

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative White offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 409.1761 Organizations providing respite care for children
10 not in the child welfare system.—The Legislature finds that in
11 circumstances in which a parent of a minor child is temporarily
12 unable to provide care for the child, but does not need the full
13 support of the child welfare system, a less intrusive
14 alternative to supervision by the department or involvement by
15 the judiciary should be available. A qualified nonprofit
16 organization may establish a program to assist parents in

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17 providing temporary respite care for children through the use of
18 volunteer respite families.

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

20 (a) "Parent" means the parent or parents who are required
21 to sign the contract for care under subparagraph (3)(a)1.

22 (b) "Qualified association" means an association that
23 publishes minimum best practice standards for operating a
24 qualified nonprofit organization and establishes and requires
25 compliance with those best practice standards.

26 (c) "Qualified nonprofit organization" or "organization"
27 means a private Florida nonprofit organization that:

28 1. Is in compliance with the best practice standards of a
29 qualified association.

30 2. Assists parents by providing temporary respite care for
31 children through the use of volunteer respite families who are
32 under a contract for care.

33 3. Provides assistance and support to parents and training
34 and support for volunteer respite families.

35 (d) "Volunteer respite family" means an individual or a
36 family who voluntarily agrees to provide, without compensation,
37 temporary respite care for a child, with the assistance of a
38 qualified nonprofit organization, pursuant to a contract for
39 care with the child's parent.

40 (e) "Volunteer respite home" means the home of a volunteer
41 respite family.

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42 (2) DUTIES OF A QUALIFIED NONPROFIT ORGANIZATION.—A
43 qualified nonprofit organization shall:

44 (a) Establish its program under an agreement or
45 certification with a qualified association.

46 (b) Verify that the department has conducted background
47 screenings as set forth in s. 409.175 and chapter 435, of the
48 following persons before such persons have contact with a child:

49 1. Employees of the organization who will have direct
50 contact with children while assisting parents in providing
51 temporary respite care.

52 2. Members of the volunteer respite family and persons
53 residing in the volunteer respite home who are 12 years of age
54 or older. However, members of a volunteer respite family and
55 persons residing in the volunteer respite home who are between
56 the ages of 12 years and 18 years are not required to be
57 fingerprinted but must be screened for delinquency records.

58 (c) Train all volunteer respite families. The training
59 must include:

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

62 2. An overview of program processes, including intake
63 triage processes;

64 3. Working with third party service providers, including
65 schools and medical professionals;

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66 4. General safety requirements, including the prevention
67 of sudden infant death syndrome, proper supervision of children,
68 and water and pool safety;

69 5. Instruction on appropriate and constructive
70 disciplinary practices, including the prohibition of physical
71 punishment and discipline that is severe, humiliating, or
72 frightening, or is associated with the deprivation of food,
73 rest, or toileting;

74 6. Abuse and maltreatment reporting requirements,
75 including proper cooperation with the department;

76 7. Confidentiality; and

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

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

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

82 1. The name and age of the child;

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

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

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

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90 5. Proof that the volunteer respite family has met all the
91 personnel screening requirements conducted by the department
92 under this section.

93 (f) Provide the following information to the department on
94 an annual basis:

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

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

98 3. The names and addresses of the officers and members of
99 the governing body.

100 4. The total number of volunteer respite families
101 currently working with the organization and the total number of
102 children who were provided temporary respite care in the
103 previous fiscal year.

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

107 (g) Provide the qualified association with data and other
108 information as required by the qualified association to
109 demonstrate that the qualified nonprofit organization is in
110 substantial compliance with the minimum best practice standards
111 published by the qualified association.

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

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115 (i) Make available to the department or qualified
116 association at any time for inspection all records relating to
117 the program and children cared for by the organization's
118 volunteer respite families to ensure compliance with this
119 section and standards established by any entity with which the
120 organization is affiliated.

121 (3) CONTRACT FOR CARE.—Before a volunteer respite family
122 cares for a child, the child's parent must enter into a written
123 contract for care with the volunteer respite family. The
124 contract for care may not exceed 6 months in duration and may
125 only be extended for one 6-month period. Under a contract for
126 care, the parent may delegate to the volunteer respite family
127 any of the powers regarding the care and custody of the child,
128 except the power to consent to the marriage or adoption of the
129 child, the performance of or inducement of an abortion on or for
130 the child, or the termination of parental rights to the child.
131 Authorization for the volunteer respite family to consent to
132 routine and emergency medical care on behalf of the parent shall
133 be granted only upon the separate consent of the parent pursuant
134 to s. 743.0645.

135 (a) The contract for care must at a minimum:

136 1. Be signed by the parent or both parents if both parents
137 are living and have shared responsibility and timesharing of the
138 child pursuant to law or a court order. If the parents do not
139 have shared responsibility and timesharing of the child, the

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140 parent having sole custody of the child has the authority to
141 enter into the contract for care but shall notify the
142 noncustodial parent in writing of the name and address of the
143 volunteer respite family. Such notification must be provided by
144 certified mail, return receipt requested, to the noncustodial
145 parent at his or her last known address within 5 days after the
146 contract for care is signed. Notification to a noncustodial
147 parent whose parental rights have been terminated is not
148 required.

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

151 3. Be signed by the representative of the organization who
152 assisted with the child's placement with the volunteer respite
153 family.

154 4. Be signed by two subscribing witnesses.

155 5. Be acknowledged by the parent or parents, as applicable
156 under subparagraph 1., and a representative of the qualified
157 nonprofit organization.

158 (b) The contract for care must include:

159 1. A statement that the contract does not deprive the
160 parent of any parental or legal authority regarding the care and
161 custody of the child or supersede a court order regarding the
162 care and custody of the child.

163 2. A statement that the contract may be revoked or
164 withdrawn at any time by the parent and that custody of the

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165 child shall be returned to the parent as soon as reasonably
166 possible.

167 3. The basic services and accommodations provided by the
168 volunteer respite family and organization.

169 4. Identification of the child, the parent, and the
170 members of the volunteer respite family, including contact
171 information for all parties.

172 5. Identification of the organization, including contact
173 information for the organization and the representative who
174 assisted with the child's placement.

175 6. A statement regarding disciplinary procedures that are
176 used by the volunteer respite family and expectations regarding
177 interactions between the volunteer respite family and the child.
178 The statement must identify the child's known behavioral or
179 emotional issues and how such issues are addressed by the
180 child's parent.

181 7. A statement of the minimum expected frequency of
182 contact between the parent and the child, expectations for the
183 volunteer respite family to facilitate any reasonable request
184 for contact with the child outside of the established schedule,
185 and the minimum expected frequency of contact between the parent
186 and the volunteer respite family to discuss the child's well-
187 being and health.

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188 8. A statement regarding the child's educational needs,
189 including the name and address of the child's school and the
190 names of the child's teachers.

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

193 10. A list of any special dietary or nutritional
194 requirements of the child.

195 11. A description of the child's medical needs, including
196 any diagnoses, allergies, therapies, treatments, or medications
197 prescribed to the child and the expectations for the volunteer
198 respite family to address such medical needs.

199 12. A statement that the volunteer respite family agrees
200 to act in the best interests of the child and to consider all
201 reasonable wishes and expectations of the parent concerning the
202 care and comfort of the child.

203 13. A statement that all appropriate members of the
204 volunteer respite family have successfully met the personnel
205 screening requirements pursuant to paragraph (2) (b).

206 14. An expiration date for each contract for care, which
207 may not exceed 6 months in duration, not including an authorized
208 extension.

209 15. A statement that the goal of the organization,
210 volunteer respite family, and parent is to return the child
211 receiving temporary respite care to the parent as soon as the
212 situation requiring such care has been resolved.

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213 16. A requirement that the volunteer respite family
214 immediately notify the parent of the child's need for medical
215 care.

216 (4) INSPECTION OF DOCUMENTS.—The department may, at any
217 time, inspect any documents held by the organization relating to
218 children placed pursuant to this section.

219 (5) ELIGIBILITY.—A child who has been removed from a
220 parent due to abuse or neglect and placed in the custody of the
221 department is not eligible for temporary respite care pursuant
222 to this section.

223 (6) DUTIES OF DEPARTMENT.—The department may refer a child
224 to an organization under this section if the department
225 determines that the needs of the child or the needs of the
226 child's parent do not require an out-of-home safety plan
227 pursuant to s. 39.301(9) or other formal involvement of the
228 department and that the child and the child's family may benefit
229 from the temporary respite care and services provided by the
230 organization.

231 (7) APPLICABILITY.—Placement of a child under this section
232 without additional evidence does not constitute abandonment,
233 abuse, or neglect, as those terms are defined in s. 39.01, and
234 is not considered to be placement of the child in foster care.
235 However, nothing in this section prevents the department or a
236 law enforcement agency from investigating allegations of

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237 abandonment, abuse, neglect, unlawful desertion of a child, or
238 human trafficking.

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

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242 **T I T L E A M E N D M E N T**

243 Remove everything before the enacting clause and insert:

244 A bill to be entitled

245 An act relating to the temporary care of a child;
246 creating s. 409.1761, F.S.; providing legislative
247 findings; providing definitions; authorizing qualified
248 nonprofit organizations to establish programs to
249 provide temporary respite care for children; providing
250 duties and recordkeeping requirements for such
251 organizations; providing screening requirements for
252 certain persons; requiring notification to the
253 Department of Children and Families under certain
254 circumstances; authorizing a volunteer respite family
255 to enter into a contract for care to provide temporary
256 respite care for a child; specifying the duration of a
257 contract for care; specifying the form and execution
258 of the contract; authorizing inspection of documents
259 by the Department of Children and Families; providing
260 eligibility; authorizing the department to refer a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 363 (2017)

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261 | child for such care; providing applicability;
262 | providing an effective date.