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1
2 An act relating to independent living; providing a
3 short title; amending s. 39.013, F.S.; providing that
4 when the court obtains jurisdiction over a child who
5 has been found to be dependent, the court retains
6 jurisdiction until the child reaches 21 years of age;
7 providing exceptions; amending s. 39.6013, F.S.;
8 conforming a cross-reference; creating s. 39.6035,
9 F.S.; requiring the Department of Children and
10 Families, the community-based care provider, and
11 others to assist a child in developing a transition
12 plan after the child reaches 17 years of age and
13 requiring a meeting to develop the plan; specifying
14 requirements and procedures for the transition plan;
15 requiring periodic review of the transition plan;
16 requiring the court to approve the transition plan
17 before the child leaves foster care and the court
18 terminates jurisdiction; creating s. 39.6251, F.S.;
19 providing definitions; providing that a young adult
20 may remain in foster care under certain circumstances
21 after attaining 18 years of age; specifying criteria
22 for extended foster care; providing that the
23 permanency goal for a young adult who chooses to
24 remain in care is transition from care to independent
25 living; specifying dates for eligibility for a young
26 adult to remain in extended foster care; providing for
27 supervised living arrangements in extended foster
28 care; authorizing a young adult to return to foster
29 care under certain circumstances; specifying services

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

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59 program; providing legislative findings and intent;
60 providing for postsecondary services and supports;
61 specifying aftercare services; providing for appeals
62 of a 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. This act may be cited as the "Nancy C. Detert
89 Common Sense and Compassion Independent Living Act."

90 Section 2. Subsection (2) of section 39.013, Florida
91 Statutes, is amended to read:

92 39.013 Procedures and jurisdiction; right to counsel.—

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

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

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

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117 chooses to leave care under that section.

118 (c) However, If a young adult ~~youth~~ petitions the court at
119 any time before his or her 19th birthday requesting the court's
120 continued jurisdiction, the juvenile court may retain
121 jurisdiction under this chapter for a period not to exceed 1
122 year following the young adult's ~~youth's~~ 18th birthday for the
123 purpose of determining whether appropriate ~~aftercare support,~~
124 ~~Road to Independence Program, transitional support, mental~~
125 ~~health, and developmental disability services,~~ that were
126 required to be provided to the young adult before reaching 18
127 years of age, to the extent otherwise authorized by law, have
128 been provided ~~to the formerly dependent child who was in the~~
129 ~~legal custody of the department immediately before his or her~~
130 ~~18th birthday.~~

131 (d) If a petition for special immigrant juvenile status and
132 an application for adjustment of status have been filed on
133 behalf of a foster child and the petition and application have
134 not been granted by the time the child reaches 18 years of age,
135 the court may retain jurisdiction over the dependency case
136 solely for the purpose of allowing the continued consideration
137 of the petition and application by federal authorities. Review
138 hearings for the child shall be set solely for the purpose of
139 determining the status of the petition and application. The
140 court's jurisdiction terminates upon the final decision of the
141 federal authorities. Retention of jurisdiction in this instance
142 does not affect the services available to a young adult under s.
143 409.1451. The court may not retain jurisdiction of the case
144 after the immigrant child's 22nd birthday.

145 Section 3. Subsection (6) of section 39.6013, Florida

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146 Statutes, is amended to read:

147 39.6013 Case plan amendments.—

148 (6) The case plan is deemed amended as to the child's
149 health, mental health, and education records required by s.
150 39.6012 when the child's updated health and education records
151 are filed by the department under s. 39.701(2)(a) ~~s.~~
152 ~~39.701(8)(a)~~.

153 Section 4. Section 39.6035, Florida Statutes, is created to
154 read:

155 39.6035 Transition plan.—

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

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

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

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175 transition plan.

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

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

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

190 Section 5. Section 39.6251, Florida Statutes, is created to
191 read:

192 39.6251 Continuing care for young adults.-

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

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

203 (a) Completing secondary education or a program leading to

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204 an equivalent credential;

205 (b) Enrolled in an institution that provides postsecondary
206 or vocational education;

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

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

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

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

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

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233 licensed foster home. A young adult may continue to reside with
234 the same licensed foster family or group care provider with whom
235 he or she was residing at the time he or she reached the age of
236 18 years.

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

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

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

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

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

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

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262 3. Knowingly and voluntarily withdraws his or her consent
263 to participate in extended care. Withdrawal of consent to
264 participate in extended care shall be verified by the court
265 pursuant to s. 39.701, unless the young adult refuses to
266 participate in any further court proceeding.

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

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

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

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

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291 monthly contact may occur by telephone.

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

304 (9) The department shall establish a procedure by which a
305 young adult may appeal a determination of eligibility to remain
306 in care that was made by a community-based care lead agency. The
307 procedure must be readily accessible to young adults, must
308 provide for timely decisions, and must provide for an appeal to
309 the department. The decision of the department constitutes final
310 agency action and is reviewable by the court as provided in s.
311 120.68.

312 Section 6. Section 39.701, Florida Statutes, is amended to
313 read:

314 39.701 Judicial review.—

315 (1) GENERAL PROVISIONS.—

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

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320 (b) The court shall retain jurisdiction over a child
321 returned to his or her parents for a minimum period of 6 months
322 following the reunification, but, at that time, based on a
323 report of the social service agency and the guardian ad litem,
324 if one has been appointed, and any other relevant factors, the
325 court shall make a determination as to whether supervision by
326 the department and the court's jurisdiction shall continue or be
327 terminated.

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

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

347 3.~~(e)~~ Notice of a hearing by a citizen review panel must be
348 provided as set forth in paragraph (f) ~~subsection (5)~~. At the

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

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

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

374 3. (e) If the child is placed in the custody of the
375 department or a licensed child-placing agency for the purpose of
376 adoptive placement, judicial reviews must be held at least every
377 6 months until the adoption is finalized.

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378 4.~~(d)~~ If the department and the court have established a
379 formal agreement that includes specific authorization for
380 particular cases, the department may conduct administrative
381 reviews instead of the judicial reviews for children in out-of-
382 home care. Notices of such administrative reviews must be
383 provided to all parties. However, an administrative review may
384 not be substituted for the first judicial review, and in every
385 case the court must conduct a judicial review at least every 6
386 months. Any party dissatisfied with the results of an
387 administrative review may petition for a judicial review.

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

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

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

406 (f)~~(5)~~ Notice of a judicial review hearing or a citizen

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407 review panel hearing, and a copy of the motion for judicial
408 review, if any, must be served by the clerk of the court upon
409 all of the following persons, if available to be served,
410 regardless of whether the person was present at the previous
411 hearing at which the date, time, and location of the hearing was
412 announced:

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

416 2.(b) The foster parent or legal custodian in whose home
417 the child resides.

418 3.(c) The parents.

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

422 5.(e) The attorney for the child.

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

424 7.(g) Any preadoptive parent.

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

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

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

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

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

453 2. ~~Has been provided with a certified copy of his or her~~
454 ~~birth certificate and, if the child does not have a valid~~
455 ~~driver's license, a Florida identification card issued under s.~~
456 ~~322.051.~~

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

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

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465 5. ~~Has been provided with all relevant information related~~
466 ~~to the Road to Independence Program, including, but not limited~~
467 ~~to, eligibility requirements, forms necessary to apply, and~~
468 ~~assistance in completing the forms. The child shall also be~~
469 ~~informed that, if he or she is eligible for the Road to~~
470 ~~Independence Program, he or she may reside with the licensed~~
471 ~~foster family or group care provider with whom the child was~~
472 ~~residing at the time of attaining his or her 18th birthday or~~
473 ~~may reside in another licensed foster home or with a group care~~
474 ~~provider arranged by the department.~~

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

478 7. ~~Has been provided with information on public assistance~~
479 ~~and how to apply.~~

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

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

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

490 (b) ~~At the first judicial review hearing held subsequent to~~
491 ~~the child's 17th birthday, in addition to the requirements of~~
492 ~~subsection (8), the department shall provide the court with an~~
493 ~~updated case plan that includes specific information related to~~

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494 ~~independent living services that have been provided since the~~
495 ~~child's 13th birthday, or since the date the child came into~~
496 ~~foster care, whichever came later.~~

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

506 ~~(2)(8)~~ REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS
507 OF AGE.

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

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

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

521 3. The amount of fees assessed and collected during the
522 period of time being reported.

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523 4. The services provided to the foster family or legal
524 custodian in an effort to address the needs of the child as
525 indicated in the case plan.

526 5. A statement that either:

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

530 b. The parent did substantially comply with the case plan;
531 or

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

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

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

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

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

549 10. If the child has reached 13 years of age but is not yet
550 18 years of age, a statement from the caregiver on the progress
551 the child has made in acquiring independent living skills ~~the~~

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552 ~~results of the preindependent living, life skills, or~~
553 ~~independent living assessment; the specific services needed; and~~
554 ~~the status of the delivery of the identified services.~~

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

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

561 (b) Submission and distribution of reports.-

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

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

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

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

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

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

609 3.~~(e)~~ If a guardian ad litem needs to be appointed for the

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610 child in a case in which a guardian ad litem has not previously
611 been appointed or if there is a need to continue a guardian ad
612 litem in a case in which a guardian ad litem has been appointed.

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

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

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

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

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

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639 a.1. The placement of the child takes into account the
640 appropriateness of the current educational setting and the
641 proximity to the school in which the child is enrolled at the
642 time of placement.

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

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

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

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

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

659 (d)(10)(a) Orders.-

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

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668 plan must be prepared as prescribed in s. 39.6013. If the court
669 finds that the prevention or reunification efforts of the
670 department will allow the child to remain safely at home or be
671 safely returned to the home, the court shall allow the child to
672 remain in or return to the home after making a specific finding
673 of fact that the reasons for the creation of the case plan have
674 been remedied to the extent that the child's safety, well-being,
675 and physical, mental, and emotional health will not be
676 endangered.

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

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

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

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697 expired.

698 5.~~(e)~~ Within 6 months after the date that the child was
699 placed in shelter care, the court shall conduct a judicial
700 review hearing to review the child's permanency goal as
701 identified in the case plan. At the hearing the court shall make
702 findings regarding the likelihood of the child's reunification
703 with the parent or legal custodian within 12 months after the
704 removal of the child from the home. If the court makes a written
705 finding that it is not likely that the child will be reunified
706 with the parent or legal custodian within 12 months after the
707 child was removed from the home, the department must file with
708 the court, and serve on all parties, a motion to amend the case
709 plan under s. 39.6013 and declare that it will use concurrent
710 planning for the case plan. The department must file the motion
711 within 10 business days after receiving the written finding of
712 the court. The department must attach the proposed amended case
713 plan to the motion. If concurrent planning is already being
714 used, the case plan must document the efforts the department is
715 taking to complete the concurrent goal.

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

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

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726 (a) In addition to the review and report required under
727 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
728 a judicial review hearing within 90 days after a child's 17th
729 birthday. The court shall also issue an order, separate from the
730 order on judicial review, that the disability of nonage of the
731 child has been removed pursuant to s. 743.045 and shall continue
732 to hold timely judicial review hearings. If necessary, the court
733 may review the status of the child more frequently during the
734 year before the child's 18th birthday. At each review hearing
735 held under this subsection, in addition to any information or
736 report provided to the court by the foster parent, legal
737 custodian, or guardian ad litem, the child shall be given the
738 opportunity to address the court with any information relevant
739 to the child's best interest, particularly in relation to
740 independent living transition services. The department shall
741 include in the social study report for judicial review written
742 verification that the child has:

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

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

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

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755 to how to access those funds.

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

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

769 6. Information on public assistance and how to apply for
770 public assistance.

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

775 8. Information related to the ability of the child to
776 remain in care until he or she reaches 21 years of age under s.
777 39.013.

778 9. A letter providing the dates that the child is under the
779 jurisdiction of the court.

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

782 11. The child's educational records.

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

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

785 14. A statement encouraging the child to attend all
786 judicial review hearings occurring after the child's 17th
787 birthday.

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

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

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

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

810 2. Ensure that the transition plan includes a supervised
811 living arrangement under s. 39.6251.

812 3. Ensure the child has been informed of:

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

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

817 c. The opportunity to reenter foster care pursuant to s.
818 39.6251.

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

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

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

826 c. Other federal, state, local, or community-based services
827 or supports available to him or her.

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

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

841 (b) The court shall attempt to determine whether the

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842 department and any service provider under contract with the
843 department are providing the appropriate services as provided in
844 the case plan.

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

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

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

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

859 2. Findings by the court that:

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

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

870 c. The young adult has voluntarily left the program, has

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871 not signed the document in sub-subparagraph b., and is unwilling
872 to participate in any further court proceeding.

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

879 Section 7. Section 409.145, Florida Statutes, is amended to
880 read:

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

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

895 (a) ~~The~~ Prevention of separation of children from their
896 families.

897 (b) Intervention to allow children to remain safely in
898 their own homes.

899 (c) ~~(b)~~ The Reunification of families who have had children

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900 ~~removed from their care placed in foster homes or institutions.~~

901 (d) Safety for children who are separated from their
902 families by providing alternative emergency or longer-term
903 parenting arrangements.

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

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

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

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

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

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

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

928 ~~(c) Any child who is voluntarily placed, with the written~~

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929 ~~consent of the parents or guardians, in the department's foster~~
930 ~~care program or the foster care program of a licensed private~~
931 ~~agency.~~

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

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

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

946 ~~(6) Whenever any child is placed under the protection,~~
947 ~~care, and guidance of the department or a duly licensed public~~
948 ~~or private agency, or as soon thereafter as is practicable, the~~
949 ~~department or agency, as the case may be, shall endeavor to~~
950 ~~obtain such information concerning the family medical history of~~
951 ~~the child and the natural parents as is available or readily~~
952 ~~obtainable. This information shall be kept on file by the~~
953 ~~department or agency for possible future use as provided in ss.~~
954 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

955 ~~(7) Whenever any child is placed by the department in a~~
956 ~~shelter home, foster home, or other residential placement, the~~
957 ~~department shall make available to the operator of the shelter~~

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958 ~~home, foster home, other residential placement, or other~~
959 ~~caretaker as soon thereafter as is practicable, all relevant~~
960 ~~information concerning the child's demographic, social, and~~
961 ~~medical history.~~

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

973 (a) Roles and responsibilities of caregivers.—A caregiver
974 shall:

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

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

986 3. Respect and support the child's ties to members of his

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987 or her biological family and assist the child in maintaining
988 allowable visitation and other forms of communication.

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

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

996 6. Support the child's school success by participating in
997 school activities and meetings, including Individual Education
998 Plan meetings, assisting with school assignments, supporting
999 tutoring programs, meeting with teachers and working with an
1000 educational surrogate if one has been appointed, and encouraging
1001 the child's participation in extracurricular activities.

1002 7. Work in partnership with other stakeholders to obtain
1003 and maintain records that are important to the child's well-
1004 being, including child resource records, medical records, school
1005 records, photographs, and records of special events and
1006 achievements.

1007 8. Ensure that the child in the caregiver's care who is
1008 between 13 and 17 years of age learns and masters independent
1009 living skills.

1010 9. Ensure that the child in the caregiver's care is aware
1011 of the requirements and benefits of the Road-to-Independence
1012 Program.

1013 10. Work to enable the child in the caregiver's care to
1014 establish and maintain naturally occurring mentoring
1015 relationships.

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1016 (b) Roles and responsibilities of the department, the
1017 community-based care lead agency, and other agency staff.—The
1018 department, the community-based care lead agency, and other
1019 agency staff shall:

1020 1. Include a caregiver in the development and
1021 implementation of the case plan for the child and his or her
1022 family. The caregiver shall be authorized to participate in all
1023 team meetings or court hearings related to the child's care and
1024 future plans. The caregiver's participation shall be facilitated
1025 through timely notification, an inclusive process, and
1026 alternative methods for participation for a caregiver who cannot
1027 be physically present.

1028 2. Develop and make available to the caregiver the
1029 information, services, training, and support that the caregiver
1030 needs to improve his or her skills in parenting children who
1031 have experienced trauma due to neglect, abuse, or separation
1032 from home, to meet these children's special needs and to
1033 advocate effectively with child welfare agencies, the courts,
1034 schools, and other community and governmental agencies.

1035 3. Provide the caregiver with all information related to
1036 services and other benefits that are available to the child.

1037 (c) Transitions.—

1038 1. Once a caregiver accepts the responsibility of caring
1039 for a child, the child will be removed from the home of that
1040 caregiver only if:

1041 a. The caregiver is clearly unable to safely or legally
1042 care for the child;

1043 b. The child and his or her biological family are
1044 reunified;

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1045 c. The child is being placed in a legally permanent home
1046 pursuant to the case plan or a court order; or

1047 d. The removal is demonstrably in the child's best
1048 interest.

1049 2. In the absence of an emergency, if a child leaves the
1050 caregiver's home for a reason provided under subparagraph 1.,
1051 the transition must be accomplished according to a plan that
1052 involves cooperation and sharing of information among all
1053 persons involved, respects the child's developmental stage and
1054 psychological needs, ensures the child has all of his or her
1055 belongings, allows for a gradual transition from the caregiver's
1056 home and, if possible, for continued contact with the caregiver
1057 after the child leaves.

1058 (d) Information sharing.—Whenever a foster home or
1059 residential group home assumes responsibility for the care of a
1060 child, the department and any additional providers shall make
1061 available to the caregiver as soon as is practicable all
1062 relevant information concerning the child. Records and
1063 information that are required to be shared with caregivers
1064 include, but are not limited to:

1065 1. Medical, dental, psychological, psychiatric, and
1066 behavioral history, as well as ongoing evaluation or treatment
1067 needs;

1068 2. School records;

1069 3. Copies of his or her birth certificate and, if
1070 appropriate, immigration status documents;

1071 4. Consents signed by parents;

1072 5. Comprehensive behavioral assessments and other social
1073 assessments;

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1074 6. Court orders;
1075 7. Visitation and case plans;
1076 8. Guardian ad litem reports;
1077 9. Staffing forms; and
1078 10. Judicial or citizen review panel reports and
1079 attachments filed with the court, except confidential medical,
1080 psychiatric, and psychological information regarding any party
1081 or participant other than the child.

1082 (e) Caregivers employed by residential group homes.-All
1083 caregivers in residential group homes shall meet the same
1084 education, training, and background and other screening
1085 requirements as foster parents.

1086 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

1087 (a) Definitions.-As used in this subsection, the term:

1088 1. "Age-appropriate" means an activity or item that is
1089 generally accepted as suitable for a child of the same
1090 chronological age or level of maturity. Age appropriateness is
1091 based on the development of cognitive, emotional, physical, and
1092 behavioral capacity which is typical for an age or age group.

1093 2. "Caregiver" means a person with whom the child is placed
1094 in out-of-home care, or a designated official for a group care
1095 facility licensed by the department under s. 409.175.

1096 3. "Reasonable and prudent parent" standard means the
1097 standard of care used by a caregiver in determining whether to
1098 allow a child in his or her care to participate in
1099 extracurricular, enrichment, and social activities. This
1100 standard is characterized by careful and thoughtful parental
1101 decisionmaking that is intended to maintain a child's health,
1102 safety, and best interest while encouraging the child's

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1103 emotional and developmental growth.
1104 (b) Application of standard of care.—
1105 1. Every child who comes into out-of-home care pursuant to
1106 this chapter is entitled to participate in age-appropriate
1107 extracurricular, enrichment, and social activities.
1108 2. Each caregiver shall use the reasonable and prudent
1109 parent standard in determining whether to give permission for a
1110 child living in out-of-home care to participate in
1111 extracurricular, enrichment, or social activities. When using
1112 the reasonable and prudent parent standard, the caregiver must
1113 consider:
1114 a. The child's age, maturity, and developmental level to
1115 maintain the overall health and safety of the child.
1116 b. The potential risk factors and the appropriateness of
1117 the extracurricular, enrichment, or social activity.
1118 c. The best interest of the child, based on information
1119 known by the caregiver.
1120 d. The importance of encouraging the child's emotional and
1121 developmental growth.
1122 e. The importance of providing the child with the most
1123 family-like living experience possible.
1124 f. The behavioral history of the child and the child's
1125 ability to safely participate in the proposed activity.
1126 (c) Verification of services delivered.—The department and
1127 each community-based care lead agency shall verify that private
1128 agencies providing out-of-home care services to dependent
1129 children have policies in place which are consistent with this
1130 section and that these agencies promote and protect the ability
1131 of dependent children to participate in age-appropriate

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1132 extracurricular, enrichment, and social activities.

1133 (d) Limitation of liability.—A caregiver is not liable for
1134 harm caused to a child who participates in an activity approved
1135 by the caregiver, provided that the caregiver has acted in
1136 accordance with the reasonable and prudent parent standard. This
1137 paragraph may not be interpreted as removing or limiting any
1138 existing liability protection afforded by law.

1139 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1140 (a) Effective January 1, 2014, room and board rates paid to
1141 foster parents are as follows:

1142

<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>

1143

1144

1145

1146 (b) Foster parents shall receive an annual cost of living
1147 increase. The department shall calculate the new room and board
1148 rate increase equal to the percentage change in the Consumer
1149 Price Index for All Urban Consumers, U.S. City Average, All
1150 Items, not seasonally adjusted, or successor reports, for the
1151 preceding December compared to the prior December as initially
1152 reported by the United States Department of Labor, Bureau of
1153 Labor Statistics. The department shall make available the
1154 adjusted room and board rates annually.

1155 (c) The amount of the monthly foster care board rate may be
1156 increased upon agreement among the department, the community-
1157 based care lead agency, and the foster parent.

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1158 (d) Community-based care lead agencies providing care under
1159 contract with the department shall pay a supplemental room and
1160 board payment to foster care parents for providing independent
1161 life skills and normalcy supports to children who are 13 through
1162 17 years of age placed in their care. The supplemental payment
1163 shall be paid monthly to the foster care parents on a per-child
1164 basis in addition to the current monthly room and board rate
1165 payment. The supplemental monthly payment shall be based on 10
1166 percent of the monthly room and board rate for children 13
1167 through 21 years of age as provided under this section and
1168 adjusted annually.

1169 (5) RULEMAKING.—The department shall adopt by rule
1170 procedures to administer this section.

1171 Section 8. Section 409.1451, Florida Statutes, is amended
1172 to read:

1173 (Substantial rewording of section. See
1174 s. 409.1451, F.S., for present text).
1175 409.1451 The Road-to-Independence Program.—

1176 (1) LEGISLATIVE FINDINGS AND INTENT.—

1177 (a) The Legislature recognizes that most children and young
1178 adults are resilient and, with adequate support, can expect to
1179 be successful as independent adults. Not unlike many young
1180 adults, some young adults who have lived in foster care need
1181 additional support and resources for a period of time after
1182 reaching 18 years of age.

1183 (b) The Legislature finds that while it is important to
1184 provide young adults who have lived in foster care with
1185 education and independent living skills, there is also a need to
1186 focus more broadly on creating and preserving family

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1187 relationships so that young adults have a permanent connection
1188 with at least one committed adult who provides a safe and stable
1189 parenting relationship.

1190 (c) It is the intent of the Legislature that young adults
1191 who choose to participate in the program receive the skills,
1192 education, and support necessary to become self-sufficient and
1193 leave foster care with a lifelong connection to a supportive
1194 adult through the Road-to-Independence Program, either through
1195 postsecondary education services and support, as provided in
1196 subsection (2), or aftercare services.

1197 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1198 (a) A young adult is eligible for services and support
1199 under this subsection if he or she:

1200 1. Was living in licensed care on his or her 18th birthday
1201 or is currently living in licensed care; or was at least 16
1202 years of age and was adopted from foster care or placed with a
1203 court-approved dependency guardian after spending at least 6
1204 months in licensed care within the 12 months immediately
1205 preceding such placement or adoption;

1206 2. Spent at least 6 months in licensed care before reaching
1207 his or her 18th birthday;

1208 3. Earned a standard high school diploma or its equivalent
1209 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
1210 s. 1003.435, or s. 1003.438;

1211 4. Has been admitted for enrollment as a full-time student
1212 or its equivalent in an eligible postsecondary educational
1213 institution as provided in s. 1009.533. For purposes of this
1214 section, the term "full-time" means 9 credit hours or the
1215 vocational school equivalent. A student may enroll part-time if

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1216 he or she has a recognized disability or is faced with another
1217 challenge or circumstance that would prevent full-time
1218 attendance. A student needing to enroll part-time for any reason
1219 other than having a recognized disability must get approval from
1220 his or her academic advisor;

1221 5. Has reached 18 years of age but is not yet 23 years of
1222 age;

1223 6. Has applied, with assistance from the young adult's
1224 caregiver and the community-based lead agency, for any other
1225 grants and scholarships for which he or she may qualify;

1226 7. Submitted a Free Application for Federal Student Aid
1227 which is complete and error free; and

1228 8. Signed an agreement to allow the department and the
1229 community-based care lead agency access to school records.

1230 (b) The amount of the financial assistance shall be as
1231 follows:

1232 1. For a young adult who does not remain in foster care and
1233 is attending a postsecondary school as provided in s. 1009.533,
1234 the amount is \$1,256 monthly.

1235 2. For a young adult who remains in foster care, is
1236 attending a postsecondary school, as provided in s. 1009.533,
1237 and continues to reside in a licensed foster home, the amount is
1238 the established room and board rate for foster parents. This
1239 takes the place of the payment provided for in s. 409.145(4).

1240 3. For a young adult who remains in foster care, but
1241 temporarily resides away from a licensed foster home for
1242 purposes of attending a postsecondary school as provided in s.
1243 1009.533, the amount is \$1,256 monthly. This takes the place of
1244 the payment provided for in s. 409.145(4).

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1245 4. For a young adult who remains in foster care, is
1246 attending a postsecondary school as provided in s. 1009.533, and
1247 continues to reside in a licensed group home, the amount is
1248 negotiated between the community-based care lead agency and the
1249 licensed group home provider.

1250 5. For a young adult who remains in foster care, but
1251 temporarily resides away from a licensed group home for purposes
1252 of attending a postsecondary school as provided in s. 1009.533,
1253 the amount is \$1,256 monthly. This takes the place of a
1254 negotiated room and board rate.

1255 6. The amount of the award may be disregarded for purposes
1256 of determining the eligibility for, or the amount of, any other
1257 federal or federally supported assistance.

1258 7. A young adult is eligible to receive financial
1259 assistance during the months when enrolled in a postsecondary
1260 educational institution.

1261 (c) Payment of financial assistance for a young adult who:

1262 1. Has chosen not to remain in foster care and is attending
1263 a postsecondary school as provided in s. 1009.533, shall be made
1264 to the community-based care lead agency in order to secure
1265 housing and utilities, with the balance being paid directly to
1266 the young adult until such time the lead agency and the young
1267 adult determine that the young adult can successfully manage the
1268 full amount of the assistance.

1269 2. Has remained in foster care under s. 39.6251 and who is
1270 attending postsecondary school as provided in s. 1009.533, shall
1271 be made directly to the foster parent or group home provider.

1272 3. Community-based care lead agencies or other contracted
1273 providers are prohibited from charging a fee associated with

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1274 administering the Road-to-Independence payments.

1275 (d)1. The department must advertise the availability of the
1276 stipend and must provide notification of the criteria and
1277 application procedures for the stipend to children and young
1278 adults leaving, or who were formerly in, foster care;
1279 caregivers; case managers; guidance and family services
1280 counselors; principals or other relevant school administrators;
1281 and guardians ad litem.

1282 2. If the award recipient transfers from one eligible
1283 institution to another and continues to meet eligibility
1284 requirements, the award shall be transferred with the recipient.

1285 3. The department, or an agency under contract with the
1286 department, shall evaluate each Road-to-Independence award for
1287 renewal eligibility on an annual basis. In order to be eligible
1288 for a renewal award for the subsequent year, the young adult
1289 must:

1290 a. Be enrolled for or have completed the number of hours,
1291 or the equivalent, to be considered a full-time student under
1292 subparagraph (a)4., unless the young adult qualifies for an
1293 exception under subparagraph (a)4.

1294 b. Maintain standards of academic progress as defined by
1295 the education institution, except that if the young adult's
1296 progress is insufficient to renew the award at any time during
1297 the eligibility period, the young adult may continue to be
1298 enrolled for additional terms while attempting to restore
1299 eligibility as long as progress towards the required level is
1300 maintained.

1301 4. Funds may be terminated during the interim between an
1302 award and the evaluation for a renewal award if the department,

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1303 or an agency under contract with the department, determines that
1304 the award recipient is no longer enrolled in an educational
1305 institution as described in subparagraph (a)4. or is no longer a
1306 resident of this state.

1307 5. The department, or an agency under contract with the
1308 department, shall notify a recipient who is terminated and
1309 inform the recipient of his or her right to appeal.

1310 6. An award recipient who does not qualify for a renewal
1311 award or who chooses not to renew the award may apply for
1312 reinstatement. An application for reinstatement must be made
1313 before the young adult reaches 23 years of age. In order to be
1314 eligible for reinstatement, the young adult must meet the
1315 eligibility criteria and the criteria for award renewal for the
1316 program.

1317 (3) AFTERCARE SERVICES.—

1318 (a) Aftercare services are available to a young adult who
1319 has reached 18 years of age but is not yet 23 years of age and
1320 is:

1321 1. Not in foster care.

1322 2. Temporarily not receiving financial assistance under
1323 subsection (2) to pursue postsecondary education.

1324 (b) Aftercare services include, but are not limited to, the
1325 following:

1326 1. Mentoring and tutoring.

1327 2. Mental health services and substance abuse counseling.

1328 3. Life skills classes, including credit management and
1329 preventive health activities.

1330 4. Parenting classes.

1331 5. Job and career skills training.

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1332 6. Counselor consultations.

1333 7. Temporary financial assistance for necessities,
1334 including, but not limited to, education supplies,
1335 transportation expenses, security deposits for rent and
1336 utilities, furnishings, household goods, and other basic living
1337 expenses.

1338 8. Financial literacy skills training.

1339
1340 The specific services to be provided under this paragraph shall
1341 be determined by an assessment of the young adult and may be
1342 provided by the community-based care provider or through
1343 referrals in the community.

1344 (c) Temporary assistance provided to prevent homelessness
1345 shall be provided as expeditiously as possible and within the
1346 limitations defined by the department.

1347 (4) APPEALS PROCESS.—

1348 (a) The department shall have a procedure by which a young
1349 adult may appeal the department's refusal to provide Road-to-
1350 Independence Program services or support, or the termination of
1351 such services or support if funds for such services or support
1352 are available.

1353 (b) The appeal procedure must be readily accessible to
1354 young adults, must provide for timely decisions, and must
1355 provide for an appeal to the department. The decision of the
1356 department constitutes final agency action and is reviewable by
1357 the court as provided in s. 120.68.

1358 (5) PORTABILITY.—The services provided under this section
1359 are portable across county lines and between lead agencies.

1360 (a) The service needs that are identified in the original

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1361 or updated transition plan, pursuant to s. 39.6035, shall be
1362 provided by the lead agency where the young adult is currently
1363 residing but shall be funded by the lead agency who initiated
1364 the transition plan.

1365 (b) The lead agency with primary case management
1366 responsibilities shall provide maintenance payments, case
1367 planning, including a written description of all services that
1368 will assist a child 16 years of age or older in preparing for
1369 the transition from care to independence, as well as regular
1370 case reviews that conform with all federal scheduling and
1371 content requirements, for all children in foster care who are
1372 placed or visiting out-of-state.

1373 (6) ACCOUNTABILITY.—The department shall develop outcome
1374 measures for the program and other performance measures in order
1375 to maintain oversight of the program. No later than January 31
1376 of each year, the department shall prepare a report on the
1377 outcome measures and the department's oversight activities and
1378 submit the report to the President of the Senate, the Speaker of
1379 the House of Representatives, and the committees with
1380 jurisdiction over issues relating to children and families in
1381 the Senate and the House of Representatives. The report must
1382 include:

1383 (a) An analysis of performance on the outcome measures
1384 developed under this section reported for each community-based
1385 care lead agency and compared with the performance of the
1386 department on the same measures.

1387 (b) A description of the department's oversight of the
1388 program, including, by lead agency, any programmatic or fiscal
1389 deficiencies found, corrective actions required, and current

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1390 status of compliance.

1391 (c) Any rules adopted or proposed under this section since
1392 the last report. For the purposes of the first report, any rules
1393 adopted or proposed under this section must be included.

1394 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1395 secretary shall establish the Independent Living Services
1396 Advisory Council for the purpose of reviewing and making
1397 recommendations concerning the implementation and operation of
1398 the provisions of s. 39.6015 and the Road-to-Independence
1399 Program. The advisory council shall function as specified in
1400 this subsection until the Legislature determines that the
1401 advisory council can no longer provide a valuable contribution
1402 to the department's efforts to achieve the goals of the services
1403 designed to enable a young adult to live independently.

1404 (a) The advisory council shall assess the implementation
1405 and operation of the Road-to-Independence Program and advise the
1406 department on actions that would improve the ability of these
1407 Road-to-Independence Program services to meet the established
1408 goals. The advisory council shall keep the department informed
1409 of problems being experienced with the services, barriers to the
1410 effective and efficient integration of services and support
1411 across systems, and successes that the system of services has
1412 achieved. The department shall consider, but is not required to
1413 implement, the recommendations of the advisory council.

1414 (b) The advisory council shall report to the secretary on
1415 the status of the implementation of the Road-To-Independence
1416 Program, efforts to publicize the availability of the Road-to-
1417 Independence Program, the success of the services, problems
1418 identified, recommendations for department or legislative

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1419 action, and the department's implementation of the
1420 recommendations contained in the Independent Living Services
1421 Integration Workgroup Report submitted to the appropriate
1422 substantive committees of the Legislature by December 31, 2013.
1423 The department shall submit a report by December 31 of each year
1424 to the Governor, the President of the Senate, and the Speaker of
1425 the House of Representatives which includes a summary of the
1426 factors reported on by the council and identifies the
1427 recommendations of the advisory council and either describes the
1428 department's actions to implement the recommendations or
1429 provides the department's rationale for not implementing the
1430 recommendations.

1431 (c) Members of the advisory council shall be appointed by
1432 the secretary of the department. The membership of the advisory
1433 council must include, at a minimum, representatives from the
1434 headquarters and regional offices of the Department of Children
1435 and Families, community-based care lead agencies, the Department
1436 of Juvenile Justice, the Department of Economic Opportunity, the
1437 Department of Education, the Agency for Health Care
1438 Administration, the State Youth Advisory Board, Workforce
1439 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
1440 parents, recipients of services and funding through the Road-to-
1441 Independence Program, and advocates for children in care. The
1442 secretary shall determine the length of the term to be served by
1443 each member appointed to the advisory council, which may not
1444 exceed 4 years.

1445 (d) The department shall provide administrative support to
1446 the Independent Living Services Advisory Council to accomplish
1447 its assigned tasks. The advisory council shall be afforded

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1448 access to all appropriate data from the department, each
1449 community-based care lead agency, and other relevant agencies in
1450 order to accomplish the tasks set forth in this section. The
1451 data collected may not include any information that would
1452 identify a specific child or young adult.

1453 (e) The advisory council report required under paragraph
1454 (b), must include an analysis of the system of independent
1455 living transition services for young adults who reach 18 years
1456 of age while in foster care before completing high school or its
1457 equivalent and recommendations for department or legislative
1458 action. The council shall assess and report on the most
1459 effective method of assisting these young adults to complete
1460 high school or its equivalent by examining the practices of
1461 other states.

1462 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
1463 young adult in this program shall become the personal property
1464 of the young adult and is not subject to the requirements of
1465 chapter 273 relating to state-owned tangible personal property.
1466 Such property continues to be subject to applicable federal
1467 laws.

1468 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—
1469 The department or community-based care lead agency shall
1470 document that eligible young adults are enrolled in Medicaid
1471 under s. 409.903(4).

1472 (10) RULEMAKING.—The department shall adopt rules to
1473 administer this section.

1474 Section 9. Paragraph (a) of subsection (3) of section
1475 409.175, Florida Statutes, is amended to read:

1476 409.175 Licensure of family foster homes, residential

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1477 child-caring agencies, and child-placing agencies; public
1478 records exemption.—

1479 (3) (a) The total number of children placed in each family
1480 foster home shall be based on the recommendation of the
1481 department, or the community-based care lead agency where one is
1482 providing foster care and related services, based on the needs
1483 of each child in care, the ability of the foster family to meet
1484 the individual needs of each child, including any adoptive or
1485 biological children or young adults remaining in foster care
1486 living in the home, the amount of safe physical plant space, the
1487 ratio of active and appropriate adult supervision, and the
1488 background, experience, and skill of the family foster parents.

1489 Section 10. Subsection (4) of section 409.903, Florida
1490 Statutes, is amended to read:

1491 409.903 Mandatory payments for eligible persons.—The agency
1492 shall make payments for medical assistance and related services
1493 on behalf of the following persons who the department, or the
1494 Social Security Administration by contract with the Department
1495 of Children and Family Services, determines to be eligible,
1496 subject to the income, assets, and categorical eligibility tests
1497 set forth in federal and state law. Payment on behalf of these
1498 Medicaid eligible persons is subject to the availability of
1499 moneys and any limitations established by the General
1500 Appropriations Act or chapter 216.

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

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1506 emergency shelter care, or subsidized adoption. This category
1507 includes a young adult who is eligible to receive services under
1508 s. 409.1451~~(5)~~, until the young adult reaches 21 years of age,
1509 without regard to any income, resource, or categorical
1510 eligibility test that is otherwise required. This category also
1511 includes a person who as a child was eligible under Title IV-E
1512 of the Social Security Act for foster care or the state-provided
1513 foster care and who is a participant in the Road-to-Independence
1514 Program.

1515 Section 11. Effective July 1, 2013, the Department of
1516 Children and Families shall work in collaboration with the Board
1517 of Governors, the Florida College System, and the Department of
1518 Education to help address the need for a comprehensive support
1519 structure in the academic arena to assist children and young
1520 adults who have been or continue to remain in the foster care
1521 system in making the transition from a structured care system
1522 into an independent living setting. The State University System
1523 of Florida and the Florida College System shall provide
1524 postsecondary educational campus coaching positions that will be
1525 integrated into Florida College System institutions' and
1526 university institutions' general support services structure to
1527 provide current and former foster care children and young adults
1528 with dedicated, on-campus support. The Department of Children
1529 and Families has the sole discretion to determine which state
1530 college or university will offer a campus coaching position,
1531 based on departmental demographic data indicating greatest need.
1532 These campus coaching positions shall be employees of the
1533 selected educational institutions, focused on supporting
1534 children and young adults who have been or continue to remain in

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1535 the foster care system. The Chancellors of the Florida College
1536 System and the Board of Governors shall report annually to the
1537 Department of Children and Families specific data, subject to
1538 privacy laws, about the children and young adults served by the
1539 campus coaches, including academic progress, retention rates for
1540 students enrolled in the program, financial aid requested and
1541 received, and information required by the National Youth in
1542 Transition Database.

1543 Section 12. Effective January 1, 2014, a child or young
1544 adult who is a participant in the program shall transfer to the
1545 program services provided in this act, and his or her monthly
1546 stipend may not be reduced, the method of payment of the monthly
1547 stipend may not be changed, and the young adult may not be
1548 required to change his or her living arrangement. These
1549 conditions shall remain in effect for a child or young adult
1550 until he or she ceases to meet the eligibility requirements
1551 under which he or she entered the Road-to-Independence Program.
1552 A child or young adult applying or reapplying for the Road-to-
1553 Independence Program on or after January 1, 2014, may apply for
1554 program services only as provided in this act.

1555 Section 13. The Department of Children and Families in
1556 collaboration with the Florida Foster and Adoptive Parent
1557 Association and the Quality Parenting Initiative will design and
1558 disseminate training for caregivers on skill building on the
1559 life skills necessary for youth in the foster care system.

1560 Section 14. This act shall take effect January 1, 2014.