

By Senator Garcia

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1 A bill to be entitled
2 An act relating to foster care; amending s. 409.145,
3 F.S.; providing additional caregiver responsibilities;
4 requiring background screening and drug testing of
5 potential and current caregivers; providing additional
6 criteria under which a child may be removed from a
7 foster home; authorizing the Department of Children
8 and Families to withhold financial assistance under
9 certain circumstances; amending s. 409.1753, F.S.;
10 providing additional duties of the department with
11 respect to children in foster care; providing
12 requirements governing caseworkers and child
13 protective investigators; providing responsibilities
14 of the department's regional managing directors and
15 the state foster care program manager for monitoring
16 compliance with the act; providing an effective date.

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

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20 Section 1. Paragraphs (a) through (c) of subsection (2) of
21 section 409.145, Florida Statutes, are amended to read:

22 409.145 Care of children; quality parenting; "reasonable
23 and prudent parent" standard.—The child welfare system of the
24 department shall operate as a coordinated community-based system
25 of care which empowers all caregivers for children in foster
26 care to provide quality parenting, including approving or
27 disapproving a child's participation in activities based on the
28 caregiver's assessment using the "reasonable and prudent parent"
29 standard.

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30 (2) QUALITY PARENTING.—A child in foster care shall be
31 placed only with a caregiver who has the ability to care for the
32 child, is willing to accept responsibility for providing care,
33 and is willing and able to learn about and be respectful of the
34 child's culture, religion and ethnicity, special physical or
35 psychological needs, any circumstances unique to the child, and
36 family relationships. The department, the community-based care
37 lead agency, and other agencies shall provide such caregiver
38 with all available information necessary to assist the caregiver
39 in determining whether he or she is able to appropriately care
40 for a particular child.

41 (a) *Roles and responsibilities of caregivers.*—A caregiver
42 shall:

43 1. Participate in developing the case plan for the child
44 and his or her family and work with others involved in his or
45 her care to implement this plan. This participation includes the
46 caregiver's involvement in all team meetings or court hearings
47 related to the child's care.

48 2. Complete all training needed to improve skills in
49 parenting a child who has experienced trauma due to neglect,
50 abuse, or separation from home, to meet the child's special
51 needs, and to work effectively with child welfare agencies, the
52 court, the schools, and other community and governmental
53 agencies.

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

57 4. Effectively advocate for the child in the caregiver's
58 care with the child welfare system, the court, and community

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59 agencies, including the school, child care, health and mental
60 health providers, and employers.

61 5. Participate fully in the child's medical, psychological,
62 and dental care as the caregiver would for his or her biological
63 child.

64 6. Support the child's school success by participating in
65 school activities and meetings, including Individual Education
66 Plan meetings, assisting with school assignments, supporting
67 tutoring programs, meeting with teachers and working with an
68 educational surrogate if one has been appointed, and encouraging
69 the child's participation in extracurricular activities.

70 7. Work in partnership with other stakeholders to obtain
71 and maintain records that are important to the child's well-
72 being, including child resource records, medical records, school
73 records, photographs, and records of special events and
74 achievements.

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

78 9. Ensure that the child in the caregiver's care is aware
79 of the requirements and benefits of the Road-to-Independence
80 Program.

81 10. Work to enable the child in the caregiver's care to
82 establish and maintain naturally occurring mentoring
83 relationships.

84 11. Accompany the child to the department's local child
85 protective investigator office for an annual private interview
86 with a child protective investigator. The caregiver shall be
87 interviewed separately from the child. If the investigator

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88 detects signs of abuse or neglect, the child may be removed from
89 the foster home and taken into the custody of the department as
90 provided in s. 39.401.

91 (b) *Roles and responsibilities of the department, the*
92 *community-based care lead agency, and other agency staff.*—The
93 department, the community-based care lead agency, and other
94 agency staff shall:

95 1. Include a caregiver in the development and
96 implementation of the case plan for the child and his or her
97 family. The caregiver shall be authorized to participate in all
98 team meetings or court hearings related to the child's care and
99 future plans. The caregiver's participation shall be facilitated
100 through timely notification, an inclusive process, and
101 alternative methods for participation for a caregiver who cannot
102 be physically present.

103 2. Develop and make available to the caregiver the
104 information, services, training, and support that the caregiver
105 needs to improve his or her skills in parenting children who
106 have experienced trauma due to neglect, abuse, or separation
107 from home, to meet these children's special needs, and to
108 advocate effectively with child welfare agencies, the courts,
109 schools, and other community and governmental agencies.

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

112 4. Require the caregiver to undergo level 2 background
113 screening pursuant to chapter 435 and a drug test before a child
114 may be placed with the caregiver. The caregiver shall undergo
115 the screening and drug test annually after the child is placed
116 with the caregiver. A person who tests positive for a controlled

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117 substance as a result of a drug test required under this
118 subparagraph is ineligible to participate in the foster care
119 system. If the caregiver tests positive for a controlled
120 substance as a result of a drug test required under this
121 subparagraph, the child may be removed from the foster home and
122 taken into the custody of the department as provided in s.
123 39.401.

124 (c) *Transitions.*—

125 1. Once a caregiver accepts the responsibility of caring
126 for a child, the child will be removed from the home of that
127 caregiver only if:

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

130 b. The child and his or her biological family are
131 reunified;

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

134 d. The caregiver does not comply with the requirements of
135 subparagraph (a)11., in which case the department may withhold
136 financial assistance until compliance is verified; or

137 e.~~d.~~ The removal is demonstrably in the child's best
138 interest.

139 2. In the absence of an emergency, if a child leaves the
140 caregiver's home for a reason provided under subparagraph 1.,
141 the transition must be accomplished according to a plan that
142 involves cooperation and sharing of information among all
143 persons involved, respects the child's developmental stage and
144 psychological needs, ensures the child has all of his or her
145 belongings, allows for a gradual transition from the caregiver's

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146 home and, if possible, for continued contact with the caregiver
147 after the child leaves.

148 Section 2. Section 409.1753, Florida Statutes, is amended
149 to read:

150 409.1753 Foster care; duties.—The department shall ensure
151 that, within each district:~~7~~

152 (1) Each foster home is given a telephone number for the
153 foster parent to call during normal working hours whenever
154 immediate assistance is needed and the child's caseworker is
155 unavailable. This number must be staffed and answered by
156 individuals possessing the knowledge and authority necessary to
157 assist foster parents.

158 (2) A caseworker shall conduct a monthly unannounced visit
159 to the foster home.

160 (3) A caseworker may not be assigned more than 15 cases per
161 month. For each case assigned to a caseworker, the caseworker
162 shall contact administrators and staff of the child's school to
163 verify the safety of the learning environment.

164 (4) If the caseworker responsible for the child for whom a
165 report is submitted pursuant to s. 39.201 does not proceed with
166 a full investigation within 5 working days, the caseworker shall
167 be suspended for 1 week without pay. If another violation is
168 reported, the caseworker shall be evaluated for possible
169 demotion or termination.

170 Section 3. The regional managing director of each region of
171 the Department of Children and Families shall monitor the
172 circuits comprising the director's region and review each
173 circuit's caseload, policies, and procedures for compliance with
174 ss. 409.145 and 409.1753, Florida Statutes, as amended by this

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175 act, and report his or her findings to the state foster care
176 program manager of the department's Child Welfare Program. If
177 the state foster care program manager determines that a circuit
178 is not in compliance, a written warning shall be issued to the
179 regional managing director for the circuit. After three
180 warnings, the state foster care program manager shall conduct an
181 annual evaluation of that circuit until compliance is verified.
182 Caseworkers and other employees of the department shall be
183 monitored to ensure that foster care families and the children
184 under their supervision have appropriate care and guidance while
185 in the state foster care system. The state foster care program
186 manager may impose sanctions for noncompliance with the
187 requirements of ss. 409.145 and 409.1753, Florida Statutes, as
188 amended by this act.

189 Section 4. This act shall take effect July 1, 2014.