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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Children, Families, and Elder Affairs
(Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 409.1761, Florida Statutes, is created
to read:

409.1761 Organizations providing temporary respite care for
children not in the child welfare system.— The Legislature finds
that in circumstances in which a parent of a minor child is



256730

11 temporarily unable to provide care for the child, but does not
12 need the full support of the child welfare system, a less
13 intrusive alternative to supervision by the department or
14 involvement by the judiciary should be available.

15 (1) DEFINITIONS.—As used in this section, the term:

16 (a) "Qualified association" means an association that:

17 1. Publishes and requires compliance with its standards and
18 files copies thereof with the department as provided in s.
19 409.176(5)(b); and

20 2. Establishes, publishes, and requires compliance with
21 best practice standards for operating a program that assists
22 parents in providing temporary respite care for a child by a
23 volunteer respite family.

24 (b) "Qualified nonprofit organization" or "organization"
25 means a Florida private nonprofit organization that assists
26 parents in providing temporary respite care for a child by a
27 volunteer respite family under an agreement with a qualified
28 association.

29 (c) "Temporary respite care" means care provided to a child
30 by a volunteer respite family in their home for a period of time
31 that is not to exceed 90 days in order to provide temporary
32 relief to parents who are unable to care for a child.

33 (d) "Volunteer respite family" means an individual or a
34 family who voluntarily agrees to provide without compensation,
35 temporary care for a period of time no longer than 90 days for a
36 child under a contract for care with the child's parent with the
37 assistance of a qualified nonprofit organization.

38 (2) ESTABLISHMENT OF THE PROGRAM.— A qualified nonprofit
39 organization may establish a program that assists parents in



256730

40 providing temporary respite care for a child by a volunteer
41 respite family.

42 (a) A child is eligible for the program if he or she:

43 1. Has not been removed from the child's parent due to
44 abuse or neglect and placed in the custody of the department;

45 2. Is not the subject of an ongoing department
46 investigation of abuse, abandonment, or neglect;

47 3. Has not been the subject of a verified report of abuse,
48 abandonment or neglect; or

49 4. Is the subject of an open court in-home dependency case
50 and under protective supervision of the department.

51 (b) Placement of a child under this section, in the absence
52 of evidence to the contrary, does not constitute abuse, neglect,
53 or abandonment as defined in s. 39.01 and is not considered to
54 be placement of the child in foster care. However, the
55 department may refer a child to an organization's program if the
56 department determines that the needs of the child or the needs
57 of the child's parent do not require an out-of-home safety plan
58 pursuant to s. 39.301(9) or other formal involvement of the
59 department and that the child and the child's family may benefit
60 from the temporary respite care and services provided by the
61 organization.

62 (3) DUTIES OF A QUALIFIED NONPROFIT ORGANIZATION.— A
63 qualified nonprofit organization that provides temporary respite
64 care to children under this section shall:

65 (a) Establish its program under an agreement or
66 certification with a qualified association.

67 (b) Verify that the department has conducted background
68 screenings under s. 409.175 and chapter 435 of the following



256730

69 persons before such persons have contact with a child:

70 1. Employees of the organization who will have direct
71 contact with children while assisting parents in providing
72 temporary respite care.

73 2. Members of the volunteer respite family and persons
74 residing in the volunteer respite home who are 12 years of age
75 or older. However, members of a volunteer respite family and
76 persons residing in the volunteer respite home who are between
77 the ages of 12 years and 18 years are not required to be
78 fingerprinted but must be screened for delinquency records.

79 (c) Train all volunteer respite families. The training must
80 include:

81 1. A discussion of the rights, duties, and limitations in
82 providing temporary care for a child;

83 2. An overview of program processes, including intake
84 triage processes;

85 3. Working with third party service providers, including
86 schools and medical professionals;

87 4. General safety requirements, including the prevention of
88 sudden unexplained death syndrome, proper supervision of
89 children, and water and pool safety;

90 5. Instruction on appropriate and constructive disciplinary
91 practices, including the prohibition of physical punishment and
92 discipline that is severe, humiliating, or frightening, or is
93 associated with the deprivation of food, rest, or toileting;

94 6. Abuse and maltreatment reporting requirements, including
95 proper cooperation with the department;

96 7. Confidentiality; and

97 8. Building a healthy relationship with a child's parents.



256730

98 (d) Be solely responsible for ongoing supervision of each
99 child placed with a volunteer respite family.

100 (e) Maintain records on each volunteer respite family and
101 96 child served, including, but not limited to:

102 1. The name and age of the child;

103 2. The name, address, telephone number, e-mail address, and
104 other contact information for the child's parents;

105 3. The name, address, telephone number, e-mail address, and
106 other contact information for the child's volunteer respite
107 family;

108 4. A copy of the contract for care executed pursuant to
109 this section; and

110 5. Proof that the volunteer respite family has met all the
111 personnel screening requirements conducted by the
112 department under this section.

113 (f) Provide the following information to the department on
114 an annual basis:

115 1. The name, address, telephone number, e-mail address, and
116 other contact information of the organization.

117 2. The name of the organization's director.

118 3. The names and addresses of the officers and members of
119 the governing body.

120 4. The total number of volunteer respite families currently
121 working with the organization and the total number of children
122 who were provided temporary respite care in the previous fiscal
123 year.

124 5. A copy of its agreement or certification with a
125 qualified association for the purpose of providing volunteer
126 respite services pursuant to this section.



256730

127 (g) Provide the qualified association with data and other
128 information as required by the qualified association to
129 demonstrate that the qualified nonprofit organization is in
130 substantial compliance with the minimum best practice standards
131 published by the qualified association.

132 (h) Immediately notify the department of any suspected or
133 confirmed incident of abuse, neglect, or other maltreatment of a
134 child while in the care of a volunteer respite family.

135 (i) Make available to the department or qualified
136 association at any time for inspection all records relating to
137 the program and children cared for by the organization's
138 volunteer respite families to ensure compliance with this
139 section and standards established by any entity with which the
140 organization is affiliated.

141 (3) CONTRACT FOR CARE.— All parents of a child must enter
142 into a written contract with the qualified association for the
143 provision of temporary respite care of the child under this
144 section. The contract for care may not exceed 90 days in
145 duration and may not be extended.

146 (a) The contract must be executed before, or at the time,
147 the child is placed with a volunteer respite family and
148 organization. Through the contract for care, the parent may
149 delegate to the volunteer respite family any of the powers
150 regarding the care and custody of the child, except the power to
151 consent to the marriage or adoption of the child, the
152 performance or inducement of an abortion on the child, or the
153 termination of parental rights regarding the child.

154 Authorization for the volunteer respite family to consent to
155 routine and emergency medical care on behalf of the parent shall



256730

156 be granted only upon the separate consent of the parent pursuant
157 to s. 743.0645. The contract for care must at a minimum:

158 1. Be signed by the parent or both parents if both parents
159 are living and have shared responsibility and timesharing of the
160 child pursuant to law or a court order. Notification to a parent
161 whose parental rights have been terminated is not required.

162 2. Be signed by all members of the volunteer respite family
163 who are 18 years of age or older.

164 3. Be signed by the representative of the organization who
165 assisted with the child's placement with the volunteer respite
166 family.

167 4. Be signed by two subscribing witnesses.

168 (b) The contract for care must include:

169 1. A statement that the contract does not deprive the
170 parent of any parental or legal authority regarding the care and
171 custody of the child or supersede a court order regarding the
172 care and custody of the child.

173 2. A statement that the contract may be revoked or
174 withdrawn at any time by the parent and that custody of the
175 child shall be returned to the parent as soon as reasonably
176 possible.

177 3. The basic services and accommodations provided by the
178 volunteer respite family and organization.

179 4. Identification of the child, the parent, and the members
180 of the volunteer respite family, including contact information
181 for all parties.

182 5. Identification of the organization, including contact
183 information for the organization and the representative who
184 assisted with the child's placement.



256730

185 6. A statement regarding disciplinary procedures that are
186 used by the volunteer respite family and expectations regarding
187 interactions between the volunteer respite family and the child.
188 The statement must identify the child's known behavioral or
189 emotional issues and how such issues are addressed by the
190 child's parent.

191 7. A statement of the minimum expected frequency of contact
192 between the parent and the child, expectations for the volunteer
193 respite family to facilitate any reasonable request for contact
194 with the child outside of the established schedule, and the
195 minimum expected frequency of contact between the parent and the
196 volunteer respite family to discuss the child's well-being and
197 health.

198 8. A statement regarding the child's educational needs,
199 including the name and address of the child's school and the
200 names of the child's teachers.

201 9. A list of extracurricular, religious, or community
202 activities and programs in which the child participates.

203 10. A list of any special dietary or nutritional
204 requirements of the child.

205 11. A description of the child's medical needs, including
206 any diagnoses, allergies, therapies, treatments, or medications
207 prescribed to the child and the expectations for the volunteer
208 respite family to address such medical needs.

209 12. A statement that the volunteer respite family agrees to
210 act in the best interests of the child and to consider all
211 reasonable wishes and expectations of the parent concerning the
212 care and comfort of the child.

213 13. A statement that all appropriate members of the



256730

214 volunteer respite family have successfully met the personnel
215 screening requirements pursuant to paragraph) (b) .

216 14. An expiration date for each contract for care, which
217 may not exceed 90 days in duration.

218 15. A statement that the goal of the organization,
219 volunteer respite family, and parent is to return the child
220 receiving temporary respite care to the parent as soon as the
221 situation requiring such care has been resolved.

222 16. A requirement that the volunteer respite family
223 immediately notify the parent of the child's need for medical
224 care.

225 (c) The parent may revoke or withdraw the contract for care
226 at any time, and the child shall be returned immediately to the
227 custody of the parent. A contract for care executed under this
228 section expires automatically after 90 days and may not operate
229 to deprive a parent of any parental or legal authority regarding
230 the care and custody of the child or supersede a court order
231 regarding the care and custody of the child.

232 (d) If all parents do not sign the contract for care, the
233 organization must, prior to the child's placement with a
234 voluntary respite family:

235 1. Secure a notarized Consent for Placement with Volunteer
236 Respite Family executed by the parent who did not sign the
237 contract for care. The Consent for Placement with Volunteer
238 Respite Family must contain each term set forth in the contract
239 for care as required in this subsection and an advisory that the
240 parent may elect to object to the contract for care and take
241 custody of the child pursuant to the provision of Florida law,
242 or



256730

243 2. Personally serve the parent who did not sign the
244 contract for care with a Petition for Dependency pursuant to
245 Chapter 39 setting forth grounds to establish that the parent
246 has abandoned, abused or neglected the child.

247 (4) NOTIFICATION REQUIREMENTS -Any organization that is
248 registered with a qualified association shall immediately notify
249 the department if it has in its care:

250 (a) A child with a serious developmental disability or a
251 physical, emotional, or mental handicap for which the
252 organization is not qualified or able to provide care; or

253 (b) A child who has not been returned to a parent when the
254 contract expires.

255 (5) APPLICABILITY.-Placement of a child under this section
256 without additional evidence does not constitute abandonment,
257 abuse, or neglect, as defined in s. 39.01, and is not considered
258 to be placement of the child in foster care.

259 However, nothing in this section prevents the department or a
260 law enforcement agency from investigating allegations of
261 abandonment, abuse, neglect, unlawful desertion of a child, or
262 human trafficking.

263 Section 2. This act shall take effect July 1, 2017.

264 ===== T I T L E A M E N D M E N T =====

265 And the title is amended as follows:

266 Delete everything before the enacting clause
267 and insert:

268 A bill to be entitled
269 An act relating to the temporary respite care of a
270 child; creating s. 409.1761, F.S.; providing
271 legislative findings; providing definitions;



256730

272 authorizing qualified nonprofit organizations to
273 establish programs to provide temporary respite care
274 for children; providing duties and recordkeeping
275 requirements for such organizations; providing
276 screening requirements for certain persons; requiring
277 notification to the Department of Children and
278 Families under certain circumstances; authorizing a
279 volunteer respite family to enter into a contract for
280 care to provide temporary respite care for a child;
281 specifying the duration of a contract for care;
282 specifying the form and execution of the contract;
283 authorizing inspection of documents by the Department
284 of Children and Families; providing eligibility;
285 authorizing the department to refer a child for such
286 care; providing applicability;; providing an effective
287 date.