

1 A bill to be entitled
2 An act relating to child welfare; creating s. 39.4015,
3 F.S.; providing legislative findings and intent;
4 providing definitions; requiring the Department of
5 Children and Families, in collaboration with sheriffs'
6 offices that conduct child protective investigations
7 and community-based care lead agencies, to develop a
8 statewide family-finding program; requiring the
9 implementation of family finding by a specified date;
10 requiring the department and community-based care lead
11 agencies to document strategies taken to engage
12 relatives and kin; providing strategies to engage
13 relatives and kin; requiring the department and
14 community-based care lead agencies to use diligent
15 efforts in family finding; providing that certain
16 actions do not constitute family finding; requiring
17 determinations by the court; requiring the department
18 to adopt rules; amending s. 39.402, F.S.; requiring
19 the court to request that parents consent to providing
20 access to additional records; requiring the court to
21 place on the record its determinations regarding the
22 department's or the community-based lead agency's
23 reasonable engagement in family finding; providing
24 guidelines for determining reasonableness; amending
25 ss. 39.506; requiring the court to make a

26 | determination regarding the department's or the
27 | community-based lead agency's reasonable engagement in
28 | family finding; providing guidelines for determining
29 | reasonableness; amending s. 39.507 F.S.; requiring the
30 | court to make a determination regarding the
31 | department's or the community-based lead agency's
32 | reasonable engagement in family finding; providing
33 | guidelines for determining reasonableness; requiring
34 | the court to advise parents that their parental rights
35 | may be terminated and the child's out-of-home
36 | placement may become permanent under certain
37 | circumstances; creating s. 39.5086, F.S.; providing
38 | the purpose of a kinship navigator program; providing
39 | definitions; requiring each community-based care lead
40 | agency to establish a kinship navigator program by a
41 | certain date; providing requirements for programs;
42 | requiring the department to adopt rules; amending s.
43 | 39.521, F.S.; requiring the court to make a
44 | determination regarding the department's or the
45 | community-based lead agency's reasonable engagement in
46 | family finding; providing guidelines for determining
47 | reasonableness; conforming provisions to changes made
48 | by the act; amending s. 39.6012, F.S.; revising the
49 | types of records that must be attached to a case plan
50 | and updated throughout the judicial review process;

51 requiring that documentation of the family-finding
52 efforts of the department and the community-based care
53 lead agency be included in certain case plans;
54 amending s. 39.604, F.S.; revising enrollment and
55 attendance requirements for children under protective
56 supervision or out-of-home care enrolled in an early
57 education or child care program; providing
58 requirements and procedures for maintaining the
59 educational stability of a child during the child's
60 placement in out-of-home care, or subsequent changes
61 in out-of-home placement; requiring that a child's
62 transition from a child care or early education
63 program be pursuant to a plan that meets certain
64 requirements; amending s. 39.701, F.S.; requiring the
65 court to determine if the department and community-
66 based lead agency has continued to reasonably engaged
67 in family finding; providing guidelines for
68 determining the level of reasonableness; providing
69 effective dates.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Effective January 1, 2019, section 39.4015,
74 Florida Statutes, is created to read:

75 39.4015 Family finding.—

76 (1) LEGISLATIVE FINDINGS AND INTENT.—

77 (a) The Legislature finds that every child who is in out-
78 of-home care has the goal of finding a permanent home, whether
79 achieved by reunifying the child with his or her parents or
80 finding another permanent connection, such as adoption or legal
81 guardianship with a relative or nonrelative who has a
82 significant relationship with the child.

83 (b) The Legislature finds that while legal permanency is
84 important to a child in out-of-home care, emotional permanency
85 helps increase the likelihood that children will achieve
86 stability and well-being and successfully transition to
87 independent adulthood.

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

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

98 (e) It is the intent of the Legislature that every child
99 in out-of-home care be afforded the advantages that can be
100 gained from the use of family finding to establish caring and

101 long-term or permanent connections and relationships for
102 children and youth in out-of-home care, as well as to establish
103 a long-term emotional support network with family members and
104 other adults who may not be able to take the child into their
105 home but who want to stay connected with the child.

106 (2) DEFINITIONS.—As used in this section, the term:

107 (a) "Diligent efforts" means the use of methods and
108 techniques including, but not limited to, interviews with
109 immediate and extended family and kin, genograms, eco-mapping,
110 case mining, cold calls, and specialized computer searches.

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

116 (c) "Family group decisionmaking" is a generic term that
117 includes a number of approaches in which family members and
118 fictive kin are brought together to make decisions about how to
119 care for their children and develop a plan for services. The
120 term includes family team conferencing, family team meetings,
121 family group conferencing, family team decisionmaking, family
122 unity meetings, and team decisionmaking, which may consist of
123 several phases and employ a trained facilitator or coordinator.

124 (d) "Fictive kin" means an individual who is unrelated to
125 the child by either birth or marriage, but has such a close

126 emotional relationship with the child that he or she may be
127 considered part of the family.

128 (3) FAMILY-FINDING PROGRAM.—The department, in
129 collaboration with sheriffs' offices that conduct child
130 protective investigations and community-based care lead
131 agencies, shall develop a formal family-finding program to be
132 implemented statewide by child protective investigators and
133 community-based care lead agencies.

134 (a) Family finding is required as soon as a child is taken
135 into custody of the department, pursuant to s. 39.401, and
136 throughout the duration of the case as necessary, and finding
137 and engaging with as many family members and fictive kin as
138 possible for each child who may help with care or support for
139 the child is considered a best practice. The department or
140 community-based care lead agency must specifically document
141 strategies taken to locate and engage relatives and kin.
142 Strategies of engagement may include, but are not limited to,
143 asking the relatives and kin to:

- 144 1. Participate in a family group decisionmaking
145 conference, family team conferencing, or other family meetings
146 aimed at developing or supporting the family service plan;
147 2. Attend visitations with the child;
148 3. Assist in transportation of the child;
149 4. Provide respite or child care services; or
150 5. Provide actual kinship care.

151 (b) The department and the community-based care lead
152 agencies must use diligent efforts in family finding, must
153 continue those efforts until multiple relatives and kin are
154 identified, and must go beyond basic searching tools by
155 exploring alternative tools and methodologies. Efforts by the
156 department and the community-based care lead agency may include,
157 but are not limited to:

158 1. Searching for and locating adult relatives and kin.

159 2. Identifying and building positive connections between
160 the child and the child's relatives and fictive kin.

161 3. Supporting the engagement of relatives and fictive kin
162 in social service planning and delivery of services and creating
163 a network of extended family support to assist in remedying the
164 concerns that led to the child becoming involved with the child
165 welfare system, when appropriate.

166 4. Maintaining family connections, when possible.

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

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

172 (d) The court's inquiry and determination regarding family
173 finding should be made at each stage of the case, including a
174 shelter hearing conducted pursuant to s. 39.402. The court shall
175 place its determinations on the record as to whether the

176 department or community-based care lead agency has reasonably
177 engaged in family finding. The level of reasonableness is to be
178 determined by the length of the case and the amount of time the
179 department or community-based care lead agency has had to begin
180 or continue the process.

181 (4) RULEMAKING.—The department shall adopt rules to
182 implement this section.

183 Section 2. Paragraph (c) of subsection (11) and subsection
184 (17) of section 39.402, Florida Statutes, are amended to read:

185 39.402 Placement in a shelter.—

186 (11)

187 (c) The court shall request that the parents consent to
188 provide access to the child's child care records, early
189 education program records, or other educational records and
190 provide information to the court, the department or its contract
191 agencies, and any guardian ad litem or attorney for the child.
192 If a parent is unavailable or unable to consent or withholds
193 consent and the court determines access to the records and
194 information is necessary to provide services to the child, the
195 court shall issue an order granting access.

196 (17) At the shelter hearing, the court shall inquire of
197 the parent whether the parent has relatives who might be
198 considered as a placement for the child. The parent shall
199 provide to the court and all parties identification and location
200 information regarding the relatives. The court shall advise the

201 parent that the parent has a continuing duty to inform the
202 department of any relative who should be considered for
203 placement of the child. The court shall place its determinations
204 on the record as to whether the department or community-based
205 care lead agency has reasonably engaged in family finding. The
206 level of reasonableness is to be determined by the length of the
207 case and amount of time the department or community-based care
208 lead agency has had to begin or continue the process.

209 Section 3. Subsection (9) of section 39.506, Florida
210 Statutes, is renumbered as subsection (10), and a new subsection
211 (9) is added to that section, to read:

212 39.506 Arraignment hearings.—

213 (9) The court shall review whether the department or
214 community-based care lead agency has reasonably engaged in
215 family finding and make a written determination as to its
216 findings. The level of reasonableness is determined by the
217 length of the case and amount of time the department or
218 community-based care lead agency has had to begin or continue
219 the process.

220 Section 4. Paragraphs (c) of subsection (7) of section
221 39.507, Florida Statutes, is amended, and paragraph (d) is added
222 to that subsection to read:

223 39.507 Adjudicatory hearings; orders of adjudication.—

224 (7)

225 (c) If a court adjudicates a child dependent and the child

226 is in out-of-home care, the court shall inquire of the parent or
 227 parents whether the parents have relatives who might be
 228 considered as a placement for the child. ~~The court shall advise~~
 229 ~~the parents that, if the parents fail to substantially comply~~
 230 ~~with the case plan, their parental rights may be terminated and~~
 231 ~~that the child's out-of-home placement may become permanent.~~ The
 232 parent or parents shall provide to the court and all parties
 233 identification and location information of the relatives. The
 234 court shall review whether the department or community-based
 235 care lead agency has reasonably engaged in family finding and
 236 make a written determination as to its findings. The level of
 237 reasonableness is determined by the length of the case and
 238 amount of time the department or community-based care lead
 239 agency has had to begin or continue the process.

240 (d) The court shall advise the parents that, if they fail
 241 to substantially comply with the case plan, their parental
 242 rights may be terminated and that the child's out-of-home
 243 placement may become permanent.

244 Section 5. Section 39.5086, Florida Statutes, is created
 245 to read:

246 39.5086 Kinship navigator programs.-

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

248 (a) "Fictive kin" has the same meaning as provided in s.

249 39.4015 (2) (d) .

250 (b) "Kinship care" means the full-time care of a child

251 placed in out-of-home care by the court in the home of a
252 relative or fictive kin.

253 (c) "Kinship navigator program" means a statewide program
254 designed to ensure that kinship caregivers are provided with
255 necessary resources for the preservation of the family.

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

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

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

262 (2) PURPOSE AND SERVICES.—

263 (a) The purpose of a kinship navigator program is to help
264 relative caregivers and fictive kin in the child welfare system
265 to navigate the broad range of services available to them and
266 the children from public, private, community, and faith-based
267 organizations.

268 (b) By January 1, 2019, each community-based care lead
269 agency shall establish a kinship navigator program. In order to
270 meet the requirements of a kinship navigator program, the
271 program must:

272 1. Be coordinated with other state or local agencies that
273 promote service coordination or provide information and referral
274 services, including any entities that participate in the Florida
275 211 Network, to avoid duplication or fragmentation of services

276 to kinship care families;

277 2. Be planned and operated in consultation with kinship
278 caregivers and organizations representing them, youth raised by
279 kinship caregivers, relevant governmental agencies, and relevant
280 community-based or faith-based organizations;

281 3. Establish a toll-free telephone hotline to provide
282 information to link kinship caregivers, kinship support group
283 facilitators, and kinship service providers to:

284 a. One another;

285 b. Eligibility and enrollment information for federal,
286 state, and local benefits;

287 c. Relevant training to assist kinship caregivers in
288 caregiving and in obtaining benefits and services; and

289 d. Relevant knowledge related to legal options available
290 for child custody, other legal assistance, and help in obtaining
291 legal services.

292 4. Provide outreach to kinship care families, including by
293 establishing, distributing, and updating a kinship care website,
294 or other relevant guides or outreach materials; and

295 5. Promote partnerships between public and private
296 agencies, including schools, community-based or faith-based
297 organizations, and relevant governmental agencies, to increase
298 their knowledge of the needs of kinship care families to promote
299 better services for those families.

300 (3) RULEMAKING.— The department shall adopt rules to

301 implement this section.

302 Section 6. Paragraph (e) of subsection (1) of section
 303 39.521, Florida Statutes, is amended to read:

304 39.521 Disposition hearings; powers of disposition.—

305 (1) A disposition hearing shall be conducted by the court,
 306 if the court finds that the facts alleged in the petition for
 307 dependency were proven in the adjudicatory hearing, or if the
 308 parents or legal custodians have consented to the finding of
 309 dependency or admitted the allegations in the petition, have
 310 failed to appear for the arraignment hearing after proper
 311 notice, or have not been located despite a diligent search
 312 having been conducted.

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

- 315 1. The placement or custody of the child.
- 316 2. Special conditions of placement and visitation.
- 317 3. Evaluation, counseling, treatment activities, and other
 318 actions to be taken by the parties, if ordered.
- 319 4. The persons or entities responsible for supervising or
 320 monitoring services to the child and parent.
- 321 5. Continuation or discharge of the guardian ad litem, as
 322 appropriate.
- 323 6. The date, time, and location of the next scheduled
 324 review hearing, which must occur within the earlier of:
 - 325 a. Ninety days after the disposition hearing;

- 326 b. Ninety days after the court accepts the case plan;
 327 c. Six months after the date of the last review hearing;
 328 or
 329 d. Six months after the date of the child's removal from
 330 his or her home, if no review hearing has been held since the
 331 child's removal from the home.

332 7. If the child is in an out-of-home placement, child
 333 support to be paid by the parents, or the guardian of the
 334 child's estate if possessed of assets which under law may be
 335 disbursed for the care, support, and maintenance of the child.
 336 The court may exercise jurisdiction over all child support
 337 matters, shall adjudicate the financial obligation, including
 338 health insurance, of the child's parents or guardian, and shall
 339 enforce the financial obligation as provided in chapter 61. The
 340 state's child support enforcement agency shall enforce child
 341 support orders under this section in the same manner as child
 342 support orders under chapter 61. Placement of the child shall
 343 not be contingent upon issuance of a support order.

344 8.a. If the court does not commit the child to the
 345 temporary legal custody of an adult relative, legal custodian,
 346 or other adult approved by the court, the disposition order must
 347 ~~shall~~ include the reasons for such a decision and ~~shall include~~
 348 a written determination as to whether ~~diligent efforts were made~~
 349 ~~by~~ the department and the community-based care lead agency
 350 reasonably engaged in family finding in attempting to locate an

351 adult relative, legal custodian, or other adult willing to care
352 for the child in order to present that placement option to the
353 court instead of placement with the department. The level of
354 reasonableness is determined by the length of the case and
355 amount of time the department or community-based care lead
356 agency has had to begin or continue the process.

357 b. If no suitable relative is found and the child is
358 placed with the department or a legal custodian or other adult
359 approved by the court, both the department and the court shall
360 consider transferring temporary legal custody to an adult
361 relative approved by the court at a later date, but neither the
362 department nor the court is obligated to so place the child if
363 it is in the child's best interest to remain in the current
364 placement.

365
366 ~~For the purposes of this section, "diligent efforts to locate an~~
367 ~~adult relative" means a search similar to the diligent search~~
368 ~~for a parent, but without the continuing obligation to search~~
369 ~~after an initial adequate search is completed.~~

370 9. Other requirements necessary to protect the health,
371 safety, and well-being of the child, to preserve the stability
372 of the child's child care, early education program, or any other
373 educational placement, and to promote family preservation or
374 reunification whenever possible.

375 Section 7. Paragraph (b) of subsection (2) and paragraph

376 (a) of subsection (3) of section 39.6012, Florida Statutes, are
377 amended to read:

378 39.6012 Case plan tasks; services.—

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

381 (b) A description of the plan for ensuring that the child
382 receives safe and proper care and that services are provided to
383 the child in order to address the child's needs. To the extent
384 available and accessible, the following health, mental health,
385 and education information and records of the child must be
386 attached to the case plan and updated throughout the judicial
387 review process:

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

390 2. The child's grade level performance;

391 3. The child's school record or, if the child is under the
392 age of school entry, any records from a child care program,
393 early education program, or preschool program;

394 4. Documentation of compliance or noncompliance with the
395 attendance requirements under s. 39.604, if the child is
396 enrolled in a child care program, early education program, or
397 preschool program;

398 ~~5.4.~~ Assurances that the child's placement takes into
399 account proximity to the school in which the child is enrolled
400 at the time of placement;

- 401 ~~6.5.~~ A record of The child's immunizations;
- 402 ~~7.6.~~ The child's known medical history, including any
- 403 known health problems;
- 404 ~~8.7.~~ The child's medications, if any; and
- 405 ~~9.8.~~ Any other relevant health, mental health, and
- 406 education information concerning the child.

407 (3) In addition to any other requirement, if the child is

408 in an out-of-home placement, the case plan must include:

- 409 (a) A description of the type of placement in which the
- 410 child is to be living and, if the child has been placed with the
- 411 department, whether the department and the community-based care
- 412 lead agency have reasonably engaged in family finding to locate
- 413 an adult relative, legal custodian, or other adult willing to
- 414 care for the child in order to present that placement option to
- 415 the court instead of placement with the department.

416 Section 8. Section 39.604, Florida Statutes, is amended to

417 read:

418 39.604 Rilya Wilson Act; short title; legislative intent;

419 child care; early education; preschool requirements; attendance

420 and reporting responsibilities.—

421 (1) SHORT TITLE.—This section may be cited as the "Rilya

422 Wilson Act."

423 (2) LEGISLATIVE INTENT.—The Legislature recognizes that

424 children who are in the care of the state due to abuse, neglect,

425 or abandonment are at increased risk of poor school performance

426 and other behavioral and social problems. It is the intent of
427 the Legislature that children who are currently in the care of
428 the state be provided with an age-appropriate education program
429 to help ameliorate the negative consequences of abuse, neglect,
430 or abandonment.

431 (3) REQUIREMENTS.—

432 (a) A child from birth to the age of school entry, who is
433 under court-ordered protective supervision or in out-of-home
434 care and is the custody of the Family Safety Program Office of
435 the Department of Children and Families or a community-based
436 lead agency, and enrolled in an a-licensed early education or
437 child care program must attend the program 5 days a week unless
438 the court grants an exception due to the court determining it is
439 in the best interest of a child from birth to age 3 years:

- 440 1. With a stay-at-home caregiver to remain at home.
441 2. With a caregiver who works less than full time to
442 attend an early education or child care program fewer than 5
443 days a week.

444 (b) Notwithstanding s. 39.202, the department ~~of Children~~
445 ~~and Families~~ must notify operators of an ~~the licensed~~ early
446 education or child care program, subject to the reporting
447 requirements of this act, of the enrollment of any child from
448 birth to the age of school entry, under court-ordered protective
449 supervision or in out-of-home care. ~~If the custody of the Family~~
450 ~~Safety Program Office of the Department of Children and Families~~

451 ~~or a community-based lead agency. When a child is enrolled in an~~
452 ~~early education or child care program regulated by the~~
453 ~~department,~~ the child's attendance in the program must be a
454 required task action in the safety plan or the case plan
455 developed for the child pursuant to this chapter. ~~An exemption~~
456 ~~to participating in the licensed early education or child care~~
457 ~~program 5 days a week may be granted by the court.~~

458 (4) ATTENDANCE AND ~~REPORTING REQUIREMENTS.~~—

459 (a) A child enrolled in an ~~a licensed~~ early education or
460 child care program who meets the requirements of subsection (3)
461 may not be withdrawn from the program without the prior written
462 approval of the department ~~Family Safety Program Office of the~~
463 ~~Department of Children and Families~~ or the community-based care
464 lead agency.

465 (b)1. If a child covered by this section is absent from
466 the program on a day when he or she is supposed to be present,
467 the person with whom the child resides must report the absence
468 to the program by the end of the business day. If the person
469 with whom the child resides, whether the parent or caregiver,
470 fails to timely report the absence, the absence is considered to
471 be unexcused. The program shall report any unexcused absence or
472 seven consecutive excused absences of a child who is enrolled in
473 the program and covered by this act to the ~~local designated~~
474 ~~staff of the Family Safety Program Office of the~~ department of
475 ~~Children and Families~~ or the community-based care lead agency by

476 the end of the business day following the unexcused absence or
477 seventh consecutive excused absence.

478 2. The department or community-based care lead agency
479 shall conduct a site visit to the residence of the child upon
480 receiving a report of two consecutive unexcused absences or
481 seven consecutive excused absences.

482 3. If the site visit results in a determination that the
483 child is missing, the department or community-based care lead
484 agency shall follow the procedure set forth in s. 39.0141 ~~report~~
485 ~~the child as missing to a law enforcement agency and proceed~~
486 ~~with the necessary actions to locate the child pursuant to~~
487 ~~procedures for locating missing children.~~

488 4. If the site visit results in a determination that the
489 child is not missing, the parent or caregiver shall be notified
490 that failure to ensure that the child attends the ~~licensed~~ early
491 education or child care program is a violation of the safety
492 plan or the case plan. If more than two site visits are
493 conducted pursuant to this paragraph ~~subsection~~, staff shall
494 ~~initiate action to~~ notify the court of the parent or caregiver's
495 noncompliance with the case plan.

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

501 disrupted due to placement in out-of-home care or subsequent
502 changes in out-of-home placement.

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

507 (b) If it is not in the best interest of the child for him
508 or her to remain in his or her child care or early education
509 setting upon entry into out-of-home care, the caregiver must
510 work with the case manager, guardian ad litem, child care and
511 educational staff, and educational surrogate, if one has been
512 appointed, to determine the best setting for the child. Such
513 setting may be a child care provider that receives a Gold Seal
514 Quality Care designation pursuant to s. 402.281, a provider
515 participating in a quality rating system, a licensed child care
516 provider, a public school provider, or a license-exempt child
517 care provider, including religious-exempt and registered
518 providers, and nonpublic schools.

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

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

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

530 Section 9. Paragraph (c) of subsection (2) of section
531 39.701, Florida Statutes, is amended to read:

532 39.701 Judicial review.—

533 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
534 AGE.—

535 (c) *Review determinations.*—The court and any citizen
536 review panel shall take into consideration the information
537 contained in the social services study and investigation and all
538 medical, psychological, and educational records that support the
539 terms of the case plan; testimony by the social services agency,
540 the parent, the foster parent or legal custodian, the guardian
541 ad litem or surrogate parent for educational decisionmaking if
542 one has been appointed for the child, and any other person
543 deemed appropriate; and any relevant and material evidence
544 submitted to the court, including written and oral reports to
545 the extent of their probative value. These reports and evidence
546 may be received by the court in its effort to determine the
547 action to be taken with regard to the child and may be relied
548 upon to the extent of their probative value, even though not
549 competent in an adjudicatory hearing. In its deliberations, the
550 court and any citizen review panel shall seek to determine:

- 551 1. If the parent was advised of the right to receive
552 assistance from any person or social service agency in the
553 preparation of the case plan.
- 554 2. If the parent has been advised of the right to have
555 counsel present at the judicial review or citizen review
556 hearings. If not so advised, the court or citizen review panel
557 shall advise the parent of such right.
- 558 3. If a guardian ad litem needs to be appointed for the
559 child in a case in which a guardian ad litem has not previously
560 been appointed or if there is a need to continue a guardian ad
561 litem in a case in which a guardian ad litem has been appointed.
- 562 4. Who holds the rights to make educational decisions for
563 the child. If appropriate, the court may refer the child to the
564 district school superintendent for appointment of a surrogate
565 parent or may itself appoint a surrogate parent under the
566 Individuals with Disabilities Education Act and s. 39.0016.
- 567 5. The compliance or lack of compliance of all parties
568 with applicable items of the case plan, including the parents'
569 compliance with child support orders.
- 570 6. The compliance or lack of compliance with a visitation
571 contract between the parent and the social service agency for
572 contact with the child, including the frequency, duration, and
573 results of the parent-child visitation and the reason for any
574 noncompliance.
- 575 7. The frequency, kind, and duration of contacts among

576 | siblings who have been separated during placement, as well as
577 | any efforts undertaken to reunite separated siblings if doing so
578 | is in the best interest of the child.

579 | 8. The compliance or lack of compliance of the parent in
580 | meeting specified financial obligations pertaining to the care
581 | of the child, including the reason for failure to comply, if
582 | applicable.

583 | 9. Whether the child is receiving safe and proper care
584 | according to s. 39.6012, including, but not limited to, the
585 | appropriateness of the child's current placement, including
586 | whether the child is in a setting that is as family-like and as
587 | close to the parent's home as possible, consistent with the
588 | child's best interests and special needs, and including
589 | maintaining stability in the child's educational placement, as
590 | documented by assurances from the community-based care provider
591 | that:

592 | a. The placement of the child takes into account the
593 | appropriateness of the current educational setting and the
594 | proximity to the school in which the child is enrolled at the
595 | time of placement.

596 | b. The community-based care agency has coordinated with
597 | appropriate local educational agencies to ensure that the child
598 | remains in the school in which the child is enrolled at the time
599 | of placement.

600 | 10. Whether the department or community-based care lead

601 agency continues to reasonably engage in family finding. The
602 level of reasonableness is determined by the length of the case
603 and amount of time the department or community-based care lead
604 agency has had to continue the process.

605 11. ~~10.~~ A projected date likely for the child's return
606 home or other permanent placement.

607 12. ~~11.~~ When appropriate, the basis for the unwillingness
608 or inability of the parent to become a party to a case plan. The
609 court and the citizen review panel shall determine if the
610 efforts of the social service agency to secure party
611 participation in a case plan were sufficient.

612 13. ~~12.~~ For a child who has reached 13 years of age but is
613 not yet 18 years of age, the adequacy of the child's preparation
614 for adulthood and independent living. For a child who is 15
615 years of age or older, the court shall determine if appropriate
616 steps are being taken for the child to obtain a driver license
617 or learner's driver license.

618 14. ~~13.~~ If amendments to the case plan are required.
619 Amendments to the case plan must be made as provided in ~~under~~ s.
620 39.6013.

621 Section 10. Except as otherwise expressly provided in this
622 act, this act shall take effect July 1, 2018.