

By the Committee on Children, Families, and Elder Affairs; and
Senators Baxley and Steube

586-03338-17

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; redefining the term "permanency goal"; amending
4 s. 39.013, F.S.; extending court jurisdiction to age
5 22 for young adults with disabilities in foster care;
6 amending s. 39.6035, F.S.; requiring a transition plan
7 to be approved before a child reaches 18 years of age;
8 amending s. 39.621, F.S.; specifying the circumstances
9 under which the permanency goal of maintaining and
10 strengthening the placement with a parent may be used;
11 amending s. 409.996, F.S.; requiring the Department of
12 Children and Families to ensure that an adequate array
13 of services is available; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (52) of section 39.01, Florida
18 Statutes, is amended to read:

19 39.01 Definitions.—When used in this chapter, unless the
20 context otherwise requires:

21 (52) "Permanency goal" means the living arrangement
22 identified for the child to return to or identified as the
23 permanent living arrangement of the child. ~~Permanency goals~~
24 ~~applicable under this chapter, listed in order of preference,~~
25 ~~are:~~

26 ~~(a) Reunification;~~

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

29 ~~(c) Permanent guardianship of a dependent child under s.~~

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30 ~~39.6221;~~

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

33 ~~(e) Placement in another planned permanent living~~
34 ~~arrangement under s. 39.6241.~~

35
36 The permanency goal is also the case plan goal. If concurrent
37 case planning is being used, reunification may be pursued at the
38 same time that another permanency goal is pursued.

39 Section 2. Subsection (2) of section 39.013, Florida
40 Statutes, is amended to read:

41 39.013 Procedures and jurisdiction; right to counsel.—

42 (2) The circuit court has exclusive original jurisdiction
43 of all proceedings under this chapter, of a child voluntarily
44 placed with a licensed child-caring agency, a licensed child-
45 placing agency, or the department, and of the adoption of
46 children whose parental rights have been terminated under this
47 chapter. Jurisdiction attaches when the initial shelter
48 petition, dependency petition, or termination of parental rights
49 petition, or a petition for an injunction to prevent child abuse
50 issued pursuant to s. 39.504, is filed or when a child is taken
51 into the custody of the department. The circuit court may assume
52 jurisdiction over any such proceeding regardless of whether the
53 child was in the physical custody of both parents, was in the
54 sole legal or physical custody of only one parent, caregiver, or
55 some other person, or was not in the physical or legal custody
56 of any person when the event or condition occurred that brought
57 the child to the attention of the court. When the court obtains
58 jurisdiction of any child who has been found to be dependent,

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59 the court shall retain jurisdiction, unless relinquished by its
60 order, until the child reaches 21 years of age, or 22 years of
61 age if the child has a disability, with the following
62 exceptions:

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

65 (b) If a young adult does not meet the eligibility
66 requirements to remain in foster care under s. 39.6251 or
67 chooses to leave care under that section.

68 (c) If a young adult petitions the court at any time before
69 his or her 19th birthday requesting the court's continued
70 jurisdiction, the juvenile court may retain jurisdiction under
71 this chapter for a period not to exceed 1 year following the
72 young adult's 18th birthday for the purpose of determining
73 whether appropriate services that were required to be provided
74 to the young adult before reaching 18 years of age have been
75 provided.

76 (d) If a petition for special immigrant juvenile status and
77 an application for adjustment of status have been filed on
78 behalf of a foster child and the petition and application have
79 not been granted by the time the child reaches 18 years of age,
80 the court may retain jurisdiction over the dependency case
81 solely for the purpose of allowing the continued consideration
82 of the petition and application by federal authorities. Review
83 hearings for the child shall be set solely for the purpose of
84 determining the status of the petition and application. The
85 court's jurisdiction terminates upon the final decision of the
86 federal authorities. Retention of jurisdiction in this instance
87 does not affect the services available to a young adult under s.

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88 409.1451. The court may not retain jurisdiction of the case
89 after the immigrant child's 22nd birthday.

90 Section 3. Subsection (4) of section 39.6035, Florida
91 Statutes, is amended to read:

92 39.6035 Transition plan.—

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

98 Section 4. Present subsections (2) through (11) of section
99 39.621, Florida Statutes, are redesignated as subsections (3)
100 through (12), respectively, and a new subsection (2) is added to
101 that section, to read:

102 39.621 Permanency determination by the court.—

103 (2) The permanency goal of maintaining and strengthening
104 the placement with a parent may be used in all of the following
105 circumstances:

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

110 (b) If a child has been removed from a parent and is placed
111 with the parent from whom the child was not removed, the court
112 may leave the child in the placement with the parent from whom
113 the child was not removed with maintaining and strengthening the
114 placement as a permanency option.

115 (c) If a child has been removed from a parent and is
116 subsequently reunified with that parent, the court may leave the

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117 child with that parent with maintaining and strengthening the
118 placement as a permanency option.

119 Section 5. Section 409.996, Florida Statutes, is amended to
120 read:

121 409.996 Duties of the Department of Children and Families.—
122 The department shall contract for the delivery, administration,
123 or management of care for children in the child protection and
124 child welfare system. In doing so, the department retains
125 responsibility to ensure ~~for~~ the quality of contracted services
126 and programs and ~~shall ensure~~ that an adequate array of services
127 is available to be ~~are~~ delivered in accordance with applicable
128 federal and state statutes and regulations.

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

132 (a) Provide for the services needed to accomplish the
133 duties established in s. 409.988 and provide information to the
134 department which is necessary to meet the requirements for a
135 quality assurance program pursuant to subsection (18) and the
136 child welfare results-oriented accountability system pursuant to
137 s. 409.997.

138 (b) Provide for graduated penalties for failure to comply
139 with contract terms. Such penalties may include financial
140 penalties, enhanced monitoring and reporting, corrective action
141 plans, and early termination of contracts or other appropriate
142 action to ensure contract compliance. The financial penalties
143 shall require a lead agency to reallocate funds from
144 administrative costs to direct care for children.

145 (c) Ensure that the lead agency shall furnish current and

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146 accurate information on its activities in all cases in client
147 case records in the state's statewide automated child welfare
148 information system.

149 (d) Specify the procedures to be used by the parties to
150 resolve differences in interpreting the contract or to resolve
151 disputes as to the adequacy of the parties' compliance with
152 their respective obligations under the contract.

153 (2) The department must adopt written policies and
154 procedures for monitoring the contract for delivery of services
155 by lead agencies which must be posted on the department's
156 website. These policies and procedures must, at a minimum,
157 address the evaluation of fiscal accountability and program
158 operations, including provider achievement of performance
159 standards, provider monitoring of subcontractors, and timely
160 followup of corrective actions for significant monitoring
161 findings related to providers and subcontractors. These policies
162 and procedures must also include provisions for reducing the
163 duplication of the department's program monitoring activities
164 both internally and with other agencies, to the extent possible.
165 The department's written procedures must ensure that the written
166 findings, conclusions, and recommendations from monitoring the
167 contract for services of lead agencies are communicated to the
168 director of the provider agency and the community alliance as
169 expeditiously as possible.

170 (3) The department shall receive federal and state funds as
171 appropriated for the operation of the child welfare system,
172 transmit these funds to the lead agencies as agreed to in the
173 contract, and provide information on its website of the
174 distribution of the federal funds. The department retains

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175 responsibility for the appropriate spending of these funds. The
176 department shall monitor lead agencies to assess compliance with
177 the financial guidelines established pursuant to s. 409.992 and
178 other applicable state and federal laws.

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

182 (5) The department retains the responsibility for the
183 review, approval or denial, and issuances of all foster home
184 licenses.

185 (6) The department shall process all applications submitted
186 by lead agencies for the Interstate Compact on the Placement of
187 Children and the Interstate Compact on Adoption and Medical
188 Assistance.

189 (7) The department shall assist lead agencies with access
190 to and coordination with other service programs within the
191 department.

192 (8) The department shall determine Medicaid eligibility for
193 all referred children and shall coordinate services with the
194 Agency for Health Care Administration.

195 (9) The department shall develop, in cooperation with the
196 lead agencies, a third-party credentialing entity approved
197 pursuant to s. 402.40(3), and the Florida Institute for Child
198 Welfare established pursuant to s. 1004.615, a standardized
199 competency-based curriculum for certification training for child
200 protection staff.

201 (10) The department shall maintain the statewide adoptions
202 website and provide information and training to the lead
203 agencies relating to the website.

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

208 (12) With the assistance of a lead agency, the department
209 shall develop and implement statewide and local interagency
210 agreements needed to coordinate services for children and
211 parents involved in the child welfare system who are also
212 involved with the Agency for Persons with Disabilities, the
213 Department of Juvenile Justice, the Department of Education, the
214 Department of Health, and other governmental organizations that
215 share responsibilities for children or parents in the child
216 welfare system.

217 (13) With the assistance of a lead agency, the department
218 shall develop and implement a working agreement between the lead
219 agency and the substance abuse and mental health managing entity
220 to integrate services and supports for children and parents
221 serviced in the child welfare system.

222 (14) The department shall work with the Agency for Health
223 Care Administration to provide each Medicaid-eligible child with
224 early and periodic screening, diagnosis, and treatment,
225 including 72-hour screening, periodic child health checkups, and
226 prescribed followup for ordered services, including, but not
227 limited to, medical, dental, and vision care.

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

231 (16) The department shall provide a mechanism to allow lead
232 agencies to request a waiver of department policies and

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233 procedures that create inefficiencies or inhibit the performance
234 of the lead agency's duties.

235 (17) The department shall directly or through contract
236 provide attorneys to prepare and present cases in dependency
237 court and shall ensure that the court is provided with adequate
238 information for informed decisionmaking in dependency cases,
239 including a face sheet for each case which lists the names and
240 contact information for any child protective investigator, child
241 protective investigation supervisor, case manager, and case
242 manager supervisor, and the regional department official
243 responsible for the lead agency contract. The department shall
244 provide to the court the case information and recommendations
245 provided by the lead agency or subcontractor. For the Sixth
246 Judicial Circuit, the department shall contract with the state
247 attorney for the provision of these services.

248 (18) The department, in consultation with lead agencies,
249 shall establish a quality assurance program for contracted
250 services to dependent children. The quality assurance program
251 shall be based on standards established by federal and state law
252 and national accrediting organizations.

253 (a) The department must evaluate each lead agency under
254 contract at least annually. These evaluations shall cover the
255 programmatic, operational, and fiscal operations of the lead
256 agency and must be consistent with the child welfare results-
257 oriented accountability system required by s. 409.997. The
258 department must consult with dependency judges in the circuit or
259 circuits served by the lead agency on the performance of the
260 lead agency.

261 (b) The department and each lead agency shall monitor out-

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262 of-home placements, including the extent to which sibling groups
263 are placed together or provisions to provide visitation and
264 other contacts if siblings are separated. The data shall
265 identify reasons for sibling separation. Information related to
266 sibling placement shall be incorporated into the results-
267 oriented accountability system required pursuant to s. 409.997
268 and into the evaluation of the outcome specified in s.
269 409.986(2) (e). The information related to sibling placement
270 shall also be made available to the institute established
271 pursuant s. 1004.615 for use in assessing the performance of
272 child welfare services in relation to the outcome specified in
273 s. 409.986(2) (e).

274 (c) The department shall, to the extent possible, use
275 independent financial audits provided by the lead agency to
276 eliminate or reduce the ongoing contract and administrative
277 reviews conducted by the department. If the department
278 determines that such independent financial audits are
279 inadequate, other audits, as necessary, may be conducted by the
280 department. This paragraph does not abrogate the requirements of
281 s. 215.97.

282 (d) The department may suggest additional items to be
283 included in such independent financial audits to meet the
284 department's needs.

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

287 (f) A lead agency must assure that all subcontractors are
288 subject to the same quality assurance activities as the lead
289 agency.

290 (19) The department and its attorneys have the

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291 responsibility to ensure that the court is fully informed about
292 issues before it, to make recommendations to the court, and to
293 present competent evidence, including testimony by the
294 department's employees, contractors, and subcontractors, as well
295 as other individuals, to support all recommendations made to the
296 court. The department's attorneys shall coordinate lead agency
297 or subcontractor staff to ensure that dependency cases are
298 presented appropriately to the court, giving consideration to
299 the information developed by the case manager and direction to
300 the case manager if more information is needed.

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

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

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

312 (b) The relationship between a lead agency and its
313 community partners.

314 (c) Any local conditions or service needs in child
315 protection and child welfare.

316 Section 6. This act shall take effect July 1, 2017.