

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.013,
3 F.S.; extending court jurisdiction to age 22 for young
4 adults with disabilities in foster care; amending s.
5 39.2015, F.S.; revising requirements of the quarterly
6 report submitted by the critical incident rapid
7 response team advisory committee; amending s. 39.402,
8 F.S.; requiring the Department of Children and
9 Families to provide additional information to the
10 court at shelter hearings; amending s. 39.521, F.S.;
11 revising timelines and distribution requirements for
12 case plans; amending s. 39.522, F.S.; providing
13 conditions under which a child may be returned home
14 with an in-home safety plan; amending s. 39.6011,
15 F.S.; requiring a child of a specified age to be
16 consulted on the creation of his or her case plan and
17 the composition of the case planning team; providing
18 for the child to review, sign, and receive a copy of
19 his or her case plan under certain circumstances;
20 amending s. 39.6035, F.S.; requiring court approval of
21 a transition plan before the child's 18th birthday;
22 amending s. 39.621, F.S.; authorizing the new
23 permanency goal to be used in specified circumstances;
24 creating an exception to the order of preference for
25 permanency goals under chapter 39, F.S., for
26 maintaining and strengthening the placement; amending

27 s. 39.701, F.S.; revising criteria for review hearings
28 for children younger than 18 years of age; revising
29 criteria for a court to determine in-home or out-of-
30 home placement of a child; amending s. 409.145, F.S.;
31 requiring a workgroup to study the feasibility of a
32 statewide initial assessment for placement and
33 services; requiring the department to submit a report
34 to the Governor and Legislature by a specified date;
35 amending s. 409.1451, F.S.; requiring a child within a
36 specified age range to be living in licensed care as a
37 condition for receiving aftercare services; amending
38 s. 409.986, F.S.; revising the definition of the term
39 "care" to include intervention services; amending s.
40 409.988, F.S.; requiring lead agencies to provide a
41 continuum of care; defining the term "continuum of
42 care"; requiring specified intervention services;
43 requiring the establishment of permanency teams for
44 certain children to provide specified services;
45 requiring lead agencies to develop residential group
46 care utilization plans by a specified date; requiring
47 the department to monitor lead agency plans and submit
48 an annual report pertaining thereto to the Governor
49 and Legislature; authorizing the department to adopt
50 rules; amending s. 409.996, F.S.; requiring the
51 department to develop and ensure the provision of an
52 adequate array of child-protection services; requiring

53 the department and lead agencies to monitor
54 residential group care placements; requiring the
55 development and implementation of a statewide quality
56 rating system by a specified date; requiring the
57 rating system to include specified information;
58 requiring the department to submit a report to the
59 Governor and Legislature by a specified date; amending
60 s. 39.01, F.S.; revising the definition of the term
61 "permanency goal"; amending s. 39.202, F.S.; changing
62 the designation of an entity; amending ss. 39.5085 and
63 1002.3305, F.S.; conforming cross-references;
64 repealing s. 39.523, F.S., relating to the placement
65 of children in residential group care; repealing s.
66 409.141, F.S., relating to equitable reimbursement
67 methodology; repealing s. 409.1676, F.S., relating to
68 comprehensive residential group care services to
69 children who have extraordinary needs; repealing s.
70 409.1677, F.S., relating to model comprehensive
71 residential services programs; repealing s. 409.1679,
72 F.S., relating to program requirements and
73 reimbursement methodology; providing an effective
74 date.

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Subsection (2) of section 39.013, Florida

79 Statutes, is amended to read:

80 39.013 Procedures and jurisdiction; right to counsel.—

81 (2) The circuit court has exclusive original jurisdiction
82 of all proceedings under this chapter, of a child voluntarily
83 placed with a licensed child-caring agency, a licensed child-
84 placing agency, or the department, and of the adoption of
85 children whose parental rights have been terminated under this
86 chapter. Jurisdiction attaches when the initial shelter
87 petition, dependency petition, or termination of parental rights
88 petition, or a petition for an injunction to prevent child abuse
89 issued pursuant to s. 39.504, is filed or when a child is taken
90 into the custody of the department. The circuit court may assume
91 jurisdiction over any such proceeding regardless of whether the
92 child was in the physical custody of both parents, was in the
93 sole legal or physical custody of only one parent, caregiver, or
94 some other person, or was not in the physical or legal custody
95 of any person when the event or condition occurred that brought
96 the child to the attention of the court. When the court obtains
97 jurisdiction of any child who has been found to be dependent,
98 the court shall retain jurisdiction, unless relinquished by its
99 order, until the child reaches 21 years of age, or 22 years of
100 age if the child has a disability, with the following
101 exceptions:

102 (a) If a young adult chooses to leave foster care upon
103 reaching 18 years of age.

104 (b) If a young adult does not meet the eligibility

105 requirements to remain in foster care under s. 39.6251 or
106 chooses to leave care under that section.

107 (c) If a young adult petitions the court at any time
108 before his or her 19th birthday requesting the court's continued
109 jurisdiction, the juvenile court may retain jurisdiction under
110 this chapter for a period not to exceed 1 year following the
111 young adult's 18th birthday for the purpose of determining
112 whether appropriate services that were required to be provided
113 to the young adult before reaching 18 years of age have been
114 provided.

115 (d) If a petition for special immigrant juvenile status
116 and an application for adjustment of status have been filed on
117 behalf of a foster child and the petition and application have
118 not been granted by the time the child reaches 18 years of age,
119 the court may retain jurisdiction over the dependency case
120 solely for the purpose of allowing the continued consideration
121 of the petition and application by federal authorities. Review
122 hearings for the child shall be set solely for the purpose of
123 determining the status of the petition and application. The
124 court's jurisdiction terminates upon the final decision of the
125 federal authorities. Retention of jurisdiction in this instance
126 does not affect the services available to a young adult under s.
127 409.1451. The court may not retain jurisdiction of the case
128 after the immigrant child's 22nd birthday.

129 Section 2. Subsection (11) of section 39.2015, Florida
130 Statutes, is amended to read:

131 39.2015 Critical incident rapid response team.—
 132 (11) The secretary shall appoint an advisory committee
 133 made up of experts in child protection and child welfare,
 134 including the Statewide Medical Director for Child Protection
 135 under the Department of Health, a representative from the
 136 institute established pursuant to s. 1004.615, an expert in
 137 organizational management, and an attorney with experience in
 138 child welfare, to conduct an independent review of investigative
 139 reports from the critical incident rapid response teams and to
 140 make recommendations to improve policies and practices related
 141 to child protection and child welfare services. The advisory
 142 committee shall meet at least once each quarter and shall submit
 143 quarterly reports to the secretary. The quarterly reports shall
 144 ~~which~~ include findings and recommendations and shall describe
 145 the implementation status of all recommendations contained
 146 within the advisory committee reports, including an entity's
 147 reason for not implementing a recommendation, if applicable. The
 148 secretary shall submit each report to the Governor, the
 149 President of the Senate, and the Speaker of the House of
 150 Representatives.

151 Section 3. Paragraphs (f) and (h) of subsection (8) of
 152 section 39.402, Florida Statutes, are amended to read:

153 39.402 Placement in a shelter.—

154 (8)

155 (f) At the shelter hearing, the department shall inform
 156 the court of:

157 1. Any identified current or previous case plans
158 negotiated under this chapter in any judicial circuit ~~district~~
159 with the parents or caregivers ~~under this chapter~~ and problems
160 associated with compliance;

161 2. Any adjudication of the parents or caregivers of
162 delinquency;

163 3. Any past or current injunction for protection from
164 domestic violence or an order of no contact; and

165 4. All of the child's places of residence during the prior
166 12 months.

167 (h) The order for placement of a child in shelter care
168 must identify the parties present at the hearing and must
169 contain written findings:

170 1. That placement in shelter care is necessary based on
171 the criteria in subsections (1) and (2).

172 2. That placement in shelter care is in the best interest
173 of the child.

174 3. That continuation of the child in the home is contrary
175 to the welfare of the child because the home situation presents
176 a substantial and immediate danger to the child's physical,
177 mental, or emotional health or safety which cannot be mitigated
178 by the provision of safety management ~~preventive~~ services.

179 4. That based upon the allegations of the petition for
180 placement in shelter care, there is probable cause to believe
181 that the child is dependent or that the court needs additional
182 time, which may not exceed 72 hours, in which to obtain and

183 review documents pertaining to the family in order to
184 appropriately determine whether placement in shelter care is
185 necessary to ensure the child's safety ~~the risk to the child.~~

186 5. That the department has made reasonable efforts to
187 prevent or eliminate the need for removal of the child from the
188 home. A finding of reasonable effort by the department to
189 prevent or eliminate the need for removal may be made and the
190 department is deemed to have made reasonable efforts to prevent
191 or eliminate the need for removal if:

192 a. The first contact of the department with the family
193 occurs during an emergency;

194 b. The appraisal of the home situation by the department
195 indicates that the home situation presents a substantial and
196 immediate danger to the child's physical, mental, or emotional
197 health or safety which cannot be mitigated by the provision of
198 preventive services, including issuance of an injunction against
199 a perpetrator of domestic violence pursuant to s. 39.504;

200 c. The child cannot safely remain at home, either because
201 there are no safety management ~~preventive services,~~ under s.
202 409.988(3)(b), that can ensure the health and safety of the
203 child or because, even with appropriate and available services
204 being provided, the health and safety of the child cannot be
205 ensured; or

206 d. The parent or legal custodian is alleged to have
207 committed any of the acts listed as grounds for expedited
208 termination of parental rights in s. 39.806(1)(f)-(i).

209 6. That the department has made reasonable efforts to keep
210 siblings together if they are removed and placed in out-of-home
211 care unless such placement is not in the best interest of each
212 child. It is preferred that siblings be kept together in a
213 foster home, if available. Other reasonable efforts shall
214 include short-term placement in a group home with the ability to
215 accommodate sibling groups if such a placement is available. The
216 department shall report to the court its efforts to place
217 siblings together unless the court finds that such placement is
218 not in the best interest of a child or his or her sibling.

219 7. That the court notified the parents, relatives that are
220 providing out-of-home care for the child, or legal custodians of
221 the time, date, and location of the next dependency hearing and
222 of the importance of the active participation of the parents,
223 relatives that are providing out-of-home care for the child, or
224 legal custodians in all proceedings and hearings.

225 8. That the court notified the parents or legal custodians
226 of their right to counsel to represent them at the shelter
227 hearing and at each subsequent hearing or proceeding, and the
228 right of the parents to appointed counsel, pursuant to the
229 procedures set forth in s. 39.013.

230 9. That the court notified relatives who are providing
231 out-of-home care for a child as a result of the shelter petition
232 being granted that they have the right to attend all subsequent
233 hearings, to submit reports to the court, and to speak to the
234 court regarding the child, if they so desire.

235 Section 4. Paragraph (a) of subsection (1) of section
 236 39.521, Florida Statutes, is amended, paragraphs (b) through (f)
 237 of that subsection are redesignated as paragraphs (c) through
 238 (g), respectively, and a new paragraph (b) is added to that
 239 subsection, to read:

240 39.521 Disposition hearings; powers of disposition.—

241 (1) A disposition hearing shall be conducted by the court,
 242 if the court finds that the facts alleged in the petition for
 243 dependency were proven in the adjudicatory hearing, or if the
 244 parents or legal custodians have consented to the finding of
 245 dependency or admitted the allegations in the petition, have
 246 failed to appear for the arraignment hearing after proper
 247 notice, or have not been located despite a diligent search
 248 having been conducted.

249 (a) A written case plan and a predisposition study
 250 prepared by an authorized agent of the department must be
 251 approved by the court. The department must file the case plan
 252 and predisposition study ~~filed~~ with the court, serve a copy of
 253 the case plan on ~~served upon~~ the parents of the child, and
 254 provide a copy of the case plan ~~provided~~ to the representative
 255 of the guardian ad litem program, if the program has been
 256 appointed, and ~~provided~~ to all other parties:

257 1. Not less than 72 hours before the disposition hearing,
 258 if the disposition hearing occurs on or after the 60th day after
 259 the date the child was placed in out-of-home care. All such case
 260 plans must be approved by the court.

261 2. Not less than 72 hours before the case plan acceptance
 262 hearing, if the disposition hearing occurs before the 60th day
 263 after the date the child was placed in out-of-home care and a
 264 case plan was not submitted pursuant to this paragraph, or ~~If~~
 265 the court does not approve the case plan at the disposition
 266 hearing. The case plan acceptance hearing must occur, ~~the court~~
 267 ~~must set a hearing~~ within 30 days after the disposition hearing
 268 ~~to review and approve the case plan.~~

269 (b) The court may grant an exception to the requirement
 270 for a predisposition study by separate order or within the
 271 judge's order of disposition upon finding that all the family
 272 and child information required by subsection (2) is available in
 273 other documents filed with the court.

274 Section 5. Subsection (2) of section 39.522, Florida
 275 Statutes, is amended to read:

276 39.522 Postdisposition change of custody.—The court may
 277 change the temporary legal custody or the conditions of
 278 protective supervision at a postdisposition hearing, without the
 279 necessity of another adjudicatory hearing.

280 (2) In cases where the issue before the court is whether a
 281 child should be reunited with a parent, the court shall
 282 determine whether the circumstances that caused the out-of-home
 283 placement and issues subsequently identified have been remedied
 284 ~~parent has substantially complied with the terms of the case~~
 285 ~~plan~~ to the extent that the return of the child to the home with
 286 an in-home safety plan will not be detrimental to the child's

287 safety, well-being, and physical, mental, and emotional health
288 ~~of the child is not endangered by the return of the child to the~~
289 ~~home.~~

290 Section 6. Paragraphs (b) and (c) of subsection (1) of
291 section 39.6011, Florida Statutes, are redesignated as
292 paragraphs (c) and (d), respectively, and a new paragraph (b) is
293 added to that subsection, to read:

294 39.6011 Case plan development.—

295 (1) The department shall prepare a draft of the case plan
296 for each child receiving services under this chapter. A parent
297 of a child may not be threatened or coerced with the loss of
298 custody or parental rights for failing to admit in the case plan
299 to ~~of~~ abusing, neglecting, or abandoning a child. Participating
300 in the development of a case plan is not an admission to any
301 allegation of abuse, abandonment, or neglect, and it is not a
302 consent to a finding of dependency or termination of parental
303 rights. The case plan shall be developed subject to the
304 following requirements:

305 (b) If the child has attained 14 years of age or is
306 otherwise of an appropriate age and capacity, the child must:

307 1. Be consulted on the development of the case plan; have
308 the opportunity to attend a face-to-face conference, if
309 appropriate; express a placement preference; and have the option
310 to choose two members of the case planning team who are not a
311 foster parent or caseworker for the child.

312 a. An individual selected by a child to be a member of the

313 case planning team may be rejected at any time if there is good
314 cause to believe that the individual would not act in the best
315 interest of the child. One individual selected by a child to be
316 a member of the child's case planning team may be designated to
317 be the child's advisor and, as necessary, advocate with respect
318 to the application of the reasonable and prudent parent standard
319 to the child.

320 b. The child may not be included in any aspect of the case
321 planning process when information will be revealed or discussed
322 that is of a nature that would best be presented to the child in
323 a more therapeutic setting.

324 2. Sign the case plan, unless there is reason to waive the
325 child's signature.

326 3. Receive an explanation of the provisions of the case
327 plan from the department.

328 4. Be provided a copy of the case plan after it is agreed
329 upon and signed, within 72 hours before the disposition hearing
330 after jurisdiction attaches and the plan is filed with the
331 court.

332 Section 7. Subsection (4) of section 39.6035, Florida
333 Statutes, is amended to read:

334 39.6035 Transition plan.—

335 ~~(4) If a child is planning to leave care upon reaching 18~~
336 ~~years of age,~~ The transition plan must be approved by the court
337 before the child's 18th birthday and must be attached to the
338 case plan and updated before each judicial review ~~child leaves~~

339 ~~care and the court terminates jurisdiction.~~

340 Section 8. Subsections (2) through (11) of section 39.621,
341 Florida Statutes, are renumbered as subsections (3) through
342 (12), respectively, present subsection (2) is amended, and a new
343 subsection (2) is added to that section, to read:

344 39.621 Permanency determination by the court.—

345 (2) The permanency goal of maintaining and strengthening
346 the placement with a parent may be used in the following
347 circumstances:

348 (a) If a child has not been removed from a parent, even if
349 adjudication of dependency is withheld, the court may leave the
350 child in the current placement with maintaining and
351 strengthening the placement as a permanency option.

352 (b) If a child has been removed from a parent and is
353 placed with the parent from whom the child was not removed, the
354 court may leave the child in the placement with the parent from
355 whom the child was not removed with maintaining and
356 strengthening the placement as a permanency option.

357 (c) If a child has been removed from a parent and is
358 subsequently reunified with that parent, the court may leave the
359 child with that parent with maintaining and strengthening the
360 placement as a permanency option.

361 ~~(3)-(2)~~ Except as provided in subsection (2), the
362 permanency goals available under this chapter, listed in order
363 of preference, are:

364 (a) Reunification;

365 (b) Adoption, if a petition for termination of parental
 366 rights has been or will be filed;

367 (c) Permanent guardianship of a dependent child under s.
 368 39.6221;

369 (d) Permanent placement with a fit and willing relative
 370 under s. 39.6231; or

371 (e) Placement in another planned permanent living
 372 arrangement under s. 39.6241.

373 Section 9. Paragraphs (a) and (d) of subsection (2) of
 374 section 39.701, Florida Statutes, are amended to read:

375 39.701 Judicial review.—

376 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 377 AGE.—

378 (a) Social study report for judicial review.—Before every
 379 judicial review hearing or citizen review panel hearing, the
 380 social service agency shall make an investigation and social
 381 study concerning all pertinent details relating to the child and
 382 shall furnish to the court or citizen review panel a written
 383 report that includes, but is not limited to:

384 1. A description of the type of placement the child is in
 385 at the time of the hearing, including the safety of the child,
 386 ~~and the continuing necessity for and appropriateness of the~~
 387 placement, and that the placement is the least restrictive and
 388 family-like setting available that meets the needs of the child,
 389 or an explanation of why the placement is not the least
 390 restrictive and family-like setting available that meets the

391 needs of the child.

392 2. Documentation of the diligent efforts made by all
 393 parties to the case plan to comply with each applicable
 394 provision of the plan.

395 3. The amount of fees assessed and collected during the
 396 period of time being reported.

397 4. The services provided to the foster family or legal
 398 custodian in an effort to address the needs of the child as
 399 indicated in the case plan.

400 5. A statement that either:

401 a. The parent, though able to do so, did not comply
 402 substantially with the case plan, and the agency
 403 recommendations;

404 b. The parent did substantially comply with the case plan;
 405 or

406 c. The parent has partially complied with the case plan,
 407 with a summary of additional progress needed and the agency
 408 recommendations.

409 6. A statement of whether the circumstances that caused
 410 the out-of-home placement and issues subsequently identified
 411 have been remedied to the extent that the return of the child to
 412 the home with an in-home safety plan will not be detrimental to
 413 the child's safety, well-being, and physical, mental, and
 414 emotional health.

415 ~~7.6.~~ A statement from the foster parent or legal custodian
 416 providing any material evidence concerning the return of the

417 child to the parent or parents.

418 ~~8.7.~~ A statement concerning the frequency, duration, and
419 results of the parent-child visitation, if any, and the agency
420 recommendations for an expansion or restriction of future
421 visitation.

422 ~~9.8.~~ The number of times a child has been removed from his
423 or her home and placed elsewhere, the number and types of
424 placements that have occurred, and the reason for the changes in
425 placement.

426 ~~10.9.~~ The number of times a child's educational placement
427 has been changed, the number and types of educational placements
428 which have occurred, and the reason for any change in placement.

429 ~~11.10.~~ If the child has reached 13 years of age but is not
430 yet 18 years of age, a statement from the caregiver on the
431 progress the child has made in acquiring independent living
432 skills.

433 ~~12.11.~~ Copies of all medical, psychological, and
434 educational records that support the terms of the case plan and
435 that have been produced concerning the parents or any caregiver
436 since the last judicial review hearing.

437 ~~13.12.~~ Copies of the child's current health, mental
438 health, and education records as identified in s. 39.6012.

439 (d) Orders.—

440 1. Based upon the criteria ~~set forth~~ in paragraph (c) and
441 the recommended order of the citizen review panel, if any, the
442 court shall determine whether ~~or not~~ the social service agency

443 shall initiate proceedings to have a child declared a dependent
444 child, return the child to the parent, continue the child in
445 out-of-home care for a specified period of time, or initiate
446 termination of parental rights proceedings for subsequent
447 placement in an adoptive home. Amendments to the case plan must
448 be prepared as prescribed in s. 39.6013. If the court finds that
449 remaining in the home with an in-home safety plan will not be
450 detrimental to the child's safety, well-being, and physical,
451 mental, and emotional health ~~the prevention or reunification~~
452 ~~efforts of the department will allow the child to remain safely~~
453 ~~at home or be safely returned to the home,~~ the court shall allow
454 the child to remain in ~~or return to~~ the home ~~after making a~~
455 ~~specific finding of fact that the reasons for the creation of~~
456 ~~the case plan have been remedied to the extent that the child's~~
457 ~~safety, well-being, and physical, mental, and emotional health~~
458 ~~will not be endangered.~~

459 2. The court shall return the child to the custody of the
460 parents at any time it determines that the circumstances that
461 caused the out-of-home placement and issues subsequently
462 identified have been remedied to the extent that the return of
463 the child to the home with an in-home safety plan ~~they have~~
464 ~~substantially complied with the case plan, if the court is~~
465 ~~satisfied that reunification~~ will not be detrimental to the
466 child's safety, well-being, and physical, mental, and emotional
467 health.

468 3. If, in the opinion of the court, the social service

469 agency has not complied with its obligations as specified in the
470 written case plan, the court may find the social service agency
471 in contempt, shall order the social service agency to submit its
472 plans for compliance with the agreement, and shall require the
473 social service agency to show why the child could not safely be
474 returned to the home of the parents.

475 4. If, at any judicial review, the court finds that the
476 parents have failed to demonstrate behavior change ~~substantially~~
477 ~~comply with the case plan~~ to the degree that further
478 reunification efforts are without merit and not in the best
479 interest of the child, on its own motion, the court may order
480 the filing of a petition for termination of parental rights,
481 whether or not the time period as contained in the case plan for
482 substantial compliance has expired.

483 5. Within 6 months after the date that the child was
484 placed in shelter care, the court shall conduct a judicial
485 review hearing to review the child's permanency goal as
486 identified in the case plan. At the hearing the court shall make
487 findings regarding the likelihood of the child's reunification
488 with the parent or legal custodian within 12 months after the
489 removal of the child from the home. If the court makes a written
490 finding that it is not likely that the child will be reunified
491 with the parent or legal custodian within 12 months after the
492 child was removed from the home, the department must file with
493 the court, and serve on all parties, a motion to amend the case
494 plan under s. 39.6013 and declare that it will use concurrent

495 | planning for the case plan. The department must file the motion
496 | within 10 business days after receiving the written finding of
497 | the court. The department must attach the proposed amended case
498 | plan to the motion. If concurrent planning is already being
499 | used, the case plan must document the efforts the department is
500 | taking to complete the concurrent goal.

501 | 6. The court may issue a protective order in assistance,
502 | or as a condition, of any other order made under this part. In
503 | addition to the requirements included in the case plan, the
504 | protective order may set forth requirements relating to
505 | reasonable conditions of behavior to be observed for a specified
506 | period of time by a person or agency who is before the court;
507 | and the order may require any person or agency to make periodic
508 | reports to the court containing such information as the court in
509 | its discretion may prescribe.

510 | Section 10. Subsection (5) of section 409.145, Florida
511 | Statutes, is renumbered as subsection (7), and new subsections
512 | (5) and (6) are added to that section, to read:

513 | 409.145 Care of children; quality parenting; "reasonable
514 | and prudent parent" standard.—The child welfare system of the
515 | department shall operate as a coordinated community-based system
516 | of care which empowers all caregivers for children in foster
517 | care to provide quality parenting, including approving or
518 | disapproving a child's participation in activities based on the
519 | caregiver's assessment using the "reasonable and prudent parent"
520 | standard.

521 (5) INITIAL ASSESSMENT.—The department, in partnership
522 with the community-based care lead agencies, shall convene a
523 workgroup to study the feasibility of the development,
524 validation, adoption, and use of one or more statewide initial
525 assessment tools to determine the appropriate placement, needs
526 of, and initial services for all children placed in out-of-home
527 care. For purposes of this subsection, the term "out-of-home
528 care" means a licensed or nonlicensed setting, arranged and
529 supervised by the department or a contracted service provider,
530 outside the home of the parent. The workgroup shall include
531 representatives from the department, community-based care lead
532 agencies, foster parents, the Florida Institute for Child
533 Welfare, service providers, and other appropriate organizations
534 and shall consider, at a minimum, the following factors:
535 (a) The traumatic and emergent nature of a removal and
536 subsequent out-of-home placement;
537 (b) The frequent lack of immediate information available
538 during a removal and subsequent out-of-home placement;
539 (c) Reasonable timelines for the collection of actionable
540 information and history on the child and family;
541 (d) Tools and processes being used in this state, other
542 states, and nationally;
543 (e) The specific behaviors and needs of the child,
544 including, but not limited to, any current behaviors exhibited
545 by the child which interfere with or limit the child's ability
546 to function in less restrictive, family-like settings;

547 (f) The level of intervention services necessary to meet
548 the child's specific physical, emotional, psychological,
549 educational, and social needs, including any developmental or
550 other disability;

551 (g) Information about previous out-of-home placements,
552 including circumstances necessitating any moves between
553 placements and the recommendations of the former foster families
554 or other caregivers, if available;

555 (h) Information related to the placement of any siblings
556 of the child;

557 (i) The range of placement options currently available by
558 community-based care lead agency, types of children served, and
559 the type of information needed to determine whether placement of
560 a child is appropriate; and

561 (j) Any service gaps within community-based care lead
562 agency service areas for children in out-of-home care.

563 (6) REPORTING REQUIREMENT.—The department shall submit a
564 report to the Governor, the President of the Senate, and the
565 Speaker of the House of Representatives by October 1, 2017,
566 addressing at a minimum:

567 (a) The types of information needed to make an initial
568 assessment for placement and services and methods to collect
569 that information;

570 (b) Recommended procedures and practices best suited for
571 an initial assessment;

572 (c) The assessment tools and procedures currently used to

573 make the initial assessment of a child's placement and service
 574 needs;

575 (d) Recommendations regarding the development, validation,
 576 adoption, and use of a statewide initial assessment for
 577 placement and services; and

578 (e) If the workgroup finds that an initial assessment for
 579 placement and services is feasible, action steps and a timeframe
 580 for development, validation, adoption, and implementation.

581 Section 11. Paragraph (a) of subsection (3) of section
 582 409.1451, Florida Statutes, is amended to read:

583 409.1451 The Road-to-Independence Program.—

584 (3) AFTERCARE SERVICES.—

585 (a) Aftercare services are available to a young adult who
 586 was living in licensed care on his or her 18th birthday, ~~has~~
 587 ~~reached 18 years of age but~~ is not yet 23 years of age, and is:

- 588 1. Not in foster care.
- 589 2. Temporarily not receiving financial assistance under
 590 subsection (2) to pursue postsecondary education.

591 Section 12. Paragraph (a) of subsection (3) of section
 592 409.986, Florida Statutes, is amended to read:

593 409.986 Legislative findings and intent; child protection
 594 and child welfare outcomes; definitions.—

595 (3) DEFINITIONS.—As used in this part, except as otherwise
 596 provided, the term:

597 (a) "Care" means services of any kind which are designed
 598 to facilitate a child remaining safely in his or her own home,

599 returning safely to his or her own home if he or she is removed
 600 from the home, or obtaining an alternative permanent home if he
 601 or she cannot remain at home or be returned home. The term
 602 includes, but is not limited to, prevention, intervention,
 603 diversion, and related services.

604 Section 13. Subsection (3) of section 409.988, Florida
 605 Statutes, is amended to read:

606 409.988 Lead agency duties; general provisions.—

607 (3) SERVICES.—Lead agencies shall make available a
 608 continuum of care. For purposes of this subsection, the term
 609 "continuum of care" means a range of services, programs, and
 610 placement options that meet the varied needs of children served
 611 by, or at risk of being served by, the dependency system. Such
 612 services may be provided by the lead agency or its
 613 subcontractors through referral to another organization or
 614 through other effective means. The department shall specify the
 615 minimum services that must be available in a lead agency's
 616 continuum of care through contract.

617 (a) A lead agency must provide dependent children with
 618 services that are supported by research or that are recognized
 619 as best practices in the child welfare field. The agency shall
 620 give priority to the use of services that are evidence-based and
 621 trauma-informed and may also provide other innovative services,
 622 including, but not limited to, family-centered and cognitive-
 623 behavioral interventions designed to mitigate out-of-home
 624 placements.

625 (b) Intervention services shall be made available to a
626 child and the parent of a child who is unsafe but can, with
627 services, remain in his or her home, or a child who is placed
628 out-of-home and to the nonmaltreating parent or relative or
629 nonrelative caregivers with whom an unsafe child is placed.

630 Intervention services and supports include:

631 1. Safety management services provided to an unsafe child
632 as part of a safety plan which immediately and actively protects
633 the child from dangerous threats if the parent or other
634 caregiver cannot protect the child, including, but not limited
635 to, behavior management, crisis management, social connection,
636 resource support, and separation;

637 2. Treatment services provided to a parent or caregiver
638 that are used to achieve a fundamental change in behavioral,
639 cognitive, and emotional functioning associated with the reason
640 that the child is unsafe, including, but not limited to,
641 parenting skills training, support groups, counseling, substance
642 abuse treatment, mental, and behavioral health services, and
643 certified domestic violence center services for survivors of
644 domestic violence and their children, and batterers'
645 intervention programs that comply with s. 741.325 and other
646 intervention services for perpetrators of domestic violence.

647 3. Child well-being services provided to an unsafe child
648 that address a child's physical, emotional, developmental, and
649 educational needs, including, but not limited to, behavioral
650 health services, substance abuse treatment, tutoring,

651 counseling, and peer support; and

652 4. Services provided to nonmaltreating parents or relative
653 or nonrelative caregivers to stabilize the child's placement,
654 including, but not limited to, transportation, clothing,
655 household goods, assistance with housing and utility payments,
656 child care, respite care, and assistance connecting families
657 with other community-based services.

658 (c) The department or community-based care lead agency
659 that places children pursuant to this section shall establish
660 permanency teams dedicated to permanency for children placed in
661 residential group care. The permanency team shall convene a
662 multidisciplinary staffing every 180 calendar days, to coincide
663 with the judicial review, to reassess the appropriateness of the
664 child's current placement and services. At a minimum, the
665 staffing shall be attended by the community-based care lead
666 agency, the caseworker for the child, the guardian ad litem, any
667 other agency or provider of services for the child, and a
668 representative of the residential group care provider. The
669 multidisciplinary staffing shall consider, at a minimum, the
670 current level of the child's functioning, whether recommended
671 services are being provided effectively, any services that would
672 enable transition to a less restrictive family-like setting, and
673 diligent search efforts to find other permanent living
674 arrangements for the child.

675 (d)1. By January 1, 2017, the lead agencies shall develop
676 plans for the management of residential group care utilization

677 within their service areas. The plans shall include strategies,
678 action steps, timeframes, and performance measures and, for lead
679 agencies whose group home utilization averaged 8 percent or
680 above for the preceding fiscal year, list specific percentage
681 targets by fiscal year through June 30, 2020, for reduction in
682 use of residential group care to that percentage. The department
683 may allow for a different group home utilization target for a
684 lead agency with extraordinary barriers to achievement of an 8-
685 percent group home utilization, such as significant challenges
686 in developing an adequate supply of high-quality foster homes or
687 a large number of children whose needs are best met in
688 residential group care. Strategies may include, but need not be
689 limited to, increased recruitment of family foster homes,
690 including homes for children with specific or extraordinary
691 needs for which an adequate supply of homes is lacking;
692 increased use of in-home services which avoid removal; and
693 policies and procedures for identifying the least restrictive,
694 most appropriate placements for children and transitioning them
695 into such placements, when appropriate. However, such strategies
696 must ensure that appropriate residential group care placements
697 are available, particularly in family-style homes, for those
698 children for whom it is the best option. These plans shall be
699 updated annually through January 1, 2022, and submitted to the
700 department.

701 2. The department shall monitor the community-based care
702 lead agencies' achievement of the targets and implementation of

703 the strategies in their individual plans and shall submit an
704 annual report on October 1 of each year, beginning in 2017 and
705 continuing through 2022, evaluating the agencies' progress to
706 the Governor, the President of the Senate, and the Speaker of
707 the House of Representatives.

708 (e) The department may adopt rules to implement this
709 subsection.

710 Section 14. Section 409.996, Florida Statutes, is amended
711 to read:

712 409.996 Duties of the Department of Children and
713 Families.—The department shall contract for the delivery,
714 administration, or management of care for children in the child
715 protection and child welfare system. In doing so, the department
716 retains responsibility to ensure ~~for~~ the quality of contracted
717 services and programs and ~~shall ensure~~ that an adequate array of
718 services are available to be delivered in accordance with
719 applicable federal and state statutes and regulations.

720 (1) The department shall enter into contracts with lead
721 agencies for the performance of the duties by the lead agencies
722 pursuant to s. 409.988. At a minimum, the contracts must:

723 (a) Provide for the services needed to accomplish the
724 duties established in s. 409.988 and provide information to the
725 department which is necessary to meet the requirements for a
726 quality assurance program pursuant to subsection (18) and the
727 child welfare results-oriented accountability system pursuant to
728 s. 409.997.

729 (b) Provide for graduated penalties for failure to comply
730 with contract terms. Such penalties may include financial
731 penalties, enhanced monitoring and reporting, corrective action
732 plans, and early termination of contracts or other appropriate
733 action to ensure contract compliance. The financial penalties
734 shall require a lead agency to reallocate funds from
735 administrative costs to direct care for children.

736 (c) Ensure that the lead agency shall furnish current and
737 accurate information on its activities in all cases in client
738 case records in the state's statewide automated child welfare
739 information system.

740 (d) Specify the procedures to be used by the parties to
741 resolve differences in interpreting the contract or to resolve
742 disputes as to the adequacy of the parties' compliance with
743 their respective obligations under the contract.

744 (2) The department must adopt written policies and
745 procedures for monitoring the contract for delivery of services
746 by lead agencies which must be posted on the department's
747 website. These policies and procedures must, at a minimum,
748 address the evaluation of fiscal accountability and program
749 operations, including provider achievement of performance
750 standards, provider monitoring of subcontractors, and timely
751 followup of corrective actions for significant monitoring
752 findings related to providers and subcontractors. These policies
753 and procedures must also include provisions for reducing the
754 duplication of the department's program monitoring activities

755 both internally and with other agencies, to the extent possible.
756 The department's written procedures must ensure that the written
757 findings, conclusions, and recommendations from monitoring the
758 contract for services of lead agencies are communicated to the
759 director of the provider agency and the community alliance as
760 expeditiously as possible.

761 (3) The department shall receive federal and state funds
762 as appropriated for the operation of the child welfare system,
763 transmit these funds to the lead agencies as agreed to in the
764 contract, and provide information on its website of the
765 distribution of the federal funds. The department retains
766 responsibility for the appropriate spending of these funds. The
767 department shall monitor lead agencies to assess compliance with
768 the financial guidelines established pursuant to s. 409.992 and
769 other applicable state and federal laws.

770 (4) The department shall provide technical assistance and
771 consultation to lead agencies in the provision of care to
772 children in the child protection and child welfare system.

773 (5) The department retains the responsibility for the
774 review, approval or denial, and issuances of all foster home
775 licenses.

776 (6) The department shall process all applications
777 submitted by lead agencies for the Interstate Compact on the
778 Placement of Children and the Interstate Compact on Adoption and
779 Medical Assistance.

780 (7) The department shall assist lead agencies with access

781 to and coordination with other service programs within the
782 department.

783 (8) The department shall determine Medicaid eligibility
784 for all referred children and shall coordinate services with the
785 Agency for Health Care Administration.

786 (9) The department shall develop, in cooperation with the
787 lead agencies, a third-party credentialing entity approved
788 pursuant to s. 402.40(3), and the Florida Institute for Child
789 Welfare established pursuant to s. 1004.615, a standardized
790 competency-based curriculum for certification training for child
791 protection staff.

792 (10) The department shall maintain the statewide adoptions
793 website and provide information and training to the lead
794 agencies relating to the website.

795 (11) The department shall provide training and assistance
796 to lead agencies regarding the responsibility of lead agencies
797 relating to children receiving supplemental security income,
798 social security, railroad retirement, or veterans' benefits.

799 (12) With the assistance of a lead agency, the department
800 shall develop and implement statewide and local interagency
801 agreements needed to coordinate services for children and
802 parents involved in the child welfare system who are also
803 involved with the Agency for Persons with Disabilities, the
804 Department of Juvenile Justice, the Department of Education, the
805 Department of Health, and other governmental organizations that
806 share responsibilities for children or parents in the child

807 welfare system.

808 (13) With the assistance of a lead agency, the department
809 shall develop and implement a working agreement between the lead
810 agency and the substance abuse and mental health managing entity
811 to integrate services and supports for children and parents
812 serviced in the child welfare system.

813 (14) The department shall work with the Agency for Health
814 Care Administration to provide each Medicaid-eligible child with
815 early and periodic screening, diagnosis, and treatment,
816 including 72-hour screening, periodic child health checkups, and
817 prescribed followup for ordered services, including, but not
818 limited to, medical, dental, and vision care.

819 (15) The department shall assist lead agencies in
820 developing an array of services in compliance with the Title IV-
821 E waiver and shall monitor the provision of such services.

822 (16) The department shall provide a mechanism to allow
823 lead agencies to request a waiver of department policies and
824 procedures that create inefficiencies or inhibit the performance
825 of the lead agency's duties.

826 (17) The department shall directly or through contract
827 provide attorneys to prepare and present cases in dependency
828 court and shall ensure that the court is provided with adequate
829 information for informed decisionmaking in dependency cases,
830 including a face sheet for each case which lists the names and
831 contact information for any child protective investigator, child
832 protective investigation supervisor, case manager, and case

833 manager supervisor, and the regional department official
834 responsible for the lead agency contract. The department shall
835 provide to the court the case information and recommendations
836 provided by the lead agency or subcontractor. For the Sixth
837 Judicial Circuit, the department shall contract with the state
838 attorney for the provision of these services.

839 (18) The department, in consultation with lead agencies,
840 shall establish a quality assurance program for contracted
841 services to dependent children. The quality assurance program
842 shall be based on standards established by federal and state law
843 and national accrediting organizations.

844 (a) The department must evaluate each lead agency under
845 contract at least annually. These evaluations shall cover the
846 programmatic, operational, and fiscal operations of the lead
847 agency and must be consistent with the child welfare results-
848 oriented accountability system required by s. 409.997. The
849 department must consult with dependency judges in the circuit or
850 circuits served by the lead agency on the performance of the
851 lead agency.

852 (b) The department and each lead agency shall monitor out-
853 of-home placements, including:

854 1. The extent to which sibling groups are placed together
855 or provisions to provide visitation and other contacts if
856 siblings are separated. The data shall identify reasons for
857 sibling separation. Information related to sibling placement
858 shall be incorporated into the results-oriented accountability

859 system required pursuant to s. 409.997 and into the evaluation
860 of the outcome specified in s. 409.986(2)(e). The information
861 related to sibling placement shall also be made available to the
862 institute established pursuant s. 1004.615 for use in assessing
863 the performance of child welfare services in relation to the
864 outcome specified in s. 409.986(2)(e).

865 2. The extent to which residential group care is used as a
866 placement option. The data shall differentiate between the use
867 of shift-model group care and family-style group care
868 placements, reasons for placement in residential group care, and
869 strategies to transition children into less restrictive family-
870 like settings. Information related to residential group care
871 shall be incorporated into the results-oriented accountability
872 system required pursuant to s. 409.997 and shall be made
873 available to the institute established pursuant to s. 1004.615.

874 (c) The department shall, to the extent possible, use
875 independent financial audits provided by the lead agency to
876 eliminate or reduce the ongoing contract and administrative
877 reviews conducted by the department. If the department
878 determines that such independent financial audits are
879 inadequate, other audits, as necessary, may be conducted by the
880 department. This paragraph does not abrogate the requirements of
881 s. 215.97.

882 (d) The department may suggest additional items to be
883 included in such independent financial audits to meet the
884 department's needs.

885 (e) The department may outsource programmatic,
886 administrative, or fiscal monitoring oversight of lead agencies.

887 (f) A lead agency must assure that all subcontractors are
888 subject to the same quality assurance activities as the lead
889 agency.

890 (19) The department and its attorneys have the
891 responsibility to ensure that the court is fully informed about
892 issues before it, to make recommendations to the court, and to
893 present competent evidence, including testimony by the
894 department's employees, contractors, and subcontractors, as well
895 as other individuals, to support all recommendations made to the
896 court. The department's attorneys shall coordinate lead agency
897 or subcontractor staff to ensure that dependency cases are
898 presented appropriately to the court, giving consideration to
899 the information developed by the case manager and direction to
900 the case manager if more information is needed.

901 (20) The department, in consultation with lead agencies,
902 shall develop a dispute resolution process so that disagreements
903 between legal staff, investigators, and case management staff
904 can be resolved in the best interest of the child in question
905 before court appearances regarding that child.

906 (21) The department shall periodically, and before
907 procuring a lead agency, solicit comments and recommendations
908 from the community alliance established in s. 20.19(5), any
909 other community groups, or public hearings. The recommendations
910 must include, but are not limited to:

911 (a) The current and past performance of a lead agency.

912 (b) The relationship between a lead agency and its
913 community partners.

914 (c) Any local conditions or service needs in child
915 protection and child welfare.

916 (22) By June 30, 2017, the department shall develop, in
917 collaboration with lead agencies, service providers, and other
918 community stakeholders, a statewide quality rating system for
919 providers of residential group care and foster homes. This
920 system must promote high quality in services and accommodations
921 by creating measureable minimum quality standards that providers
922 must meet to contract with the lead agencies and that foster
923 homes must meet to receive placements. Domains addressed by a
924 quality rating system for residential group care may include,
925 but not be limited to, admissions, service planning and
926 treatment planning, living environment, and program and service
927 requirements. The system must be implemented by July 1, 2018.

928 (a) The rating system shall include:

929 1. Delineated levels of quality that are clearly and
930 concisely defined, including the domains measured and criteria
931 that must be met to be placed in each level;

932 2. The number of residential group care staff and foster
933 home parents who have received child welfare certification
934 pursuant to s. 402.40;

935 3. Contractual incentives for achieving and maintaining
936 higher levels of quality; and

937 4. A well-defined process for notice, inspection,
938 remediation, appeal, and enforcement.

939 (b) The department shall submit a report to the Governor,
940 the President of the Senate, and the Speaker of the House of
941 Representatives by October 1 of each year, with the first report
942 due October 1, 2016. The report must include an update on the
943 development of a statewide quality rating system for residential
944 group care, and in 2018 and subsequent years, a list of
945 providers meeting minimum quality standards and their quality
946 ratings; the percentage of children placed in residential group
947 care with highly rated providers; any negative actions taken
948 against contracted providers for not meeting minimum quality
949 standards; and a plan for department oversight of the
950 implementation of the statewide quality rating system for
951 residential group care by the community-based lead agencies.

952 Section 15. Subsection (52) of section 39.01, Florida
953 Statutes, is amended to read:

954 39.01 Definitions.—When used in this chapter, unless the
955 context otherwise requires:

956 (52) "Permanency goal" means the living arrangement
957 identified for the child to return to or identified as the
958 permanent living arrangement of the child. ~~Permanency goals~~
959 ~~applicable under this chapter, listed in order of preference,~~
960 ~~are:~~

961 ~~(a) Reunification;~~

962 ~~(b) Adoption when a petition for termination of parental~~

963 ~~rights has been or will be filed;~~

964 ~~(c) Permanent guardianship of a dependent child under s.~~
 965 ~~39.6221;~~

966 ~~(d) Permanent placement with a fit and willing relative~~
 967 ~~under s. 39.6231; or~~

968 ~~(e) Placement in another planned permanent living~~
 969 ~~arrangement under s. 39.6241.~~

970

971 The permanency goal is also the case plan goal. If concurrent
 972 case planning is being used, reunification may be pursued at the
 973 same time that another permanency goal is pursued.

974 Section 16. Paragraph (s) of subsection (2) of section
 975 39.202, Florida Statutes, is amended to read:

976 39.202 Confidentiality of reports and records in cases of
 977 child abuse or neglect.—

978 (2) Except as provided in subsection (4), access to such
 979 records, excluding the name of the reporter which shall be
 980 released only as provided in subsection (5), shall be granted
 981 only to the following persons, officials, and agencies:

982 (s) Persons with whom the department is seeking to place
 983 the child or to whom placement has been granted, including
 984 foster parents for whom an approved home study has been
 985 conducted, the designee of a licensed residential child-caring
 986 agency defined in s. 409.175 ~~group home described in s. 39.523,~~
 987 an approved relative or nonrelative with whom a child is placed
 988 pursuant to s. 39.402, preadoptive parents for whom a favorable

989 preliminary adoptive home study has been conducted, adoptive
990 parents, or an adoption entity acting on behalf of preadoptive
991 or adoptive parents.

992 Section 17. Paragraph (a) of subsection (2) of section
993 39.5085, Florida Statutes, is amended to read:

994 39.5085 Relative Caregiver Program.—

995 (2) (a) The Department of Children and Families shall
996 establish and operate the Relative Caregiver Program pursuant to
997 eligibility guidelines established in this section as further
998 implemented by rule of the department. The Relative Caregiver
999 Program shall, within the limits of available funding, provide
1000 financial assistance to:

1001 1. Relatives who are within the fifth degree by blood or
1002 marriage to the parent or stepparent of a child and who are
1003 caring full-time for that dependent child in the role of
1004 substitute parent as a result of a court's determination of
1005 child abuse, neglect, or abandonment and subsequent placement
1006 with the relative under this chapter.

1007 2. Relatives who are within the fifth degree by blood or
1008 marriage to the parent or stepparent of a child and who are
1009 caring full-time for that dependent child, and a dependent half-
1010 brother or half-sister of that dependent child, in the role of
1011 substitute parent as a result of a court's determination of
1012 child abuse, neglect, or abandonment and subsequent placement
1013 with the relative under this chapter.

1014 3. Nonrelatives who are willing to assume custody and care

1015 of a dependent child in the role of substitute parent as a
 1016 result of a court's determination of child abuse, neglect, or
 1017 abandonment and subsequent placement with the nonrelative
 1018 caregiver under this chapter. The court must find that a
 1019 proposed placement under this subparagraph is in the best
 1020 interest of the child.

1021
 1022 The placement may be court-ordered temporary legal custody to
 1023 the relative or nonrelative under protective supervision of the
 1024 department pursuant to s. 39.521(1)(c)3. ~~39.521(1)(b)3.~~, or
 1025 court-ordered placement in the home of a relative or nonrelative
 1026 as a permanency option under s. 39.6221 or s. 39.6231 or under
 1027 former s. 39.622 if the placement was made before July 1, 2006.
 1028 The Relative Caregiver Program shall offer financial assistance
 1029 to caregivers who would be unable to serve in that capacity
 1030 without the caregiver payment because of financial burden, thus
 1031 exposing the child to the trauma of placement in a shelter or in
 1032 foster care.

1033 Section 18. Subsection (11) of section 1002.3305, Florida
 1034 Statutes, is amended to read:

1035 1002.3305 College-Preparatory Boarding Academy Pilot
 1036 Program for at-risk students.—

1037 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
 1038 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
 1039 operator may house and educate dependent, at-risk youth in its
 1040 residential school for the purpose of facilitating the mission

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1041 of the program and encouraging innovative practices.

1042 Section 19. Section 39.523, Florida Statutes, is repealed.

1043 Section 20. Section 409.141, Florida Statutes, is

1044 repealed.

1045 Section 21. Section 409.1676, Florida Statutes, is

1046 repealed.

1047 Section 22. Section 409.1677, Florida Statutes, is

1048 repealed.

1049 Section 23. Section 409.1679, Florida Statutes, is

1050 repealed.

1051 Section 24. This act shall take effect July 1, 2016.