

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1680

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Baxley

SUBJECT: Child Welfare

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Fav/CS
2.			AHS	
3.			AP	

I. Summary:

CS/SB 1680 makes a number of revisions to current law to improve the care of children in the child welfare system and better ensure child safety, permanency and well-being.

The bill extends the jurisdiction of the dependency court over young adults with a disability until the age of 22 if the young adult continues to remain in foster care past the age of 18. The bill also requires that a child’s transition plan must be approved by the court before a child’s 18th birthday regardless of whether the child is leaving care at 18 and requires that the transition plan be attached to the case plan and updated before each judicial review.

The bill allows the dependency court to order “maintain and strengthen” in the child’s home as a permanency goal. The bill revises the definition of “permanency goal” by removing duplicative language contained in substantive law.

The bill requires the Department of Children and Families (DCF or department) to not only ensure the quality of contracted services and programs offered to families in the dependency system, but also ensure that an adequate array of services is available through the community-based care lead agencies (CBCs).

The bill has a significant fiscal impact on the department.

The bill provides an effective date of July 1, 2017.

II. Present Situation:

Extended Court Jurisdiction

States were given the opportunity to draw down additional federal funding if they gave young adults the ability to remain in care until they turn 21 or 22 if the young adult has a disability.¹ In 2014, the Legislature provided children in foster care the option of remaining in care beyond the age of 18.² In order to be eligible to remain in care, the young adult must be:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program or activity designed to promote or eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in programs or activities above full time due to a physical, intellectual, emotional, or psychiatric condition. Any such barrier to participation must be supported by documentation in the child's case file or school or medical records of a physical, intellectual, or psychiatric condition that impairs the child's ability to perform one or more life activities.³

In extended foster care, young adults continue to receive case management services and other supports to provide a sound platform for success as independent adults. While the 2014 legislation gave young adults with disabilities the option to remain in care until the age of 22, s. 39.013, F.S. was not also amended to extend court jurisdiction.

Transition Plans

During the 6 month period immediately after a dependent child reaches 17 years of age, the department and the CBCs, in collaboration with the child, his or her caregiver, and any other person the child would like to include must develop a transition plan.⁴ These transition plans must address services, housing, health insurance, education, workforce support and employment services, and the maintenance of mentoring relationships and other personal supports.⁵ The plan is designed to help transition a child in the dependency system to adulthood. Currently, if a child is planning to leave care upon reaching 18 years of age, the transition plan must be approved by the court before the child leaves care and the court terminates jurisdiction.⁶

Permanency Goals

The purpose of the permanency goal is to ensure a legally permanent, nurturing family for every child in out-of-home care. Current law provides that a permanency hearing must be held at least every 12 months for any child who continues to be supervised by the department or awaits adoption. Permanency goals available, listed in order of preference, are:

- Reunification;

¹ Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

² Section 39.6251, F.S.

³ Section 39.6251, F.S.

⁴ Section 39.6035, F.S.

⁵ *Id.*

⁶ *Id.*

- Adoption, if a petition for termination of parental rights has been or will be filed;
- Permanent guardianship of a dependent child;
- Permanent placement with a fit and willing relative; or
- Placement in another planned permanent living arrangement.⁷

Child Welfare Services

Since the privatization of foster care and related services in Florida, the department contracts for case management, out-of-home care, and related services with community-based care organizations. The model of using lead agencies to provide child welfare services is designed to increase local community ownership of service delivery and design⁸ and the community-based lead agencies rather than the department are responsible for providing foster care and related services. These services include, but are not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.⁹ The CBC must give priority to services that are evidence-based and trauma informed.¹⁰

Florida law currently vests responsibility in the department for the quality of contracted services and their delivery in accordance with federal and state law.¹¹

The federal Child and Family Services Reviews (CFSR) are conducted periodically to ensure “substantial conformity” with federal child welfare regulations. The reviews are also designed to assist states in identifying where they need to enhance their program capacity to achieve child safety, permanency, and well-being.¹² The results from Florida’s last review included the following:

- Appropriate services were provided to meet the needs of children were provided in 82% of cases reviewed; and
- Needs of parents were appropriately assessed and addressed through services in 55% of cases reviewed:
 - Substance abuse and parenting services were provided in about 47% of cases reviewed;
 - In about 32% of the cases reviewed the agency did not make concerted efforts to engage parents in services or failed to provide appropriate services.¹³

III. Effect of Proposed Changes:

Section 1 amends s. 39.01, F.S., relating to definitions, to remove duplicative language from the definition of “permanency goal” that is also found in s. 39.621, F.S., relating to permanency determinations by the court.

⁷ Section 39.621, F.S.

⁸ Community-Based Care, The Department of Children and Families, *accessible at*: <http://www.myflfamilies.com/service-programs/community-based-care>. (last visited March 28, 2017).

⁹ Section 409.988, F.S.

¹⁰ *Id.*

¹¹ Section 409.996, F.S.

¹² U.S. Department of Health & Human Services, Administration for Children & Families, Children's Bureau, *available at*: <https://www.acf.hhs.gov/cb/monitoring/child-family-services-reviews>. (last visited March 28, 2017).

¹³ Child and Family Services Reviews, Results Meeting, Florida CFSR, 2016.

Section 2 amends s. 39.013, F.S., relating to procedures, jurisdiction and right to counsel, to extend the jurisdiction of the dependency court over young adults with a disability until the age of 22 if the young adult continues to remain in foster care past the age of 18.

Section 3 amends s. 39.6035, F.S., relating to transition plans, to require that a child's transition plan be approved by the court before a child's 18th birthday regardless of whether the child is leaving care at the age of 18 and requires that the transition plan must be attached to the case plan and updated before each judicial review.

Section 4 amends s. 39.621, F.S., relating to permanency determination by the court, to allow the dependency court to order to "maintain and strengthen" in the child's home as a permanency goal. The bill adds this goal to the options a dependency court is able to order.

Section 5 amends s.409.996, F.S., relating to duties of the department, to require DCF to not only ensure the quality of contracted services and programs offered to families in the dependency system, but also ensure that an adequate array of services is available to be provided through the CBCs.

Section 6 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the development of the service array and its monitoring, among other things. The department had a vendor perform an estimation last summer for a full services implementation within the Florida Safe Families Network (FSFN). If the intent

of this bill is to provide these services, the estimated system cost that the vendor provided was \$10,084,689.¹⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 39.01, 39.013, 39.6035, 39.621, and 409.996 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs Committee on April 3, 2017:

- Removes the requirement for the development of a rating system for group homes and foster homes.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁴ Department of Children and Families, 2017 Agency Legislative Bill Analysis, SB 1680, March 8, 2017.