



312264

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2017	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment

Delete lines 1105 - 1188

and insert:

Section 12. Section 39.523, Florida Statutes, is amended to read:

(Substantial rewording of section. See 39.523, F.S., for present text.)

39.523 Placement in out-of-home care.—The Legislature finds that it is a basic tenet of child welfare practice and the law



312264

11 that children be placed in the least restrictive, most family-
12 like setting available in close proximity to the home of their
13 parents, consistent with the best interests and needs of the
14 child, and that children be placed in permanent homes in a
15 timely manner.

16 (1) When any child is removed from the home and placed into
17 out-of-home care, a comprehensive placement assessment shall be
18 completed to determine whether the child's needs can be met with
19 family members or in a family foster home and, if not, which
20 type of foster care placement setting would provide a more
21 effective and appropriate level of care.

22 (2) The assessment and any placement decision must be done
23 in conjunction with a permanency team that must be established
24 by the department or the community-based care lead agency that
25 places children pursuant to this section and is dedicated to
26 overcoming the permanency challenges occurring for children in
27 out-of-home care. The team must attempt to include a
28 representative from the community-based care lead agency, the
29 caseworker for the child, the out-of-home care provider, the
30 guardian ad litem if one has been appointed, any provider of
31 services to the child, teachers, clergy, relatives, fictive kin,
32 and all appropriate biological family members.

33 (3) The permanency team shall convene a multidisciplinary
34 staffing every 180 calendar days, to coincide with the judicial
35 review, to reassess the appropriateness of the child's current
36 placement. The multidisciplinary staffing shall consider, at a
37 minimum, the current level of the child's functioning, whether
38 recommended services are being provided effectively, any
39 services that would enable transition to a less restrictive



312264

40 family-like setting, and diligent efforts to find other
41 permanent living arrangements for the child.

42 (4) The department shall document initial placement
43 assessments in the Florida Safe Families Network.

44 (5) If it is determined during the comprehensive placement
45 assessment that residential treatment as defined in s. 39.407
46 would be suitable for the child, the procedures in that section
47 must be followed.

48 (6) At each judicial review, the court shall review the
49 assessment placement decision for the child and the department
50 shall demonstrate why the placement is in the least restrictive
51 setting. If the child has been placed in group care with a
52 residential child-caring agency, the department must demonstrate
53 why the child cannot be placed with a relative or nonrelative or
54 in a family foster home, must demonstrate why the placement in
55 group care with a residential child-caring agency continues to
56 be necessary and consistent with the child's short-term and
57 long-term goals, and must document efforts to help the child
58 transition to a more family-like setting.

59 (7) By October 1 of each year, the department shall report
60 to the Governor, the President of the Senate, and the Speaker of
61 the House of Representatives on the placement of children in
62 out-of-home care, including placements with relatives and
63 nonrelatives, family foster homes, and residential group care
64 during the year. At a minimum, the report must include, by
65 community-based care lead agency:

66 (a) The number of children placed with relatives and
67 nonrelatives, in family foster homes, and in residential group
68 care.



312264

69 (b) An inventory of available services that are necessary
70 to maintain children in the least restrictive settings and a
71 plan for filling any identified gap in those services.

72 (c) The number of children who were placed based upon the
73 assessment.

74 (d) An inventory of existing placements for children by
75 type and by community-based care lead agency.

76 (e) The strategies being used by community-based care lead
77 agencies to recruit, train, and support an adequate number of
78 families to provide home-based family care.

79 (f) For every placement of a child made that is contrary to
80 an appropriate placement as determined by the assessment process
81 in this section, an explanation from the community-based care
82 lead agency as to why the placement was made.

83 (8) The department may adopt rules necessary to carry out
84 the provisions of this section.

85