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CS/HB 1209

2019 Legislature

1
2 An act relating to caregivers for children in out-of-
3 home care; creating s. 39.4087, F.S.; providing
4 legislative intent; establishing goals for the
5 Department of Children and Families relating to
6 caregivers; providing responsibilities of the
7 department; providing for dispute resolution;
8 providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Section 39.4087, Florida Statutes, is created
13 to read:

14 39.4087 Department goals and requirements relating to
15 caregivers; dispute resolution.-

16 (1) To provide the best care to children, the Legislature
17 establishes as goals for the department to treat foster parents,
18 kinship caregivers, and nonrelative caregivers with dignity,
19 respect, and trust while ensuring delivery of child welfare
20 services is focused on the best interest of the child. To that
21 end, regarding foster parents, kinship caregivers, and
22 nonrelative caregivers caring for dependent children in their
23 home, to the extent not otherwise prohibited by state or federal
24 law and to the extent of current resources, the department will
25 strive to:

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26 (a) Provide a clear explanation to a caregiver on the role
 27 of the department, the role of the child's biological family as
 28 it relates to the delivery of child welfare services, and the
 29 rights and responsibilities of the caregiver.

30 (b) Provide training and support to the caregiver to help
 31 meet the necessary requirements for the daily care of the child
 32 and any special needs the child may have.

33 (c) Fully disclose all relevant information regarding the
 34 child and the background of his or her biological family. A
 35 caregiver must maintain the confidentiality of any information
 36 as required by law. Such disclosure includes, but is not limited
 37 to:

38 1. Any issues relative to the child that may jeopardize
 39 the health and safety of the caregiver or other individuals
 40 residing in the household or alter the manner in which the
 41 caregiver would normally provide care.

42 2. Any delinquency or criminal record of the child,
 43 including, but not limited to, any pending petitions or
 44 adjudications of delinquency when the conduct constituting the
 45 delinquent act, if committed by an adult, would constitute
 46 murder in the first degree, murder in the second degree, rape,
 47 robbery, or kidnapping.

48 3. Information about any physical or sexual abuse the
 49 child has experienced.

50 4. Any behavioral issues that may affect the care and

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51 supervision of the child.

52 5. With parental consent to the extent required by law,
53 any known health history and medical, psychological, or mental
54 health issues or needs of the child, including, but not limited
55 to, current infectious diseases the child has or any episodes of
56 hospitalization due to mental or physical illness.

57 (d) Allow caregivers to communicate with professionals who
58 work with the child, including, but not limited to, therapists
59 and other behavioral health professionals, physicians and other
60 health care professionals, and teachers.

61 (e) Provide a means by which a caregiver may contact the
62 community-based care lead agency 24 hours a day, 7 days a week,
63 for the purpose of receiving assistance from the lead agency.

64 (f) Solicit and consider caregiver input on a child's case
65 plan.

66 (g) Provide a clear, written explanation to a caregiver of
67 any plan concerning the placement of a child in the caregiver's
68 home. If a plan was not developed before the placement, the
69 department must provide a clear, written explanation to the
70 caregiver once the plan is developed.

71 (h) Provide information, when it becomes available, on any
72 emergency situation that requires a child to be placed in the
73 caregiver's home.

74 (i) Allow a caregiver to request the removal of a child
75 from the home without retaliation. However, the caregiver must

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76 | be open to receiving training or other support services that may
77 | mitigate the need for the child's removal. If removal occurs,
78 | the caregiver shall cooperate with any transition that is in the
79 | best interest of the child to the extent that doing so is safe
80 | for the caregiver and other individuals in the caregiver's home.

81 | (j) Inform the caregiver as soon as possible of any
82 | decision made by a court or child-caring agency relating to a
83 | child who is placed with the caregiver.

84 | (k) Give at least 7 days' notice to a caregiver, to the
85 | extent possible, of any meeting or court hearing related to a
86 | child in his or her care. The notice shall include, but is not
87 | limited to, the name of the judge or hearing officer, the docket
88 | number, and the purpose and location of the hearing or meeting.
89 | If the department is providing such information to a child's
90 | biological parent, the department shall provide notice to the
91 | caregiver at the same time as the biological parent.

92 | (l) If the caregiver agrees, consider the caregiver as a
93 | placement option for a child if such child was formerly placed
94 | with the caregiver and reenters out-of-home care.

95 | (m) Upon reasonable notice from a caregiver, allow him or
96 | her a period of respite.

97 | (n) Upon request, provide a caregiver with copies of all
98 | information in the department's records relating to the
99 | caregiver.

100 | (2) (a) If a caregiver believes that the department, an

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101 employee of the department, an agency under contract with the
102 department, or an employee of such agency has violated this
103 section, and that the violation has harmed or could harm a child
104 who is or was in the custody of the department, or that the
105 violation inhibited the caregiver's ability to meet the child's
106 needs as set forth in the case plan, the caregiver may notify
107 the liaison assigned to the caregiver or the child's case
108 manager. The liaison or case manager must make every attempt to
109 resolve the dispute.

110 (b) If a caregiver believes the dispute is not adequately
111 resolved by the case manager, the caregiver or the liaison for
112 the caregiver may contact the supervisor of the liaison or the
113 supervisor of the case manager. If the caregiver or the liaison
114 for the caregiver contacts a supervisor in writing, he or she
115 may copy the department on the communication and the department
116 shall maintain a record of any such communication received.

117 (c) If a caregiver believes that the supervisor of the
118 liaison or the supervisor of the case manager did not adequately
119 resolve the dispute, the caregiver may contact the department,
120 and the department must conduct a review and respond to the
121 caregiver in writing within 30 days after being contacted.

122 Section 2. This act shall take effect July 1, 2019.