

ENROLLED  
CS/HB 215

2013 Legislature

1  
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.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
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

ENROLLED  
CS/HB 215

2013 Legislature

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

ENROLLED  
CS/HB 215

2013 Legislature

57 | care facilities licensed by the Department of Children and  
58 | Families pursuant to s. 409.175.

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

67 | (3) REQUIREMENTS FOR DECISIONMAKING.—

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

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

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

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

80 | 3. The best interest of the child based on information  
81 | known by the caregiver.

82 | 4. The importance of encouraging the child's emotional and  
83 | developmental growth.

84 | 5. The importance of providing the child with the most

85 family-like living experience possible.

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

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

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

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

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

105 39.522 Postdisposition change of custody.—The court may  
106 change the temporary legal custody or the conditions of  
107 protective supervision at a postdisposition hearing, without the  
108 necessity of another adjudicatory hearing.

109 (3) In cases where the issue before the court is whether a  
110 child who is placed in the custody of a parent should be  
111 reunited with the other parent upon a finding of substantial  
112 compliance with the terms of the case plan, the standard shall

ENROLLED  
CS/HB 215

2013 Legislature

113 | be that the safety, well-being, and physical, mental, and  
 114 | emotional health of the child would not be endangered by  
 115 | reunification and that reunification would be in the best  
 116 | interest of the child.

117 | Section 4. Paragraph (a) of subsection (3) and subsection  
 118 | (10) of section 409.1451, Florida Statutes, are amended to read:  
 119 | 409.1451 Independent living transition services.—

120 | (3) PREPARATION FOR INDEPENDENT LIVING.—

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

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

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

ENROLLED  
CS/HB 215

2013 Legislature

141 | opportunities, supporting education and employment  
142 | opportunities, and opportunities to participate in appropriate  
143 | daily activities.

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

ENROLLED  
CS/HB 215

2013 Legislature

169 | be reviewed by the court at each hearing conducted pursuant to  
170 | s. 39.701.

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

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

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

186 | (10) RULEMAKING.—The department shall adopt rules ~~by rule~~  
187 | ~~procedures~~ to administer this section. The rules must provide,  
188 | ~~including balancing the goals of normalcy and safety for the~~  
189 | ~~youth and providing the~~ caregivers with as much flexibility as  
190 | possible to enable the children in their care ~~youth~~ to  
191 | participate in normal life experiences and must reflect the  
192 | considerations listed in s. 39.4091(3)(b) in connection with the  
193 | reasonable and prudent parent standard established in that  
194 | section. The department shall engage in appropriate planning to  
195 | prevent, to the extent possible, a reduction in awards after  
196 | issuance. The department shall adopt rules to govern the

ENROLLED  
CS/HB 215

2013 Legislature

197 | payments and conditions related to payments for services to  
198 | youth or young adults provided under this section.

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