

**By** the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senators Garcia and Campbell

576-03815-18

2018590c2

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       defining terms; requiring the Department of Children  
5       and Families, in collaboration with sheriffs' offices  
6       that conduct child protective investigations and  
7       community-based care lead agencies, to develop a  
8       statewide family-finding program; specifying that  
9       implementation of the family-finding program is  
10      contingent upon the appropriation of funds by the  
11      Legislature; specifying when a family finding is  
12      required; requiring the department and community-based  
13      care lead agencies to document strategies taken to  
14      engage relatives and kin; providing strategies to  
15      engage relatives and kin; requiring the department and  
16      community-based care lead agencies to use diligent  
17      efforts in family finding; providing that certain  
18      actions do not constitute family finding; requiring  
19      determinations by the court; requiring the department  
20      to adopt rules; amending s. 39.402, F.S.; requiring  
21      the court to request that parents consent to providing  
22      access to additional records; upon implementation of  
23      the family-finding program, requiring a judge to  
24      appoint a surrogate parent for certain children;  
25      requiring the court to place on the record its  
26      determinations 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. 39.506, F.S.; upon

576-03815-18

2018590c2

30 implementation of the family-finding program,  
31 requiring the court to make a determination regarding  
32 the department's or the community-based lead agency's  
33 reasonable engagement in family finding; providing  
34 guidelines for determining reasonableness; amending s.  
35 39.507, F.S.; upon implementation of the family-  
36 finding program, requiring the court to make a  
37 determination regarding the department's or the  
38 community-based lead agency's reasonable engagement in  
39 family finding; providing guidelines for determining  
40 reasonableness; requiring the court to advise parents  
41 that their parental rights may be terminated and the  
42 child's out-of-home placement may become permanent  
43 under certain circumstances; creating s. 39.5086,  
44 F.S.; providing legislative findings and intent;  
45 defining terms; providing the purpose of a kinship  
46 navigator program; contingent upon the appropriation  
47 of funds by the Legislature, requiring each community-  
48 based care lead agency to establish a kinship  
49 navigator program; providing requirements for  
50 programs; requiring the department to adopt rules;  
51 amending s. 39.521, F.S.; upon implementation of the  
52 family-finding program, requiring the court to make a  
53 determination regarding the department's or the  
54 community-based lead agency's reasonable engagement in  
55 family finding; providing guidelines for determining  
56 reasonableness; conforming provisions to changes made  
57 by the act; amending s. 39.6012, F.S.; revising the  
58 types of records that must be attached to a case plan

576-03815-18

2018590c2

59 and updated throughout the judicial review process;  
60 upon implementation of the family-finding program,  
61 requiring that documentation of the family-finding  
62 efforts of the department and the community-based care  
63 lead agency be included in certain case plans;  
64 amending s. 39.604, F.S.; revising legislative  
65 findings and intent; revising enrollment and  
66 attendance requirements for children in an early  
67 education or child care program; conforming cross-  
68 references; providing requirements and procedures for  
69 maintaining the educational stability of a child  
70 during the child's placement in out-of-home care, or  
71 subsequent changes in out-of-home placement; requiring  
72 that a child's transition from a child care or early  
73 education program be pursuant to a plan that meets  
74 certain requirements; amending s. 39.6251, F.S.;

75 requiring the case manager for a young adult in foster  
76 care to consult with the young adult when updating the  
77 case plan and the transition plan and arrangements;  
78 deleting a provision authorizing case management  
79 reviews to be conducted by telephone under certain  
80 circumstances; amending s. 39.701, F.S.; requiring the  
81 court to appoint a surrogate parent if the child is  
82 under the age of school entry; upon implementation of  
83 the family-finding program, requiring the court to  
84 determine if the department and community-based lead  
85 agency have continued to reasonably engage in family  
86 finding; providing guidelines for determining the  
87 level of reasonableness; amending s. 409.166, F.S.;

576-03815-18

2018590c2

88 defining terms; providing conditions for the  
89 department to provide adoption assistance payments to  
90 adoptive parents of certain children; providing that  
91 children and young adults receiving benefits through  
92 the adoption assistance program are ineligible for  
93 other specified benefits and services; providing  
94 additional conditions for eligibility for adoption  
95 assistance; contingent upon the appropriation of funds  
96 by the Legislature, requiring the department to create  
97 a pilot Title IV-E Guardianship Assistance Program;  
98 providing definitions; specifying eligibility and  
99 limitations; establishing a room and board rate for  
100 guardians in certain circuits who are eligible for the  
101 program; providing an exception to licensing standards  
102 in certain circuits under certain circumstances;  
103 providing effective dates.

104  
105 Be It Enacted by the Legislature of the State of Florida:

106  
107 Section 1. Effective January 1, 2019, section 39.4015,  
108 Florida Statutes, is created to read:

109 39.4015 Family finding.-

110 (1) LEGISLATIVE FINDINGS AND INTENT.-

111 (a) The Legislature finds that every child who is in out-  
112 of-home care has the goal of finding a permanent home, whether  
113 achieved by reunifying the child with his or her parents or  
114 finding another permanent connection, such as adoption or legal  
115 guardianship with a relative or nonrelative who has a  
116 significant relationship with the child.

576-03815-18

2018590c2

117 (b) The Legislature finds that while legal permanency is  
118 important to a child in out-of-home care, emotional permanency  
119 helps increase the likelihood that children will achieve  
120 stability and well-being and successfully transition to  
121 independent adulthood.

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

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

132 (e) It is the intent of the Legislature that every child in  
133 out-of-home care be afforded the advantages that can be gained  
134 from the use of family finding to establish caring and long-term  
135 or permanent connections and relationships for children and  
136 youth in out-of-home care, as well as to establish a long-term  
137 emotional support network with family members and other adults  
138 who may not be able to take the child into their home but who  
139 want to stay connected with the child.

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

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

145 (b) "Family finding" means an intensive relative search and

576-03815-18

2018590c2

146 engagement technique used in identifying family and other close  
147 adults for children in out-of-home care and involving them in  
148 developing and carrying out a plan for the emotional and legal  
149 permanency of a child.

150 (c) "Family group decisionmaking" is a generic term that  
151 includes a number of approaches in which family members and  
152 fictive kin are brought together to make decisions about how to  
153 care for their children and develop a plan for services. The  
154 term includes family team conferencing, family team meetings,  
155 family group conferencing, family team decisionmaking, family  
156 unity meetings, and team decisionmaking, which may consist of  
157 several phases and employ a trained facilitator or coordinator.

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

162 (3) FAMILY-FINDING PROGRAM.—The department, in  
163 collaboration with sheriffs' offices that conduct child  
164 protective investigations and community-based care lead  
165 agencies, shall develop a formal family-finding program to be  
166 implemented statewide by child protective investigators and  
167 community-based care lead agencies. Implementation of the  
168 program is contingent upon the appropriation of funds by the  
169 Legislature specifically for the program.

170 (a) Family finding is required as soon as a child comes to  
171 the attention of the department and throughout the duration of  
172 the case, and finding and engaging with as many family members  
173 and fictive kin as possible for each child who may help with  
174 care or support for the child is considered a best practice. The

576-03815-18

2018590c2

175 department or community-based care lead agency must specifically  
176 document strategies taken to locate and engage relatives and  
177 kin. Strategies of engagement may include, but are not limited  
178 to, asking the relatives and kin to:

- 179 1. Participate in a family group decisionmaking conference,  
180 family team conferencing, or other family meetings aimed at  
181 developing or supporting the family service plan;
- 182 2. Attend visitations with the child;
- 183 3. Assist in transportation of the child;
- 184 4. Provide respite or child care services; or
- 185 5. Provide actual kinship care.

186 (b) The department and the community-based care lead  
187 agencies must use diligent efforts in family finding, must  
188 continue those efforts until multiple relatives and kin are  
189 identified, and must go beyond basic searching tools by  
190 exploring alternative tools and methodologies. Efforts by the  
191 department and the community-based care lead agency may include,  
192 but are not limited to:

- 193 1. Searching for and locating adult relatives and kin.
- 194 2. Identifying and building positive connections between  
195 the child and the child's relatives and fictive kin.
- 196 3. Supporting the engagement of relatives and fictive kin  
197 in social service planning and delivery of services and creating  
198 a network of extended family support to assist in remedying the  
199 concerns that led to the child becoming involved with the child  
200 welfare system, when appropriate.
- 201 4. Maintaining family connections, when possible.
- 202 5. Keeping siblings together in care, when in the best  
203 interest of each child and when possible.

576-03815-18

2018590c2

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

207       (d) The court's inquiry and determination regarding family  
208 finding should be made at each stage of the case, including a  
209 shelter hearing conducted pursuant to s. 39.402. The court shall  
210 place its determinations on the record as to whether the  
211 department or community-based care lead agency has reasonably  
212 engaged in family finding. The level of reasonableness is to be  
213 determined by the length of the case and the amount of time the  
214 department or community-based care lead agency has had to begin  
215 or continue the process.

216       (4) RULEMAKING.—The department shall adopt rules to  
217 implement this section.

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

221       39.402 Placement in a shelter.—

222       (11)

223       (c) The court shall request that the parents consent to  
224 provide access to the child's child care records, early  
225 education program records, or other educational records and  
226 provide information to the court, the department or its contract  
227 agencies, and any guardian ad litem or attorney for the child.  
228 If a parent is unavailable or unable to consent or withholds  
229 consent and the court determines access to the records and  
230 information is necessary to provide services to the child, the  
231 court shall issue an order granting access.

232       (d) The court may appoint a surrogate parent or may refer



576-03815-18

2018590c2

233 the child to the district school superintendent for appointment  
234 of a surrogate parent if the child has or is suspected of having  
235 a disability and the parent is unavailable pursuant to s.  
236 39.0016(3) (b). If the child is under the age of school entry,  
237 the court must make the appointment.

238 (17) At the shelter hearing, the court shall inquire of the  
239 parent whether the parent has relatives who might be considered  
240 as a placement for the child. The parent shall provide to the  
241 court and all parties identification and location information  
242 regarding the relatives. The court shall advise the parent that  
243 the parent has a continuing duty to inform the department of any  
244 relative who should be considered for placement of the child.  
245 Upon implementation of the program authorized under s. 39.4015,  
246 the court shall place its determinations on the record as to  
247 whether the department or community-based care lead agency has  
248 reasonably engaged in family finding. The level of  
249 reasonableness is to be determined by the length of the case and  
250 amount of time the department or community-based care lead  
251 agency has had to begin or continue the process.

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

255 39.506 Arraignment hearings.—

256 (9) Upon implementation of the program authorized under s.  
257 39.4015, the court shall review whether the department or  
258 community-based care lead agency has reasonably engaged in  
259 family finding and make a written determination as to its  
260 findings. The level of reasonableness is determined by the  
261 length of the case and amount of time the department or

576-03815-18

2018590c2

262 community-based care lead agency has had to begin or continue  
263 the process.

264 Section 4. Paragraph (c) of subsection (7) of section  
265 39.507, Florida Statutes, is amended, and paragraph (d) is added  
266 to that subsection, to read:

267 39.507 Adjudicatory hearings; orders of adjudication.—  
268 (7)

269 (c) If a court adjudicates a child dependent and the child  
270 is in out-of-home care, the court shall inquire of the parent or  
271 parents whether the parents have relatives who might be  
272 considered as a placement for the child. ~~The court shall advise~~  
273 ~~the parents that, if the parents fail to substantially comply~~  
274 ~~with the case plan, their parental rights may be terminated and~~  
275 ~~that the child's out-of-home placement may become permanent.~~ The  
276 parent or parents shall provide to the court and all parties  
277 identification and location information of the relatives. Upon  
278 implementation of the program authorized under s. 39.4015, the  
279 court shall review whether the department or community-based  
280 care lead agency has reasonably engaged in family finding and  
281 make a written determination as to its findings. The level of  
282 reasonableness is determined by the length of the case and  
283 amount of time the department or community-based care lead  
284 agency has had to begin or continue the process.

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

289 Section 5. Section 39.5086, Florida Statutes, is created to  
290 read:

576-03815-18

2018590c2

291 39.5086 Kinship navigator programs.-

292 (1) LEGISLATIVE FINDINGS AND INTENT.-

293 (a) The Legislature finds that an increasing number of  
294 relatives and fictive kin are assuming the responsibility of  
295 raising children because the parents of these children are  
296 unable to care for them.

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

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

306 (d) The Legislature further finds that these kinship  
307 caregivers may face a number of difficulties and need assistance  
308 to support the health and well-being of the children in their  
309 care. These needs include, but are not limited to, financial  
310 assistance, legal assistance, respite care, child care,  
311 specialized training, and counseling.

312 (e) It is the intent of the Legislature to provide for the  
313 establishment and implementation of procedures and protocols  
314 that are likely to increase and adequately support appropriate  
315 and safe kinship care placements.

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

317 (a) "Fictive kin" means an individual who is unrelated to  
318 the child by either birth or marriage, but has such a close  
319 emotional relationship with the child that he or she may be

576-03815-18

2018590c2

320 considered part of the family.

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

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

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

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

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

333 (3) PURPOSE AND SERVICES.—

334 (a) The purpose of a kinship navigator program is to help  
335 relative caregivers and fictive kin in the child welfare system  
336 to navigate the broad range of services available to them and  
337 the children from public, private, community, and faith-based  
338 organizations.

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

343 1. Be coordinated with other state or local agencies that  
344 promote service coordination or provide information and referral  
345 services, including any entities that participate in the Florida  
346 211 Network, to avoid duplication or fragmentation of services  
347 to kinship care families;

348 2. Be planned and operated in consultation with kinship

576-03815-18

2018590c2

349 caregivers and organizations representing them, youth raised by  
350 kinship caregivers, relevant governmental agencies, and relevant  
351 community-based or faith-based organizations;

352 3. Establish a toll-free telephone hotline to provide  
353 information to link kinship caregivers, kinship support group  
354 facilitators, and kinship service providers to:

355 a. One another;

356 b. Eligibility and enrollment information for federal,  
357 state, and local benefits;

358 c. Relevant training to assist kinship caregivers in  
359 caregiving and in obtaining benefits and services; and

360 d. Relevant knowledge related to legal options available  
361 for child custody, other legal assistance, and help in obtaining  
362 legal services.

363 4. Provide outreach to kinship care families, including by  
364 establishing, distributing, and updating a kinship care website,  
365 or other relevant guides or outreach materials; and

366 5. Promote partnerships between public and private  
367 agencies, including schools, community-based or faith-based  
368 organizations, and relevant governmental agencies, to increase  
369 their knowledge of the needs of kinship care families to promote  
370 better services for those families.

371 (4) RULEMAKING.—The department shall adopt rules to  
372 implement this section.

373 Section 6. Paragraph (e) of subsection (1) of section  
374 39.521, Florida Statutes, is amended to read:

375 39.521 Disposition hearings; powers of disposition.—

376 (1) A disposition hearing shall be conducted by the court,  
377 if the court finds that the facts alleged in the petition for

576-03815-18

2018590c2

378 dependency were proven in the adjudicatory hearing, or if the  
379 parents or legal custodians have consented to the finding of  
380 dependency or admitted the allegations in the petition, have  
381 failed to appear for the arraignment hearing after proper  
382 notice, or have not been located despite a diligent search  
383 having been conducted.

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

386 1. The placement or custody of the child.

387 2. Special conditions of placement and visitation.

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

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

392 5. Continuation or discharge of the guardian ad litem, as  
393 appropriate.

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

396 a. Ninety days after the disposition hearing;

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

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

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

402 7. If the child is in an out-of-home placement, child  
403 support to be paid by the parents, or the guardian of the  
404 child's estate if possessed of assets which under law may be  
405 disbursed for the care, support, and maintenance of the child.  
406 The court may exercise jurisdiction over all child support

576-03815-18

2018590c2

407 matters, shall adjudicate the financial obligation, including  
408 health insurance, of the child's parents or guardian, and shall  
409 enforce the financial obligation as provided in chapter 61. The  
410 state's child support enforcement agency shall enforce child  
411 support orders under this section in the same manner as child  
412 support orders under chapter 61. Placement of the child shall  
413 not be contingent upon issuance of a support order.

414 8.a. If the court does not commit the child to the  
415 temporary legal custody of an adult relative, legal custodian,  
416 or other adult approved by the court, the disposition order must  
417 ~~shall~~ include the reasons for such a decision and, upon  
418 implementation of the program authorized under s. 39.4015, shall  
419 include a written determination as to whether diligent efforts  
420 were made by the department and the community-based care lead  
421 agency reasonably engaged in family finding in attempting to  
422 locate an adult relative, legal custodian, or other adult  
423 willing to care for the child in order to present that placement  
424 option to the court instead of placement with the department.  
425 The level of reasonableness is determined by the length of the  
426 case and amount of time the department or community-based care  
427 lead agency has had to begin or continue the process.

428 b. If no suitable relative is found and the child is placed  
429 with the department or a legal custodian or other adult approved  
430 by the court, both the department and the court shall consider  
431 transferring temporary legal custody to an adult relative  
432 approved by the court at a later date, but neither the  
433 department nor the court is obligated to so place the child if  
434 it is in the child's best interest to remain in the current  
435 placement.

576-03815-18

2018590c2

436

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

441 9. Other requirements necessary to protect the health,  
442 safety, and well-being of the child, to preserve the stability  
443 of the child's child care, early education program, or any other  
444 educational placement, and to promote family preservation or  
445 reunification whenever possible.

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

449 39.6012 Case plan tasks; services.—

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

452 (b) A description of the plan for ensuring that the child  
453 receives safe and proper care and that services are provided to  
454 the child in order to address the child's needs. To the extent  
455 available and accessible, the following health, mental health,  
456 and education information and records of the child must be  
457 attached to the case plan and updated throughout the judicial  
458 review process:

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

461 2. The child's grade level performance;

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



576-03815-18

2018590c2

465 4. Documentation of compliance or noncompliance with the  
466 attendance requirements under s. 39.604, if the child is  
467 enrolled in a child care program, early education program, or  
468 preschool program;

469 ~~5.4.~~ Assurances that the child's placement takes into  
470 account proximity to the school in which the child is enrolled  
471 at the time of placement;

472 ~~6.5.~~ ~~A record of~~ The child's immunizations;

473 ~~7.6.~~ The child's known medical history, including any known  
474 health problems;

475 ~~8.7.~~ The child's medications, if any; and

476 ~~9.8.~~ Any other relevant health, mental health, and  
477 education information concerning the child.

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

480 (a) A description of the type of placement in which the  
481 child is to be living and, if the child has been placed with the  
482 department and the program as authorized under s. 39.4015 has  
483 been implemented, whether the department and the community-based  
484 care lead agency have reasonably engaged in family finding to  
485 locate an adult relative, legal custodian, or other adult  
486 willing to care for the child in order to present that placement  
487 option to the court instead of placement with the department.

488 Section 8. Section 39.604, Florida Statutes, is amended to  
489 read:

490 39.604 Rilya Wilson Act; short title; legislative intent;  
491 requirements; attendance; stability and transitions ~~reporting~~  
492 ~~responsibilities.~~-

493 (1) SHORT TITLE.-This section may be cited as the "Rilya

576-03815-18

2018590c2

494 Wilson Act.”

495 (2) LEGISLATIVE FINDINGS AND INTENT.—496 (a) The Legislature finds that children from birth to age 5  
497 years are particularly vulnerable to maltreatment and that they  
498 enter out-of-home care in disproportionately high numbers.499 (b) The Legislature also finds that children who are abused  
500 or neglected are at high risk of experiencing physical and  
501 mental health problems and problems with language and  
502 communication, cognitive development, and social and emotional  
503 development.504 (c) The Legislature also finds that providing early  
505 intervention and services, as well as quality child care and  
506 early education programs to support the healthy development of  
507 these young children, can have positive effects that last  
508 throughout childhood and into adulthood.509 (d) The Legislature also finds that the needs of each of  
510 these children are unique, and while some children may be best  
511 served by a quality child care or early education program,  
512 others may need more attention and nurturing that can best be  
513 provided by a stay-at-home caregiver ~~The Legislature recognizes~~  
514 ~~that children who are in the care of the state due to abuse,~~  
515 ~~neglect, or abandonment are at increased risk of poor school~~  
516 ~~performance and other behavioral and social problems.~~517 (e) It is the intent of the Legislature that children who  
518 are currently in out-of-home the care of the state be provided  
519 with an age-appropriate developmental child care or early  
520 education arrangement that is in the best interest of the child  
521 ~~education program~~ to help ameliorate the negative consequences  
522 of abuse, neglect, or abandonment.

576-03815-18

2018590c2

523 (3) REQUIREMENTS.—

524 (a) A child from birth to the age of school entry, who is  
525 under court-ordered protective supervision or in out-of-home  
526 care and is the custody of the Family Safety Program Office of  
527 the Department of Children and Families or a community-based  
528 lead agency, and enrolled in an a licensed early education or  
529 child care program must attend the program 5 days a week unless  
530 the court grants an exception due to the court determining it is  
531 in the best interest of a child from birth to age 3 years:

532 1. With a stay-at-home caregiver to remain at home.  
533 2. With a caregiver who works less than full time to attend  
534 an early education or child care program fewer than 5 days a  
535 week.

536 (b) Notwithstanding s. 39.202, the department ~~of Children~~  
537 ~~and Families~~ must notify operators of an the licensed early  
538 education or child care program, subject to the reporting  
539 requirements of this act, of the enrollment of any child from  
540 birth to the age of school entry, under court-ordered protective  
541 supervision or in out-of-home care. ~~If the custody of the Family~~  
542 ~~Safety Program Office of the Department of Children and Families~~  
543 ~~or a community-based lead agency.~~ When a child is enrolled in an  
544 early education or child care program ~~regulated by the~~  
545 ~~department,~~ the child's attendance in the program must be a  
546 required task action in the safety plan or the case plan  
547 developed for the child pursuant to this chapter. ~~An exemption~~  
548 ~~to participating in the licensed early education or child care~~  
549 ~~program 5 days a week may be granted by the court.~~

550 (4) ATTENDANCE AND REPORTING REQUIREMENTS.—

551 (a) A child enrolled in an a licensed early education or

576-03815-18

2018590c2

552 child care program who meets the requirements of subsection (3)  
553 may not be withdrawn from the program without the prior written  
554 approval of the department ~~Family Safety Program Office of the~~  
555 ~~Department of Children and Families~~ or the community-based care  
556 lead agency.

557 (b)1. If a child covered by this section is absent from the  
558 program on a day when he or she is supposed to be present, the  
559 person with whom the child resides must report the absence to  
560 the program by the end of the business day. If the person with  
561 whom the child resides, whether the parent or caregiver, fails  
562 to timely report the absence, the absence is considered to be  
563 unexcused. The program shall report any unexcused absence or  
564 seven consecutive excused absences of a child who is enrolled in  
565 the program and covered by this act to the ~~local designated~~  
566 ~~staff of the Family Safety Program Office of the~~ department of  
567 ~~Children and Families~~ or the community-based care lead agency by  
568 the end of the business day following the unexcused absence or  
569 seventh consecutive excused absence.

570 2. The department or community-based care lead agency shall  
571 conduct a site visit to the residence of the child upon  
572 receiving a report of two consecutive unexcused absences or  
573 seven consecutive excused absences.

574 3. If the site visit results in a determination that the  
575 child is missing, the department or community-based care lead  
576 agency shall follow the procedure set forth in s. 39.0141 ~~report~~  
577 ~~the child as missing to a law enforcement agency and proceed~~  
578 ~~with the necessary actions to locate the child pursuant to~~  
579 ~~procedures for locating missing children.~~

580 4. If the site visit results in a determination that the

576-03815-18

2018590c2

581 child is not missing, the parent or caregiver shall be notified  
582 that failure to ensure that the child attends the ~~licensed~~ early  
583 education or child care program is a violation of the safety  
584 plan or the case plan. If more than two site visits are  
585 conducted pursuant to this subsection, staff shall ~~initiate~~  
586 ~~action to~~ notify the court of the parent or caregiver's  
587 noncompliance with the case plan.

588 (5) EDUCATIONAL STABILITY.—Just as educational stability is  
589 important for school-age children, it is also important to  
590 minimize disruptions to secure attachments and stable  
591 relationships with supportive caregivers of children from birth  
592 to school age and to ensure that these attachments are not  
593 disrupted due to placement in out-of-home care or subsequent  
594 changes in out-of-home placement.

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

599 (b) If it is not in the best interest of the child for him  
600 or her to remain in his or her child care or early education  
601 setting upon entry into out-of-home care, the caregiver must  
602 work with the case manager, guardian ad litem, child care and  
603 educational staff, and educational surrogate, if one has been  
604 appointed, to determine the best setting for the child. Such  
605 setting may be a child care provider that receives a Gold Seal  
606 Quality Care designation pursuant to s. 402.281, a provider  
607 participating in a quality rating system, a licensed child care  
608 provider, a public school provider, or a license-exempt child  
609 care provider, including religious-exempt and registered

576-03815-18

2018590c2

610 providers, and non-public schools.

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

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

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

624 39.6251 Continuing care for young adults.—

625 (6) A young adult who is between the ages of 18 and 21 and  
626 who has left care may return to care by applying to the  
627 community-based care lead agency for readmission. The community-  
628 based care lead agency shall readmit the young adult if he or  
629 she continues to meet the eligibility requirements in this  
630 section.

631 (b) Within 30 days after the young adult has been  
632 readmitted to care, the community-based care lead agency shall  
633 assign a case manager to update the case plan and the transition  
634 plan and to arrange for the required services. Updates to the  
635 case plan and the transition plan and arrangements for the  
636 required services ~~Such activities~~ shall be undertaken in  
637 consultation with the young adult. The department shall petition  
638 the court to reinstate jurisdiction over the young adult.

576-03815-18

2018590c2

639 Notwithstanding s. 39.013(2), the court shall resume  
640 jurisdiction over the young adult if the department establishes  
641 that he or she continues to meet the eligibility requirements in  
642 this section.

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

649 Section 10. Paragraph (c) of subsection (2) of section  
650 39.701, Florida Statutes, is amended to read:

651 39.701 Judicial review.—

652 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
653 AGE.—

654 (c) *Review determinations.*—The court and any citizen review  
655 panel shall take into consideration the information contained in  
656 the social services study and investigation and all medical,  
657 psychological, and educational records that support the terms of  
658 the case plan; testimony by the social services agency, the  
659 parent, the foster parent or legal custodian, the guardian ad  
660 litem or surrogate parent for educational decisionmaking if one  
661 has been appointed for the child, and any other person deemed  
662 appropriate; and any relevant and material evidence submitted to  
663 the court, including written and oral reports to the extent of  
664 their probative value. These reports and evidence may be  
665 received by the court in its effort to determine the action to  
666 be taken with regard to the child and may be relied upon to the  
667 extent of their probative value, even though not competent in an

576-03815-18

2018590c2

668 adjudicatory hearing. In its deliberations, the court and any  
669 citizen review panel shall seek to determine:

670 1. If the parent was advised of the right to receive  
671 assistance from any person or social service agency in the  
672 preparation of the case plan.

673 2. If the parent has been advised of the right to have  
674 counsel present at the judicial review or citizen review  
675 hearings. If not so advised, the court or citizen review panel  
676 shall advise the parent of such right.

677 3. If a guardian ad litem needs to be appointed for the  
678 child in a case in which a guardian ad litem has not previously  
679 been appointed or if there is a need to continue a guardian ad  
680 litem in a case in which a guardian ad litem has been appointed.

681 4. Who holds the rights to make educational decisions for  
682 the child. If appropriate, the court may refer the child to the  
683 district school superintendent for appointment of a surrogate  
684 parent or may itself appoint a surrogate parent under the  
685 Individuals with Disabilities Education Act and s. 39.0016. If  
686 the child is under the age of school entry, the court must make  
687 the appointment.

688 5. The compliance or lack of compliance of all parties with  
689 applicable items of the case plan, including the parents'  
690 compliance with child support orders.

691 6. The compliance or lack of compliance with a visitation  
692 contract between the parent and the social service agency for  
693 contact with the child, including the frequency, duration, and  
694 results of the parent-child visitation and the reason for any  
695 noncompliance.

696 7. The frequency, kind, and duration of contacts among



576-03815-18

2018590c2

697 siblings who have been separated during placement, as well as  
698 any efforts undertaken to reunite separated siblings if doing so  
699 is in the best interest of the child.

700 8. The compliance or lack of compliance of the parent in  
701 meeting specified financial obligations pertaining to the care  
702 of the child, including the reason for failure to comply, if  
703 applicable.

704 9. Whether the child is receiving safe and proper care  
705 according to s. 39.6012, including, but not limited to, the  
706 appropriateness of the child's current placement, including  
707 whether the child is in a setting that is as family-like and as  
708 close to the parent's home as possible, consistent with the  
709 child's best interests and special needs, and including  
710 maintaining stability in the child's educational placement, as  
711 documented by assurances from the community-based care provider  
712 that:

713 a. The placement of the child takes into account the  
714 appropriateness of the current educational setting and the  
715 proximity to the school in which the child is enrolled at the  
716 time of placement.

717 b. The community-based care agency has coordinated with  
718 appropriate local educational agencies to ensure that the child  
719 remains in the school in which the child is enrolled at the time  
720 of placement.

721 10. Upon implementation of the program authorized under s.  
722 39.4015, whether the department or community-based care lead  
723 agency continues to reasonably engage in family finding. The  
724 level of reasonableness is determined by the length of the case  
725 and amount of time the department or community-based care lead

576-03815-18

2018590c2

726 agency has had to continue the process.

727 ~~11.10.~~ A projected date likely for the child's return home  
728 or other permanent placement.

729 ~~12.11.~~ When appropriate, the basis for the unwillingness or  
730 inability of the parent to become a party to a case plan. The  
731 court and the citizen review panel shall determine if the  
732 efforts of the social service agency to secure party  
733 participation in a case plan were sufficient.

734 ~~13.12.~~ For a child who has reached 13 years of age but is  
735 not yet 18 years of age, the adequacy of the child's preparation  
736 for adulthood and independent living. For a child who is 15  
737 years of age or older, the court shall determine if appropriate  
738 steps are being taken for the child to obtain a driver license  
739 or learner's driver license.

740 ~~14.13.~~ If amendments to the case plan are required.  
741 Amendments to the case plan must be made as provided in ~~under~~ s.  
742 39.6013.

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

745 409.166 Children within the child welfare system; adoption  
746 assistance program.—

747 (4) ADOPTION ASSISTANCE.—

748 (a) For purposes of administering payments under paragraph  
749 (d), the term:

750 1. "Child" means an individual who has not attained 21  
751 years of age.

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

754 (b) ~~(a)~~ A maintenance subsidy shall be granted only when all

576-03815-18

2018590c2

755 other resources available to a child have been thoroughly  
756 explored and it can be clearly established that this is the most  
757 acceptable plan for providing permanent placement for the child.  
758 The maintenance subsidy may not be used as a substitute for  
759 adoptive parent recruitment or as an inducement to adopt a child  
760 who might be placed without providing a subsidy. However, it  
761 shall be the policy of the department that no child be denied  
762 adoption if providing a maintenance subsidy would make adoption  
763 possible. The best interest of the child shall be the deciding  
764 factor in every case. This section does not prohibit foster  
765 parents from applying to adopt a child placed in their care.  
766 Foster parents or relative caregivers must be asked if they  
767 would adopt without a maintenance subsidy.

768 (c) ~~(b)~~ The department shall provide adoption assistance to  
769 the adoptive parents, subject to specific appropriation, in the  
770 amount of \$5,000 annually, paid on a monthly basis, for the  
771 support and maintenance of a child until the 18th birthday of  
772 such child or in an amount other than \$5,000 annually as  
773 determined by the adoptive parents and the department and  
774 memorialized in a written agreement between the adoptive parents  
775 and the department. The agreement shall take into consideration  
776 the circumstances of the adoptive parents and the needs of the  
777 child being adopted. The amount of subsidy may be adjusted based  
778 upon changes in the needs of the child or circumstances of the  
779 adoptive parents. Changes may ~~shall~~ not be made without the  
780 concurrence of the adoptive parents. However, in no case shall  
781 the amount of the monthly payment exceed the foster care  
782 maintenance payment that would have been paid during the same  
783 period if the child had been in a foster family home.

576-03815-18

2018590c2

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

789 1. Completing secondary education or a program leading to  
790 an equivalent credential;

791 2. Enrolled in an institution that provides postsecondary  
792 or vocational education;

793 3. Participating in a program or activity designed to  
794 promote or eliminate barriers to employment;

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

796 5. Unable to participate in programs or activities listed  
797 in subparagraphs 1.-4. full time due to a physical,  
798 intellectual, emotional, or psychiatric condition that limits  
799 participation. Any such barrier to participation must be  
800 supported by documentation in the child's case file or school or  
801 medical records.

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

806 (f)~~(e)~~ The department may provide adoption assistance to  
807 the adoptive parents, subject to specific appropriation, for  
808 medical assistance initiated after the adoption of the child for  
809 medical, surgical, hospital, and related services needed as a  
810 result of a physical or mental condition of the child which  
811 existed before the adoption and is not covered by Medicaid,  
812 Children's Medical Services, or Children's Mental Health

576-03815-18

2018590c2

813 Services. Such assistance may be initiated at any time but shall  
814 terminate on or before the child's 18th birthday.

815 (5) ELIGIBILITY FOR SERVICES.—

816 (a) As a condition of providing adoption assistance under  
817 this section and before the adoption is finalized, the adoptive  
818 parents must have an approved adoption home study and must enter  
819 into an adoption-assistance agreement with the department which  
820 specifies the financial assistance and other services to be  
821 provided.

822 (b) A child who is handicapped at the time of adoption is  
823 ~~shall be~~ eligible for services through the Children's Medical  
824 Services network established under part I of chapter 391 if the  
825 child was eligible for such services before ~~prior to~~ the  
826 adoption.

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

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

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

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

839 (c) "Fictive kin" means a person unrelated by birth,  
840 marriage, or adoption who has an emotionally significant  
841 relationship, which possesses the characteristics of a family

576-03815-18

2018590c2

842 relationship, to a child.

843 (3) Caregivers enrolled in the Relative Caregiver or  
844 Nonrelative Caregiver Program prior to August 1, 2018, are not  
845 eligible to participate in the Title IV-E Guardianship  
846 Assistance Program pilot. Effective August 1, 2018, eligible  
847 caregivers enrolled in the pilot may not simultaneously have  
848 payments made on the child's behalf through the Relative  
849 Caregiver Program under s. 39.5085, postsecondary education  
850 services and supports under s. 409.1451, or child-only cash  
851 assistance under chapter 414.

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

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

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