

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health Care Appropriations
2 Subcommittee

3 Representative Brodeur offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 50 and 51, insert:

7 Section 1. Paragraph (b) of subsection (2) of section
8 39.0016, Florida Statutes, is amended to read:

9 39.0016 Education of abused, neglected, and abandoned
10 children; agency agreements; children having or suspected of
11 having a disability.—

12 (2) AGENCY AGREEMENTS.—

13 (b) The department shall enter into agreements with
14 district school boards or other local educational entities
15 regarding education and related services for children known to
16 the department who are of school age and children known to the
17 department who are younger than school age but who would

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18 otherwise qualify for services from the district school board.

19 Such agreements shall include, but are not limited to:

20 1. A requirement that the department shall:

21 a. Ensure ~~Enroll~~ children known to the department are
22 enrolled in school or in the best educational setting that meets
23 the needs of the child. The agreement shall provide for
24 continuing the enrollment of a child known to the department at
25 the ~~same~~ school of origin when, if possible if it is in the best
26 interest of the child, with the goal of minimal ~~avoiding~~
27 disruption of education.

28 b. Notify the school and school district in which a child
29 known to the department is enrolled of the name and phone number
30 of the child known to the department caregiver and caseworker
31 for child safety purposes.

32 c. Establish a protocol for the department to share
33 information about a child known to the department with the
34 school district, consistent with the Family Educational Rights
35 and Privacy Act, since the sharing of information will assist
36 each agency in obtaining education and related services for the
37 benefit of the child. The protocol must require the district
38 school boards or other local educational entities to access the
39 department's Florida Safe Families Network to obtain information
40 about children known to the department, consistent with the
41 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
42 1232g.

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43 d. Notify the school district of the department's case
44 planning for a child known to the department, both at the time
45 of plan development and plan review. Within the plan development
46 or review process, the school district may provide information
47 regarding the child known to the department if the school
48 district deems it desirable and appropriate.

49 e. Show no prejudice against out-of-home caregivers who
50 desire to educate at home any children placed in their home
51 through the child welfare system.

52 2. A requirement that the district school board shall:

53 a. Provide the department with a general listing of the
54 services and information available from the district school
55 board to facilitate educational access for a child known to the
56 department.

57 b. Identify all educational and other services provided by
58 the school and school district which the school district
59 believes are reasonably necessary to meet the educational needs
60 of a child known to the department.

61 c. Determine whether transportation is available for a
62 child known to the department when such transportation will
63 avoid a change in school assignment due to a change in
64 residential placement. Recognizing that continued enrollment in
65 the same school throughout the time the child known to the
66 department is in out-of-home care is preferable unless
67 enrollment in the same school would be unsafe or otherwise
68 impractical, the department, the district school board, and the

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69 Department of Education shall assess the availability of
70 federal, charitable, or grant funding for such transportation.

71 d. Provide individualized student intervention or an
72 individual educational plan when a determination has been made
73 through legally appropriate criteria that intervention services
74 are required. The intervention or individual educational plan
75 must include strategies to enable the child known to the
76 department to maximize the attainment of educational goals.

77 3. A requirement that the department and the district
78 school board shall cooperate in accessing the services and
79 supports needed for a child known to the department who has or
80 is suspected of having a disability to receive an appropriate
81 education consistent with the Individuals with Disabilities
82 Education Act and state implementing laws, rules, and
83 assurances. Coordination of services for a child known to the
84 department who has or is suspected of having a disability may
85 include:

86 a. Referral for screening.

87 b. Sharing of evaluations between the school district and
88 the department where appropriate.

89 c. Provision of education and related services appropriate
90 for the needs and abilities of the child known to the
91 department.

92 d. Coordination of services and plans between the school
93 and the residential setting to avoid duplication or conflicting
94 service plans.

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95 e. Appointment of a surrogate parent, consistent with the
96 Individuals with Disabilities Education Act and pursuant to
97 subsection (3), for educational purposes for a child known to
98 the department who qualifies.

99 f. For each child known to the department 14 years of age
100 and older, transition planning by the department and all
101 providers, including the department's independent living program
102 staff, to meet the requirements of the local school district for
103 educational purposes.

104 Section 2. Subsection (2) of section 409.145, Florida
105 Statutes, is amended to read:

106 409.145 Care of children; quality parenting; "reasonable
107 and prudent parent" standard.—The child welfare system of the
108 department shall operate as a coordinated community-based system
109 of care which empowers all caregivers for children in foster
110 care to provide quality parenting, including approving or
111 disapproving a child's participation in activities based on the
112 caregiver's assessment using the "reasonable and prudent parent"
113 standard.

114 (2) QUALITY PARENTING.—A child in foster care shall be
115 placed only with a caregiver who has the ability to care for the
116 child, is willing to accept responsibility for providing care,
117 and is willing and able to learn about and be respectful of the
118 child's culture, religion and ethnicity, special physical or
119 psychological needs, any circumstances unique to the child, and
120 family relationships. The department, the community-based care

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121 lead agency, and other agencies shall provide such caregiver
122 with all available information necessary to assist the caregiver
123 in determining whether he or she is able to appropriately care
124 for a particular child.

125 (a) Roles and responsibilities of caregivers.—A caregiver
126 shall:

127 1. Participate in developing the case plan for the child
128 and his or her family and work with others involved in his or
129 her care to implement this plan. This participation includes the
130 caregiver's involvement in all team meetings or court hearings
131 related to the child's care.

132 2. Complete all training needed to improve skills in
133 parenting a child who has experienced trauma due to neglect,
134 abuse, or separation from home, to meet the child's special
135 needs, and to work effectively with child welfare agencies, the
136 court, the schools, and other community and governmental
137 agencies.

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

141 4. Effectively advocate for the child in the caregiver's
142 care with the child welfare system, the court, and community
143 agencies, including the school, child care, health and mental
144 health providers, and employers.

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145 5. Participate fully in the child's medical,
146 psychological, and dental care as the caregiver would for his or
147 her biological child.

148 6. Support the child's educational ~~school~~ success by
149 participating in ~~school~~ activities and meetings associated with
150 the child's school or other educational setting, including
151 Individual Education Plan meetings and meetings with an
152 educational surrogate if one has been appointed, assisting with
153 ~~school~~ assignments, supporting tutoring programs, ~~meeting with~~
154 ~~teachers and working with an educational surrogate if one has~~
155 ~~been appointed~~, and encouraging the child's participation in
156 extracurricular activities.

157 a. Maintaining educational stability for a child while in
158 out-of-home care by allowing the child to remain in the school
159 or educational setting he or she attended before entry into out-
160 of-home care is the first priority, unless it is not in the best
161 interest of the child.

162 b. If it is not in the best interest of the child to
163 remain in his or her school or educational setting upon entry
164 into out-of-home care, the caregiver must work with the case
165 manager, guardian ad litem, teachers and guidance counselors,
166 and educational surrogate if one has been appointed, to
167 determine the best educational setting for the child. Those
168 settings may include a public school that is not the school of
169 origin, a private school pursuant to s. 1002.42, virtual

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170 education programs pursuant to s. 1002.45, or education at home
171 pursuant to s. 1002.41.

172 7. Work in partnership with other stakeholders to obtain
173 and maintain records that are important to the child's well-
174 being, including child resource records, medical records, school
175 records, photographs, and records of special events and
176 achievements.

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

180 9. Ensure that the child in the caregiver's care is aware
181 of the requirements and benefits of the Road-to-Independence
182 Program.

183 10. Work to enable the child in the caregiver's care to
184 establish and maintain naturally occurring mentoring
185 relationships.

186 (b) Roles and responsibilities of the department, the
187 community-based care lead agency, and other agency staff.—The
188 department, the community-based care lead agency, and other
189 agency staff shall:

190 1. Include a caregiver in the development and
191 implementation of the case plan for the child and his or her
192 family. The caregiver shall be authorized to participate in all
193 team meetings or court hearings related to the child's care and
194 future plans. The caregiver's participation shall be facilitated
195 through timely notification, an inclusive process, and

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196 alternative methods for participation for a caregiver who cannot
197 be physically present.

198 2. Develop and make available to the caregiver the
199 information, services, training, and support that the caregiver
200 needs to improve his or her skills in parenting children who
201 have experienced trauma due to neglect, abuse, or separation
202 from home, to meet these children's special needs, and to
203 advocate effectively with child welfare agencies, the courts,
204 schools, and other community and governmental agencies.

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

207 4. Show no prejudice against a caregiver who desires to
208 educate at home any children placed in his or her home through
209 the child welfare system.

210 (c) Transitions.-

211 1. Once a caregiver accepts the responsibility of caring
212 for a child, the child will be removed from the home of that
213 caregiver only if:

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

216 b. The child and his or her biological family are
217 reunified;

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

220 d. The removal is demonstrably in the child's best
221 interest.

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222 2. In the absence of an emergency, if a child leaves the
223 caregiver's home for a reason provided under subparagraph 1.,
224 the transition must be accomplished according to a plan that
225 involves cooperation and sharing of information among all
226 persons involved, respects the child's developmental stage and
227 psychological needs, ensures the child has all of his or her
228 belongings, allows for a gradual transition from the caregiver's
229 home and, if possible, for continued contact with the caregiver
230 after the child leaves.

231 (d) Information sharing.—Whenever a foster home or
232 residential group home assumes responsibility for the care of a
233 child, the department and any additional providers shall make
234 available to the caregiver as soon as is practicable all
235 relevant information concerning the child. Records and
236 information that are required to be shared with caregivers
237 include, but are not limited to:

238 1. Medical, dental, psychological, psychiatric, and
239 behavioral history, as well as ongoing evaluation or treatment
240 needs;

241 2. School records;

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

244 4. Consents signed by parents;

245 5. Comprehensive behavioral assessments and other social
246 assessments;

247 6. Court orders;

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- 248 7. Visitation and case plans;
249 8. Guardian ad litem reports;
250 9. Staffing forms; and
251 10. Judicial or citizen review panel reports and
252 attachments filed with the court, except confidential medical,
253 psychiatric, and psychological information regarding any party
254 or participant other than the child.

255 (e) Caregivers employed by residential group homes.—All
256 caregivers in residential group homes shall meet the same
257 education, training, and background and other screening
258 requirements as foster parents.

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T I T L E A M E N D M E N T

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Remove line 2 and insert:

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An act relating to adoption and foster care; amending s.

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39.0016, F.S.; revising what the Department of Children and

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Families must do when required to enter into agreements with

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specified entities; amending s. 409.145, F.S.; revising

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caregiver roles and responsibilities; revising the roles and

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responsibilities of the department, the community-based care

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lead agency, and other agency staff; creating