

HB 7075

2017

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, in collaboration with certain
13 entities, to develop a statewide quality rating system
14 for residential group care providers and foster homes;
15 requiring the system to be implemented by a specified
16 date; providing requirements for the system; requiring
17 the department to submit a report to the Governor and
18 the Legislature by a specified date and annually
19 thereafter; providing requirements for the report;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 39.01 Definitions.—When used in this chapter, unless the
 27 context otherwise requires:

28 (52) "Permanency goal" means the living arrangement
 29 identified for the child to return to or identified as the
 30 permanent living arrangement of the child. ~~Permanency goals~~
 31 ~~applicable under this chapter, listed in order of preference,~~
 32 are:

33 ~~(a) Reunification;~~

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

36 ~~(c) Permanent guardianship of a dependent child under s.~~
 37 ~~39.6221;~~

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

40 ~~(e) Placement in another planned permanent living~~
 41 ~~arrangement under s. 39.6241.~~

42
 43 The permanency goal is also the case plan goal. If concurrent
 44 case planning is being used, reunification may be pursued at the
 45 same time that another permanency goal is pursued.

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

48 39.013 Procedures and jurisdiction; right to counsel.—

49 (2) The circuit court has exclusive original jurisdiction
 50 of all proceedings under this chapter, of a child voluntarily

51 placed with a licensed child-caring agency, a licensed child-
52 placing agency, or the department, and of the adoption of
53 children whose parental rights have been terminated under this
54 chapter. Jurisdiction attaches when the initial shelter
55 petition, dependency petition, or termination of parental rights
56 petition, or a petition for an injunction to prevent child abuse
57 issued pursuant to s. 39.504, is filed or when a child is taken
58 into the custody of the department. The circuit court may assume
59 jurisdiction over any such proceeding regardless of whether the
60 child was in the physical custody of both parents, was in the
61 sole legal or physical custody of only one parent, caregiver, or
62 some other person, or was not in the physical or legal custody
63 of any person when the event or condition occurred that brought
64 the child to the attention of the court. When the court obtains
65 jurisdiction of any child who has been found to be dependent,
66 the court shall retain jurisdiction, unless relinquished by its
67 order, until the child reaches 21 years of age, or 22 years of
68 age if the child has a disability, with the following
69 exceptions:

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

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

75 (c) If a young adult petitions the court at any time

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76 | before his or her 19th birthday requesting the court's continued
77 | jurisdiction, the juvenile court may retain jurisdiction under
78 | this chapter for a period not to exceed 1 year following the
79 | young adult's 18th birthday for the purpose of determining
80 | whether appropriate services that were required to be provided
81 | to the young adult before reaching 18 years of age have been
82 | provided.

83 | (d) If a petition for special immigrant juvenile status
84 | and an application for adjustment of status have been filed on
85 | behalf of a foster child and the petition and application have
86 | not been granted by the time the child reaches 18 years of age,
87 | the court may retain jurisdiction over the dependency case
88 | solely for the purpose of allowing the continued consideration
89 | of the petition and application by federal authorities. Review
90 | hearings for the child shall be set solely for the purpose of
91 | determining the status of the petition and application. The
92 | court's jurisdiction terminates upon the final decision of the
93 | federal authorities. Retention of jurisdiction in this instance
94 | does not affect the services available to a young adult under s.
95 | 409.1451. The court may not retain jurisdiction of the case
96 | after the immigrant child's 22nd birthday.

97 | Section 3. Subsection (4) of section 39.6035, Florida
98 | Statutes, is amended to read:

99 | 39.6035 Transition plan.—

100 | (4) ~~If a child is planning to leave care upon reaching 18~~

101 ~~years of age,~~ The transition plan must be approved by the court
102 before the child's 18th birthday and must be attached to the
103 case plan and updated before each judicial review ~~child leaves~~
104 ~~care and the court terminates jurisdiction.~~

105 Section 4. Present subsections (2) through (11) of section
106 39.621, Florida Statutes, are redesignated as subsections (3)
107 through (12), respectively, and a new subsection (2) is added to
108 that section, to read:

109 39.621 Permanency determination by the court.—

110 (2) The permanency goal of maintaining and strengthening
111 the placement with a parent may be used in all of the following
112 circumstances:

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

117 (b) If a child has been removed from a parent and is
118 placed with the parent from whom the child was not removed, the
119 court may leave the child in the placement with the parent from
120 whom the child was not removed with maintaining and
121 strengthening the placement as a permanency option.

122 (c) If a child has been removed from a parent and is
123 subsequently reunified with that parent, the court may leave the
124 child with that parent with maintaining and strengthening the
125 placement as a permanency option.

126 Section 5. Section 409.996, Florida Statutes, is amended
 127 to read:

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

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

139 (a) Provide for the services needed to accomplish the
 140 duties established in s. 409.988 and provide information to the
 141 department which is necessary to meet the requirements for a
 142 quality assurance program pursuant to subsection (18) and the
 143 child welfare results-oriented accountability system pursuant to
 144 s. 409.997.

145 (b) Provide for graduated penalties for failure to comply
 146 with contract terms. Such penalties may include financial
 147 penalties, enhanced monitoring and reporting, corrective action
 148 plans, and early termination of contracts or other appropriate
 149 action to ensure contract compliance. The financial penalties
 150 shall require a lead agency to reallocate funds from

151 administrative costs to direct care for children.

152 (c) Ensure that the lead agency shall furnish current and
153 accurate information on its activities in all cases in client
154 case records in the state's statewide automated child welfare
155 information system.

156 (d) Specify the procedures to be used by the parties to
157 resolve differences in interpreting the contract or to resolve
158 disputes as to the adequacy of the parties' compliance with
159 their respective obligations under the contract.

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

176 expeditiously as possible.

177 (3) The department shall receive federal and state funds
178 as appropriated for the operation of the child welfare system,
179 transmit these funds to the lead agencies as agreed to in the
180 contract, and provide information on its website of the
181 distribution of the federal funds. The department retains
182 responsibility for the appropriate spending of these funds. The
183 department shall monitor lead agencies to assess compliance with
184 the financial guidelines established pursuant to s. 409.992 and
185 other applicable state and federal laws.

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

189 (5) The department retains the responsibility for the
190 review, approval or denial, and issuances of all foster home
191 licenses.

192 (6) The department shall process all applications
193 submitted by lead agencies for the Interstate Compact on the
194 Placement of Children and the Interstate Compact on Adoption and
195 Medical Assistance.

196 (7) The department shall assist lead agencies with access
197 to and coordination with other service programs within the
198 department.

199 (8) The department shall determine Medicaid eligibility
200 for all referred children and shall coordinate services with the

201 Agency for Health Care Administration.

202 (9) The department shall develop, in cooperation with the
203 lead agencies, a third-party credentialing entity approved
204 pursuant to s. 402.40(3), and the Florida Institute for Child
205 Welfare established pursuant to s. 1004.615, a standardized
206 competency-based curriculum for certification training for child
207 protection staff.

208 (10) The department shall maintain the statewide adoptions
209 website and provide information and training to the lead
210 agencies relating to the website.

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

215 (12) With the assistance of a lead agency, the department
216 shall develop and implement statewide and local interagency
217 agreements needed to coordinate services for children and
218 parents involved in the child welfare system who are also
219 involved with the Agency for Persons with Disabilities, the
220 Department of Juvenile Justice, the Department of Education, the
221 Department of Health, and other governmental organizations that
222 share responsibilities for children or parents in the child
223 welfare system.

224 (13) With the assistance of a lead agency, the department
225 shall develop and implement a working agreement between the lead

226 agency and the substance abuse and mental health managing entity
227 to integrate services and supports for children and parents
228 serviced in the child welfare system.

229 (14) The department shall work with the Agency for Health
230 Care Administration to provide each Medicaid-eligible child with
231 early and periodic screening, diagnosis, and treatment,
232 including 72-hour screening, periodic child health checkups, and
233 prescribed followup for ordered services, including, but not
234 limited to, medical, dental, and vision care.

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

238 (16) The department shall provide a mechanism to allow
239 lead agencies to request a waiver of department policies and
240 procedures that create inefficiencies or inhibit the performance
241 of the lead agency's duties.

242 (17) The department shall directly or through contract
243 provide attorneys to prepare and present cases in dependency
244 court and shall ensure that the court is provided with adequate
245 information for informed decisionmaking in dependency cases,
246 including a face sheet for each case which lists the names and
247 contact information for any child protective investigator, child
248 protective investigation supervisor, case manager, and case
249 manager supervisor, and the regional department official
250 responsible for the lead agency contract. The department shall

251 provide to the court the case information and recommendations
252 provided by the lead agency or subcontractor. For the Sixth
253 Judicial Circuit, the department shall contract with the state
254 attorney for the provision of these services.

255 (18) The department, in consultation with lead agencies,
256 shall establish a quality assurance program for contracted
257 services to dependent children. The quality assurance program
258 shall be based on standards established by federal and state law
259 and national accrediting organizations.

260 (a) The department must evaluate each lead agency under
261 contract at least annually. These evaluations shall cover the
262 programmatic, operational, and fiscal operations of the lead
263 agency and must be consistent with the child welfare results-
264 oriented accountability system required by s. 409.997. The
265 department must consult with dependency judges in the circuit or
266 circuits served by the lead agency on the performance of the
267 lead agency.

268 (b) The department and each lead agency shall monitor out-
269 of-home placements, including the extent to which sibling groups
270 are placed together or provisions to provide visitation and
271 other contacts if siblings are separated. The data shall
272 identify reasons for sibling separation. Information related to
273 sibling placement shall be incorporated into the results-
274 oriented accountability system required pursuant to s. 409.997
275 and into the evaluation of the outcome specified in s.

276 409.986(2)(e). The information related to sibling placement
277 shall also be made available to the institute established
278 pursuant s. 1004.615 for use in assessing the performance of
279 child welfare services in relation to the outcome specified in
280 s. 409.986(2)(e).

281 (c) The department shall, to the extent possible, use
282 independent financial audits provided by the lead agency to
283 eliminate or reduce the ongoing contract and administrative
284 reviews conducted by the department. If the department
285 determines that such independent financial audits are
286 inadequate, other audits, as necessary, may be conducted by the
287 department. This paragraph does not abrogate the requirements of
288 s. 215.97.

289 (d) The department may suggest additional items to be
290 included in such independent financial audits to meet the
291 department's needs.

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

294 (f) A lead agency must assure that all subcontractors are
295 subject to the same quality assurance activities as the lead
296 agency.

297 (19) The department and its attorneys have the
298 responsibility to ensure that the court is fully informed about
299 issues before it, to make recommendations to the court, and to
300 present competent evidence, including testimony by the

301 department's employees, contractors, and subcontractors, as well
302 as other individuals, to support all recommendations made to the
303 court. The department's attorneys shall coordinate lead agency
304 or subcontractor staff to ensure that dependency cases are
305 presented appropriately to the court, giving consideration to
306 the information developed by the case manager and direction to
307 the case manager if more information is needed.

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

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

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

319 (b) The relationship between a lead agency and its
320 community partners.

321 (c) Any local conditions or service needs in child
322 protection and child welfare.

323 (22) The department shall develop, in collaboration with
324 lead agencies, service providers, current and former foster
325 children, and other community stakeholders, a statewide quality

326 rating system for residential group care providers and foster
327 homes. This system must promote high quality in services and
328 accommodations by creating measurable minimum quality standards
329 that providers must meet to contract with the lead agencies and
330 that foster homes must meet to receive placements. Domains
331 addressed by a quality rating system for residential group care
332 providers may include, but need not be limited to, admissions,
333 service planning and treatment planning, living environment, and
334 program and service requirements. The quality rating system must
335 be implemented by July 1, 2019.

336 (a) The rating system must include:

337 1. Delineated levels of quality that are clearly and
338 concisely defined, the domains measured, and criteria which must
339 be met to be placed in each level. The quality rating system
340 must differentiate between shift and family-style models while
341 encouraging a high level of quality in both;

342 2. Contractual incentives for achieving and maintaining
343 high levels of quality; and

344 3. A well-defined process for notice, inspection,
345 remediation, appeal, and enforcement.

346 (b) The department shall submit a report to the Governor,
347 the President of the Senate, and the Speaker of the House of
348 Representatives by October 1 of each year, with the first report
349 due October 1, 2017. The report must, at a minimum, include an
350 update on the development of a statewide quality rating system

351 for residential group care providers and foster homes and a plan
352 for department oversight of the implementation of the statewide
353 quality rating system for residential group care providers and
354 foster homes by the community-based care lead agencies.
355 Beginning in 2019 and in subsequent years, the report must also
356 contain a list of residential group care providers meeting
357 minimum quality standards and their quality ratings; the
358 percentage of children placed in residential group care with
359 highly rated providers; any negative action taken against
360 contracted providers for not meeting minimum quality standards;
361 the percentages of highly rated foster homes by lead agency; and
362 the percentage of children placed in highly rated foster homes.

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