



614878

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2018	.	
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The Committee on Appropriations (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

39.4015 Family finding.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that every child who is in out-
of-home care has the goal of finding a permanent home, whether



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11 achieved by reunifying the child with his or her parents or
12 finding another permanent connection, such as adoption or legal
13 guardianship with a relative or nonrelative who has a
14 significant relationship with the child.

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

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

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

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

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

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



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

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

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

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

60 (3) FAMILY-FINDING PROGRAM.—The department, in
61 collaboration with sheriffs' offices that conduct child
62 protective investigations and community-based care lead
63 agencies, shall develop a formal family-finding program to be
64 implemented statewide by child protective investigators and
65 community-based care lead agencies. Implementation of the
66 program is contingent upon the appropriation of funds by the
67 Legislature specifically for the program.

68 (a) Family finding is required as soon as a child comes to



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69 the attention of the department and throughout the duration of
70 the case, and finding and engaging with as many family members
71 and fictive kin as possible for each child who may help with
72 care or support for the child is considered a best practice. The
73 department or community-based care lead agency must specifically
74 document strategies taken to locate and engage relatives and
75 kin. Strategies of engagement may include, but are not limited
76 to, asking the relatives and kin to:

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

84 (b) The department and the community-based care lead
85 agencies must use diligent efforts in family finding, must
86 continue those efforts until multiple relatives and kin are
87 identified, and must go beyond basic searching tools by
88 exploring alternative tools and methodologies. Efforts by the
89 department and the community-based care lead agency may include,
90 but are not limited to:

- 91 1. Searching for and locating adult relatives and kin.
92 2. Identifying and building positive connections between
93 the child and the child's relatives and fictive kin.
94 3. Supporting the engagement of relatives and fictive kin
95 in social service planning and delivery of services and creating
96 a network of extended family support to assist in remedying the
97 concerns that led to the child becoming involved with the child



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98 welfare system, when appropriate.

99 4. Maintaining family connections, when possible.

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

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

105 (d) The court's inquiry and determination regarding family
106 finding should be made at each stage of the case, including a
107 shelter hearing conducted pursuant to s. 39.402. The court shall
108 place its determinations on the record as to whether the
109 department or community-based care lead agency has reasonably
110 engaged in family finding. The level of reasonableness is to be
111 determined by the length of the case and the amount of time the
112 department or community-based care lead agency has had to begin
113 or continue the process.

114 (4) RULEMAKING.—The department shall adopt rules to
115 implement this section.

116 Section 2. Paragraphs (c) and (d) of subsection (11) of
117 section 39.402, Florida Statutes, and subsection (17) of that
118 section are amended to read:

119 39.402 Placement in a shelter.—

120 (11)

121 (c) The court shall request that the parents consent to
122 provide access to the child's child care records, early
123 education program records, or other educational records and
124 provide information to the court, the department or its contract
125 agencies, and any guardian ad litem or attorney for the child.
126 If a parent is unavailable or unable to consent or withholds



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127 consent and the court determines access to the records and
128 information is necessary to provide services to the child, the
129 court shall issue an order granting access.

130 (d) The court may appoint a surrogate parent or may refer
131 the child to the district school superintendent for appointment
132 of a surrogate parent if the child has or is suspected of having
133 a disability and the parent is unavailable pursuant to s.
134 39.0016(3)(b). If the child is under the age of school entry,
135 the court must make the appointment.

136 (17) At the shelter hearing, the court shall inquire of the
137 parent whether the parent has relatives who might be considered
138 as a placement for the child. The parent shall provide to the
139 court and all parties identification and location information
140 regarding the relatives. The court shall advise the parent that
141 the parent has a continuing duty to inform the department of any
142 relative who should be considered for placement of the child.
143 Upon implementation of the program authorized under s. 39.4015,
144 the court shall place its determinations on the record as to
145 whether the department or community-based care lead agency has
146 reasonably engaged in family finding. The level of
147 reasonableness is to be determined by the length of the case and
148 amount of time the department or community-based care lead
149 agency has had to begin or continue the process.

150 Section 3. Present subsection (9) of section 39.506,
151 Florida Statutes, is redesignated as subsection (10), and a new
152 subsection (9) is added to that section, to read:

153 39.506 Arraignment hearings.—

154 (9) Upon implementation of the program authorized under s.
155 39.4015, the court shall review whether the department or



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156 community-based care lead agency has reasonably engaged in
157 family finding and make a written determination as to its
158 findings. The level of reasonableness is determined by the
159 length of the case and amount of time the department or
160 community-based care lead agency has had to begin or continue
161 the process.

162 Section 4. Paragraphs (c) and (d) of subsection (7) of
163 section 39.507, Florida Statutes, are amended to read:

164 39.507 Adjudicatory hearings; orders of adjudication.—
165 (7)

166 (c) If a court adjudicates a child dependent and the child
167 is in out-of-home care, the court shall inquire of the parent or
168 parents whether the parents have relatives who might be
169 considered as a placement for the child. ~~The court shall advise~~
170 ~~the parents that, if the parents fail to substantially comply~~
171 ~~with the case plan, their parental rights may be terminated and~~
172 ~~that the child's out-of-home placement may become permanent.~~ The
173 parent or parents shall provide to the court and all parties
174 identification and location information of the relatives. Upon
175 implementation of the program authorized under s. 39.4015, the
176 court shall review whether the department or community-based
177 care lead agency has reasonably engaged in family finding and
178 make a written determination as to its findings. The level of
179 reasonableness is determined by the length of the case and
180 amount of time the department or community-based care lead
181 agency has had to begin or continue the process.

182 (d) The court shall advise the parents that, if they fail
183 to substantially comply with the case plan, their parental
184 rights may be terminated and that the child's out-of-home



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185 placement may become permanent.

186 Section 5. Section 39.5086, Florida Statutes, is created to
187 read:

188 39.5086 Kinship navigator programs.-

189 (1) LEGISLATIVE FINDINGS AND INTENT.-

190 (a) The Legislature finds that an increasing number of
191 relatives and fictive kin are assuming the responsibility of
192 raising children because the parents of these children are
193 unable to care for them.

194 (b) The Legislature also finds that these kinship
195 caregivers perform a vital function by providing homes for
196 children who would otherwise be at risk of foster care placement
197 and that kinship care is a crucial option in the spectrum of
198 out-of-home care available to children in need.

199 (c) The Legislature finds that children living with kinship
200 caregivers experience increased placement stability, are less
201 likely to reenter care if they are reunified with their parents,
202 and have better behavioral and mental health outcomes.

203 (d) The Legislature further finds that these kinship
204 caregivers may face a number of difficulties and need assistance
205 to support the health and well-being of the children in their
206 care. These needs include, but are not limited to, financial
207 assistance, legal assistance, respite care, child care,
208 specialized training, and counseling.

209 (e) It is the intent of the Legislature to provide for the
210 establishment and implementation of procedures and protocols
211 that are likely to increase and adequately support appropriate
212 and safe kinship care placements.

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



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

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

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

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

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

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

230 (3) PURPOSE AND SERVICES.—

231 (a) The purpose of a kinship navigator program is to help
232 relative caregivers and fictive kin in the child welfare system
233 to navigate the broad range of services available to them and
234 the children from public, private, community, and faith-based
235 organizations.

236 (b) Contingent upon a specific appropriation, effective
237 January 1, 2019, each community-based care lead agency shall
238 establish a kinship navigator program. In order to meet the
239 requirements of a kinship navigator program, the program must:

240 1. Be coordinated with other state or local agencies that
241 promote service coordination or provide information and referral
242 services, including any entities that participate in the Florida



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243 211 Network, to avoid duplication or fragmentation of services
244 to kinship care families;

245 2. Be planned and operated in consultation with kinship
246 caregivers and organizations representing them, youth raised by
247 kinship caregivers, relevant governmental agencies, and relevant
248 community-based or faith-based organizations;

249 3. Establish a toll-free telephone hotline to provide
250 information to link kinship caregivers, kinship support group
251 facilitators, and kinship service providers to:

252 a. One another;

253 b. Eligibility and enrollment information for federal,
254 state, and local benefits;

255 c. Relevant training to assist kinship caregivers in
256 caregiving and in obtaining benefits and services; and

257 d. Relevant knowledge related to legal options available
258 for child custody, other legal assistance, and help in obtaining
259 legal services.

260 4. Provide outreach to kinship care families, including by
261 establishing, distributing, and updating a kinship care website,
262 or other relevant guides or outreach materials; and

263 5. Promote partnerships between public and private
264 agencies, including schools, community-based or faith-based
265 organizations, and relevant governmental agencies, to increase
266 their knowledge of the needs of kinship care families to promote
267 better services for those families.

268 (4) RULEMAKING.—The department shall adopt rules to
269 implement this section.

270 Section 6. Paragraph (e) of subsection (1) of section
271 39.521, Florida Statutes, is amended to read:



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272 39.521 Disposition hearings; powers of disposition.—
273 (1) A disposition hearing shall be conducted by the court,
274 if the court finds that the facts alleged in the petition for
275 dependency were proven in the adjudicatory hearing, or if the
276 parents or legal custodians have consented to the finding of
277 dependency or admitted the allegations in the petition, have
278 failed to appear for the arraignment hearing after proper
279 notice, or have not been located despite a diligent search
280 having been conducted.
281 (e) The court shall, in its written order of disposition,
282 include all of the following:
283 1. The placement or custody of the child.
284 2. Special conditions of placement and visitation.
285 3. Evaluation, counseling, treatment activities, and other
286 actions to be taken by the parties, if ordered.
287 4. The persons or entities responsible for supervising or
288 monitoring services to the child and parent.
289 5. Continuation or discharge of the guardian ad litem, as
290 appropriate.
291 6. The date, time, and location of the next scheduled
292 review hearing, which must occur within the earlier of:
293 a. Ninety days after the disposition hearing;
294 b. Ninety days after the court accepts the case plan;
295 c. Six months after the date of the last review hearing; or
296 d. Six months after the date of the child's removal from
297 his or her home, if no review hearing has been held since the
298 child's removal from the home.
299 7. If the child is in an out-of-home placement, child
300 support to be paid by the parents, or the guardian of the



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301 child's estate if possessed of assets which under law may be
302 disbursed for the care, support, and maintenance of the child.
303 The court may exercise jurisdiction over all child support
304 matters, shall adjudicate the financial obligation, including
305 health insurance, of the child's parents or guardian, and shall
306 enforce the financial obligation as provided in chapter 61. The
307 state's child support enforcement agency shall enforce child
308 support orders under this section in the same manner as child
309 support orders under chapter 61. Placement of the child shall
310 not be contingent upon issuance of a support order.

311 8.a. If the court does not commit the child to the
312 temporary legal custody of an adult relative, legal custodian,
313 or other adult approved by the court, the disposition order must
314 ~~shall~~ include the reasons for such a decision and, upon
315 implementation of the program authorized under s. 39.4015, shall
316 include a written determination as to whether diligent efforts
317 were made by the department and the community-based care lead
318 agency reasonably engaged in family finding in attempting to
319 locate an adult relative, legal custodian, or other adult
320 willing to care for the child in order to present that placement
321 option to the court instead of placement with the department.
322 The level of reasonableness is determined by the length of the
323 case and amount of time the department or community-based care
324 lead agency has had to begin or continue the process.

325 b. If no suitable relative is found and the child is placed
326 with the department or a legal custodian or other adult approved
327 by the court, both the department and the court shall consider
328 transferring temporary legal custody to an adult relative
329 approved by the court at a later date, but neither the



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330 department nor the court is obligated to so place the child if
331 it is in the child's best interest to remain in the current
332 placement.

333

334 ~~For the purposes of this section, "diligent efforts to locate an~~
335 ~~adult relative" means a search similar to the diligent search~~
336 ~~for a parent, but without the continuing obligation to search~~
337 ~~after an initial adequate search is completed.~~

338 9. Other requirements necessary to protect the health,
339 safety, and well-being of the child, to preserve the stability
340 of the child's child care, early education program, or any other
341 educational placement, and to promote family preservation or
342 reunification whenever possible.

343 Section 7. Paragraph (b) of subsection (2) and paragraph
344 (a) of subsection (3) of section 39.6012, Florida Statutes, are
345 amended to read:

346 39.6012 Case plan tasks; services.—

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

349 (b) A description of the plan for ensuring that the child
350 receives safe and proper care and that services are provided to
351 the child in order to address the child's needs. To the extent
352 available and accessible, the following health, mental health,
353 and education information and records of the child must be
354 attached to the case plan and updated throughout the judicial
355 review process:

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

358 2. The child's grade level performance;



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

362 4. Documentation of compliance or noncompliance with the
363 attendance requirements under s. 39.604, if the child is
364 enrolled in a child care program, early education program, or
365 preschool program;

366 ~~5.4.~~ Assurances that the child's placement takes into
367 account proximity to the school in which the child is enrolled
368 at the time of placement;

369 ~~6. 5.~~ ~~A record of~~ The child's immunizations;

370 ~~7.6.~~ The child's known medical history, including any known
371 health problems;

372 ~~8.7.~~ The child's medications, if any; and

373 ~~9.8.~~ Any other relevant health, mental health, and
374 education information concerning the child.

375 (3) In addition to any other requirement, if the child is
376 in an out-of-home placement, the case plan must include:

377 (a) A description of the type of placement in which the
378 child is to be living and, if the child has been placed with the
379 department and the program as authorized under s. 39.4015 has
380 been implemented, whether the department and the community-based
381 care lead agency have reasonably engaged in family finding to
382 locate an adult relative, legal custodian, or other adult
383 willing to care for the child in order to present that placement
384 option to the court instead of placement with the department.

385 Section 8. Section 39.604, Florida Statutes, is amended to
386 read:

387 39.604 Rilya Wilson Act; short title; legislative intent;



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388 requirements; attendance; stability and transitions reporting
389 responsibilities.—

390 (1) SHORT TITLE.—This section may be cited as the “Rilya
391 Wilson Act.”

392 (2) LEGISLATIVE FINDINGS AND INTENT.—

393 (a) The Legislature finds that children from birth to age 5
394 years are particularly vulnerable to maltreatment and that they
395 enter out-of-home care in disproportionately high numbers.

396 (b) The Legislature also finds that children who are abused
397 or neglected are at high risk of experiencing physical and
398 mental health problems and problems with language and
399 communication, cognitive development, and social and emotional
400 development.

401 (c) The Legislature also finds that providing early
402 intervention and services, as well as quality child care and
403 early education programs to support the healthy development of
404 these young children, can have positive effects that last
405 throughout childhood and into adulthood.

406 (d) The Legislature also finds that the needs of each of
407 these children are unique, and while some children may be best
408 served by a quality child care or early education program,
409 others may need more attention and nurturing that can best be
410 provided by a stay-at-home caregiver ~~The Legislature recognizes~~
411 ~~that children who are in the care of the state due to abuse,~~
412 ~~neglect, or abandonment are at increased risk of poor school~~
413 ~~performance and other behavioral and social problems.~~

414 (e) It is the intent of the Legislature that children who
415 are currently in out-of-home the care of the state be provided
416 with an age-appropriate developmental child care or early



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417 education arrangement that is in the best interest of the child
418 ~~education program~~ to help ameliorate the negative consequences
419 of abuse, neglect, or abandonment.

420 (3) REQUIREMENTS.—

421 1. A child from birth to the age of school entry, who is
422 under court-ordered protective supervision or in out-of-home
423 care and is the custody of the Family Safety Program Office of
424 the Department of Children and Families or a community-based
425 lead agency, and enrolled in an a licensed early education or
426 child care program must attend the program 5 days a week unless
427 the court grants an exception due to the court determining it is
428 in the best interest of a child from birth to age 3 years:

429 a. With a stay-at-home caregiver to remain at home.

430 b. With a caregiver who works less than full time to attend
431 an early education or child care program fewer than 5 days a
432 week.

433 2. Notwithstanding s. 39.202, the department of Children
434 and Families must notify operators of an the licensed early
435 education or child care program, subject to the reporting
436 requirements of this act, of the enrollment of any child from
437 birth to the age of school entry, under court-ordered protective
438 supervision or in out-of-home care. If the custody of the Family
439 Safety Program Office of the Department of Children and Families
440 or a community-based lead agency. When a child is enrolled in an
441 early education or child care program regulated by the
442 department, the child's attendance in the program must be a
443 required task action in the safety plan or the case plan
444 developed for the child pursuant to this chapter. An exemption
445 to participating in the licensed early education or child care



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446 ~~program 5 days a week may be granted by the court.~~

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

448 ~~1.(a)~~ A child enrolled in an ~~a licensed~~ early education or
449 child care program who meets the requirements of paragraph (b)
450 ~~subsection (3)~~ may not be withdrawn from the program without the
451 prior written approval of the department ~~Family Safety Program~~
452 ~~Office of the Department of Children and Families~~ or the
453 community-based care lead agency.

454 ~~2.a.(b)1.~~ If a child covered by this section is absent from
455 the program on a day when he or she is supposed to be present,
456 the person with whom the child resides must report the absence
457 to the program by the end of the business day. If the person
458 with whom the child resides, whether the parent or caregiver,
459 fails to timely report the absence, the absence is considered to
460 be unexcused. The program shall report any unexcused absence or
461 seven consecutive excused absences of a child who is enrolled in
462 the program and covered by this act to the ~~local designated~~
463 ~~staff of the Family Safety Program Office of the department of~~
464 ~~Children and Families~~ or the community-based care lead agency by
465 the end of the business day following the unexcused absence or
466 seventh consecutive excused absence.

467 ~~b.2.~~ The department or community-based care lead agency
468 shall conduct a site visit to the residence of the child upon
469 receiving a report of two consecutive unexcused absences or
470 seven consecutive excused absences.

471 ~~c.3.~~ If the site visit results in a determination that the
472 child is missing, the department or community-based care lead
473 agency shall follow the procedure set forth in s. 39.0141 ~~report~~
474 ~~the child as missing to a law enforcement agency and proceed~~



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475 ~~with the necessary actions to locate the child pursuant to~~
476 ~~procedures for locating missing children.~~

477 ~~d.4.~~ If the site visit results in a determination that the
478 child is not missing, the parent or caregiver shall be notified
479 that failure to ensure that the child attends the ~~licensed~~ early
480 education or child care program is a violation of the safety
481 plan or the case plan. If more than two site visits are
482 conducted pursuant to this subsection, staff shall ~~initiate~~
483 ~~action to~~ notify the court of the parent or caregiver's
484 noncompliance with the case plan.

485 (5) EDUCATIONAL STABILITY.—Just as educational stability is
486 important for school-age children, it is also important to
487 minimize disruptions to secure attachments and stable
488 relationships with supportive caregivers of children from birth
489 to school age and to ensure that these attachments are not
490 disrupted due to placement in out-of-home care or subsequent
491 changes in out-of-home placement.

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

496 (b) If it is not in the best interest of the child for him
497 or her to remain in his or her child care or early education
498 setting upon entry into out-of-home care, the caregiver must
499 work with the case manager, guardian ad litem, child care and
500 educational staff, and educational surrogate, if one has been
501 appointed, to determine the best setting for the child. Such
502 setting may be a child care provider that receives a Gold Seal
503 Quality Care designation pursuant to s. 402.281, a provider



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504 participating in a quality rating system, a licensed child care
505 provider, a public school provider, or a license-exempt child
506 care provider, including religious-exempt and registered
507 providers, and non-public schools.

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

512 (6) TRANSITIONS.—In the absence of an emergency, if a child
513 from birth to school age leaves a child care or early education
514 program, the transition must be pursuant to a plan that involves
515 cooperation and sharing of information among all persons
516 involved, that respects the child's developmental stage and
517 associated psychological needs, and that allows for a gradual
518 transition from one setting to another.

519 Section 9. Paragraph (b) of subsection (6) and subsection
520 (7) of section 39.6251, Florida Statutes, are amended to read:

521 39.6251 Continuing care for young adults.—

522 (6) A young adult who is between the ages of 18 and 21 and
523 who has left care may return to care by applying to the
524 community-based care lead agency for readmission. The community-
525 based care lead agency shall readmit the young adult if he or
526 she continues to meet the eligibility requirements in this
527 section.

528 (b) Within 30 days after the young adult has been
529 readmitted to care, the community-based care lead agency shall
530 assign a case manager to update the case plan and the transition
531 plan and to arrange for the required services. Updates to the
532 case plan and the transition plan and arrangements for the



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533 required services ~~Such activities~~ shall be undertaken in
534 consultation with the young adult. The department shall petition
535 the court to reinstate jurisdiction over the young adult.
536 Notwithstanding s. 39.013(2), the court shall resume
537 jurisdiction over the young adult if the department establishes
538 that he or she continues to meet the eligibility requirements in
539 this section.

540 (7) During each period of time that a young adult is in
541 care, the community-based lead agency shall provide regular case
542 management reviews that must include at least monthly contact
543 with the case manager. ~~If a young adult lives outside the~~
544 ~~service area of his or her community-based care lead agency,~~
545 ~~monthly contact may occur by telephone.~~

546 Section 10. Paragraph (c) of subsection (2) of section
547 39.701, Florida Statutes, is amended to read:

548 39.701 Judicial review.—

549 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
550 AGE.—

551 (c) *Review determinations.*—The court and any citizen review
552 panel shall take into consideration the information contained in
553 the social services study and investigation and all medical,
554 psychological, and educational records that support the terms of
555 the case plan; testimony by the social services agency, the
556 parent, the foster parent or legal custodian, the guardian ad
557 litem or surrogate parent for educational decisionmaking if one
558 has been appointed for the child, and any other person deemed
559 appropriate; and any relevant and material evidence submitted to
560 the court, including written and oral reports to the extent of
561 their probative value. These reports and evidence may be



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562 received by the court in its effort to determine the action to
563 be taken with regard to the child and may be relied upon to the
564 extent of their probative value, even though not competent in an
565 adjudicatory hearing. In its deliberations, the court and any
566 citizen review panel shall seek to determine:

567 1. If the parent was advised of the right to receive
568 assistance from any person or social service agency in the
569 preparation of the case plan.

570 2. If the parent has been advised of the right to have
571 counsel present at the judicial review or citizen review
572 hearings. If not so advised, the court or citizen review panel
573 shall advise the parent of such right.

574 3. If a guardian ad litem needs to be appointed for the
575 child in a case in which a guardian ad litem has not previously
576 been appointed or if there is a need to continue a guardian ad
577 litem in a case in which a guardian ad litem has been appointed.

578 4. Who holds the rights to make educational decisions for
579 the child. If appropriate, the court may refer the child to the
580 district school superintendent for appointment of a surrogate
581 parent or may itself appoint a surrogate parent under the
582 Individuals with Disabilities Education Act and s. 39.0016. If
583 the child is under the age of school entry, the court must make
584 the appointment.

585 5. The compliance or lack of compliance of all parties with
586 applicable items of the case plan, including the parents'
587 compliance with child support orders.

588 6. The compliance or lack of compliance with a visitation
589 contract between the parent and the social service agency for
590 contact with the child, including the frequency, duration, and



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591 results of the parent-child visitation and the reason for any
592 noncompliance.

593 7. The frequency, kind, and duration of contacts among
594 siblings who have been separated during placement, as well as
595 any efforts undertaken to reunite separated siblings if doing so
596 is in the best interest of the child.

597 8. The compliance or lack of compliance of the parent in
598 meeting specified financial obligations pertaining to the care
599 of the child, including the reason for failure to comply, if
600 applicable.

601 9. Whether the child is receiving safe and proper care
602 according to s. 39.6012, including, but not limited to, the
603 appropriateness of the child's current placement, including
604 whether the child is in a setting that is as family-like and as
605 close to the parent's home as possible, consistent with the
606 child's best interests and special needs, and including
607 maintaining stability in the child's educational placement, as
608 documented by assurances from the community-based care provider
609 that:

610 a. The placement of the child takes into account the
611 appropriateness of the current educational setting and the
612 proximity to the school in which the child is enrolled at the
613 time of placement.

614 b. The community-based care agency has coordinated with
615 appropriate local educational agencies to ensure that the child
616 remains in the school in which the child is enrolled at the time
617 of placement.

618 10. Upon implementation of the program authorized under s.
619 39.4015, whether the department or community-based care lead



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

624 11. 10. A projected date likely for the child's return home
625 or other permanent placement.

626 12. 11. When appropriate, the basis for the unwillingness
627 or inability of the parent to become a party to a case plan. The
628 court and the citizen review panel shall determine if the
629 efforts of the social service agency to secure party
630 participation in a case plan were sufficient.

631 13. 12. For a child who has reached 13 years of age but is
632 not yet 18 years of age, the adequacy of the child's preparation
633 for adulthood and independent living. For a child who is 15
634 years of age or older, the court shall determine if appropriate
635 steps are being taken for the child to obtain a driver license
636 or learner's driver license.

637 14. 13. If amendments to the case plan are required.
638 Amendments to the case plan must be made as provided in ~~under~~ s.
639 39.6013.

640 Section 11. Subsections (4) and (5) of section 409.166,
641 Florida Statutes, are amended to read:

642 409.166 Children within the child welfare system; adoption
643 assistance program.—

644 (4) ADOPTION ASSISTANCE.—

645 (a) For purposes of administering payments under paragraph
646 (d), the term:

647 1. "Child" means an individual who has not attained 21
648 years of age.



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649 2. "Young adult" means an individual who has attained 18
650 years of age but who has not attained 21 years of age.

651 (b)~~(a)~~ A maintenance subsidy shall be granted only when all
652 other resources available to a child have been thoroughly
653 explored and it can be clearly established that this is the most
654 acceptable plan for providing permanent placement for the child.
655 The maintenance subsidy may not be used as a substitute for
656 adoptive parent recruitment or as an inducement to adopt a child
657 who might be placed without providing a subsidy. However, it
658 shall be the policy of the department that no child be denied
659 adoption if providing a maintenance subsidy would make adoption
660 possible. The best interest of the child shall be the deciding
661 factor in every case. This section does not prohibit foster
662 parents from applying to adopt a child placed in their care.
663 Foster parents or relative caregivers must be asked if they
664 would adopt without a maintenance subsidy.

665 (c)~~(b)~~ The department shall provide adoption assistance to
666 the adoptive parents, subject to specific appropriation, in the
667 amount of \$5,000 annually, paid on a monthly basis, for the
668 support and maintenance of a child until the 18th birthday of
669 such child or in an amount other than \$5,000 annually as
670 determined by the adoptive parents and the department and
671 memorialized in a written agreement between the adoptive parents
672 and the department. The agreement shall take into consideration
673 the circumstances of the adoptive parents and the needs of the
674 child being adopted. The amount of subsidy may be adjusted based
675 upon changes in the needs of the child or circumstances of the
676 adoptive parents. Changes may ~~shall~~ not be made without the
677 concurrence of the adoptive parents. However, in no case shall



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678 the amount of the monthly payment exceed the foster care
679 maintenance payment that would have been paid during the same
680 period if the child had been in a foster family home.

681 (d) Contingent upon a specific appropriation, adoption
682 assistance payments may be made for a child up to 21 years of
683 age whose adoptive parent entered into an initial adoption
684 assistance agreement after the child reached 16 years of age but
685 before the child reached 18 years of age if the child is:

686 1. Completing secondary education or a program leading to
687 an equivalent credential;

688 2. Enrolled in an institution that provides postsecondary
689 or vocational education;

690 3. Participating in a program or activity designed to
691 promote or eliminate barriers to employment;

692 4. Employed for at least 80 hours per month; or

693 5. Unable to participate in programs or activities listed
694 in subparagraphs 1.-4. full time due to a physical,

695 intellectual, emotional, or psychiatric condition that limits
696 participation. Any such barrier to participation must be
697 supported by documentation in the child's case file or school or
698 medical records.

699 (e) A child or young adult receiving benefits through the
700 adoption assistance program is not eligible to simultaneously
701 receive relative caregiver benefits under s. 39.5085 or
702 postsecondary education services and support under s. 409.1451.

703 (f) ~~(e)~~ The department may provide adoption assistance to
704 the adoptive parents, subject to specific appropriation, for
705 medical assistance initiated after the adoption of the child for
706 medical, surgical, hospital, and related services needed as a



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707 result of a physical or mental condition of the child which
708 existed before the adoption and is not covered by Medicaid,
709 Children's Medical Services, or Children's Mental Health
710 Services. Such assistance may be initiated at any time but shall
711 terminate on or before the child's 18th birthday.

712 (5) ELIGIBILITY FOR SERVICES.—

713 (a) As a condition of providing adoption assistance under
714 this section and before the adoption is finalized, the adoptive
715 parents must have an approved adoption home study and must enter
716 into an adoption-assistance agreement with the department which
717 specifies the financial assistance and other services to be
718 provided.

719 (b) A child who is handicapped at the time of adoption is
720 ~~shall be~~ eligible for services through the Children's Medical
721 Services network established under part I of chapter 391 if the
722 child was eligible for such services before ~~prior to~~ the
723 adoption.

724 Section 12. (1) Contingent upon a specific appropriation,
725 effective August 1, 2018, the Department of Children and
726 Families shall establish and operate a pilot Title IV-E
727 Guardianship Assistance Program in two circuits in this state.
728 The program will provide payments at a rate of \$333 per month
729 for persons who meet the Title IV-E eligibility requirements as
730 outlined in s. 473(d)(1)(A) of the Social Security Act.

731 (2) For purposes of administering this program, the term:

732 (a) "Child" means an individual who has not attained 21
733 years of age.

734 (b) "Young adult" means an individual who has attained 18
735 years of age but who has not attained 21 years of age.



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736 (c) "Fictive kin" means a person unrelated by birth,
737 marriage, or adoption who has an emotionally significant
738 relationship, which possesses the characteristics of a family
739 relationship, to a child.

740 (3) Caregivers enrolled in the Relative Caregiver or
741 Nonrelative Caregiver Program prior to August 1, 2018, are not
742 eligible to participate in the Title IV-E Guardianship
743 Assistance Program pilot. Effective August 1, 2018, eligible
744 caregivers enrolled in the pilot may not simultaneously have
745 payments made on the child's behalf through the Relative
746 Caregiver Program under s. 39.5085, postsecondary education
747 services and supports under s. 409.1451, or child-only cash
748 assistance under chapter 414.

749 (4) Notwithstanding s. 409.145(4), in the two circuits
750 where the Title IV-E Guardianship Assistance Program pilot is
751 established, the room and board rate for guardians who are
752 eligible for the program will be \$333 per month.

753 (5) Notwithstanding s. 409.175(11)(a), in the two circuits
754 where the Title IV-E Guardianship Assistance Program pilot is
755 established, an exception of licensing standards may be provided
756 for those standards where a waiver has been granted.

757 Section 13. Except as otherwise expressly provided in this
758 act, this act shall take effect July 1, 2018.

759
760 ===== T I T L E A M E N D M E N T =====

761 And the title is amended as follows:

762 Delete everything before the enacting clause
763 and insert:

764 A bill to be entitled



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765 An act relating to child welfare; creating s. 39.4015,
766 F.S.; providing legislative findings and intent;
767 defining terms; requiring the Department of Children
768 and Families, in collaboration with sheriffs' offices
769 that conduct child protective investigations and
770 community-based care lead agencies, to develop a
771 statewide family-finding program; specifying that
772 implementation of the family-finding program is
773 contingent upon the appropriation of funds by the
774 Legislature; specifying when family is required;
775 requiring the department and community-based care lead
776 agencies to document strategies taken to engage
777 relatives and kin; providing strategies to engage
778 relatives and kin; requiring the department and
779 community-based care lead agencies to use diligent
780 efforts in family finding; providing that certain
781 actions do not constitute family finding; requiring
782 determinations by the court; requiring the department
783 to adopt rules; amending s. 39.402, F.S.; requiring
784 the court to request that parents consent to providing
785 access to additional records; upon implementation of
786 the family-finding program, requiring a judge to
787 appoint a surrogate parent for certain children;
788 requiring the court to place on the record its
789 determinations regarding the department's or the
790 community-based lead agency's reasonable engagement in
791 family finding; providing guidelines for determining
792 reasonableness; amending ss. 39.506; upon
793 implementation of the family-finding program,



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794 requiring the court to make a determination regarding
795 the department's or the community-based lead agency's
796 reasonable engagement in family finding; providing
797 guidelines for determining reasonableness; amending s.
798 39.507, F.S.; upon implementation of the family-
799 finding program, requiring the court to make a
800 determination regarding the department's or the
801 community-based lead agency's reasonable engagement in
802 family finding; providing guidelines for determining
803 reasonableness; requiring the court to advise parents
804 that their parental rights may be terminated and the
805 child's out-of-home placement may become permanent
806 under certain circumstances; creating s. 39.5086,
807 F.S.; providing legislative findings and intent;
808 defining terms; providing the purpose of a kinship
809 navigator program; contingent upon the appropriation
810 of funds by the Legislature, requiring each community-
811 based care lead agency to establish a kinship
812 navigator program; providing requirements for
813 programs; requiring the department to adopt rules;
814 amending s. 39.521, F.S.; upon implementation of the
815 family-finding program, requiring the court to make a
816 determination regarding the department's or the
817 community-based lead agency's reasonable engagement in
818 family finding; providing guidelines for determining
819 reasonableness; conforming provisions to changes made
820 by the act; amending s. 39.6012, F.S.; revising the
821 types of records that must be attached to a case plan
822 and updated throughout the judicial review process;



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823 upon implementation of the family-finding program,
824 requiring that documentation of the family-finding
825 efforts of the department and the community-based care
826 lead agency be included in certain case plans;
827 amending s. 39.604, F.S.; revising legislative
828 findings and intent; revising enrollment and
829 attendance requirements for children in an early
830 education or child care program; conforming cross-
831 references; providing requirements and procedures for
832 maintaining the educational stability of a child
833 during the child's placement in out-of-home care, or
834 subsequent changes in out-of-home placement; requiring
835 that a child's transition from a child care or early
836 education program be pursuant to a plan that meets
837 certain requirements; amending s. 39.6251, F.S.;
838 requiring the case manager for a young adult in foster
839 care to consult with the young adult when updating the
840 case plan and the transition plan and arrangements;
841 deleting a provision authorizing case management
842 reviews to be conducted by telephone under certain
843 circumstances; amending s. 39.701, F.S.; requiring the
844 court to appoint a surrogate parent if the child is
845 under the age of school entry; upon implementation of
846 the family-finding program, requiring the court to
847 determine if the department and community-based lead
848 agency has continued to reasonably engage in family
849 finding; providing guidelines for determining the
850 level of reasonableness; amending s. 409.166, F.S.;
851 defining terms; providing conditions for the



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852 department to provide adoption assistance payments to
853 adoptive parents of certain children; providing that
854 children and young adults receiving benefits through
855 the adoption assistance program are ineligible for
856 other specified benefits and services; providing
857 additional conditions for eligibility for adoption
858 assistance; contingent upon the appropriation of funds
859 by the Legislature, requiring the Department of
860 Children and Families to create a pilot Title IV-E
861 Guardianship Assistance Program; providing
862 definitions; specifying eligibility and limitations;
863 establishing a room and board rate for guardians in
864 certain circuits who are eligible for the program;
865 providing an exception to licensing standards in
866 certain circuits under certain circumstances;
867 providing effective dates.