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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 an annual report; 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 or
115 chooses to leave care under that section.

116 (c) However, If a young adult ~~youth~~ petitions the court at

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117 any time before his or her 19th birthday requesting the court's
118 continued jurisdiction, the juvenile court may retain
119 jurisdiction under this chapter for a period not to exceed 1
120 year following the young adult's ~~youth's~~ 18th birthday for the
121 purpose of determining whether appropriate ~~aftercare support,~~
122 ~~Road to Independence Program, transitional support, mental~~
123 ~~health, and developmental disability services,~~ that were
124 required to be provided to the young adult before reaching 18
125 years of age, ~~to the extent otherwise authorized by law,~~ have
126 been provided ~~to the formerly dependent child who was in the~~
127 ~~legal custody of the department immediately before his or her~~
128 ~~18th birthday.~~

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

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

145 39.6013 Case plan amendments.—

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146 (6) The case plan is deemed amended as to the child's
147 health, mental health, and education records required by s.
148 39.6012 when the child's updated health and education records
149 are filed by the department under s. 39.701(2)(a) ~~s.~~
150 ~~39.701(8)(a)~~.

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

153 39.6035 Transition plan.—

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

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

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

174 (2) The department and the child shall schedule a time,

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

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

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

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

190 39.6251 Continuing care for young adults.—

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

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

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

203 (b) Enrolled in an institution that provides postsecondary

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204 or vocational education;

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

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

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

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

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

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233 he or she was residing at the time he or she reached the age of
234 18 years.

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

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

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

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

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

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

260 3. Knowingly and voluntarily withdraws his or her consent
261 to participate in extended care. Withdrawal of consent to

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262 participate in extended care shall be verified by the court
263 pursuant to s. 39.701, unless the young adult refuses to
264 participate in any further court proceeding.

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

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

274 (b) Within 30 days after the young adult has been
275 readmitted to care, the community-based care lead agency shall
276 assign a case manager to update the case plan and the transition
277 plan and to arrange for the required services. Such activities
278 shall be undertaken in consultation with the young adult. The
279 department shall petition the court to reinstate jurisdiction
280 over the young adult. Notwithstanding s. 39.013(2), the court
281 shall resume jurisdiction over the young adult if the department
282 establishes that he or she continues to meet the eligibility
283 requirements in this section.

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

290 (8) During the time that a young adult is in care, the

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291 court shall maintain jurisdiction to ensure that the department
292 and the lead agencies are providing services and coordinate
293 with, and maintain oversight of, other agencies involved in
294 implementing the young adult's case plan, individual education
295 plan, and transition plan. The court shall review the status of
296 the young adult at least every 6 months and hold a permanency
297 review hearing at least annually. The court may appoint a
298 guardian ad litem or continue the appointment of a guardian ad
299 litem with the young adult's consent. The young adult or any
300 other party to the dependency case may request an additional
301 hearing or review.

302 (9) The department shall establish a procedure by which a
303 young adult may appeal a determination of eligibility to remain
304 in care that was made by a community-based care lead agency. The
305 procedure must be readily accessible to young adults, must
306 provide for timely decisions, and must provide for an appeal to
307 the department. The decision of the department constitutes final
308 agency action and is reviewable by the court as provided in s.
309 120.68.

310 Section 5. Section 39.701, Florida Statutes, is amended to
311 read:

312 39.701 Judicial review.—

313 (1) GENERAL PROVISIONS.—

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

318 (b) The court shall retain jurisdiction over a child
319 returned to his or her parents for a minimum period of 6 months

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320 following the reunification, but, at that time, based on a
321 report of the social service agency and the guardian ad litem,
322 if one has been appointed, and any other relevant factors, the
323 court shall make a determination as to whether supervision by
324 the department and the court's jurisdiction shall continue or be
325 terminated.

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

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

345 3.~~(e)~~ Notice of a hearing by a citizen review panel must be
346 provided as set forth in paragraph (f) ~~subsection (5)~~. At the
347 conclusion of a citizen review panel hearing, each party may
348 propose a recommended order to the chairperson of the panel.

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349 Thereafter, the citizen review panel shall submit its report,
350 copies of the proposed recommended orders, and a copy of the
351 panel's recommended order to the court. The citizen review
352 panel's recommended order must be limited to the dispositional
353 options available to the court in paragraph (2) (d) subsection
354 ~~(10)~~. Each party may file exceptions to the report and
355 recommended order of the citizen review panel in accordance with
356 Rule 1.490, Florida Rules of Civil Procedure.

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

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

372 3.(e) If the child is placed in the custody of the
373 department or a licensed child-placing agency for the purpose of
374 adoptive placement, judicial reviews must be held at least every
375 6 months until the adoption is finalized.

376 4.(d) If the department and the court have established a
377 formal agreement that includes specific authorization for

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378 particular cases, the department may conduct administrative
379 reviews instead of the judicial reviews for children in out-of-
380 home care. Notices of such administrative reviews must be
381 provided to all parties. However, an administrative review may
382 not be substituted for the first judicial review, and in every
383 case the court must conduct a judicial review at least every 6
384 months. Any party dissatisfied with the results of an
385 administrative review may petition for a judicial review.

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

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

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

404 (f)~~(5)~~ Notice of a judicial review hearing or a citizen
405 review panel hearing, and a copy of the motion for judicial
406 review, if any, must be served by the clerk of the court upon

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407 all of the following persons, if available to be served,
408 regardless of whether the person was present at the previous
409 hearing at which the date, time, and location of the hearing was
410 announced:

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

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

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

417 4.~~(d)~~ The guardian ad litem for the child, or the
418 representative of the guardian ad litem program if the program
419 has been appointed.

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

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

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

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

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

429 ~~(7) (a) In addition to paragraphs (1) (a) and (2) (a), the~~
430 ~~court shall hold a judicial review hearing within 90 days after~~
431 ~~a youth's 17th birthday. The court shall also issue an order,~~
432 ~~separate from the order on judicial review, that the disability~~
433 ~~of nonage of the youth has been removed pursuant to s. 743.045.~~
434 ~~The court shall continue to hold timely judicial review hearings~~
435 ~~thereafter. In addition, the court may review the status of the~~

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436 ~~child more frequently during the year prior to the youth's 18th~~
437 ~~birthday if necessary. At each review held under this~~
438 ~~subsection, in addition to any information or report provided to~~
439 ~~the court, the foster parent, legal custodian, guardian ad~~
440 ~~litem, and the child shall be given the opportunity to address~~
441 ~~the court with any information relevant to the child's best~~
442 ~~interests, particularly as it relates to independent living~~
443 ~~transition services. In addition to any information or report~~
444 ~~provided to the court, the department shall include in its~~
445 ~~judicial review social study report written verification that~~
446 ~~the child:~~

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

451 ~~2. Has been provided with a certified copy of his or her~~
452 ~~birth certificate and, if the child does not have a valid~~
453 ~~driver's license, a Florida identification card issued under s.~~
454 ~~322.051.~~

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

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

463 ~~5. Has been provided with all relevant information related~~
464 ~~to the Road to Independence Program, including, but not limited~~

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465 ~~to, eligibility requirements, forms necessary to apply, and~~
466 ~~assistance in completing the forms. The child shall also be~~
467 ~~informed that, if he or she is eligible for the Road-to-~~
468 ~~Independence Program, he or she may reside with the licensed~~
469 ~~foster family or group care provider with whom the child was~~
470 ~~residing at the time of attaining his or her 18th birthday or~~
471 ~~may reside in another licensed foster home or with a group care~~
472 ~~provider arranged by the department.~~

473 ~~6. Has an open bank account, or has identification~~
474 ~~necessary to open an account, and has been provided with~~
475 ~~essential banking skills.~~

476 ~~7. Has been provided with information on public assistance~~
477 ~~and how to apply.~~

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

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

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

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

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494 ~~foster care, whichever came later.~~

495 ~~(c) At the time of a judicial review hearing held pursuant~~
496 ~~to this subsection, if, in the opinion of the court, the~~
497 ~~department has not complied with its obligations as specified in~~
498 ~~the written case plan or in the provision of independent living~~
499 ~~services as required by s. 409.1451 and this subsection, the~~
500 ~~court shall issue a show cause order. If cause is shown for~~
501 ~~failure to comply, the court shall give the department 30 days~~
502 ~~within which to comply and, on failure to comply with this or~~
503 ~~any subsequent order, the department may be held in contempt.~~

504 (2) (8) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS
505 OF AGE.—

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

512 1. A description of the type of placement the child is in
513 at the time of the hearing, including the safety of the child
514 and the continuing necessity for and appropriateness of the
515 placement.

516 2. Documentation of the diligent efforts made by all
517 parties to the case plan to comply with each applicable
518 provision of the plan.

519 3. The amount of fees assessed and collected during the
520 period of time being reported.

521 4. The services provided to the foster family or legal
522 custodian in an effort to address the needs of the child as

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523 indicated in the case plan.

524 5. A statement that either:

525 a. The parent, though able to do so, did not comply
526 substantially with the case plan, and the agency
527 recommendations;

528 b. The parent did substantially comply with the case plan;
529 or

530 c. The parent has partially complied with the case plan,
531 with a summary of additional progress needed and the agency
532 recommendations.

533 6. A statement from the foster parent or legal custodian
534 providing any material evidence concerning the return of the
535 child to the parent or parents.

536 7. A statement concerning the frequency, duration, and
537 results of the parent-child visitation, if any, and the agency
538 recommendations for an expansion or restriction of future
539 visitation.

540 8. The number of times a child has been removed from his or
541 her home and placed elsewhere, the number and types of
542 placements that have occurred, and the reason for the changes in
543 placement.

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

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

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552 ~~the status of the delivery of the identified services.~~

553 11. Copies of all medical, psychological, and educational
554 records that support the terms of the case plan and that have
555 been produced concerning the parents or any caregiver since the
556 last judicial review hearing.

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

559 (b) Submission and distribution of reports.—

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

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

579 3.~~(d)~~ In addition to or in lieu of any written statement
580 provided to the court, the foster parent or legal custodian, or

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581 any preadoptive parent, shall be given the opportunity to
582 address the court with any information relevant to the best
583 interests of the child at any judicial review hearing.

584 (c)-(9) Review determinations.—The court and any citizen
585 review panel shall take into consideration the information
586 contained in the social services study and investigation and all
587 medical, psychological, and educational records that support the
588 terms of the case plan; testimony by the social services agency,
589 the parent, the foster parent or legal custodian, the guardian
590 ad litem or surrogate parent for educational decisionmaking if
591 one has been appointed for the child, and any other person
592 deemed appropriate; and any relevant and material evidence
593 submitted to the court, including written and oral reports to
594 the extent of their probative value. These reports and evidence
595 may be received by the court in its effort to determine the
596 action to be taken with regard to the child and may be relied
597 upon to the extent of their probative value, even though not
598 competent in an adjudicatory hearing. In its deliberations, the
599 court and any citizen review panel shall seek to determine:

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

603 2.(b) If the parent has been advised of the right to have
604 counsel present at the judicial review or citizen review
605 hearings. If not so advised, the court or citizen review panel
606 shall advise the parent of such right.

607 3.(e) If a guardian ad litem needs to be appointed for the
608 child in a case in which a guardian ad litem has not previously
609 been appointed or if there is a need to continue a guardian ad

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610 litem in a case in which a guardian ad litem has been appointed.

611 4.~~(d)~~ Who holds the rights to make educational decisions
612 for the child. If appropriate, the court may refer the child to
613 the district school superintendent for appointment of a
614 surrogate parent or may itself appoint a surrogate parent under
615 the Individuals with Disabilities Education Act and s. 39.0016.

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

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

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

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

637 a.1.~~1.~~ The placement of the child takes into account the
638 appropriateness of the current educational setting and the

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

641 ~~b.2.~~ The community-based care agency has coordinated with
642 appropriate local educational agencies to ensure that the child
643 remains in the school in which the child is enrolled at the time
644 of placement.

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

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

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

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

657 ~~(d)(10)(a)~~ Orders.—

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

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668 department will allow the child to remain safely at home or be
669 safely returned to the home, the court shall allow the child to
670 remain in or return to the home after making a specific finding
671 of fact that the reasons for the creation of the case plan have
672 been remedied to the extent that the child's safety, well-being,
673 and physical, mental, and emotional health will not be
674 endangered.

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

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

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

696 5.~~(e)~~ Within 6 months after the date that the child was

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697 placed in shelter care, the court shall conduct a judicial
698 review hearing to review the child's permanency goal as
699 identified in the case plan. At the hearing the court shall make
700 findings regarding the likelihood of the child's reunification
701 with the parent or legal custodian within 12 months after the
702 removal of the child from the home. If the court makes a written
703 finding that it is not likely that the child will be reunified
704 with the parent or legal custodian within 12 months after the
705 child was removed from the home, the department must file with
706 the court, and serve on all parties, a motion to amend the case
707 plan under s. 39.6013 and declare that it will use concurrent
708 planning for the case plan. The department must file the motion
709 within 10 business days after receiving the written finding of
710 the court. The department must attach the proposed amended case
711 plan to the motion. If concurrent planning is already being
712 used, the case plan must document the efforts the department is
713 taking to complete the concurrent goal.

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

723 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.-

724 (a) In addition to the review and report required under
725 paragraphs (1) (a) and (2) (a), respectively, the court shall hold

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726 a judicial review hearing within 90 days after a child's 17th
727 birthday. The court shall also issue an order, separate from the
728 order on judicial review, that the disability of nonage of the
729 child has been removed pursuant to s. 743.045 and shall continue
730 to hold timely judicial review hearings. If necessary, the court
731 may review the status of the child more frequently during the
732 year before the child's 18th birthday. At each review hearing
733 held under this subsection, in addition to any information or
734 report provided to the court by the foster parent, legal
735 custodian, or guardian ad litem, the child shall be given the
736 opportunity to address the court with any information relevant
737 to the child's best interest, particularly in relation to
738 independent living transition services. The department shall
739 include in the social study report for judicial review written
740 verification that the child has:

741 1. A current Medicaid card and all necessary information
742 concerning the Medicaid program sufficient to prepare the child
743 to apply for coverage upon reaching the age of 18, if such
744 application is appropriate.

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

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

754 4. All relevant information related to the Road-to-

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755 Independence Program, including, but not limited to, eligibility
756 requirements, information on participation, and assistance in
757 gaining admission to the program. If the child is eligible for
758 the Road-to-Independence Program, he or she must be advised that
759 he or she may continue to reside with the licensed family home
760 or group care provider with whom the child was residing at the
761 time the child attained his or her 18th birthday, in another
762 licensed family home, or with a group care provider arranged by
763 the department.

764 5. An open bank account or the identification necessary to
765 open a bank account and to acquire essential banking and
766 budgeting skills.

767 6. Information on public assistance and how to apply for
768 public assistance.

769 7. A clear understanding of where he or she will be living
770 on his or her 18th birthday, how living expenses will be paid,
771 and the educational program or school in which he or she will be
772 enrolled.

773 8. Information related to the ability of the child to
774 remain in care until he or she reaches 21 years of age under s.
775 39.013.

776 9. A letter providing the dates that the child is under the
777 jurisdiction of the court.

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

780 11. The child's educational records.

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

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

783 14. A statement encouraging the child to attend all

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784 judicial review hearings occurring after the child's 17th
785 birthday.

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

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

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

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

808 2. Ensure that the transition plan includes a supervised
809 living arrangement under s. 39.6251.

810 3. Ensure the child has been informed of:

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

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

815 c. The opportunity to reenter foster care pursuant to s.
816 39.6251.

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

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

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

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

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

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

839 (b) The court shall attempt to determine whether the
840 department and any service provider under contract with the
841 department are providing the appropriate services as provided in

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842 the case plan.

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

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

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

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

857 2. Findings by the court that:

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

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

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

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871 3. In all permanency hearings or hearings regarding the
872 transition of the young adult from care to independent living,
873 the court shall consult with the young adult regarding the
874 proposed permanency plan, case plan, and individual education
875 plan for the young adult and ensure that he or she has
876 understood the conversation.

877 Section 6. Section 409.145, Florida Statutes, is amended to
878 read:

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

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

893 (a) ~~The~~ Prevention of separation of children from their
894 families.

895 (b) Intervention to allow children to remain safely in
896 their own homes.

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

899 (d) Safety for children who are separated from their

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900 families by providing alternative emergency or longer-term
901 parenting arrangements.

902 (e) Focus on the well-being of children through emphasis on
903 maintaining educational stability and providing timely health
904 care.

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

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

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

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

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

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

926 ~~(c) Any child who is voluntarily placed, with the written~~
927 ~~consent of the parents or guardians, in the department's foster~~
928 ~~care program or the foster care program of a licensed private~~

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929 agency.

930 ~~(3) The circuit courts exercising juvenile jurisdiction in~~
931 ~~the various counties of this state shall cooperate with the~~
932 ~~department and its employees in carrying out the purposes and~~
933 ~~intent of this chapter.~~

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

940 ~~(5) Any funds appropriated by counties for child welfare~~
941 ~~services may be matched by state and federal funds, such funds~~
942 ~~to be utilized by the department for the benefit of children in~~
943 ~~those counties.~~

944 ~~(6) Whenever any child is placed under the protection,~~
945 ~~care, and guidance of the department or a duly licensed public~~
946 ~~or private agency, or as soon thereafter as is practicable, the~~
947 ~~department or agency, as the case may be, shall endeavor to~~
948 ~~obtain such information concerning the family medical history of~~
949 ~~the child and the natural parents as is available or readily~~
950 ~~obtainable. This information shall be kept on file by the~~
951 ~~department or agency for possible future use as provided in ss.~~
952 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

953 ~~(7) Whenever any child is placed by the department in a~~
954 ~~shelter home, foster home, or other residential placement, the~~
955 ~~department shall make available to the operator of the shelter~~
956 ~~home, foster home, other residential placement, or other~~
957 ~~caretaker as soon thereafter as is practicable, all relevant~~

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958 ~~information concerning the child's demographic, social, and~~
959 ~~medical history.~~

960 (2) QUALITY PARENTING.—A child in foster care shall be
961 placed only with a caregiver who has the ability to care for the
962 child, is willing to accept responsibility for providing care,
963 and is willing and able to learn about and be respectful of the
964 child's culture, religion and ethnicity, special physical or
965 psychological needs, any circumstances unique to the child, and
966 family relationships. The department, the community-based care
967 lead agency, and other agencies shall provide such caregiver
968 with all available information necessary to assist the caregiver
969 in determining whether he or she is able to appropriately care
970 for a particular child.

971 (a) Roles and responsibilities of caregivers.—A caregiver
972 shall:

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

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

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

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987 4. Effectively advocate for the child in the caregiver's
988 care with the child welfare system, the court, and community
989 agencies, including the school, child care, health and mental
990 health providers, and employers.

991 5. Participate fully in the child's medical, psychological,
992 and dental care as the caregiver would for his or her biological
993 child.

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

1000 7. Work in partnership with other stakeholders to obtain
1001 and maintain records that are important to the child's well-
1002 being, including child resource records, medical records, school
1003 records, photographs, and records of special events and
1004 achievements.

1005 8. Ensure that the child in the caregiver's care who is
1006 between 13 and 17 years of age learns and masters independent
1007 living skills.

1008 9. Ensure that the child in the caregiver's care is aware
1009 of the requirements and benefits of the Road-to-Independence
1010 Program.

1011 10. Work to enable the child in the caregiver's care to
1012 establish and maintain naturally occurring mentoring
1013 relationships.

1014 (b) Roles and responsibilities of the department, the
1015 community-based care lead agency, and other agency staff.—The

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1016 department, the community-based care lead agency, and other
1017 agency staff shall:

1018 1. Include a caregiver in the development and
1019 implementation of the case plan for the child and his or her
1020 family. The caregiver shall be authorized to participate in all
1021 team meetings or court hearings related to the child's care and
1022 future plans. The caregiver's participation shall be facilitated
1023 through timely notification, an inclusive process, and
1024 alternative methods for participation for a caregiver who cannot
1025 be physically present.

1026 2. Develop and make available to the caregiver the
1027 information, services, training, and support that the caregiver
1028 needs to improve his or her skills in parenting children who
1029 have experienced trauma due to neglect, abuse, or separation
1030 from home, to meet these children's special needs and to
1031 advocate effectively with child welfare agencies, the courts,
1032 schools, and other community and governmental agencies.

1033 3. Provide the caregiver with all information related to
1034 services and other benefits that are available to the child.

1035 (c) Transitions.—

1036 1. Once a caregiver accepts the responsibility of caring
1037 for a child, the child will be removed from the home of that
1038 caregiver only if:

1039 a. The caregiver is clearly unable to safely or legally
1040 care for the child;

1041 b. The child and his or her biological family are
1042 reunified;

1043 c. The child is being placed in a legally permanent home
1044 pursuant to the case plan or a court order; or

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1045 d. The removal is demonstrably in the child's best
1046 interest.

1047 2. In the absence of an emergency, if a child leaves the
1048 caregiver's home for a reason provided under subparagraph 1.,
1049 the transition must be accomplished according to a plan that
1050 involves cooperation and sharing of information among all
1051 persons involved, respects the child's developmental stage and
1052 psychological needs, ensures the child has all of his or her
1053 belongings, allows for a gradual transition from the caregiver's
1054 home and, if possible, for continued contact with the caregiver
1055 after the child leaves.

1056 (d) Information sharing.—Whenever a foster home or
1057 residential group home assumes responsibility for the care of a
1058 child, the department and any additional providers shall make
1059 available to the caregiver as soon as is practicable all
1060 relevant information concerning the child. Records and
1061 information that are required to be shared with caregivers
1062 include, but are not limited to:

1063 1. Medical, dental, psychological, psychiatric, and
1064 behavioral history, as well as ongoing evaluation or treatment
1065 needs;

1066 2. School records;

1067 3. Copies of his or her birth certificate and, if
1068 appropriate, immigration status documents;

1069 4. Consents signed by parents;

1070 5. Comprehensive behavioral assessments and other social
1071 assessments;

1072 6. Court orders;

1073 7. Visitation and case plans;

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1074 8. Guardian ad litem reports;

1075 9. Staffing forms; and

1076 10. Judicial or citizen review panel reports and
1077 attachments filed with the court, except confidential medical,
1078 psychiatric, and psychological information regarding any party
1079 or participant other than the child.

1080 (e) Caregivers employed by residential group homes.-All
1081 caregivers in residential group homes shall meet the same
1082 education, training, and background and other screening
1083 requirements as foster parents.

1084 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

1085 (a) Definitions.-As used in this subsection, the term:

1086 1. "Age-appropriate" means an activity or item that is
1087 generally accepted as suitable for a child of the same
1088 chronological age or level of maturity. Age appropriateness is
1089 based on the development of cognitive, emotional, physical, and
1090 behavioral capacity which is typical for an age or age group.

1091 2. "Caregiver" means a person with whom the child is placed
1092 in out-of-home care, or a designated official for a group care
1093 facility licensed by the department under s. 409.175.

1094 3. "Reasonable and prudent parent" standard means the
1095 standard of care used by a caregiver in determining whether to
1096 allow a child in his or her care to participate in
1097 extracurricular, enrichment, and social activities. This
1098 standard is characterized by careful and thoughtful parental
1099 decisionmaking that is intended to maintain a child's health,
1100 safety, and best interest while encouraging the child's
1101 emotional and developmental growth.

1102 (b) Application of standard of care.-

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1103 1. Every child who comes into out-of-home care pursuant to
1104 this chapter is entitled to participate in age-appropriate
1105 extracurricular, enrichment, and social activities.

1106 2. Each caregiver shall use the reasonable and prudent
1107 parent standard in determining whether to give permission for a
1108 child living in out-of-home care to participate in
1109 extracurricular, enrichment, or social activities. When using
1110 the reasonable and prudent parent standard, the caregiver must
1111 consider:

1112 a. The child's age, maturity, and developmental level to
1113 maintain the overall health and safety of the child.

1114 b. The potential risk factors and the appropriateness of
1115 the extracurricular, enrichment, or social activity.

1116 c. The best interest of the child, based on information
1117 known by the caregiver.

1118 d. The importance of encouraging the child's emotional and
1119 developmental growth.

1120 e. The importance of providing the child with the most
1121 family-like living experience possible.

1122 f. The behavioral history of the child and the child's
1123 ability to safely participate in the proposed activity.

1124 (c) Verification of services delivered.—The department and
1125 each community-based care lead agency shall verify that private
1126 agencies providing out-of-home care services to dependent
1127 children have policies in place which are consistent with this
1128 section and that these agencies promote and protect the ability
1129 of dependent children to participate in age-appropriate
1130 extracurricular, enrichment, and social activities.

1131 (d) Limitation of liability.—A caregiver is not liable for

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1132 harm caused to a child who participates in an activity approved
 1133 by the caregiver, provided that the caregiver has acted in
 1134 accordance with the reasonable and prudent parent standard. This
 1135 paragraph may not be interpreted as removing or limiting any
 1136 existing liability protection afforded by law.

1137 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1138 (a) Effective January 1, 2014, room and board rates paid to
 1139 foster parents are as follows:

1140

<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>

1141

1142

1143

1144 (b) Foster parents shall receive an annual cost of living
 1145 increase. The department shall calculate the new room and board
 1146 rate increase equal to the percentage change in the Consumer
 1147 Price Index for All Urban Consumers, U.S. City Average, All
 1148 Items, not seasonally adjusted, or successor reports, for the
 1149 preceding December compared to the prior December as initially
 1150 reported by the United States Department of Labor, Bureau of
 1151 Labor Statistics. The department shall make available the
 1152 adjusted room and board rates annually.

1153 (c) The amount of the monthly foster care board rate may be
 1154 increased upon agreement among the department, the community-
 1155 based care lead agency, and the foster parent.

1156 (d) Community-based care lead agencies providing care under
 1157 contract with the department shall pay a supplemental room and

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1158 board payment to foster care parents for providing independent
1159 life skills and normalcy supports to children who are 13 through
1160 17 years of age placed in their care. The supplemental payment
1161 shall be paid monthly to the foster care parents on a per-child
1162 basis in addition to the current monthly room and board rate
1163 payment. The supplemental monthly payment shall be based on 10
1164 percent of the monthly room and board rate for children 13
1165 through 21 years of age as provided under this section and
1166 adjusted annually.

1167 (5) RULEMAKING.—The department shall adopt by rule
1168 procedures to administer this section.

1169 Section 7. Section 409.1451, Florida Statutes, is amended
1170 to read:

1171 (Substantial rewording of section. See
1172 s. 409.1451, F.S., for present text).

1173 409.1451 The Road-to-Independence Program.—

1174 (1) LEGISLATIVE FINDINGS AND INTENT.—

1175 (a) The Legislature recognizes that most children and young
1176 adults are resilient and, with adequate support, can expect to
1177 be successful as independent adults. Not unlike many young
1178 adults, some young adults who have lived in foster care need
1179 additional support and resources for a period of time after
1180 reaching 18 years of age.

1181 (b) The Legislature finds that while it is important to
1182 provide young adults who have lived in foster care with
1183 education and independent living skills, there is also a need to
1184 focus more broadly on creating and preserving family
1185 relationships so that young adults have a permanent connection
1186 with at least one committed adult who provides a safe and stable

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1187 parenting relationship.

1188 (c) It is the intent of the Legislature that young adults
1189 who choose to participate in the program receive the skills,
1190 education, and support necessary to become self-sufficient and
1191 leave foster care with a lifelong connection to a supportive
1192 adult through the Road-to-Independence Program, either through
1193 postsecondary education services and support, as provided in
1194 subsection (2), or aftercare services.

1195 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1196 (a) A young adult is eligible for services and support
1197 under this subsection if he or she:

1198 1. Was living in licensed care on his or her 18th birthday
1199 or is currently living in licensed care; or was at least 16
1200 years of age and was adopted from foster care or placed with a
1201 court-approved dependency guardian after spending at least 6
1202 months in licensed care within the 12 months immediately
1203 preceding such placement or adoption;

1204 2. Spent at least 6 months in licensed care before reaching
1205 his or her 18th birthday;

1206 3. Earned a standard high school diploma or its equivalent
1207 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
1208 s. 1003.435, or s. 1003.438;

1209 4. Has been admitted for enrollment as a full-time student
1210 or its equivalent in an eligible postsecondary educational
1211 institution as provided in s. 1009.533. For purposes of this
1212 section, the term "full-time" means 9 credit hours or the
1213 vocational school equivalent. A student may enroll part-time if
1214 he or she has a recognized disability or is faced with another
1215 challenge or circumstance that would prevent full-time

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1216 attendance. A student needing to enroll part-time for any reason
1217 other than having a recognized disability must get approval from
1218 his or her academic advisor;

1219 5. Has reached 18 years of age but is not yet 23 years of
1220 age;

1221 6. Has applied, with assistance from the young adult's
1222 caregiver and the community-based lead agency, for any other
1223 grants and scholarships for which he or she may qualify;

1224 7. Submitted a Free Application for Federal Student Aid
1225 which is complete and error free; and

1226 8. Signed an agreement to allow the department and the
1227 community-based care lead agency access to school records.

1228 (b) The amount of the financial assistance shall be as
1229 follows:

1230 1. For a young adult who does not remain in foster care and
1231 is attending a postsecondary school as provided in s. 1009.533,
1232 the amount is \$1,256 monthly.

1233 2. For a young adult who remains in foster care, is
1234 attending a postsecondary school, as provided in s. 1009.533,
1235 and continues to reside in a licensed foster home, the amount is
1236 the established room and board rate for foster parents. This
1237 takes the place of the payment provided for in s. 409.145(4).

1238 3. For a young adult who remains in foster care, but
1239 temporarily resides away from a licensed foster home for
1240 purposes of attending a postsecondary school as provided in s.
1241 1009.533, the amount is \$1,256 monthly. This takes the place of
1242 the payment provided for in s. 409.145(4).

1243 4. For a young adult who remains in foster care, is
1244 attending a postsecondary school as provided in s. 1009.533, and

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1245 continues to reside in a licensed group home, the amount is
1246 negotiated between the community-based care lead agency and the
1247 licensed group home provider.

1248 5. For a young adult who remains in foster care, but
1249 temporarily resides away from a licensed group home for purposes
1250 of attending a postsecondary school as provided in s. 1009.533,
1251 the amount is \$1,256 monthly. This takes the place of a
1252 negotiated room and board rate.

1253 6. The amount of the award may be disregarded for purposes
1254 of determining the eligibility for, or the amount of, any other
1255 federal or federally supported assistance.

1256 7. A young adult is eligible to receive financial
1257 assistance during the months when enrolled in a postsecondary
1258 educational institution.

1259 (c) Payment of financial assistance for a young adult who:

1260 1. Has chosen not to remain in foster care and is attending
1261 a postsecondary school as provided in s. 1009.533, shall be made
1262 to the community-based care lead agency in order to secure
1263 housing and utilities, with the balance being paid directly to
1264 the young adult until such time the lead agency and the young
1265 adult determine that the young adult can successfully manage the
1266 full amount of the assistance.

1267 2. Has remained in foster care under s. 39.6251 and who is
1268 attending postsecondary school as provided in s. 1009.533, shall
1269 be made directly to the foster parent or group home provider.

1270 3. Community-based care lead agencies or other contracted
1271 providers are prohibited from charging a fee associated with
1272 administering the Road-to-Independence payments.

1273 (d)1. The department must advertise the availability of the

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1274 stipend and must provide notification of the criteria and
1275 application procedures for the stipend to children and young
1276 adults leaving, or who were formerly in, foster care;
1277 caregivers; case managers; guidance and family services
1278 counselors; principals or other relevant school administrators;
1279 and guardians ad litem.

1280 2. If the award recipient transfers from one eligible
1281 institution to another and continues to meet eligibility
1282 requirements, the award shall be transferred with the recipient.

1283 3. The department, or an agency under contract with the
1284 department, shall evaluate each Road-to-Independence award for
1285 renewal eligibility on an annual basis. In order to be eligible
1286 for a renewal award for the subsequent year, the young adult
1287 must:

1288 a. Be enrolled for or have completed the number of hours,
1289 or the equivalent, to be considered a full-time student under
1290 subparagraph (a)4., unless the young adult qualifies for an
1291 exception under subparagraph (a)4.

1292 b. Maintain standards of academic progress as defined by
1293 the education institution, except that if the young adult's
1294 progress is insufficient to renew the award at any time during
1295 the eligibility period, the young adult may continue to be
1296 enrolled for additional terms while attempting to restore
1297 eligibility as long as progress towards the required level is
1298 maintained.

1299 4. Funds may be terminated during the interim between an
1300 award and the evaluation for a renewal award if the department,
1301 or an agency under contract with the department, determines that
1302 the award recipient is no longer enrolled in an educational

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1303 institution as described in subparagraph (a)4. or is no longer a
1304 resident of this state.

1305 5. The department, or an agency under contract with the
1306 department, shall notify a recipient who is terminated and
1307 inform the recipient of his or her right to appeal.

1308 6. An award recipient who does not qualify for a renewal
1309 award or who chooses not to renew the award may apply for
1310 reinstatement. An application for reinstatement must be made
1311 before the young adult reaches 23 years of age. In order to be
1312 eligible for reinstatement, the young adult must meet the
1313 eligibility criteria and the criteria for award renewal for the
1314 program.

1315 (3) AFTERCARE SERVICES.—

1316 (a) Aftercare services are available to a young adult who
1317 has reached 18 years of age but is not yet 23 years of age and
1318 is:

1319 1. Not in foster care.

1320 2. Temporarily not receiving financial assistance under
1321 subsection (2) to pursue postsecondary education.

1322 (b) Aftercare services include, but are not limited to, the
1323 following:

1324 1. Mentoring and tutoring.

1325 2. Mental health services and substance abuse counseling.

1326 3. Life skills classes, including credit management and
1327 preventive health activities.

1328 4. Parenting classes.

1329 5. Job and career skills training.

1330 6. Counselor consultations.

1331 7. Temporary financial assistance for necessities,

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1332 including, but not limited to, education supplies,
1333 transportation expenses, security deposits for rent and
1334 utilities, furnishings, household goods, and other basic living
1335 expenses.

1336 8. Financial literacy skills training.

1337
1338 The specific services to be provided under this paragraph shall
1339 be determined by an assessment of the young adult and may be
1340 provided by the community-based care provider or through
1341 referrals in the community.

1342 (c) Temporary assistance provided to prevent homelessness
1343 shall be provided as expeditiously as possible and within the
1344 limitations defined by the department.

1345 (4) APPEALS PROCESS.—

1346 (a) The department shall have a procedure by which a young
1347 adult may appeal the department's refusal to provide Road-to-
1348 Independence Program services or support, or the termination of
1349 such services or support if funds for such services or support
1350 are available.

1351 (b) The appeal procedure must be readily accessible to
1352 young adults, must provide for timely decisions, and must
1353 provide for an appeal to the department. The decision of the
1354 department constitutes final agency action and is reviewable by
1355 the court as provided in s. 120.68.

1356 (5) PORTABILITY.—The services provided under this section
1357 are portable across county lines and between lead agencies.

1358 (a) The service needs that are identified in the original
1359 or updated transition plan, pursuant to s. 39.6035, shall be
1360 provided by the lead agency where the young adult is currently

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1361 residing but shall be funded by the lead agency who initiated
1362 the transition plan.

1363 (b) The lead agency with primary case management
1364 responsibilities shall provide maintenance payments, case
1365 planning, including a written description of all services that
1366 will assist a child 16 years of age or older in preparing for
1367 the transition from care to independence, as well as regular
1368 case reviews that conform with all federal scheduling and
1369 content requirements, for all children in foster care who are
1370 placed or visiting out-of-state.

1371 (6) ACCOUNTABILITY.—The department shall develop outcome
1372 measures for the program and other performance measures in order
1373 to maintain oversight of the program. No later than January 31
1374 of each year, the department shall prepare a report on the
1375 outcome measures and the department's oversight activities and
1376 submit the report to the President of the Senate, the Speaker of
1377 the House of Representatives, and the committees with
1378 jurisdiction over issues relating to children and families in
1379 the Senate and the House of Representatives. The report must
1380 include:

1381 (a) An analysis of performance on the outcome measures
1382 developed under this section reported for each community-based
1383 care lead agency and compared with the performance of the
1384 department on the same measures.

1385 (b) A description of the department's oversight of the
1386 program, including, by lead agency, any programmatic or fiscal
1387 deficiencies found, corrective actions required, and current
1388 status of compliance.

1389 (c) Any rules adopted or proposed under this section since

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1390 the last report. For the purposes of the first report, any rules
1391 adopted or proposed under this section must be included.

1392 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1393 secretary shall establish the Independent Living Services
1394 Advisory Council for the purpose of reviewing and making
1395 recommendations concerning the implementation and operation of
1396 the provisions of s. 39.6015 and the Road-to-Independence
1397 Program. The advisory council shall function as specified in
1398 this subsection until the Legislature determines that the
1399 advisory council can no longer provide a valuable contribution
1400 to the department's efforts to achieve the goals of the services
1401 designed to enable a young adult to live independently.

1402 (a) The advisory council shall assess the implementation
1403 and operation of the Road-to-Independence Program and advise the
1404 department on actions that would improve the ability of these
1405 Road-to-Independence Program services to meet the established
1406 goals. The advisory council shall keep the department informed
1407 of problems being experienced with the services, barriers to the
1408 effective and efficient integration of services and support
1409 across systems, and successes that the system of services has
1410 achieved. The department shall consider, but is not required to
1411 implement, the recommendations of the advisory council.

1412 (b) The advisory council shall report to the secretary on
1413 the status of the implementation of the Road-To-Independence
1414 Program, efforts to publicize the availability of the Road-to-
1415 Independence Program, the success of the services, problems
1416 identified, recommendations for department or legislative
1417 action, and the department's implementation of the
1418 recommendations contained in the Independent Living Services

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1419 Integration Workgroup Report submitted to the appropriate
1420 substantive committees of the Legislature by December 31, 2013.
1421 The department shall submit a report by December 31 of each year
1422 to the Governor, the President of the Senate, and the Speaker of
1423 the House of Representatives which includes a summary of the
1424 factors reported on by the council and identifies the
1425 recommendations of the advisory council and either describes the
1426 department's actions to implement the recommendations or
1427 provides the department's rationale for not implementing the
1428 recommendations.

1429 (c) Members of the advisory council shall be appointed by
1430 the secretary of the department. The membership of the advisory
1431 council must include, at a minimum, representatives from the
1432 headquarters and regional offices of the Department of Children
1433 and Families, community-based care lead agencies, the Department
1434 of Juvenile Justice, the Department of Economic Opportunity, the
1435 Department of Education, the Agency for Health Care
1436 Administration, the State Youth Advisory Board, Workforce
1437 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
1438 parents, recipients of services and funding through the Road-to-
1439 Independence Program, and advocates for children in care. The
1440 secretary shall determine the length of the term to be served by
1441 each member appointed to the advisory council, which may not
1442 exceed 4 years.

1443 (d) The department shall provide administrative support to
1444 the Independent Living Services Advisory Council to accomplish
1445 its assigned tasks. The advisory council shall be afforded
1446 access to all appropriate data from the department, each
1447 community-based care lead agency, and other relevant agencies in

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1448 order to accomplish the tasks set forth in this section. The
1449 data collected may not include any information that would
1450 identify a specific child or young adult.

1451 (e) The advisory council report required under paragraph
1452 (b), must include an analysis of the system of independent
1453 living transition services for young adults who reach 18 years
1454 of age while in foster care before completing high school or its
1455 equivalent and recommendations for department or legislative
1456 action. The council shall assess and report on the most
1457 effective method of assisting these young adults to complete
1458 high school or its equivalent by examining the practices of
1459 other states.

1460 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
1461 young adult in this program shall become the personal property
1462 of the young adult and is not subject to the requirements of
1463 chapter 273 relating to state-owned tangible personal property.
1464 Such property continues to be subject to applicable federal
1465 laws.

1466 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—
1467 The department or community-based care lead agency shall
1468 document that eligible young adults are enrolled in Medicaid
1469 under s. 409.903(4).

1470 (10) RULEMAKING.—The department shall adopt rules to
1471 administer this section.

1472 Section 8. Paragraph (a) of subsection (3) of section
1473 409.175, Florida Statutes, is amended to read:

1474 409.175 Licensure of family foster homes, residential
1475 child-caring agencies, and child-placing agencies; public
1476 records exemption.—

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1477 (3) (a) The total number of children placed in each family
1478 foster home shall be based on the recommendation of the
1479 department, or the community-based care lead agency where one is
1480 providing foster care and related services, based on the needs
1481 of each child in care, the ability of the foster family to meet
1482 the individual needs of each child, including any adoptive or
1483 biological children or young adults remaining in foster care
1484 living in the home, the amount of safe physical plant space, the
1485 ratio of active and appropriate adult supervision, and the
1486 background, experience, and skill of the family foster parents.

1487 Section 9. Subsection (4) of section 409.903, Florida
1488 Statutes, is amended to read:

1489 409.903 Mandatory payments for eligible persons.—The agency
1490 shall make payments for medical assistance and related services
1491 on behalf of the following persons who the department, or the
1492 Social Security Administration by contract with the Department
1493 of Children and Family Services, determines to be eligible,
1494 subject to the income, assets, and categorical eligibility tests
1495 set forth in federal and state law. Payment on behalf of these
1496 Medicaid eligible persons is subject to the availability of
1497 moneys and any limitations established by the General
1498 Appropriations Act or chapter 216.

1499 (4) A child who is eligible under Title IV-E of the Social
1500 Security Act for subsidized board payments, foster care, or
1501 adoption subsidies, and a child for whom the state has assumed
1502 temporary or permanent responsibility and who does not qualify
1503 for Title IV-E assistance but is in foster care, shelter or
1504 emergency shelter care, or subsidized adoption. This category
1505 includes a young adult who is eligible to receive services under

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1506 s. 409.1451~~(5)~~, until the young adult reaches 21 years of age,
1507 without regard to any income, resource, or categorical
1508 eligibility test that is otherwise required. This category also
1509 includes a person who as a child was eligible under Title IV-E
1510 of the Social Security Act for foster care or the state-provided
1511 foster care and who is a participant in the Road-to-Independence
1512 Program.

1513 Section 10. Effective July 1, 2013, the Department of
1514 Children and Families shall work in collaboration with the Board
1515 of Governors, the Florida College System, and the Department of
1516 Education to help address the need for a comprehensive support
1517 structure in the academic arena to assist children and young
1518 adults who have been or continue to remain in the foster care
1519 system in making the transition from a structured care system
1520 into an independent living setting. The State University System
1521 of Florida and the Florida College System shall provide
1522 postsecondary educational campus coaching positions that will be
1523 integrated into Florida College System institutions' and
1524 university institutions' general support services structure to
1525 provide current and former foster care children and young adults
1526 with dedicated, on-campus support. The Department of Children
1527 and Families has the sole discretion to determine which state
1528 college or university will offer a campus coaching position,
1529 based on departmental demographic data indicating greatest need.
1530 These campus coaching positions shall be employees of the
1531 selected educational institutions, focused on supporting
1532 children and young adults who have been or continue to remain in
1533 the foster care system. The Chancellors of the Florida College
1534 System and the Board of Governors shall report annually to the

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1535 Department of Children and Families specific data, subject to
1536 privacy laws, about the children and young adults served by the
1537 campus coaches, including academic progress, retention rates for
1538 students enrolled in the program, financial aid requested and
1539 received, and information required by the National Youth in
1540 Transition Database.

1541 Section 11. Effective January 1, 2014, a child or young
1542 adult who is a participant in the program shall transfer to the
1543 program services provided in this act, and his or her monthly
1544 stipend may not be reduced, the method of payment of the monthly
1545 stipend may not be changed, and the young adult may not be
1546 required to change his or her living arrangement. These
1547 conditions shall remain in effect for a child or young adult
1548 until he or she ceases to meet the eligibility requirements
1549 under which he or she entered the Road-to-Independence Program.
1550 A child or young adult applying or reapplying for the Road-to-
1551 Independence Program on or after January 1, 2014, may apply for
1552 program services only as provided in this act.

1553 Section 12. The Department of Children and Families in
1554 collaboration with the Florida Foster and Adoptive Parent
1555 Association and the Quality Parenting Initiative will design and
1556 disseminate training for caregivers on skill building on the
1557 life skills necessary for youth in the foster care system.

1558 Section 13. This act shall take effect January 1, 2014.