

Amendment No. 1

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WITHDRAWN (Y/N)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 Care Appropriations
2 Subcommittee

3 Representative Perez offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 39.4015, Florida Statutes, is created
8 to read:

9 39.4015 Family finding.-

10 (1) LEGISLATIVE FINDINGS AND INTENT.-

11 (a) The Legislature finds that every child who is in out-
12 of-home care has the goal of finding a permanent home, whether
13 achieved by reunifying the child with his or her parents or
14 finding another permanent connection, such as adoption or legal
15 guardianship with a relative or nonrelative who has a
16 significant relationship with the child.

Amendment No. 1

17 (b) The Legislature finds that while legal permanency is
18 important to a child in out-of-home care, emotional permanency
19 helps increase the likelihood that children will achieve
20 stability and well-being and successfully transition to
21 independent adulthood.

22 (c) The Legislature also finds that research has
23 consistently shown that placing a child within his or her own
24 family reduces the trauma of being removed from his or her home,
25 is less likely to result in placement disruptions, and enhances
26 prospects for finding a permanent family if the child cannot
27 return home.

28 (d) The Legislature further finds that the primary purpose
29 of family finding is to facilitate legal and emotional
30 permanency for children who are in out-of-home care by finding
31 and engaging their relatives.

32 (e) It is the intent of the Legislature that every child
33 in out-of-home care be afforded the advantages that can be
34 gained from the use of family finding to establish caring and
35 long-term or permanent connections and relationships for
36 children and youth in out-of-home care, as well as to establish
37 a long-term emotional support network with family members and
38 other adults who may not be able to take the child into their
39 home but who want to stay connected with the child.

40 (2) DEFINITIONS.-As used in this section, the term:

41 (a) "Diligent efforts" means the use of methods and

Amendment No. 1

42 techniques including, but not limited to, interviews with
43 immediate and extended family and fictive kin, genograms, eco-
44 mapping, case mining, cold calls, and specialized computer
45 searches.

46 (b) "Family finding" means an intensive relative search
47 and engagement technique used in identifying family and other
48 close adults for children in out-of-home care and involving them
49 in developing and carrying out a plan for the emotional and
50 legal permanency of a child.

51 (c) "Family group decisionmaking" is a generic term that
52 includes a number of approaches in which family members and
53 fictive kin are brought together to make decisions about how to
54 care for their children and develop a plan for services. The
55 term includes family team conferencing, family team meetings,
56 family group conferencing, family team decisionmaking, family
57 unity meetings, and team decisionmaking, which may consist of
58 several phases and employ a trained facilitator or coordinator.

59 (d) "Fictive kin" means an individual who is unrelated to
60 the child by either birth or marriage, but has such a close
61 emotional relationship with the child that he or she may be
62 considered part of the family.

63 (3) FAMILY-FINDING PROGRAM.—Subject to available
64 resources, the department, in collaboration with sheriffs'
65 offices that conduct child protective investigations and
66 community-based care lead agencies, may develop a formal family-

Amendment No. 1

67 finding program to be implemented by child protective
68 investigators and community-based care lead agencies as
69 resources permit.

70 (a) Family finding may begin as soon as a child is taken
71 into custody of the department, pursuant to s. 39.401, and
72 throughout the duration of the case as necessary, finding and
73 engaging with as many family members and fictive kin as possible
74 for each child who may help with care or support for the child.
75 The department or community-based care lead agency must
76 specifically document strategies taken to locate and engage
77 relatives and kin. Strategies of engagement may include, but are
78 not limited to, asking the relatives and fictive kin to:

- 79 1. Participate in a family group decisionmaking
80 conference, family team conferencing, or other family meetings
81 aimed at developing or supporting the family service plan;
82 2. Attend visitations with the child;
83 3. Assist in transportation of the child;
84 4. Provide respite or child care services; or
85 5. Provide actual kinship care.

86 (b) The family finding program shall provide the
87 department and the community-based care lead agencies with best
88 practices for identifying family and fictive kin. The family
89 finding program must use diligent efforts in family finding,
90 must continue those efforts until multiple relatives and kin are
91 identified, and must go beyond basic searching tools by

Amendment No. 1

92 exploring alternative tools and methodologies. Family finding
93 efforts by the department and the community-based care lead
94 agency may include, but are not limited to:

95 1. Searching for and locating adult relatives and fictive
96 kin.

97 2. Identifying and building positive connections between
98 the child and the child's relatives and fictive kin.

99 3. Supporting the engagement of relatives and fictive kin
100 in social service planning and delivery of services and creating
101 a network of extended family support to assist in remedying the
102 concerns that led to the child becoming involved with the child
103 welfare system, when appropriate.

104 4. Maintaining family connections, when possible.

105 5. Keeping siblings together in care, when in the best
106 interest of each child and when possible.

107 (c) A basic computer search using the Internet or attempts
108 to contact known relatives at a last known address or telephone
109 number do not constitute effective family finding.

110 (4) RULEMAKING.—The department may adopt rules to
111 implement this section.

112 Section 2. Paragraph (c) of subsection (11) of section
113 39.402, Florida Statutes, is amended to read:

114 39.402 Placement in a shelter.—

115 (11)

Amendment No. 1

116 (c) The court shall request that the parents consent to
117 provide access to the child's child care records, early
118 education program records, or other educational records and
119 provide information to the court, the department or its contract
120 agencies, and any guardian ad litem or attorney for the child.
121 If a parent is unavailable or unable to consent or withholds
122 consent and the court determines access to the records and
123 information is necessary to provide services to the child, the
124 court shall issue an order granting access.

125 Section 3. Section 39.5086, Florida Statutes, is created
126 to read:

127 39.5086 Kinship navigator programs.-

128 (1) DEFINITIONS.-As used this section, the term:

129 (a) "Fictive kin" has the same meaning as provided in s.
130 39.4015(2) (d).

131 (b) "Kinship care" means the full-time care of a child
132 placed in out-of-home care by the court in the home of a
133 relative or fictive kin.

134 (c) "Kinship navigator program" means a program designed
135 to ensure that kinship caregivers are provided with necessary
136 resources for the preservation of the family.

137 (d) "Relative" means an individual who is caring full time
138 for a child placed in out-of-home care by the court and who:

139 1. Is related to the child within the fifth degree by
140 blood or marriage to the parent or stepparent of the child; or

Amendment No. 1

141 2. Is related to a half-sibling of that child within the
142 fifth degree by blood or marriage to the parent or stepparent.

143 (2) PURPOSE AND SERVICES.—

144 (a) The purpose of a kinship navigator program is to help
145 relative caregivers and fictive kin in the child welfare system
146 to navigate the broad range of services available to them and
147 the children from public, private, community, and faith-based
148 organizations.

149 (b) Subject to available resources, each community-based
150 care lead agency may establish a kinship navigator program that:

151 1. Coordinates with other state or local agencies that
152 promote service coordination or provide information and referral
153 services, including any entities that participate in the Florida
154 211 Network, to avoid duplication or fragmentation of services
155 to kinship care families;

156 2. Is planned and operated in consultation with kinship
157 caregivers and organizations representing them, youth raised by
158 kinship caregivers, relevant governmental agencies, and relevant
159 community-based or faith-based organizations;

160 3. Has a toll-free telephone hotline to provide
161 information to link kinship caregivers, kinship support group
162 facilitators, and kinship service providers to:

163 a. One another;

164 b. Eligibility and enrollment information for federal,
165 state, and local benefits;

Amendment No. 1

166 c. Relevant training to assist kinship caregivers in
167 caregiving and in obtaining benefits and services; and

168 d. Relevant knowledge related to legal options available
169 for child custody, other legal assistance, and help in obtaining
170 legal services.

171 4. Provides outreach to kinship care families, including
172 by establishing, distributing, and updating a kinship care
173 website, or other relevant guides or outreach materials; and

174 5. Promotes partnerships between public and private
175 agencies, including schools, community-based or faith-based
176 organizations, and relevant governmental agencies, to increase
177 their knowledge of the needs of kinship care families to promote
178 better services for those families.

179 (3) RULEMAKING.— The department may adopt rules to
180 implement this section.

181 Section 4. Paragraph (e) of subsection (1) of section
182 39.521, Florida Statutes, is amended to read:

183 39.521 Disposition hearings; powers of disposition.—

184 (1) A disposition hearing shall be conducted by the court,
185 if the court finds that the facts alleged in the petition for
186 dependency were proven in the adjudicatory hearing, or if the
187 parents or legal custodians have consented to the finding of
188 dependency or admitted the allegations in the petition, have
189 failed to appear for the arraignment hearing after proper
190 notice, or have not been located despite a diligent search

Amendment No. 1

191 having been conducted.

192 (e) The court shall, in its written order of disposition,
193 include all of the following:

194 1. The placement or custody of the child.

195 2. Special conditions of placement and visitation.

196 3. Evaluation, counseling, treatment activities, and other
197 actions to be taken by the parties, if ordered.

198 4. The persons or entities responsible for supervising or
199 monitoring services to the child and parent.

200 5. Continuation or discharge of the guardian ad litem, as
201 appropriate.

202 6. The date, time, and location of the next scheduled
203 review hearing, which must occur within the earlier of:

204 a. Ninety days after the disposition hearing;

205 b. Ninety days after the court accepts the case plan;

206 c. Six months after the date of the last review hearing;

207 or

208 d. Six months after the date of the child's removal from
209 his or her home, if no review hearing has been held since the
210 child's removal from the home.

211 7. If the child is in an out-of-home placement, child
212 support to be paid by the parents, or the guardian of the
213 child's estate if possessed of assets which under law may be
214 disbursed for the care, support, and maintenance of the child.

215 The court may exercise jurisdiction over all child support

Amendment No. 1

216 matters, shall adjudicate the financial obligation, including
217 health insurance, of the child's parents or guardian, and shall
218 enforce the financial obligation as provided in chapter 61. The
219 state's child support enforcement agency shall enforce child
220 support orders under this section in the same manner as child
221 support orders under chapter 61. Placement of the child shall
222 not be contingent upon issuance of a support order.

223 8.a. If the court does not commit the child to the
224 temporary legal custody of an adult relative, legal custodian,
225 or other adult approved by the court, the disposition order must
226 ~~shall~~ include the reasons for such a decision and shall include
227 a determination as to whether diligent efforts were made by the
228 department to locate an adult relative, legal custodian, or
229 other adult willing to care for the child in order to present
230 that placement option to the court instead of placement with the
231 department.

232 b. If no suitable relative is found and the child is
233 placed with the department or a legal custodian or other adult
234 approved by the court, both the department and the court shall
235 consider transferring temporary legal custody to an adult
236 relative approved by the court at a later date, but neither the
237 department nor the court is obligated to so place the child if
238 it is in the child's best interest to remain in the current
239 placement.

240

Amendment No. 1

241 For the purposes of this section, "diligent efforts to locate an
242 adult relative" means a search similar to the diligent search
243 for a parent, but without the continuing obligation to search
244 after an initial adequate search is completed.

245 9. Other requirements necessary to protect the health,
246 safety, and well-being of the child, to preserve the stability
247 of the child's child care, early education program, or any other
248 educational placement, and to promote family preservation or
249 reunification whenever possible.

250 Section 5. Paragraph (b) of subsection (2) of section
251 39.6012, Florida Statutes, is amended to read:

252 39.6012 Case plan tasks; services.—

253 (2) The case plan must include all available information
254 that is relevant to the child's care including, at a minimum:

255 (b) A description of the plan for ensuring that the child
256 receives safe and proper care and that services are provided to
257 the child in order to address the child's needs. To the extent
258 available and accessible, the following health, mental health,
259 and education information and records of the child must be
260 attached to the case plan and updated throughout the judicial
261 review process:

262 1. The names and addresses of the child's health, mental
263 health, and educational providers;

264 2. The child's grade level performance;

265 3. The child's school record or, if the child is under the

Amendment No. 1

266 age of school entry, any records from a child care program,
267 early education program, or preschool program;

268 4. Documentation of compliance or noncompliance with the
269 attendance requirements under s. 39.604, if the child is
270 enrolled in a child care program, early education program, or
271 preschool program;

272 5.4. Assurances that the child's placement takes into
273 account proximity to the school in which the child is enrolled
274 at the time of placement;

275 6.5. ~~A record of~~ The child's immunizations;

276 7.6. The child's known medical history, including any
277 known health problems;

278 8.7. The child's medications, if any; and

279 9.8. Any other relevant health, mental health, and
280 education information concerning the child.

281 Section 6. Section 39.604, Florida Statutes, is amended to
282 read:

283 39.604 Rilya Wilson Act; short title; legislative intent;
284 child care; early education; preschool requirements; attendance
285 and reporting responsibilities.—

286 (1) SHORT TITLE.—This section may be cited as the "Rilya
287 Wilson Act."

288 (2) LEGISLATIVE INTENT.—The Legislature recognizes that
289 children who are in the care of the state due to abuse, neglect,
290 or abandonment are at increased risk of poor school performance

Amendment No. 1

291 and other behavioral and social problems. It is the intent of
292 the Legislature that children who are currently in the care of
293 the state be provided with an age-appropriate education program
294 to help ameliorate the negative consequences of abuse, neglect,
295 or abandonment.

296 (3) REQUIREMENTS.—

297 (a) A child from birth to the age of school entry, who is
298 under court-ordered protective supervision or in out-of-home
299 care and is the custody of the Family Safety Program Office of
300 the Department of Children and Families or a community-based
301 lead agency, and enrolled in an a licensed early education or
302 child care program must attend the program 5 days a week unless
303 the court grants an exception due to the court determining it is
304 in the best interest of a child from birth to age 3 years:

305 1. With a stay-at-home caregiver to remain at home.
306 2. With a caregiver who works less than full time to
307 attend an early education or child care program fewer than 5
308 days a week.

309 (b) Notwithstanding s. 39.202, the department ~~of Children~~
310 ~~and Families~~ must notify operators of an ~~the licensed~~ early
311 education or child care program, subject to the reporting
312 requirements of this act, of the enrollment of any child from
313 birth to the age of school entry, under court-ordered protective
314 supervision or in out-of-home care. ~~If the custody of the Family~~
315 ~~Safety Program Office of the Department of Children and Families~~

Amendment No. 1

316 ~~or a community-based lead agency. When a child is enrolled in an~~
317 ~~early education or child care program regulated by the~~
318 ~~department, the child's attendance in the program must be a~~
319 ~~required task action in the safety plan or the case plan~~
320 ~~developed for the child pursuant to this chapter. An exemption~~
321 ~~to participating in the licensed early education or child care~~
322 ~~program 5 days a week may be granted by the court.~~

323 (4) ~~ATTENDANCE AND REPORTING REQUIREMENTS.-~~

324 (a) A child enrolled in an ~~a licensed~~ early education or
325 child care program who meets the requirements of subsection (3)
326 may not be withdrawn from the program without the prior written
327 approval of the department ~~Family Safety Program Office of the~~
328 ~~Department of Children and Families~~ or the community-based care
329 lead agency.

330 (b)1. If a child covered by this section is absent from
331 the program on a day when he or she is supposed to be present,
332 the person with whom the child resides must report the absence
333 to the program by the end of the business day. If the person
334 with whom the child resides, whether the parent or caregiver,
335 fails to timely report the absence, the absence is considered to
336 be unexcused. The program shall report any unexcused absence or
337 seven consecutive excused absences of a child who is enrolled in
338 the program and covered by this act to the ~~local designated~~
339 ~~staff of the Family Safety Program Office of the~~ department of
340 ~~Children and Families~~ or the community-based care lead agency by

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Amendment No. 1

341 the end of the business day following the unexcused absence or
342 seventh consecutive excused absence.

343 2. The department or community-based care lead agency
344 shall conduct a site visit to the residence of the child upon
345 receiving a report of two consecutive unexcused absences or
346 seven consecutive excused absences.

347 3. If the site visit results in a determination that the
348 child is missing, the department or community-based care lead
349 agency shall follow the procedure set forth in s. 39.0141 ~~report~~
350 ~~the child as missing to a law enforcement agency and proceed~~
351 ~~with the necessary actions to locate the child pursuant to~~
352 ~~procedures for locating missing children.~~

353 4. If the site visit results in a determination that the
354 child is not missing, the parent or caregiver shall be notified
355 that failure to ensure that the child attends the ~~licensed~~ early
356 education or child care program is a violation of the safety
357 plan or the case plan. If more than two site visits are
358 conducted pursuant to this paragraph ~~subsection~~, staff shall
359 ~~initiate action to~~ notify the court of the parent or caregiver's
360 noncompliance with the case plan.

361 (5) EDUCATIONAL STABILITY.—Just as educational stability
362 is important for school-age children, it is also important to
363 minimize disruptions to secure attachments and stable
364 relationships with supportive caregivers of children from birth
365 to school age and to ensure that these attachments are not

Amendment No. 1

366 disrupted due to placement in out-of-home care or subsequent
367 changes in out-of-home placement.

368 (a) A child must be allowed to remain in the child care or
369 early educational setting that he or she attended before entry
370 into out-of-home care, unless the program is not in the best
371 interest of the child.

372 (b) If it is not in the best interest of the child for him
373 or her to remain in his or her child care or early education
374 setting upon entry into out-of-home care, the caregiver must
375 work with the case manager, guardian ad litem, child care and
376 educational staff, and educational surrogate, if one has been
377 appointed, to determine the best setting for the child. Such
378 setting may be a child care provider that receives a Gold Seal
379 Quality Care designation pursuant to s. 402.281, a provider
380 participating in a quality rating system, a licensed child care
381 provider, a public school provider, or a license-exempt child
382 care provider, including religious-exempt and registered
383 providers, and nonpublic schools.

384 (c) The department and providers of early care and
385 education shall develop protocols to ensure continuity if
386 children are required to leave a program because of a change in
387 out-of-home placement.

388 (6) TRANSITIONS.—In the absence of an emergency, if a
389 child from birth to school age leaves a child care or early
390 education program, the transition must be pursuant to a plan

Amendment No. 1

391 that involves cooperation and sharing of information among all
392 persons involved, that respects the child's developmental stage
393 and associated psychological needs, and that allows for a
394 gradual transition from one setting to another.

395 Section 7. This act shall take effect July 1, 2018.

396

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

399 Remove everything before the enacting clause and insert:

400 A bill to be entitled

401 An act relating to child welfare; creating s. 39.4015,
402 F.S.; providing legislative findings and intent;
403 providing definitions; requiring the Department of
404 Children and Families, in collaboration with sheriffs'
405 offices that conduct child protective investigations
406 and community-based care lead agencies, to develop a
407 statewide family-finding program; providing strategies
408 to engage relatives and kin; providing for the
409 department and community-based care lead agencies to
410 use diligent efforts in family finding; providing that
411 certain actions do not constitute family finding;
412 requiring the department to adopt rules; amending s.
413 39.402, F.S.; requiring the court to request that
414 parents consent to providing access to additional
415 records; creating s. 39.5086, F.S.; providing the

Amendment No. 1

416 purpose of a kinship navigator program; providing
417 definitions; authorizing each community-based care
418 lead agency to establish a kinship navigator program;
419 providing requirements for programs; allowing the
420 department to adopt rules; amending s. 39.521, F.S.;
421 conforming provisions to changes made by the act;
422 amending s. 39.6012, F.S.; revising the types of
423 records that must be attached to a case plan and
424 updated throughout the judicial review process;
425 amending s. 39.604, F.S.; revising enrollment and
426 attendance requirements for children under protective
427 supervision or out-of-home care enrolled in an early
428 education or child care program; providing
429 requirements and procedures for maintaining the
430 educational stability of a child during the child's
431 placement in out-of-home care, or subsequent changes
432 in out-of-home placement; requiring that a child's
433 transition from a child care or early education
434 program be pursuant to a plan that meets certain
435 requirements; providing an effective date.