

1 A bill to be entitled
 2 An act relating to dependent children; providing a
 3 short title; creating s. 39.4091, F.S.; providing
 4 legislative findings and intent; providing
 5 definitions; providing for participation in age-
 6 appropriate extracurricular, enrichment, and social
 7 activities by children in out-of-home care; providing
 8 for use of a reasonable and prudent parent standard
 9 for decisionmaking about such activities; providing
 10 rulemaking authority; amending s. 39.522, F.S.;
 11 clarifying the standard for reunification and for
 12 changing custody; amending s. 409.1451, F.S.;
 13 providing for use of reasonable and prudent parent
 14 standard in certain decisionmaking; requiring
 15 submission of plan for judicial review; providing a
 16 definition; providing rulemaking authority; providing
 17 an effective date.

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 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. This act may be cited as the "Quality Parenting
 22 for Children in Foster Care Act."

23 Section 2. Section 39.4091, Florida Statutes, is created
 24 to read:

25 39.4091 Participation in childhood activities.-

26 (1) FINDINGS AND INTENT.-

27 (a) The Legislature finds that every day parents make
 28 important decisions about their child's participation in

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29 activities and that caregivers for children in out-of-home care
30 are faced with making the same decisions for a child in their
31 care.

32 (b) The Legislature also finds that when a caregiver makes
33 decisions, he or she must consider applicable laws, rules, and
34 regulations to safeguard the health and safety of a child in
35 out-of-home care and that those rules and regulations have
36 commonly been interpreted to prohibit children in out-of-home
37 care from participating in extracurricular activities.

38 (c) The Legislature further finds that participation in
39 these types of activities is important to the child's well-
40 being, not only emotionally, but in developing valuable life-
41 coping skills.

42 (d) It is the intent of the Legislature to recognize the
43 importance of making every effort to normalize the lives of
44 children in out-of-home care and to empower a caregiver to
45 approve or disapprove a child's participation in activities
46 based on the caregiver's own assessment using a reasonable and
47 prudent parent standard, without prior approval of the
48 department, the caseworker, or the court.

49 (2) DEFINITIONS.—When used in this section, the term:

50 (a) "Age-appropriate" means activities or items that are
51 generally accepted as suitable for children of the same
52 chronological age or level of maturity. Age appropriateness is
53 based on the development of cognitive, emotional, physical, and
54 behavioral capacity that is typical for an age or age group.

55 (b) "Caregiver" means a person with whom the child is
56 placed in out-of-home care, or a designated official for group

57 | care facilities licensed by the Department of Children and
 58 | Families under chapter 65C-14, Florida Administrative Code, or
 59 | as further defined by an administrative rule implementing this
 60 | section.

61 | (c) "Reasonable and prudent parent standard" means the
 62 | standard characterized by careful and sensible parental
 63 | decisions that maintain the child's health, safety, and best
 64 | interests while at the same time encouraging the child's
 65 | emotional and developmental growth, that a caregiver shall use
 66 | when determining whether to allow a child in out-of-home care to
 67 | participate in extracurricular, enrichment, and social
 68 | activities.

69 | (3) REQUIREMENTS FOR DECISIONMAKING.—

70 | (a) Each child who comes into care under this chapter is
 71 | entitled to participate in age-appropriate extracurricular,
 72 | enrichment, and social activities.

73 | (b) Caregivers must use a reasonable and prudent parent
 74 | standard in determining whether to give permission for a child
 75 | in out-of-home care to participate in extracurricular,
 76 | enrichment, and social activities. When using the reasonable and
 77 | prudent parent standard, the caregiver shall consider:

78 | 1. The child's age, maturity, and developmental level to
 79 | maintain the overall health and safety of the child.

80 | 2. The potential risk factors and the appropriateness of
 81 | the extracurricular, enrichment, and social activity.

82 | 3. The best interest of the child based on information
 83 | known by the caregiver.

84 | 4. The importance of encouraging the child's emotional and

85 developmental growth.

86 5. The importance of providing the child with the most
 87 family-like living experience possible.

88 6. The behavioral history of the child and the child's
 89 ability to safely participate in the proposed activity, as with
 90 any other child.

91 (c) The department and community-based care lead agencies
 92 are required to verify that private agencies providing out-of-
 93 home services to dependent children have policies consistent
 94 with this section and that those agencies promote and protect
 95 the ability of dependent children to participate in age-
 96 appropriate extracurricular, enrichment, and social activities.

97 (d) A caregiver as defined in this section is not liable
 98 for harm caused to a child in care who participates in an
 99 activity approved by the caregiver, provided that the caregiver
 100 has acted as a reasonable and prudent parent. This section does
 101 not remove or limit any existing liability protection afforded
 102 by statute.

103 (4) RULEMAKING.—The department shall adopt by rule
 104 procedures to administer this section.

105 Section 3. Subsection (3) is added to section 39.522,
 106 Florida Statutes, to read:

107 39.522 Postdisposition change of custody.—The court may
 108 change the temporary legal custody or the conditions of
 109 protective supervision at a postdisposition hearing, without the
 110 necessity of another adjudicatory hearing.

111 (3) In cases where the issue before the court is whether a
 112 child who is placed in the custody of a parent should be

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113 reunited with the other parent upon a finding of substantial
114 compliance with the terms of the case plan, the standard is not
115 endangerment of the child, but best interest of the child.

116 Section 4. Paragraph (a) of subsection (3) and subsection
117 (10) of section 409.1451, Florida Statutes, are amended to read:

118 409.1451 Independent living transition services.—

119 (3) PREPARATION FOR INDEPENDENT LIVING.—

120 (a) It is the intent of the Legislature for the Department
121 of Children and Families ~~Family Services~~ to assist older
122 children in foster care and young adults who exit foster care at
123 age 18 in making the transition to independent living and self-
124 sufficiency as adults. The department shall provide such
125 children and young adults with opportunities to participate in
126 life skills activities in their foster families and communities
127 which are reasonable and appropriate for their respective ages
128 or for any special needs they may have and shall provide them
129 with services to build life skills and increase their ability to
130 live independently and become self-sufficient. To support the
131 provision of opportunities for participation in age-appropriate
132 life skills activities, the department shall:

133 1. Develop a list of age-appropriate activities and
134 responsibilities to be offered to all children involved in
135 independent living transition services and their foster parents.

136 2. Provide training for staff and foster parents to
137 address the issues of older children in foster care in
138 transitioning to adulthood, which shall include information on
139 high school completion, grant applications, vocational school
140 opportunities, supporting education and employment

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141 opportunities, and opportunities to participate in appropriate
142 daily activities.

143 3. Establish ~~Develop~~ procedures to maximize the authority
144 of foster parents, family foster homes, residential child-caring
145 agencies, or other authorized caregivers to approve
146 participation in age-appropriate activities of children in their
147 care according to a reasonable and prudent parent standard. The
148 ~~age-appropriate activities and the authority of the foster~~
149 ~~parent, family foster home, residential child-caring agency, or~~
150 ~~caregiver shall be developed into a written plan that the foster~~
151 ~~parent, family foster home, residential child-caring agency, or~~
152 ~~caregiver, the child, and the case manager all develop together,~~
153 ~~sign, and follow. This plan must include specific goals and~~
154 ~~objectives and be reviewed and updated no less than quarterly.~~
155 Foster parents, family foster homes, residential child-caring
156 agencies, or other authorized caregivers employing the
157 reasonable and prudent parent standard in their decisionmaking
158 ~~who have developed a written plan as described in this~~
159 ~~subparagraph~~ shall not be held responsible under administrative
160 rules or laws pertaining to state licensure or have their
161 licensure status in any manner jeopardized as a result of the
162 actions of a child engaged in the approved age-appropriate
163 activities ~~specified in the written plan~~. Goals and objectives
164 for participation in extracurricular, enrichment, and social
165 activities, as well as specific information on the child's
166 progress toward meeting those objectives, shall be incorporated
167 into the agency's written judicial social study report and shall
168 be reviewed by the court at each hearing conducted pursuant to

169 s. 39.701.

170 4. Provide opportunities for older children in foster care
171 to interact with mentors.

172 5. Develop and implement procedures for older children to
173 directly access and manage the personal allowance they receive
174 from the department in order to learn responsibility and
175 participate in age-appropriate life skills activities to the
176 extent feasible.

177 6. Make a good faith effort to fully explain, prior to
178 execution of any signature, if required, any document, report,
179 form, or other record, whether written or electronic, presented
180 to a child or young adult pursuant to this chapter and allow for
181 the recipient to ask any appropriate questions necessary to
182 fully understand the document. It shall be the responsibility of
183 the person presenting the document to the child or young adult
184 to comply with this subparagraph.

185 (10) RULEMAKING.—The department shall adopt by rule
186 procedures to administer this section. Rules shall provide,
187 ~~including balancing the goals of normalcy and safety for the~~
188 ~~youth and providing~~ the caregivers with as much flexibility as
189 possible to enable the youth to participate in normal life
190 experiences. The standard for decisionmaking shall be the
191 reasonable and prudent parent standard. As used in this section,
192 the term "reasonable and prudent parent standard" means the
193 standard characterized by careful and sensible parental
194 decisions that maintain the child's health, safety, and best
195 interests. The department shall engage in appropriate planning
196 to prevent, to the extent possible, a reduction in awards after

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197 | issuance. The department shall adopt rules to govern the
198 | payments and conditions related to payments for services to
199 | youth or young adults provided under this section.

200 | Section 5. This act shall take effect July 1, 2013.