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1
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; providing strategies
9 to engage relatives and fictive kin; providing for the
10 department and community-based care lead agencies to
11 use diligent efforts in family finding; providing that
12 certain actions do not constitute family finding;
13 authorizing the department to adopt rules; amending s.
14 39.402, F.S.; requiring the court to request that
15 parents consent to providing access to additional
16 records; creating s. 39.5086, F.S.; providing the
17 purpose and service components of a kinship navigator
18 program; providing definitions; authorizing each
19 community-based care lead agency to establish a
20 kinship navigator program, subject to available
21 resources; authorizing the department to adopt rules;
22 amending s. 39.521, F.S.; conforming provisions to
23 changes made by the act; amending s. 39.6012, F.S.;
24 revising the types of records that must be attached to
25 a case plan and updated throughout the judicial review

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26 process; amending s. 39.604, F.S.; revising enrollment
 27 and attendance requirements for children under
 28 protective supervision or out-of-home care enrolled in
 29 an early education or child care program; providing
 30 requirements and procedures for maintaining the
 31 educational stability of a child during the child's
 32 placement in out-of-home care or subsequent changes in
 33 out-of-home placement; requiring that a child's
 34 transition from an early education or child care
 35 program be pursuant to a plan that meets certain
 36 requirements; providing an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Section 39.4015, Florida Statutes, is created
 41 to read:

42 39.4015 Family finding.-

43 (1) LEGISLATIVE FINDINGS AND INTENT.-

44 (a) The Legislature finds that every child who is in out-
 45 of-home care has the goal of finding a permanent home, whether
 46 achieved by reunifying the child with his or her parents or
 47 finding another permanent connection, such as adoption or legal
 48 guardianship with a relative or nonrelative who has a
 49 significant relationship with the child.

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50 (b) The Legislature finds that while legal permanency is
51 important to a child in out-of-home care, emotional permanency
52 helps increase the likelihood that children will achieve
53 stability and well-being and successfully transition to
54 independent adulthood.

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

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

65 (e) It is the intent of the Legislature that every child
66 in out-of-home care be afforded the advantages that can be
67 gained from the use of family finding to establish caring and
68 long-term or permanent connections and relationships for
69 children and youth in out-of-home care, as well as to establish
70 a long-term emotional support network with family members and
71 other adults who may not be able to take the child into their
72 home but who want to stay connected with the child.

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

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

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75 techniques, including, but not limited to, interviews with
76 immediate and extended family and fictive kin, genograms, eco-
77 mapping, case mining, cold calls, and specialized computer
78 searches.

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

84 (c) "Family group decisionmaking" is a generic term that
85 includes a number of approaches in which family members and
86 fictive kin are brought together to make decisions about how to
87 care for their children and develop a plan for services. The
88 term includes family team conferencing, family team meetings,
89 family group conferencing, family team decisionmaking, family
90 unity meetings, and team decisionmaking, which may consist of
91 several phases and employ a trained facilitator or coordinator.

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

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

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100 finding program to be implemented by child protective
101 investigators and community-based care lead agencies as
102 resources permit.

103 (a) Family finding may begin as soon as a child is taken
104 into custody of the department, pursuant to s. 39.401, and
105 throughout the duration of the case as necessary, finding and
106 engaging with as many family members and fictive kin as possible
107 for each child who may help with care or support for the child.
108 The department or community-based care lead agency must
109 specifically document strategies taken to locate and engage
110 relatives and fictive kin. Strategies of engagement may include,
111 but are not limited to, asking the relatives and fictive kin to:

- 112 1. Participate in a family group decisionmaking
113 conference, family team conferencing, or other family meetings
114 aimed at developing or supporting the family service plan;
115 2. Attend visitations with the child;
116 3. Assist in transportation of the child;
117 4. Provide respite or child care services; or
118 5. Provide actual kinship care.

119 (b) The family finding program shall provide the
120 department and the community-based care lead agencies with best
121 practices for identifying family and fictive kin. The family
122 finding program must use diligent efforts in family finding,
123 must continue those efforts until multiple relatives and fictive
124 kin are identified, and must go beyond basic searching tools by

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

128 1. Searching for and locating adult relatives and fictive
 129 kin.

130 2. Identifying and building positive connections between
 131 the child and the child's relatives and fictive kin.

132 3. Supporting the engagement of relatives and fictive kin
 133 in social service planning and delivery of services and creating
 134 a network of extended family support to assist in remedying the
 135 concerns that led to the child becoming involved with the child
 136 welfare system, when appropriate.

137 4. Maintaining family connections, when possible.

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

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

143 (4) RULEMAKING.—The department may adopt rules to
 144 implement this section.

145 Section 2. Paragraph (c) of subsection (11) of section
 146 39.402, Florida Statutes, is amended to read:
 147 39.402 Placement in a shelter.—
 148 (11)

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149 (c) The court shall request that the parents consent to
 150 provide access to the child's child care records, early
 151 education program records, or other educational records and
 152 provide information to the court, the department or its contract
 153 agencies, and any guardian ad litem or attorney for the child.
 154 If a parent is unavailable or unable to consent or withholds
 155 consent and the court determines access to the records and
 156 information is necessary to provide services to the child, the
 157 court shall issue an order granting access.

158 Section 3. Section 39.5086, Florida Statutes, is created
 159 to read:

160 39.5086 Kinship navigator programs.-

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

162 (a) "Fictive kin" has the same meaning as provided in s.
 163 39.4015(2) (d).

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

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

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

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

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

176 (2) PURPOSE AND SERVICES.—

177 (a) The purpose of a kinship navigator program is to help
 178 relative caregivers and fictive kin in the child welfare system
 179 to navigate the broad range of services available to them and
 180 the children from public, private, community, and faith-based
 181 organizations.

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

184 1. Coordinates with other state or local agencies that
 185 promote service coordination or provide information and referral
 186 services, including any entities that participate in the Florida
 187 211 Network, to avoid duplication or fragmentation of services
 188 to kinship care families;

189 2. Is planned and operated in consultation with kinship
 190 caregivers and organizations representing them, youth raised by
 191 kinship caregivers, relevant governmental agencies, and relevant
 192 community-based or faith-based organizations;

193 3. Has a toll-free telephone hotline to provide
 194 information to link kinship caregivers, kinship support group
 195 facilitators, and kinship service providers to:

196 a. One another;

197 b. Eligibility and enrollment information for federal,
 198 state, and local benefits;

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199 c. Relevant training to assist kinship caregivers in
 200 caregiving and in obtaining benefits and services; and

201 d. Relevant knowledge related to legal options available
 202 for child custody, other legal assistance, and help in obtaining
 203 legal services.

204 4. Provides outreach to kinship care families, including
 205 by establishing, distributing, and updating a kinship care
 206 website, or other relevant guides or outreach materials; and

207 5. Promotes partnerships between public and private
 208 agencies, including schools, community-based or faith-based
 209 organizations, and relevant governmental agencies, to increase
 210 their knowledge of the needs of kinship care families to promote
 211 better services for those families.

212 (3) RULEMAKING.— The department may adopt rules to
 213 implement this section.

214 Section 4. Paragraph (e) of subsection (1) of section
 215 39.521, Florida Statutes, is amended to read:

216 39.521 Disposition hearings; powers of disposition.—

217 (1) A disposition hearing shall be conducted by the court,
 218 if the court finds that the facts alleged in the petition for
 219 dependency were proven in the adjudicatory hearing, or if the
 220 parents or legal custodians have consented to the finding of
 221 dependency or admitted the allegations in the petition, have
 222 failed to appear for the arraignment hearing after proper
 223 notice, or have not been located despite a diligent search

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224 | having been conducted.

225 | (e) The court shall, in its written order of disposition,
226 | include all of the following:

227 | 1. The placement or custody of the child.

228 | 2. Special conditions of placement and visitation.

229 | 3. Evaluation, counseling, treatment activities, and other
230 | actions to be taken by the parties, if ordered.

231 | 4. The persons or entities responsible for supervising or
232 | monitoring services to the child and parent.

233 | 5. Continuation or discharge of the guardian ad litem, as
234 | appropriate.

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

237 | a. Ninety days after the disposition hearing;

238 | b. Ninety days after the court accepts the case plan;

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

240 | or

241 | d. Six months after the date of the child's removal from
242 | his or her home, if no review hearing has been held since the
243 | child's removal from the home.

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

248 | The court may exercise jurisdiction over all child support

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249 matters, shall adjudicate the financial obligation, including
 250 health insurance, of the child's parents or guardian, and shall
 251 enforce the financial obligation as provided in chapter 61. The
 252 state's child support enforcement agency shall enforce child
 253 support orders under this section in the same manner as child
 254 support orders under chapter 61. Placement of the child shall
 255 not be contingent upon issuance of a support order.

256 8.a. If the court does not commit the child to the
 257 temporary legal custody of an adult relative, legal custodian,
 258 or other adult approved by the court, the disposition order must
 259 ~~shall~~ include the reasons for such a decision and shall include
 260 a determination as to whether diligent efforts were made by the
 261 department to locate an adult relative, legal custodian, or
 262 other adult willing to care for the child in order to present
 263 that placement option to the court instead of placement with the
 264 department.

265 b. If no suitable relative is found and the child is
 266 placed with the department or a legal custodian or other adult
 267 approved by the court, both the department and the court shall
 268 consider transferring temporary legal custody to an adult
 269 relative approved by the court at a later date, but neither the
 270 department nor the court is obligated to so place the child if
 271 it is in the child's best interest to remain in the current
 272 placement.

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274 For the purposes of this section, "diligent efforts to locate an
275 adult relative" means a search similar to the diligent search
276 for a parent, but without the continuing obligation to search
277 after an initial adequate search is completed.

278 9. Other requirements necessary to protect the health,
279 safety, and well-being of the child, to preserve the stability
280 of the child's child care, early education program, or any other
281 educational placement, and to promote family preservation or
282 reunification whenever possible.

283 Section 5. Paragraph (b) of subsection (2) of section
284 39.6012, Florida Statutes, is amended to read:

285 39.6012 Case plan tasks; services.—

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

288 (b) A description of the plan for ensuring that the child
289 receives safe and proper care and that services are provided to
290 the child in order to address the child's needs. To the extent
291 available and accessible, the following health, mental health,
292 and education information and records of the child must be
293 attached to the case plan and updated throughout the judicial
294 review process:

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

297 2. The child's grade level performance;

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

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

301 4. Documentation of compliance or noncompliance with the
 302 attendance requirements under s. 39.604, if the child is
 303 enrolled in a child care program, early education program, or
 304 preschool program;

305 5.4. Assurances that the child's placement takes into
 306 account proximity to the school in which the child is enrolled
 307 at the time of placement;

308 6.5. ~~A record of~~ The child's immunizations;

309 7.6. The child's known medical history, including any
 310 known health problems;

311 8.7. The child's medications, if any; and

312 9.8. Any other relevant health, mental health, and
 313 education information concerning the child.

314 Section 6. Section 39.604, Florida Statutes, is amended to
 315 read:

316 39.604 Rilya Wilson Act; short title; legislative intent;
 317 child care; early education; preschool requirements; attendance
 318 and reporting responsibilities.—

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

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

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324 and other behavioral and social problems. It is the intent of
 325 the Legislature that children who are currently in the care of
 326 the state be provided with an age-appropriate education program
 327 to help ameliorate the negative consequences of abuse, neglect,
 328 or abandonment.

329 (3) REQUIREMENTS.—

330 (a) A child from birth to the age of school entry, who is
 331 under court-ordered protective supervision or in out-of-home
 332 care and is ~~the custody of the Family Safety Program Office of~~
 333 ~~the Department of Children and Families or a community-based~~
 334 ~~lead agency,~~ and enrolled in an a licensed early education or
 335 child care program must attend the program 5 days a week unless
 336 the court grants an exception due to the court determining it is
 337 in the best interest of a child from birth to age 3 years:

- 338 1. With a stay-at-home caregiver to remain at home.
- 339 2. With a caregiver who works less than full time to
 340 attend an early education or child care program fewer than 5
 341 days a week.

342 (b) Notwithstanding s. 39.202, the department ~~of Children~~
 343 ~~and Families~~ must notify operators of an ~~the licensed~~ early
 344 education or child care program, subject to the reporting
 345 requirements of this act, of the enrollment of any child from
 346 birth to the age of school entry, under court-ordered protective
 347 supervision or in out-of-home care. ~~If the custody of the Family~~
 348 ~~Safety Program Office of the Department of Children and Families~~

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349 ~~or a community-based lead agency. When a child is enrolled in an~~
350 ~~early education or child care program regulated by the~~
351 ~~department,~~ the child's attendance in the program must be a
352 required task action in the safety plan or the case plan
353 developed for the child pursuant to this chapter. ~~An exemption~~
354 ~~to participating in the licensed early education or child care~~
355 ~~program 5 days a week may be granted by the court.~~

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

357 (a) A child enrolled in an ~~a licensed~~ early education or
358 child care program who meets the requirements of subsection (3)
359 may not be withdrawn from the program without the prior written
360 approval of the department ~~Family Safety Program Office of the~~
361 ~~Department of Children and Families~~ or the community-based care
362 lead agency.

363 (b)1. If a child covered by this section is absent from
364 the program on a day when he or she is supposed to be present,
365 the person with whom the child resides must report the absence
366 to the program by the end of the business day. If the person
367 with whom the child resides, whether the parent or caregiver,
368 fails to timely report the absence, the absence is considered to
369 be unexcused. The program shall report any unexcused absence or
370 seven consecutive excused absences of a child who is enrolled in
371 the program and covered by this act to the ~~local designated~~
372 ~~staff of the Family Safety Program Office of the department of~~
373 ~~Children and Families~~ or the community-based care lead agency by

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374 the end of the business day following the unexcused absence or
 375 seventh consecutive excused absence.

376 2. The department or community-based care lead agency
 377 shall conduct a site visit to the residence of the child upon
 378 receiving a report of two consecutive unexcused absences or
 379 seven consecutive excused absences.

380 3. If the site visit results in a determination that the
 381 child is missing, the department or community-based care lead
 382 agency shall follow the procedure set forth in s. 39.0141 ~~report~~
 383 ~~the child as missing to a law enforcement agency and proceed~~
 384 ~~with the necessary actions to locate the child pursuant to~~
 385 ~~procedures for locating missing children.~~

386 4. If the site visit results in a determination that the
 387 child is not missing, the parent or caregiver shall be notified
 388 that failure to ensure that the child attends the ~~licensed~~ early
 389 education or child care program is a violation of the safety
 390 plan or the case plan. If more than two site visits are
 391 conducted pursuant to this paragraph ~~subsection~~, staff shall
 392 ~~initiate action to~~ notify the court of the parent or caregiver's
 393 noncompliance with the case plan.

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

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399 disrupted due to placement in out-of-home care or subsequent
400 changes in out-of-home placement.

401 (a) A child must be allowed to remain in the child care or
402 early education setting that he or she attended before entry
403 into out-of-home care, unless the program is not in the best
404 interest of the child.

405 (b) If it is not in the best interest of the child for him
406 or her to remain in his or her child care or early education
407 setting upon entry into out-of-home care, the caregiver must
408 work with the case manager, guardian ad litem, child care and
409 educational staff, and educational surrogate, if one has been
410 appointed, to determine the best setting for the child. Such
411 setting may be a child care provider that receives a Gold Seal
412 Quality Care designation pursuant to s. 402.281, a provider
413 participating in a quality rating system, a licensed child care
414 provider, a public school provider, or a license-exempt child
415 care provider, including religious-exempt and registered
416 providers, and nonpublic schools.

417 (c) The department and providers of child care and early
418 education shall develop protocols to ensure continuity if
419 children are required to leave a program because of a change in
420 out-of-home placement.

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

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424 | that involves cooperation and sharing of information among all
425 | persons involved, that respects the child's developmental stage
426 | and associated psychological needs, and that allows for a
427 | gradual transition from one setting to another.

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