

1                   A bill to be entitled  
2           An act relating to adoption and foster care; amending  
3           s. 39.0016, F.S.; revising requirements for agreements  
4           between the Department of Children and Families and  
5           specified entities for the provision of educational  
6           services; amending s. 409.145, F.S.; revising roles  
7           and responsibilities of caregivers relating to  
8           educational settings; revising roles and  
9           responsibilities of the department, the community-  
10          based care lead agency, and other agency staff;  
11          amending s. 39.812, F.S.; requiring the community-  
12          based care lead agency to offer postadoptive  
13          assistance to the adoptive family within a specified  
14          time period after the adoption is finalized; creating  
15          s. 409.1662, F.S.; providing the purpose of the  
16          adoption incentive program; directing the Department  
17          of Children and Families to establish an adoption  
18          incentive program for certain agencies; requiring that  
19          the department conduct a comprehensive baseline  
20          assessment of lead agencies' performance and compile  
21          annual data for the most recent 5 years of available  
22          data; providing a nonexclusive list of factors for the  
23          assessment to identify; requiring that the department  
24          negotiate outcome-based agreements; requiring that  
25          several factors be included in the agreement;  
26          requiring the department to allocate incentive

27 | payments; requiring a report; creating s. 409.1664,  
28 | F.S.; defining terms; providing certain amounts  
29 | payable to a qualifying adoptive employee who adopts  
30 | specified children under certain circumstances subject  
31 | to a specific appropriation to the department;  
32 | providing prorated payments for a part-time employee  
33 | and limiting the monetary benefit to one award per  
34 | child; requiring that a qualifying adoptive employee  
35 | apply to the agency head for the monetary benefit on  
36 | forms approved by the department and include a  
37 | certified copy of the final order of adoption;  
38 | providing requirements for the approval of monetary  
39 | benefits by the department; providing that the act  
40 | does not preclude a qualifying adoptive employee from  
41 | receiving any other assistance or incentive; requiring  
42 | that parental leave for qualifying adoptive employees  
43 | be provided; authorizing the department to adopt  
44 | rules; requiring the Chief Financial Officer to submit  
45 | payment to a qualifying adoptive employee depending on  
46 | where he or she works; requiring state agencies to  
47 | develop uniform procedures for informing employees  
48 | about this benefit and for assisting the department in  
49 | making eligibility determinations and processing  
50 | applications; creating s. 409.1666, F.S.; requiring  
51 | the Governor to annually select and recognize certain  
52 | individuals, families, or organizations for adoption

53 achievement awards; requiring the department to define  
54 categories for the achievement awards and seek  
55 nominations for potential recipients; authorizing a  
56 direct-support organization established by the Office  
57 of Adoption and Child Protection to accept donations  
58 of products or services from private sources to be  
59 given to the recipients of the adoption achievement  
60 awards; amending s. 409.175, F.S.; requiring licensed  
61 child-placing agencies that provide adoption services  
62 for intercountry adoptions to meet specified  
63 requirements; requiring an adoption agency in this  
64 state which provides certain services to maintain  
65 records containing specified information; providing an  
66 effective date.

67  
68 Be It Enacted by the Legislature of the State of Florida:

69  
70 Section 1. Paragraph (b) of subsection (2) of section  
71 39.0016, Florida Statutes, is amended to read:

72 39.0016 Education of abused, neglected, and abandoned  
73 children; agency agreements; children having or suspected of  
74 having a disability.—

75 (2) AGENCY AGREEMENTS.—

76 (b) The department shall enter into agreements with  
77 district school boards or other local educational entities  
78 regarding education and related services for children known to

79 | the department who are of school age and children known to the  
80 | department who are younger than school age but who would  
81 | otherwise qualify for services from the district school board.  
82 | Such agreements shall include, but are not limited to:

83 | 1. A requirement that the department shall:

84 | a. Ensure that ~~Enroll~~ children known to the department are  
85 | enrolled in school or in the best educational setting that meets  
86 | the needs of the child. The agreement shall provide for  
87 | continuing the enrollment of a child known to the department at  
88 | the ~~same~~ school of origin when, ~~if possible~~ if it is in the best  
89 | interest of the child, with the goal of minimal ~~avoiding~~  
90 | disruption of education.

91 | b. Notify the school and school district in which a child  
92 | known to the department is enrolled of the name and phone number  
93 | of the child known to the department caregiver and caseworker  
94 | for child safety purposes.

95 | c. Establish a protocol for the department to share  
96 | information about a child known to the department with the  
97 | school district, consistent with the Family Educational Rights  
98 | and Privacy Act, since the sharing of information will assist  
99 | each agency in obtaining education and related services for the  
100 | benefit of the child. The protocol must require the district  
101 | school boards or other local educational entities to access the  
102 | department's Florida Safe Families Network to obtain information  
103 | about children known to the department, consistent with the

104 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.  
105 1232g.

106 d. Notify the school district of the department's case  
107 planning for a child known to the department, both at the time  
108 of plan development and plan review. Within the plan development  
109 or review process, the school district may provide information  
110 regarding the child known to the department if the school  
111 district deems it desirable and appropriate.

112 e. Show no prejudice against a caregiver who desires to  
113 educate at home a child placed in his or her home through the  
114 child welfare system.

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

116 a. Provide the department with a general listing of the  
117 services and information available from the district school  
118 board to facilitate educational access for a child known to the  
119 department.

120 b. Identify all educational and other services provided by  
121 the school and school district which the school district  
122 believes are reasonably necessary to meet the educational needs  
123 of a child known to the department.

124 c. Determine whether transportation is available for a  
125 child known to the department when such transportation will  
126 avoid a change in school assignment due to a change in  
127 residential placement. Recognizing that continued enrollment in  
128 the same school throughout the time the child known to the  
129 department is in out-of-home care is preferable unless

130 enrollment in the same school would be unsafe or otherwise  
131 impractical, the department, the district school board, and the  
132 Department of Education shall assess the availability of  
133 federal, charitable, or grant funding for such transportation.

134 d. Provide individualized student intervention or an  
135 individual educational plan when a determination has been made  
136 through legally appropriate criteria that intervention services  
137 are required. The intervention or individual educational plan  
138 must include strategies to enable the child known to the  
139 department to maximize the attainment of educational goals.

140 3. A requirement that the department and the district  
141 school board shall cooperate in accessing the services and  
142 supports needed for a child known to the department who has or  
143 is suspected of having a disability to receive an appropriate  
144 education consistent with the Individuals with Disabilities  
145 Education Act and state implementing laws, rules, and  
146 assurances. Coordination of services for a child known to the  
147 department who has or is suspected of having a disability may  
148 include:

149 a. Referral for screening.

150 b. Sharing of evaluations between the school district and  
151 the department where appropriate.

152 c. Provision of education and related services appropriate  
153 for the needs and abilities of the child known to the  
154 department.

155 d. Coordination of services and plans between the school  
 156 and the residential setting to avoid duplication or conflicting  
 157 service plans.

158 e. Appointment of a surrogate parent, consistent with the  
 159 Individuals with Disabilities Education Act and pursuant to  
 160 subsection (3), for educational purposes for a child known to  
 161 the department who qualifies.

162 f. For each child known to the department 14 years of age  
 163 and older, transition planning by the department and all  
 164 providers, including the department's independent living program  
 165 staff, to meet the requirements of the local school district for  
 166 educational purposes.

167 Section 2. Paragraphs (a) and (b) of subsection (2) of  
 168 section 409.145, Florida Statutes, are amended to read:

169 409.145 Care of children; quality parenting; "reasonable  
 170 and prudent parent" standard.—The child welfare system of the  
 171 department shall operate as a coordinated community-based system  
 172 of care which empowers all caregivers for children in foster  
 173 care to provide quality parenting, including approving or  
 174 disapproving a child's participation in activities based on the  
 175 caregiver's assessment using the "reasonable and prudent parent"  
 176 standard.

177 (2) QUALITY PARENTING.—A child in foster care shall be  
 178 placed only with a caregiver who has the ability to care for the  
 179 child, is willing to accept responsibility for providing care,  
 180 and is willing and able to learn about and be respectful of the

181 child's culture, religion and ethnicity, special physical or  
182 psychological needs, any circumstances unique to the child, and  
183 family relationships. The department, the community-based care  
184 lead agency, and other agencies shall provide such caregiver  
185 with all available information necessary to assist the caregiver  
186 in determining whether he or she is able to appropriately care  
187 for a particular child.

188 (a) Roles and responsibilities of caregivers.—A caregiver  
189 shall:

190 1. Participate in developing the case plan for the child  
191 and his or her family and work with others involved in his or  
192 her care to implement this plan. This participation includes the  
193 caregiver's involvement in all team meetings or court hearings  
194 related to the child's care.

195 2. Complete all training needed to improve skills in  
196 parenting a child who has experienced trauma due to neglect,  
197 abuse, or separation from home, to meet the child's special  
198 needs, and to work effectively with child welfare agencies, the  
199 court, the schools, and other community and governmental  
200 agencies.

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

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

206 agencies, including the school, child care, health and mental  
 207 health providers, and employers.

208 5. Participate fully in the child's medical,  
 209 psychological, and dental care as the caregiver would for his or  
 210 her biological child.

211 6. Support the child's educational ~~school~~ success by  
 212 participating in ~~school~~ activities and meetings associated with  
 213 the child's school or other educational setting, including  
 214 Individual Education Plan meetings and meetings with an  
 215 educational surrogate if one has been appointed, assisting with  
 216 ~~school~~ assignments, supporting tutoring programs, ~~meeting with~~  
 217 ~~teachers and working with an educational surrogate if one has~~  
 218 ~~been appointed~~, and encouraging the child's participation in  
 219 extracurricular activities.

220 a. Maintaining educational stability for a child while in  
 221 out-of-home care by allowing the child to remain in the school  
 222 or educational setting that he or she attended before entry into  
 223 out-of-home care is the first priority, unless not in the best  
 224 interest of the child.

225 b. If it is not in the best interest of the child to  
 226 remain in his or her school or educational setting upon entry  
 227 into out-of-home care, the caregiver must work with the case  
 228 manager, guardian ad litem, teachers and guidance counselors,  
 229 and educational surrogate if one has been appointed to determine  
 230 the best educational setting for the child. Such setting may  
 231 include a public school that is not the school of origin, a

232 private school pursuant to s. 1002.42, a virtual instruction  
233 program pursuant to s. 1002.45, or a home education program  
234 pursuant to s. 1002.41.

235 7. Work in partnership with other stakeholders to obtain  
236 and maintain records that are important to the child's well-  
237 being, including child resource records, medical records, school  
238 records, photographs, and records of special events and  
239 achievements.

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

243 9. Ensure that the child in the caregiver's care is aware  
244 of the requirements and benefits of the Road-to-Independence  
245 Program.

246 10. Work to enable the child in the caregiver's care to  
247 establish and maintain naturally occurring mentoring  
248 relationships.

249 (b) Roles and responsibilities of the department, the  
250 community-based care lead agency, and other agency staff.—The  
251 department, the community-based care lead agency, and other  
252 agency staff shall:

253 1. Include a caregiver in the development and  
254 implementation of the case plan for the child and his or her  
255 family. The caregiver shall be authorized to participate in all  
256 team meetings or court hearings related to the child's care and  
257 future plans. The caregiver's participation shall be facilitated

258 through timely notification, an inclusive process, and  
259 alternative methods for participation for a caregiver who cannot  
260 be physically present.

261 2. Develop and make available to the caregiver the  
262 information, services, training, and support that the caregiver  
263 needs to improve his or her skills in parenting children who  
264 have experienced trauma due to neglect, abuse, or separation  
265 from home, to meet these children's special needs, and to  
266 advocate effectively with child welfare agencies, the courts,  
267 schools, and other community and governmental agencies.

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

270 4. Show no prejudice against a caregiver who desires to  
271 educate at home a child placed in his or her home through the  
272 child welfare system.

273 Section 3. Subsection (6) is added to section 39.812,  
274 Florida Statutes, to read:

275 39.812 Postdisposition relief; petition for adoption.—

276 (6) The community-based care lead agency serving the child  
277 at the time of finalization of the adoption shall contact the  
278 adoptive family by telephone 1 year after the date of  
279 finalization of the adoption to offer postadoption assistance.

280 Section 4. Section 409.1662, Florida Statutes, is created  
281 to read:

282 409.1662 Children within the child welfare system;  
283 adoption incentive program.—

284        (1) PURPOSE.—The purpose of the adoption incentive program  
285 is to advance the state's achievement of permanency, stability,  
286 and well-being in living arrangements for children in foster  
287 care who cannot be reunited with their families. The department  
288 shall establish the adoption incentive program to award  
289 incentive payments to community-based care lead agencies, as  
290 defined in s. 409.986, which achieve specific and measureable  
291 adoption performance standards that lead to permanency,  
292 stability, and well-being for children.

293        (2) ADMINISTRATION OF THE PROGRAM.—

294        (a) The department shall conduct a comprehensive baseline  
295 assessment of the performance of lead agencies related to  
296 adoption of children from foster care. The assessment shall  
297 compile annual data for each of the most recent 5 years for  
298 which data is available. The department shall update the  
299 assessment annually. At a minimum, the assessment shall  
300 identify:

301        1. The number of families attempting to adopt children  
302 from foster care and the number of families completing the  
303 adoption process.

304        2. The number of children eligible for adoption and the  
305 number of children whose adoptions were finalized.

306        3. The amount of time eligible children waited for  
307 adoption.

308        4. The number of adoptions that resulted in disruption or  
309 dissolution and the subset of those disrupted adoptions that the

310 lead agency could have prevented.

311 5. The time taken to complete each phase of the adoption  
312 process.

313 6. The expenditures made to recruit adoptive homes and a  
314 description of any initiative to improve adoption performance or  
315 streamline the adoption process.

316 7. The results of any specific effort to gather feedback  
317 from prospective adoptive parents, adoptive parents, children in  
318 the child welfare system, adoptees, and other stakeholders.

319 8. The current use of evidence-based, evidence-informed,  
320 promising, and innovative practices in recruitment, orientation,  
321 and preparation of appropriate adoptive families, matching  
322 children with families, supporting children during the adoptive  
323 process, and providing post-adoptive support.

324 (b) Using the information from the baseline assessment,  
325 the department shall annually negotiate outcome-based agreements  
326 with lead agencies. The agreement shall establish measureable  
327 outcome targets to increase the number of adoptions that result  
328 in permanent placements that enhance the child's well-being. The  
329 agreement shall define the method for measuring performance and  
330 for determining the level of performance required to earn the  
331 incentive payment and the amount of the incentive payment which  
332 may be earned for each target.

333 (3) INCENTIVE PAYMENTS.—

334 (a) The department shall allocate incentive payments to  
335 performance improvement targets in a manner that ensures that

336 total payments do not exceed the amount appropriated for this  
337 purpose.

338 (b) The department shall ensure that the amount of the  
339 incentive payments are proportionate to the value of the  
340 performance improvement.

341 (4) REPORT.—By November 15, 2015, and annually thereafter,  
342 the department shall submit a report to the Governor, the  
343 President of the Senate, and the Speaker of the House of  
344 Representatives on the negotiated targets set for, outcomes  
345 achieved by, and incentive payments made to each lead agency  
346 during the previous fiscal year. The department shall include in  
347 the report program enhancements made by each lead agency and  
348 their subcontracted providers to achieve negotiated outcomes  
349 under this section.

350 Section 5. Section 409.1664, Florida Statutes, is created  
351 to read:

352 409.1664 Adoption benefits for qualifying adoptive  
353 employees of state agencies.—

354 (1) As used in this section, the term:

355 (a) "Child within the child welfare system" has the same  
356 meaning as provided in s. 409.166.

357 (b) "Qualifying adoptive employee" means a full-time or  
358 part-time employee of a state agency who is paid from regular  
359 salary appropriations, or otherwise meets the state agency  
360 employer's definition of a regular rather than temporary  
361 employee, and who adopts a child within the child welfare system

362 pursuant to chapter 63 on or after July 1, 2015. The term  
363 includes instructional personnel, as defined in s. 1012.01, who  
364 are employed by the Florida School for the Deaf and the Blind.

365 (c) "State agency" means a branch, department, or agency  
366 of state government for which the Chief Financial Officer  
367 processes payroll requisitions, a state university or Florida  
368 College System institution as defined in s. 1000.21, a school  
369 district unit as defined in s. 1001.30, or a water management  
370 district as defined in s. 373.019.

371 (2) A qualifying adoptive employee who adopts a child  
372 within the child welfare system who has special needs described  
373 in s. 409.166(2)(a)2. is eligible to receive a lump-sum monetary  
374 benefit in the amount of \$10,000 per such child, subject to  
375 applicable taxes. A qualifying adoptive employee who adopts a  
376 child within the child welfare system who does not have special  
377 needs described in s. 409.166(2)(a)2. is eligible to receive a  
378 lump-sum monetary benefit in the amount of \$5,000 per such  
379 child, subject to applicable taxes.

380 (a) Benefits paid to a qualifying adoptive employee who is  
381 a part-time employee must be prorated based on the qualifying  
382 adoptive employee's full-time equivalency at the time of  
383 applying for the benefits.

384 (b) Monetary benefits awarded under this subsection are  
385 limited to one award per adopted child within the child welfare  
386 system.

387 (c) The payment of a lump-sum monetary benefit for  
388 adopting a child within the child welfare system under this  
389 section is subject to a specific appropriation to the department  
390 for such purpose.

391 (3) A qualifying adoptive employee must apply to his or  
392 her agency head to obtain the monetary benefit provided in  
393 subsection (2). Applications must be on forms approved by the  
394 department and must include a certified copy of the final order  
395 of adoption naming the applicant as the adoptive parent.  
396 Monetary benefits shall be approved on a first-come, first-  
397 served basis based upon the date that each fully completed  
398 application is received by the department.

399 (4) This section does not preclude a qualifying adoptive  
400 employee from receiving adoption assistance for which he or she  
401 may qualify under s. 409.166 or any other statute that provides  
402 financial incentives for the adoption of children.

403 (5) Parental leave for a qualifying adoptive employee must  
404 be provided in accordance with the personnel policies and  
405 procedures of the employee's state agency employer.

406 (6) The department may adopt rules to administer this  
407 section. The rules may provide for an application process such  
408 as, but not limited to, an open enrollment period during which  
409 qualifying adoptive employees may apply for monetary benefits  
410 under this section.

411 (7) The Chief Financial Officer shall disburse a monetary  
412 benefit to a qualifying adoptive employee upon the department's

413 submission of a payroll requisition. The Chief Financial Officer  
414 shall transfer funds from the department to a state university,  
415 Florida College System institution, school district unit, or  
416 water management district, as appropriate, to enable payment to  
417 the qualifying adoptive employee through the payroll systems as  
418 long as funds are available for such purpose.

419 (8) Each state agency shall develop a uniform procedure  
420 for informing employees about this benefit and for assisting the  
421 department in making eligibility determinations and processing  
422 applications. Any procedure adopted by a state agency is valid  
423 and enforceable if the procedure does not conflict with the  
424 express terms of this section.

425 Section 6. Section 409.1666, Florida Statutes, is created  
426 to read:

427 409.1666 Annual adoption achievement awards.—Each year,  
428 the Governor shall select and recognize one or more individuals,  
429 families, or organizations that make significant contributions  
430 to enabling this state's foster children to achieve permanency  
431 through adoption. The department shall define appropriate  
432 categories for the achievement awards and seek nominations for  
433 potential recipients in each category from individuals and  
434 organizations knowledgeable about foster care and adoption.

435 (1) The award shall recognize persons whose contributions  
436 involve extraordinary effort or personal sacrifice in order to  
437 provide caring and permanent homes for foster children.

438 (2) A direct-support organization established in

439 accordance with s. 39.0011 by the Office of Adoption and Child  
440 Protection within the Executive Office of the Governor may  
441 accept donations of products or services from private sources to  
442 be given to the recipients of the adoption achievement awards.  
443 The direct-support organization may also provide suitable  
444 plaques, framed certificates, pins, and other tokens of  
445 recognition.

446 Section 7. Subsection (18) is added to section 409.175,  
447 Florida Statutes, to read:

448 409.175 Licensure of family foster homes, residential  
449 child-caring agencies, and child-placing agencies; public  
450 records exemption.—

451 (18) (a) A licensed child-placing agency conducting  
452 intercountry adoptions must meet United States Department of  
453 State requirements for accreditation or supervision.

454 (b) A licensed child-placing agency providing adoption  
455 services for intercountry adoption in countries that are parties  
456 to the Hague Convention on Protection of Children and Co-  
457 operation in Respect of Intercountry Adoption, in incoming or  
458 outgoing cases, must meet the federal regulations pertaining to  
459 intercountry adoptions with convention countries.

460 (c) An adoption agency in this state which provides  
461 intercountry adoption services for families residing in this  
462 state must maintain a record that contains, at a minimum, the  
463 following:

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- 464        1. All available family and medical history of the birth  
465 family;
- 466        2. All legal documents translated into English;
- 467        3. All necessary documents obtained by the adoptive parent  
468 in order for the child to attain United States citizenship or,  
469 if applicable, other legal immigration status; and
- 470        4. All supervisory reports prepared before an adoption and  
471 after finalization of an adoption.
- 472        Section 8. This act shall take effect July 1, 2015.