

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.; revising information that the Department of
9 Children and Families is required to inform the court
10 of 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.; providing that a child of a certain age must be
16 given the opportunity to be consulted on the creation
17 of the case plan; providing for the child to select
18 certain case planning team members and review, sign,
19 and receive a copy of his or her case plan; amending
20 s. 39.6035, F.S.; requiring court approval of a
21 transition plan before the child's 18th birthday;
22 amending s. 39.621, F.S.; creating an exception to the
23 order of preference for permanency goals under chapter
24 39, F.S., for maintaining and strengthening the
25 placement; authorizing the new permanency goal to be
26 used in specified circumstances; amending s. 39.701,

27 F.S.; revising the information which must be included
28 in a specified written report under certain
29 circumstances; revising what must be found to maintain
30 or return a child to his or her home; amending s.
31 409.1451, F.S.; requiring that a child be living in
32 licensed care on or after his or her 18th birthday as
33 a condition for receiving aftercare services; amending
34 s. 409.986, F.S.; revising the definition of the term
35 "care" to include intervention services; amending s.
36 409.988, F.S.; requiring a continuum of care;
37 requiring specified intervention services; requiring
38 the establishment of permanency teams for certain
39 children; authorizing the department to adopt rules;
40 requiring out-of-home care utilization plans by lead
41 agencies; requiring department tracking of lead agency
42 plans; requiring a report to the Governor and
43 Legislature; amending s. 409.996, F.S.; requiring the
44 department to ensure and develop an adequate array of
45 services; requiring the development of a statewide
46 quality rating system; requiring a report to the
47 Governor and Legislature; amending s. 39.01, F.S.;
48 revising definition of the term "permanency goal";
49 amending s. 39.202, F.S.; changing the designation of
50 an entity; amending ss. 39.5085 and 1002.3305, F.S.;
51 conforming cross-references; repealing s. 39.523,
52 F.S., relating to the placement of children in

53 residential group care; repealing s. 409.141, F.S.,
54 relating to equitable reimbursement methodology;
55 repealing s. 409.1676, F.S., relating to comprehensive
56 residential group care services to children who have
57 extraordinary needs; repealing s. 409.1677, F.S.,
58 relating to model comprehensive residential services
59 programs; repealing s. 409.1679, F.S., relating to
60 program requirements and reimbursement methodology;
61 providing an effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. Subsection (2) of section 39.013, Florida
66 Statutes, is amended to read:

67 39.013 Procedures and jurisdiction; right to counsel.—

68 (2) The circuit court has exclusive original jurisdiction
69 of all proceedings under this chapter, of a child voluntarily
70 placed with a licensed child-caring agency, a licensed child-
71 placing agency, or the department, and of the adoption of
72 children whose parental rights have been terminated under this
73 chapter. Jurisdiction attaches when the initial shelter
74 petition, dependency petition, or termination of parental rights
75 petition, or a petition for an injunction to prevent child abuse
76 issued pursuant to s. 39.504, is filed or when a child is taken
77 into the custody of the department. The circuit court may assume
78 jurisdiction over any such proceeding regardless of whether the

79 | child was in the physical custody of both parents, was in the
80 | sole legal or physical custody of only one parent, caregiver, or
81 | some other person, or was not in the physical or legal custody
82 | of any person when the event or condition occurred that brought
83 | the child to the attention of the court. When the court obtains
84 | jurisdiction of any child who has been found to be dependent,
85 | the court shall retain jurisdiction, unless relinquished by its
86 | order, until the child reaches 21 years of age, or 22 years of
87 | age if the child has a disability, with the following
88 | exceptions:

89 | (a) If a young adult chooses to leave foster care upon
90 | reaching 18 years of age.

91 | (b) If a young adult does not meet the eligibility
92 | requirements to remain in foster care under s. 39.6251 or
93 | chooses to leave care under that section.

94 | (c) If a young adult petitions the court at any time
95 | before his or her 19th birthday requesting the court's continued
96 | jurisdiction, the juvenile court may retain jurisdiction under
97 | this chapter for a period not to exceed 1 year following the
98 | young adult's 18th birthday for the purpose of determining
99 | whether appropriate services that were required to be provided
100 | to the young adult before reaching 18 years of age have been
101 | provided.

102 | (d) If a petition for special immigrant juvenile status
103 | and an application for adjustment of status have been filed on
104 | behalf of a foster child and the petition and application have

105 not been granted by the time the child reaches 18 years of age,
 106 the court may retain jurisdiction over the dependency case
 107 solely for the purpose of allowing the continued consideration
 108 of the petition and application by federal authorities. Review
 109 hearings for the child shall be set solely for the purpose of
 110 determining the status of the petition and application. The
 111 court's jurisdiction terminates upon the final decision of the
 112 federal authorities. Retention of jurisdiction in this instance
 113 does not affect the services available to a young adult under s.
 114 409.1451. The court may not retain jurisdiction of the case
 115 after the immigrant child's 22nd birthday.

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

118 39.2015 Critical incident rapid response team.—

119 (11) The secretary shall appoint an advisory committee
 120 made up of experts in child protection and child welfare,
 121 including the Statewide Medical Director for Child Protection
 122 under the Department of Health, a representative from the
 123 institute established pursuant to s. 1004.615, an expert in
 124 organizational management, and an attorney with experience in
 125 child welfare, to conduct an independent review of investigative
 126 reports from the critical incident rapid response teams and to
 127 make recommendations to improve policies and practices related
 128 to child protection and child welfare services. The advisory
 129 committee shall meet at least once each quarter and shall submit
 130 quarterly reports to the secretary. The quarterly reports shall

131 ~~which~~ include findings and recommendations and shall describe
 132 the implementation status of all recommendations contained
 133 within the advisory committee reports, including an entity's
 134 reason for not implementing a recommendation, if applicable. The
 135 secretary shall submit each report to the Governor, the
 136 President of the Senate, and the Speaker of the House of
 137 Representatives.

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

140 39.402 Placement in a shelter.-

141 (8)

142 (f) At the shelter hearing, the department shall inform
 143 the court of:

144 1. Any identified current or previous case plans
 145 negotiated under this chapter in any judicial circuit ~~district~~
 146 with the parents or caregivers ~~under this chapter~~ and problems
 147 associated with compliance;

148 2. Any adjudication of the parents or caregivers of
 149 delinquency;

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

152 4. All of the child's places of residence during the prior
 153 12 months.

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

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

159 2. That placement in shelter care is in the best interest
160 of the child.

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

166 4. That based upon the allegations of the petition for
167 placement in shelter care, there is probable cause to believe
168 that the child is dependent or that the court needs additional
169 time, which may not exceed 72 hours, in which to obtain and
170 review documents pertaining to the family in order to
171 appropriately determine whether placement in shelter care is
172 necessary to ensure the child's safety ~~the risk to the child~~.

173 5. That the department has made reasonable efforts to
174 prevent or eliminate the need for removal of the child from the
175 home. A finding of reasonable effort by the department to
176 prevent or eliminate the need for removal may be made and the
177 department is deemed to have made reasonable efforts to prevent
178 or eliminate the need for removal if:

179 a. The first contact of the department with the family
180 occurs during an emergency;

181 b. The appraisal of the home situation by the department
182 indicates that the home situation presents a substantial and

183 immediate danger to the child's physical, mental, or emotional
184 health or safety which cannot be mitigated by the provision of
185 safety management preventive services, including issuance of an
186 injunction against a perpetrator of domestic violence pursuant
187 to s. 39.504;

188 c. The child cannot safely remain at home, either because
189 there are no safety management preventive services, under s.
190 409.988(3)(b), that can ensure the health and safety of the
191 child or because, even with appropriate and available services
192 being provided, the health and safety of the child cannot be
193 ensured; or

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

197 6. That the department has made reasonable efforts to keep
198 siblings together if they are removed and placed in out-of-home
199 care unless such placement is not in the best interest of each
200 child. It is preferred that siblings be kept together in a
201 foster home, if available. Other reasonable efforts shall
202 include short-term placement in a group home with the ability to
203 accommodate sibling groups if such a placement is available. The
204 department shall report to the court its efforts to place
205 siblings together unless the court finds that such placement is
206 not in the best interest of a child or his or her sibling.

207 7. That the court notified the parents, relatives that are
208 providing out-of-home care for the child, or legal custodians of

209 the time, date, and location of the next dependency hearing and
210 of the importance of the active participation of the parents,
211 relatives that are providing out-of-home care for the child, or
212 legal custodians in all proceedings and hearings.

213 8. That the court notified the parents or legal custodians
214 of their right to counsel to represent them at the shelter
215 hearing and at each subsequent hearing or proceeding, and the
216 right of the parents to appointed counsel, pursuant to the
217 procedures set forth in s. 39.013.

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

223 Section 4. Paragraph (a) of subsection (1) of section
224 39.521, Florida Statutes, is amended, paragraphs (b) through (f)
225 are redesignated as paragraphs (c) through (g), respectively,
226 and a new paragraph (b) is added to that subsection, to read:

227 39.521 Disposition hearings; powers of disposition.—

228 (1) A disposition hearing shall be conducted by the court,
229 if the court finds that the facts alleged in the petition for
230 dependency were proven in the adjudicatory hearing, or if the
231 parents or legal custodians have consented to the finding of
232 dependency or admitted the allegations in the petition, have
233 failed to appear for the arraignment hearing after proper
234 notice, or have not been located despite a diligent search

235 having been conducted.

236 (a) A written case plan and a predisposition study
237 prepared by an authorized agent of the department must be
238 approved by the court. The department must file the case plan
239 and predisposition study ~~filed~~ with the court, serve them ~~served~~
240 upon the parents of the child, and provide them ~~provided~~ to the
241 representative of the guardian ad litem program, if the program
242 has been appointed, and ~~provided~~ to all other parties:

243 1. Not less than 72 hours before the disposition hearing,
244 if the disposition hearing occurs on or after 60 days after the
245 child was placed in out-of-home care ~~All such case plans must be~~
246 ~~approved by the court.~~

247 2. Not less than 72 hours before the case plan acceptance
248 hearing, if the disposition hearing occurs prior to 60 days
249 after the child was placed in out-of-home care and a case plan
250 was not submitted pursuant to this paragraph or ~~If the court~~
251 ~~does not approve the case plan at the disposition hearing.~~ The
252 case plan acceptance hearing must occur within 30 days after the
253 disposition hearing, ~~the court must set a hearing within 30 days~~
254 ~~after the disposition hearing to review and approve the case~~
255 ~~plan.~~

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

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

263 39.522 Postdisposition change of custody.—The court may
 264 change the temporary legal custody or the conditions of
 265 protective supervision at a postdisposition hearing, without the
 266 necessity of another adjudicatory hearing.

267 (2) In cases where the issue before the court is whether a
 268 child should be reunited with a parent, the court shall
 269 determine whether the circumstances that caused the out-of-home
 270 placement and issues subsequently identified have been remedied
 271 ~~parent has substantially complied with the terms of the case~~
 272 ~~plan~~ to the extent that the return of the child to the home with
 273 an in-home safety plan will not be detrimental to the child's
 274 safety, well-being, and physical, mental, and emotional health
 275 ~~of the child is not endangered by the return of the child to the~~
 276 ~~home.~~

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

281 39.6011 Case plan development.—

282 (1) The department shall prepare a draft of the case plan
 283 for each child receiving services under this chapter. A parent
 284 of a child may not be threatened or coerced with the loss of
 285 custody or parental rights for failing to admit in the case plan
 286 of abusing, neglecting, or abandoning a child. Participating in

287 the development of a case plan is not an admission to any
288 allegation of abuse, abandonment, or neglect, and it is not a
289 consent to a finding of dependency or termination of parental
290 rights. The case plan shall be developed subject to the
291 following requirements:

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

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

299 a. An individual selected by a child to be a member of the
300 case planning team may be rejected at any time if there is good
301 cause to believe that the individual would not act in the best
302 interest of the child. One individual selected by a child to be
303 a member of the child's case planning team may be designated to
304 be the child's advisor and, as necessary, advocate, with respect
305 to the application of the reasonable and prudent parent standard
306 to the child.

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

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

313 3. Receive an explanation of the provisions of the case
 314 plan from the department.

315 4. Be provided a copy of the case plan after the case plan
 316 has been agreed upon and signed and within 72 hours before the
 317 disposition hearing after jurisdiction attaches and the plan has
 318 been filed with the court.

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

321 39.6035 Transition plan.—

322 ~~(4) If a child is planning to leave care upon reaching 18~~
 323 ~~years of age,~~ The transition plan must be approved by the court
 324 before the child's 18th birthday and must be attached to the
 325 case plan and updated before each judicial review ~~child leaves~~
 326 ~~care and the court terminates jurisdiction.~~

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

331 39.621 Permanency determination by the court.—

332 (2) The permanency goal of maintaining and strengthening
 333 the placement with a parent may be used in the following
 334 circumstances:

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

339 (b) If a child has been removed from a parent and is
 340 placed with the parent from whom the child was not removed, the
 341 court may leave the child in the placement with the parent from
 342 whom the child was not removed with maintaining and
 343 strengthening the placement as a permanency option.

344 (c) If a child has been removed from a parent and is
 345 subsequently reunified with that parent, the court may leave the
 346 child with that parent with maintaining and strengthening the
 347 placement as a permanency option.

348 ~~(3)-(2)~~ Except as provided in subsection (2), the
 349 permanency goals available under this chapter, listed in order
 350 of preference, are:

- 351 (a) Reunification;
- 352 (b) Adoption, if a petition for termination of parental
 353 rights has been or will be filed;
- 354 (c) Permanent guardianship of a dependent child under s.
 355 39.6221;
- 356 (d) Permanent placement with a fit and willing relative
 357 under s. 39.6231; or
- 358 (e) Placement in another planned permanent living
 359 arrangement under s. 39.6241.

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

362 39.701 Judicial review.—

363 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 364 AGE.—

365 (a) Social study report for judicial review.—Before every
366 judicial review hearing or citizen review panel hearing, the
367 social service agency shall make an investigation and social
368 study concerning all pertinent details relating to the child and
369 shall furnish to the court or citizen review panel a written
370 report that includes, but is not limited to:

371 1. A description of the type of placement the child is in
372 at the time of the hearing, including the safety of the child,
373 ~~and the continuing necessity for and appropriateness of the~~
374 placement, and that the placement is the least restrictive and
375 family-like setting available that meets the needs of the child,
376 or an explanation as to why the placement is not the least
377 restrictive and family-like setting available that meets the
378 needs of the child.

379 2. Documentation of the diligent efforts made by all
380 parties to the case plan to comply with each applicable
381 provision of the plan.

382 3. The amount of fees assessed and collected during the
383 period of time being reported.

384 4. The services provided to the foster family or legal
385 custodian in an effort to address the needs of the child as
386 indicated in the case plan.

387 5. A statement that either:

388 a. The parent, though able to do so, did not comply
389 substantially with the case plan, and the agency
390 recommendations;

391 b. The parent did substantially comply with the case plan;
392 or

393 c. The parent has partially complied with the case plan,
394 with a summary of additional progress needed and the agency
395 recommendations.

396 6. A statement concerning whether the circumstances that
397 caused the out-of-home placement and issues subsequently
398 identified have been remedied to the extent that the return of
399 the child to the home with an in-home safety plan will not be
400 detrimental to the child's safety, well-being, and physical,
401 mental, and emotional health.

402 ~~7.6.~~ A statement from the foster parent or legal custodian
403 providing any material evidence concerning the return of the
404 child to the parent or parents.

405 ~~8.7.~~ A statement concerning the frequency, duration, and
406 results of the parent-child visitation, if any, and the agency
407 recommendations for an expansion or restriction of future
408 visitation.

409 ~~9.8.~~ The number of times a child has been removed from his
410 or her home and placed elsewhere, the number and types of
411 placements that have occurred, and the reason for the changes in
412 placement.

413 ~~10.9.~~ The number of times a child's educational placement
414 has been changed, the number and types of educational placements
415 which have occurred, and the reason for any change in placement.

416 ~~11.10.~~ If the child has reached 13 years of age but is not

417 yet 18 years of age, a statement from the caregiver on the
418 progress the child has made in acquiring independent living
419 skills.

420 ~~12.11.~~ Copies of all medical, psychological, and
421 educational records that support the terms of the case plan and
422 that have been produced concerning the parents or any caregiver
423 since the last judicial review hearing.

424 ~~13.12.~~ Copies of the child's current health, mental
425 health, and education records as identified in s. 39.6012.

426 (d) Orders.—

427 1. Based upon the criteria ~~set forth~~ in paragraph (c) and
428 the recommended order of the citizen review panel, if any, the
429 court shall determine whether ~~or not~~ the social service agency
430 shall initiate proceedings to have a child declared a dependent
431 child, return the child to the parent, continue the child in
432 out-of-home care for a specified period of time, or initiate
433 termination of parental rights proceedings for subsequent
434 placement in an adoptive home. Amendments to the case plan must
435 be prepared as prescribed in s. 39.6013. If the court finds that
436 remaining in the home with an in-home safety plan will not be
437 detrimental to the child's safety, well-being, and physical,
438 mental, and emotional health ~~the prevention or reunification~~
439 ~~efforts of the department will allow the child to remain safely~~
440 ~~at home or be safely returned to the home,~~ the court shall allow
441 the child to remain in ~~or return to~~ the home after making a
442 specific finding of fact that the reasons for the creation of

443 ~~the case plan have been remedied to the extent that the child's~~
444 ~~safety, well-being, and physical, mental, and emotional health~~
445 ~~will not be endangered.~~

446 2. The court shall return the child to the custody of the
447 parents at any time it determines that the circumstances that
448 caused the out-of-home placement and issues subsequently
449 identified have been remedied to the extent that the return of
450 the child to the home with an in-home safety plan ~~they have~~
451 ~~substantially complied with the case plan, if the court is~~
452 ~~satisfied that reunification~~ will not be detrimental to the
453 child's safety, well-being, and physical, mental, and emotional
454 health.

455 3. If, in the opinion of the court, the social service
456 agency has not complied with its obligations as specified in the
457 written case plan, the court may find the social service agency
458 in contempt, shall order the social service agency to submit its
459 plans for compliance with the agreement, and shall require the
460 social service agency to show why the child could not safely be
461 returned to the home of the parents.

462 4. If, at any judicial review, the court finds that the
463 parents have failed to substantially comply with the case plan
464 to the degree that further reunification efforts are without
465 merit and not in the best interest of the child, on its own
466 motion, the court may order the filing of a petition for
467 termination of parental rights, whether or not the time period
468 as contained in the case plan for substantial compliance has

469 expired.

470 5. Within 6 months after the date that the child was
471 placed in shelter care, the court shall conduct a judicial
472 review hearing to review the child's permanency goal as
473 identified in the case plan. At the hearing the court shall make
474 findings regarding the likelihood of the child's reunification
475 with the parent or legal custodian within 12 months after the
476 removal of the child from the home. If the court makes a written
477 finding that it is not likely that the child will be reunified
478 with the parent or legal custodian within 12 months after the
479 child was removed from the home, the department must file with
480 the court, and serve on all parties, a motion to amend the case
481 plan under s. 39.6013 and declare that it will use concurrent
482 planning for the case plan. The department must file the motion
483 within 10 business days after receiving the written finding of
484 the court. The department must attach the proposed amended case
485 plan to the motion. If concurrent planning is already being
486 used, the case plan must document the efforts the department is
487 taking to complete the concurrent goal.

488 6. The court may issue a protective order in assistance,
489 or as a condition, of any other order made under this part. In
490 addition to the requirements included in the case plan, the
491 protective order may set forth requirements relating to
492 reasonable conditions of behavior to be observed for a specified
493 period of time by a person or agency who is before the court;
494 and the order may require any person or agency to make periodic

495 reports to the court containing such information as the court in
 496 its discretion may prescribe.

497 Section 10. Paragraph (a) of subsection (3) of section
 498 409.1451, Florida Statutes, is amended to read:

499 409.1451 The Road-to-Independence Program.—

500 (3) AFTERCARE SERVICES.—

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

504 1. Not in foster care.

505 2. Temporarily not receiving financial assistance under
 506 subsection (2) to pursue postsecondary education.

507 Section 11. Paragraph (a) of subsection (3) of section
 508 409.986, Florida Statutes, is amended to read:

509 409.986 Legislative findings and intent; child protection
 510 and child welfare outcomes; definitions.—

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

513 (a) "Care" means services of any kind which are designed
 514 to facilitate a child remaining safely in his or her own home,
 515 returning safely to his or her own home if he or she is removed
 516 from the home, or obtaining an alternative permanent home if he
 517 or she cannot remain at home or be returned home. The term
 518 includes, but is not limited to, prevention, intervention,
 519 diversion, and related services.

520 Section 12. Subsection (3) of section 409.988, Florida

521 Statutes, is amended to read:

522 409.988 Lead agency duties; general provisions.—

523 (3) SERVICES.—Lead agencies shall make available a
524 continuum of care, meaning a range of services, programs, and
525 placement options meeting the varied needs of children served
526 by, or at risk of being served by, the dependency system. Such
527 services may be provided by the lead agency or its
528 subcontractors, through referral to another organization, or
529 through other effective means. The department shall specify the
530 minimum services that must be available in a lead agency's
531 continuum of care through contract.

532 (a) A lead agency must provide dependent children with
533 services that are supported by research or that are recognized
534 as best practices in the child welfare field. The agency shall
535 give priority to the use of services that are evidence-based and
536 trauma-informed and may also provide other innovative services,
537 including, but not limited to, family-centered and cognitive-
538 behavioral interventions designed to mitigate out-of-home
539 placements.

540 (b) Intervention services shall be made available to a
541 child and the parent of a child who is unsafe but can, with
542 services, remain in his or her home, or a child who is placed
543 out-of-home and to the nonmaltreating parent or relative or
544 nonrelative caregivers with whom an unsafe child is placed.
545 Intervention services and supports include:

546 1. Safety management services provided to an unsafe child

547 as part of a safety plan which immediately and actively protects
548 the child from dangerous threats if the parent or other
549 caregiver cannot, including, but not limited to, behavior
550 management, crisis management, social connection, resource
551 support, and separation;

552 2. Treatment services provided to a parent or caregiver
553 that are used to achieve fundamental change in behavioral,
554 cognitive, and emotional functioning associated with the reason
555 that the child is unsafe, including, but not limited to,
556 parenting skills training, support groups, counseling, substance
557 abuse treatment, mental and behavioral health services, and
558 certified domestic violence center services for survivors of
559 domestic violence and their children, and batterers'
560 intervention programs that comply with s. 741.325 and other
561 intervention services for perpetrators of domestic violence.

562 3. Child well-being services provided to an unsafe child
563 that address a child's physical, emotional, developmental, and
564 educational needs, including, but not limited to, behavioral
565 health services, substance abuse treatment, tutoring,
566 counseling, and peer support; and

567 4. Services provided to nonmaltreating parents or relative
568 or nonrelative caregivers to stabilize the child's placement,
569 including, but not limited to, transportation, clothing,
570 household goods, assistance with housing and utility payments,
571 child care, respite care, and assistance connecting families
572 with other community-based services.

573 (c) The department or community-based care lead agency
574 that places children pursuant to this section shall establish
575 permanency teams dedicated to permanency for children placed in
576 residential group care. The permanency team shall convene a
577 multidisciplinary staffing every 180 calendar days, to coincide
578 with the judicial review, to reassess the appropriateness of the
579 child's current placement and services. At a minimum, the
580 staffing shall be attended by the community-based care lead
581 agency, the caseworker for the child, the guardian ad litem, any
582 other agency or provider of services for the child, and a
583 representative of the residential group care provider. The
584 multidisciplinary staffing shall consider, at a minimum, the
585 current level of the child's functioning, whether recommended
586 services are being provided effectively, any services that would
587 enable transition to a less restrictive family-like setting, and
588 diligent search efforts to find other permanent living
589 arrangements for the child.

590 (d)1. By January 1, 2017, the lead agencies shall develop
591 plans for the management of out-of-home-care utilization for the
592 children they serve to ensure that a sufficient number of
593 quality placements exist so that each child may be placed in the
594 most appropriate setting. The plans shall include strategies,
595 action steps, timeframes, and performance measures. Strategies
596 may include, but not be limited to, increased recruitment of
597 family foster homes, including homes for children with specific
598 or extraordinary needs for which an adequate supply of homes is

599 lacking; increased use of in-home services which avoid removal;
600 and policies and procedures for identifying the least
601 restrictive, most appropriate placements for children and
602 transitioning them into such placements; effective
603 implementation of the foster home and residential group care
604 quality rating system; and working with group homes to provide
605 more specialized services to better meet the needs of specific
606 groups of children. The Florida Institute for Child Welfare
607 shall provide support and information as necessary to ensure
608 that effective strategies are selected for inclusion in the
609 plans. However, such strategies must ensure that residential
610 group care placements be available, particularly in family-style
611 homes and in high-quality shift care homes, for those children
612 for whom it is the most appropriate placement. These plans shall
613 be updated annually through January 1, 2022, and submitted to
614 the department.

615 2. The department shall annually by October 1, beginning
616 in 2017 and continuing through 2022, provide a report on lead
617 agencies' implementation of their plans to the Governor, the
618 President of the Senate, and the Speaker of the House of
619 Representatives.

620 (d) The department may adopt rules to implement this
621 section.

622 Section 13. Section 409.996, Florida Statutes, is amended,
623 to read:

624 409.996 Duties of the Department of Children and

625 Families.—The department shall contract for the delivery,
626 administration, or management of care for children in the child
627 protection and child welfare system. In doing so, the department
628 retains responsibility to ensure ~~for~~ the quality of contracted
629 services and programs and ~~shall ensure~~ that an adequate array of
630 services are available to be delivered in accordance with
631 applicable federal and state statutes and regulations.

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

635 (a) Provide for the services needed to accomplish the
636 duties established in s. 409.988 and provide information to the
637 department which is necessary to meet the requirements for a
638 quality assurance program pursuant to subsection (18) and the
639 child welfare results-oriented accountability system pursuant to
640 s. 409.997.

641 (b) Provide for graduated penalties for failure to comply
642 with contract terms. Such penalties may include financial
643 penalties, enhanced monitoring and reporting, corrective action
644 plans, and early termination of contracts or other appropriate
645 action to ensure contract compliance. The financial penalties
646 shall require a lead agency to reallocate funds from
647 administrative costs to direct care for children.

648 (c) Ensure that the lead agency shall furnish current and
649 accurate information on its activities in all cases in client
650 case records in the state's statewide automated child welfare

651 information system.

652 (d) Specify the procedures to be used by the parties to
653 resolve differences in interpreting the contract or to resolve
654 disputes as to the adequacy of the parties' compliance with
655 their respective obligations under the contract.

656 (2) The department must adopt written policies and
657 procedures for monitoring the contract for delivery of services
658 by lead agencies which must be posted on the department's
659 website. These policies and procedures must, at a minimum,
660 address the evaluation of fiscal accountability and program
661 operations, including provider achievement of performance
662 standards, provider monitoring of subcontractors, and timely
663 followup of corrective actions for significant monitoring
664 findings related to providers and subcontractors. These policies
665 and procedures must also include provisions for reducing the
666 duplication of the department's program monitoring activities
667 both internally and with other agencies, to the extent possible.
668 The department's written procedures must ensure that the written
669 findings, conclusions, and recommendations from monitoring the
670 contract for services of lead agencies are communicated to the
671 director of the provider agency and the community alliance as
672 expeditiously as possible.

673 (3) The department shall receive federal and state funds
674 as appropriated for the operation of the child welfare system,
675 transmit these funds to the lead agencies as agreed to in the
676 contract, and provide information on its website of the

677 distribution of the federal funds. The department retains
678 responsibility for the appropriate spending of these funds. The
679 department shall monitor lead agencies to assess compliance with
680 the financial guidelines established pursuant to s. 409.992 and
681 other applicable state and federal laws.

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

685 (5) The department retains the responsibility for the
686 review, approval or denial, and issuances of all foster home
687 licenses.

688 (6) The department shall process all applications
689 submitted by lead agencies for the Interstate Compact on the
690 Placement of Children and the Interstate Compact on Adoption and
691 Medical Assistance.

692 (7) The department shall assist lead agencies with access
693 to and coordination with other service programs within the
694 department.

695 (8) The department shall determine Medicaid eligibility
696 for all referred children and shall coordinate services with the
697 Agency for Health Care Administration.

698 (9) The department shall develop, in cooperation with the
699 lead agencies, a third-party credentialing entity approved
700 pursuant to s. 402.40(3), and the Florida Institute for Child
701 Welfare established pursuant to s. 1004.615, a standardized
702 competency-based curriculum for certification training for child

703 protection staff.

704 (10) The department shall maintain the statewide adoptions
705 website and provide information and training to the lead
706 agencies relating to the website.

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

711 (12) With the assistance of a lead agency, the department
712 shall develop and implement statewide and local interagency
713 agreements needed to coordinate services for children and
714 parents involved in the child welfare system who are also
715 involved with the Agency for Persons with Disabilities, the
716 Department of Juvenile Justice, the Department of Education, the
717 Department of Health, and other governmental organizations that
718 share responsibilities for children or parents in the child
719 welfare system.

720 (13) With the assistance of a lead agency, the department
721 shall develop and implement a working agreement between the lead
722 agency and the substance abuse and mental health managing entity
723 to integrate services and supports for children and parents
724 serviced in the child welfare system.

725 (14) The department shall work with the Agency for Health
726 Care Administration to provide each Medicaid-eligible child with
727 early and periodic screening, diagnosis, and treatment,
728 including 72-hour screening, periodic child health checkups, and

729 prescribed followup for ordered services, including, but not
730 limited to, medical, dental, and vision care.

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

734 (16) The department shall provide a mechanism to allow
735 lead agencies to request a waiver of department policies and
736 procedures that create inefficiencies or inhibit the performance
737 of the lead agency's duties.

738 (17) The department shall directly or through contract
739 provide attorneys to prepare and present cases in dependency
740 court and shall ensure that the court is provided with adequate
741 information for informed decisionmaking in dependency cases,
742 including a face sheet for each case which lists the names and
743 contact information for any child protective investigator, child
744 protective investigation supervisor, case manager, and case
745 manager supervisor, and the regional department official
746 responsible for the lead agency contract. The department shall
747 provide to the court the case information and recommendations
748 provided by the lead agency or subcontractor. For the Sixth
749 Judicial Circuit, the department shall contract with the state
750 attorney for the provision of these services.

751 (18) The department, in consultation with lead agencies,
752 shall establish a quality assurance program for contracted
753 services to dependent children. The quality assurance program
754 shall be based on standards established by federal and state law

755 and national accrediting organizations.

756 (a) The department must evaluate each lead agency under
757 contract at least annually. These evaluations shall cover the
758 programmatic, operational, and fiscal operations of the lead
759 agency and must be consistent with the child welfare results-
760 oriented accountability system required by s. 409.997. The
761 department must consult with dependency judges in the circuit or
762 circuits served by the lead agency on the performance of the
763 lead agency.

764 (b) The department and each lead agency shall monitor out-
765 of-home placements, including the extent to which sibling groups
766 are placed together or provisions to provide visitation and
767 other contacts if siblings are separated. The data shall
768 identify reasons for sibling separation. Information related to
769 sibling placement shall be incorporated into the results-
770 oriented accountability system required pursuant to s. 409.997
771 and into the evaluation of the outcome specified in s.
772 409.986(2)(e). The information related to sibling placement
773 shall also be made available to the institute established
774 pursuant s. 1004.615 for use in assessing the performance of
775 child welfare services in relation to the outcome specified in
776 s. 409.986(2)(e).

777 (c) The department shall, to the extent possible, use
778 independent financial audits provided by the lead agency to
779 eliminate or reduce the ongoing contract and administrative
780 reviews conducted by the department. If the department

781 determines that such independent financial audits are
782 inadequate, other audits, as necessary, may be conducted by the
783 department. This paragraph does not abrogate the requirements of
784 s. 215.97.

785 (d) The department may suggest additional items to be
786 included in such independent financial audits to meet the
787 department's needs.

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

790 (f) A lead agency must assure that all subcontractors are
791 subject to the same quality assurance activities as the lead
792 agency.

793 (19) The department and its attorneys have the
794 responsibility to ensure that the court is fully informed about
795 issues before it, to make recommendations to the court, and to
796 present competent evidence, including testimony by the
797 department's employees, contractors, and subcontractors, as well
798 as other individuals, to support all recommendations made to the
799 court. The department's attorneys shall coordinate lead agency
800 or subcontractor staff to ensure that dependency cases are
801 presented appropriately to the court, giving consideration to
802 the information developed by the case manager and direction to
803 the case manager if more information is needed.

804 (20) The department, in consultation with lead agencies,
805 shall develop a dispute resolution process so that disagreements
806 between legal staff, investigators, and case management staff

807 can be resolved in the best interest of the child in question
808 before court appearances regarding that child.

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

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

815 (b) The relationship between a lead agency and its
816 community partners.

817 (c) Any local conditions or service needs in child
818 protection and child welfare.

819 (22) By June 30, 2017, the department shall develop, in
820 collaboration with lead agencies, service providers, and other
821 community stakeholders, a statewide quality rating system for
822 providers of residential group care and foster homes. This
823 system must promote high quality in services and accommodations
824 by creating measureable minimum quality standards that providers
825 must meet to contract with the lead agencies and foster homes
826 must meet to receive placements. Domains addressed by a quality
827 rating system for residential group care may include, but not be
828 limited to, admissions, service planning and treatment planning,
829 living environment, and program and service requirements. The
830 system must be implemented by July 1, 2018.

831 (a) The rating system shall include:

832 1. Delineated levels of quality that are clearly and

833 concisely defined, the domains measured, and criteria that must
834 be met to be placed in each level. The quality rating system
835 shall differentiate between shift and family-style models while
836 encouraging a high level of quality in both;

837 2. The number of residential group care staff and foster
838 home parents who have received child welfare services
839 certification, pursuant to s. 402.40, through certification
840 programs developed specifically for foster parents and
841 residential group care staff;

842 3. Contractual incentives for achieving and maintaining
843 higher levels of quality; and

844 4. A well-defined process for notice, inspection,
845 remediation, appeal, and enforcement.

846 (b) The department shall submit a report to the Governor,
847 the President of the Senate, and the Speaker of the House of
848 Representatives by October 1 of each year, with the first report
849 due October 1, 2016. The report must at a minimum include an
850 update on the development of a statewide quality rating system
851 for residential group care and foster homes and a plan for
852 department oversight of the implementation of the statewide
853 quality rating system for residential group care and foster
854 homes by the community-based lead agencies. Beginning in 2018
855 and in subsequent years, the report shall also contain a list of
856 residential group care providers meeting minimum quality
857 standards and their quality ratings; the percentage of children
858 placed in residential group care with highly rated providers;

859 any negative actions taken against contracted providers for not
860 meeting minimum quality standards; percentages of highly rated
861 foster homes by lead agency; and percentage of children placed
862 in highly rated foster homes.

863 Section 14. Subsection (52) of section 39.01, Florida
864 Statutes, is amended to read:

865 39.01 Definitions.—When used in this chapter, unless the
866 context otherwise requires:

867 (52) "Permanency goal" means the living arrangement
868 identified for the child to return to or identified as the
869 permanent living arrangement of the child. ~~Permanency goals~~
870 ~~applicable under this chapter, listed in order of preference,~~
871 ~~are:~~

872 ~~(a) Reunification;~~

873 ~~(b) Adoption when a petition for termination of parental~~
874 ~~rights has been or will be filed;~~

875 ~~(c) Permanent guardianship of a dependent child under s.~~
876 ~~39.6221;~~

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

879 ~~(e) Placement in another planned permanent living~~
880 ~~arrangement under s. 39.6241.~~

881

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

885 Section 15. Paragraph (s) of subsection (2) of section
 886 39.202, Florida Statutes, is amended to read:

887 39.202 Confidentiality of reports and records in cases of
 888 child abuse or neglect.—

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

893 (s) Persons with whom the department is seeking to place
 894 the child or to whom placement has been granted, including
 895 foster parents for whom an approved home study has been
 896 conducted, the designee of a licensed residential child-caring
 897 agency defined in s. 409.175 ~~group home described in s. 39.523,~~
 898 an approved relative or nonrelative with whom a child is placed
 899 pursuant to s. 39.402, preadoptive parents for whom a favorable
 900 preliminary adoptive home study has been conducted, adoptive
 901 parents, or an adoption entity acting on behalf of preadoptive
 902 or adoptive parents.

903 Section 16. Paragraph (a) of subsection (2) of section
 904 39.5085, Florida Statutes, is amended to read:

905 39.5085 Relative Caregiver Program.—

906 (2) (a) The Department of Children and Families shall
 907 establish and operate the Relative Caregiver Program pursuant to
 908 eligibility guidelines established in this section as further
 909 implemented by rule of the department. The Relative Caregiver
 910 Program shall, within the limits of available funding, provide

911 financial assistance to:

912 1. Relatives who are within the fifth degree by blood or
 913 marriage to the parent or stepparent of a child and who are
 914 caring full-time for that dependent child in the role of
 915 substitute parent as a result of a court's determination of
 916 child abuse, neglect, or abandonment and subsequent placement
 917 with the relative under this chapter.

918 2. Relatives who are within the fifth degree by blood or
 919 marriage to the parent or stepparent of a child and who are
 920 caring full-time for that dependent child, and a dependent half-
 921 brother or half-sister of that dependent child, in the role of
 922 substitute parent as a result of a court's determination of
 923 child abuse, neglect, or abandonment and subsequent placement
 924 with the relative under this chapter.

925 3. Nonrelatives who are willing to assume custody and care
 926 of a dependent child in the role of substitute parent as a
 927 result of a court's determination of child abuse, neglect, or
 928 abandonment and subsequent placement with the nonrelative
 929 caregiver under this chapter. The court must find that a
 930 proposed placement under this subparagraph is in the best
 931 interest of the child.

932
 933 The placement may be court-ordered temporary legal custody to
 934 the relative or nonrelative under protective supervision of the
 935 department pursuant to s. 39.521(1)(c)3. ~~39.521(1)(b)3.~~, or
 936 court-ordered placement in the home of a relative or nonrelative

937 as a permanency option under s. 39.6221 or s. 39.6231 or under
 938 former s. 39.622 if the placement was made before July 1, 2006.
 939 The Relative Caregiver Program shall offer financial assistance
 940 to caregivers who would be unable to serve in that capacity
 941 without the caregiver payment because of financial burden, thus
 942 exposing the child to the trauma of placement in a shelter or in
 943 foster care.

944 Section 17. Subsection (11) of section 1002.3305, Florida
 945 Statutes, is amended to read:

946 1002.3305 College-Preparatory Boarding Academy Pilot
 947 Program for at-risk students.—

948 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
 949 ~~409.1677(3)(d)~~ and ~~409.176~~ or any other provision of law, an
 950 operator may house and educate dependent, at-risk youth in its
 951 residential school for the purpose of facilitating the mission
 952 of the program and encouraging innovative practices.

953 Section 18. Section 39.523, Florida Statutes, is repealed.

954 Section 19. Section 409.141, Florida Statutes, is
 955 repealed.

956 Section 20. Section 409.1676, Florida Statutes, is
 957 repealed.

958 Section 21. Section 409.1677, Florida Statutes, is
 959 repealed.

960 Section 22. Section 409.1679, Florida Statutes, is
 961 repealed.

962 Section 23. This act shall take effect July 1, 2016.