department. The decision of the
1346 department constitutes final agency action and is reviewable by
1347 the court as provided in s. 120.68.

1348 (5) PORTABILITY.—The services provided under this section
1349 are portable across county lines and between lead agencies.

1350 (a) The service needs that are identified in the original
1351 or updated transition plan, pursuant to s. 39.6035, shall be
1352 provided by the lead agency where the young adult is currently
1353 residing but shall be funded by the lead agency who initiated
1354 the transition plan.

1355 (b) The lead agency with primary case management
1356 responsibilities shall provide maintenance payments, case
1357 planning, including a written description of all services that
1358 will assist a child 16 years of age or older in preparing for
1359 the transition from care to independence, as well as regular
1360 case reviews that conform with all federal scheduling and

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1361 content requirements, for all children in foster care who are
1362 placed or visiting out-of-state.

1363 (6) ACCOUNTABILITY.—The department shall develop outcome
1364 measures for the program and other performance measures in order
1365 to maintain oversight of the program. No later than January 31
1366 of each year, the department shall prepare a report on the
1367 outcome measures and the department's oversight activities and
1368 submit the report to the President of the Senate, the Speaker of
1369 the House of Representatives, and the committees with
1370 jurisdiction over issues relating to children and families in
1371 the Senate and the House of Representatives. The report must
1372 include:

1373 (a) An analysis of performance on the outcome measures
1374 developed under this section reported for each community-based
1375 care lead agency and compared with the performance of the
1376 department on the same measures.

1377 (b) A description of the department's oversight of the
1378 program, including, by lead agency, any programmatic or fiscal
1379 deficiencies found, corrective actions required, and current
1380 status of compliance.

1381 (c) Any rules adopted or proposed under this section since
1382 the last report. For the purposes of the first report, any rules
1383 adopted or proposed under this section must be included.

1384 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1385 secretary shall establish the Independent Living Services
1386 Advisory Council for the purpose of reviewing and making
1387 recommendations concerning the implementation and operation of
1388 the provisions of s. 39.6015 and the Road-to-Independence
1389 Program. The advisory council shall function as specified in

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1390 this subsection until the Legislature determines that the
1391 advisory council can no longer provide a valuable contribution
1392 to the department's efforts to achieve the goals of the services
1393 designed to enable a young adult to live independently.

1394 (a) The advisory council shall assess the implementation
1395 and operation of the Road-to-Independence Program and advise the
1396 department on actions that would improve the ability of these
1397 Road-to-Independence Program services to meet the established
1398 goals. The advisory council shall keep the department informed
1399 of problems being experienced with the services, barriers to the
1400 effective and efficient integration of services and support
1401 across systems, and successes that the system of services has
1402 achieved. The department shall consider, but is not required to
1403 implement, the recommendations of the advisory council.

1404 (b) The advisory council shall report to the secretary on
1405 the status of the implementation of the Road-To-Independence
1406 Program, efforts to publicize the availability of the Road-to-
1407 Independence Program, the success of the services, problems
1408 identified, recommendations for department or legislative
1409 action, and the department's implementation of the
1410 recommendations contained in the Independent Living Services
1411 Integration Workgroup Report submitted to the appropriate
1412 substantive committees of the Legislature by December 31, 2013.
1413 The department shall submit a report by December 31 of each year
1414 to the Governor, the President of the Senate, and the Speaker of
1415 the House of Representatives which includes a summary of the
1416 factors reported on by the council and identifies the
1417 recommendations of the advisory council and either describes the
1418 department's actions to implement the recommendations or

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1419 provides the department's rationale for not implementing the
1420 recommendations.

1421 (c) Members of the advisory council shall be appointed by
1422 the secretary of the department. The membership of the advisory
1423 council must include, at a minimum, representatives from the
1424 headquarters and regional offices of the Department of Children
1425 and Families, community-based care lead agencies, the Department
1426 of Juvenile Justice, the Department of Economic Opportunity, the
1427 Department of Education, the Agency for Health Care
1428 Administration, the State Youth Advisory Board, Workforce
1429 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
1430 parents, recipients of services and funding through the Road-to-
1431 Independence Program, and advocates for children in care. The
1432 secretary shall determine the length of the term to be served by
1433 each member appointed to the advisory council, which may not
1434 exceed 4 years.

1435 (d) The department shall provide administrative support to
1436 the Independent Living Services Advisory Council to accomplish
1437 its assigned tasks. The advisory council shall be afforded
1438 access to all appropriate data from the department, each
1439 community-based care lead agency, and other relevant agencies in
1440 order to accomplish the tasks set forth in this section. The
1441 data collected may not include any information that would
1442 identify a specific child or young adult.

1443 (e) The advisory council report required under paragraph
1444 (b), must include an analysis of the system of independent
1445 living transition services for young adults who reach 18 years
1446 of age while in foster care before completing high school or its
1447 equivalent and recommendations for department or legislative

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1448 action. The council shall assess and report on the most
1449 effective method of assisting these young adults to complete
1450 high school or its equivalent by examining the practices of
1451 other states.

1452 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
1453 young adult in this program shall become the personal property
1454 of the young adult and is not subject to the requirements of
1455 chapter 273 relating to state-owned tangible personal property.
1456 Such property continues to be subject to applicable federal
1457 laws.

1458 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—
1459 The department or community-based care lead agency shall
1460 document that eligible young adults are enrolled in Medicaid
1461 under s. 409.903(4).

1462 (10) RULEMAKING.—The department shall adopt rules to
1463 administer this section.

1464 Section 8. Paragraph (a) of subsection (3) of section
1465 409.175, Florida Statutes, is amended to read:

1466 409.175 Licensure of family foster homes, residential
1467 child-caring agencies, and child-placing agencies; public
1468 records exemption.—

1469 (3) (a) The total number of children placed in each family
1470 foster home shall be based on the recommendation of the
1471 department, or the community-based care lead agency where one is
1472 providing foster care and related services, based on the needs
1473 of each child in care, the ability of the foster family to meet
1474 the individual needs of each child, including any adoptive or
1475 biological children or young adults remaining in foster care
1476 living in the home, the amount of safe physical plant space, the

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1477 ratio of active and appropriate adult supervision, and the
1478 background, experience, and skill of the family foster parents.

1479 Section 9. Subsection (4) of section 409.903, Florida
1480 Statutes, is amended to read:

1481 409.903 Mandatory payments for eligible persons.—The agency
1482 shall make payments for medical assistance and related services
1483 on behalf of the following persons who the department, or the
1484 Social Security Administration by contract with the Department
1485 of Children and Family Services, determines to be eligible,
1486 subject to the income, assets, and categorical eligibility tests
1487 set forth in federal and state law. Payment on behalf of these
1488 Medicaid eligible persons is subject to the availability of
1489 moneys and any limitations established by the General
1490 Appropriations Act or chapter 216.

1491 (4) A child who is eligible under Title IV-E of the Social
1492 Security Act for subsidized board payments, foster care, or
1493 adoption subsidies, and a child for whom the state has assumed
1494 temporary or permanent responsibility and who does not qualify
1495 for Title IV-E assistance but is in foster care, shelter or
1496 emergency shelter care, or subsidized adoption. This category
1497 includes a young adult who is eligible to receive services under
1498 s. 409.1451~~(5)~~, until the young adult reaches 21 years of age,
1499 without regard to any income, resource, or categorical
1500 eligibility test that is otherwise required. This category also
1501 includes a person who as a child was eligible under Title IV-E
1502 of the Social Security Act for foster care or the state-provided
1503 foster care and who is a participant in the Road-to-Independence
1504 Program.

1505 Section 10. The Department of Children and Families shall

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1506 work in collaboration with the Board of Governors, the Florida
1507 College System, and the Department of Education to help address
1508 the need for a comprehensive support structure in the academic
1509 arena to assist children and young adults who have been or
1510 continue to remain in the foster care system in making the
1511 transition from a structured care system into an independent
1512 living setting. Using existing independent living services
1513 funding, the Department of Children and Families is authorized
1514 to contract with the State University System of Florida and the
1515 Florida College System to provide postsecondary educational
1516 campus coaching positions that will be integrated into state
1517 colleges' and university institutions' general support services
1518 structure to provide current and former foster care children and
1519 young adults with dedicated, on-campus support. These campus
1520 coaching positions shall be education employees.

1521 Section 11. Effective October 1, 2013, a child or young
1522 adult who is a participant in the Road-to-Independence Program
1523 may continue in the program as it exists through December 31,
1524 2013. Effective January 1, 2014, a child or young adult who is a
1525 participant in the program shall transfer to the program
1526 services provided in this act and his or her monthly stipend may
1527 not be reduced, the method of payment of the monthly stipend may
1528 not be changed, and the young adult may not be required to
1529 change his or her living arrangement. These conditions shall
1530 remain in effect for a child or young adult until he or she
1531 ceases to meet the eligibility requirements under which he or
1532 she entered the Road-to-Independence Program. A child or young
1533 adult applying or reapplying for the Road-to-Independence
1534 Program on or after October 1, 2013, may apply for program

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1535 services only as provided in this act.

1536 Section 12. The Department of Children and Families in
1537 collaboration with the Florida Foster and Adoptive Parent
1538 Association and the Quality Parenting Initiative will design and
1539 disseminate training for caregivers on skill building on the
1540 life skills necessary for youth in the foster care system.

1541 Section 13. This act shall take effect January 1, 2014.