

By Senator Rouson

19-01072A-19

2019634__

1 A bill to be entitled
2 An act relating to child welfare; providing a short
3 title; amending s. 25.385, F.S.; requiring the Florida
4 Court Educational Council to establish certain
5 standards for instruction of circuit and county court
6 judges for dependency cases; creating s. 39.0142,
7 F.S.; requiring the Department of Children and
8 Families to notify local law enforcement agencies of
9 certain people involved in a child protective
10 investigation; authorizing a law enforcement officer
11 to call the central abuse hotline in certain
12 situations; creating s. 39.0143, F.S.; providing
13 training requirements for the recognition and
14 treatment of head trauma and brain injury in specified
15 children; amending s. 39.8296, F.S.; requiring that
16 the guardian ad litem training program include
17 training on the recognition and treatment of head
18 trauma and brain injury in specified children;
19 amending s. 402.402, F.S.; requiring certain entities
20 to provide training to certain parties on the
21 recognition and treatment of head trauma and brain
22 injury in specified children; removing obsolete
23 language; amending s. 409.906, F.S.; requiring the
24 Agency for Health Care Administration, in consultation
25 with the department, to establish a targeted case-
26 management pilot project in certain judicial circuits;
27 amending s. 409.988, F.S.; authorizing lead agencies
28 to provide intensive family reunification services
29 that combine child welfare and mental health services

19-01072A-19

2019634__

30 to certain families; creating s. 943.17297, F.S.;

31 requiring the Criminal Justice Standards and Training

32 Commission to incorporate training for specified

33 purposes; requiring law enforcement officers to

34 complete training on the recognition and treatment of

35 head trauma and brain injury in specified children for

36 certification or continued employment; providing an

37 effective date.

38

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

40

41 Section 1. This act may be cited as "Jordan's Law."

42 Section 2. Section 25.385, Florida Statutes, is amended to

43 read:

44 25.385 Standards for instruction of circuit and county

45 court judges ~~in handling domestic violence cases.~~

46 (1) The Florida Court Educational Council shall establish

47 standards for instruction of circuit and county court judges who

48 have responsibility for domestic violence cases, and the council

49 shall provide such instruction on a periodic and timely basis.

50 ~~(2) As used in this subsection, section:~~

51 ~~(a) the term "domestic violence" has the meaning set forth~~

52 ~~in s. 741.28.~~

53 ~~(b) "Family or household member" has the meaning set forth~~

54 ~~in s. 741.28.~~

55 (2) The Florida Court Educational Council shall establish

56 standards for instruction of circuit and county court judges who

57 have responsibility for dependency cases regarding the

58 recognition and treatment of head trauma and brain injury in a

19-01072A-19

2019634__

59 child from birth to 5 years of age. The council shall provide
60 such instruction on a periodic and timely basis.

61 Section 3. Section 39.0142, Florida Statutes, is created to
62 read:

63 39.0142 Notifying law enforcement of parent or caregiver
64 names.—

65 (1) The department shall enter the name of a parent or
66 caregiver who is the subject of a child protective investigation
67 into the Florida Crime Information Center for the purpose of
68 notifying local law enforcement agencies that there is an active
69 investigation. If a law enforcement officer has contact with the
70 named parent or caregiver, the officer may notify the department
71 by calling the central abuse hotline and providing a synopsis of
72 the interaction. The central abuse hotline shall determine the
73 next appropriate action, if any.

74 (2) The department shall remove the name of the parent or
75 caregiver from the Florida Crime Information Center when there
76 is no longer an active investigation or when judicial
77 supervision has ended.

78 Section 4. Section 39.0143, Florida Statutes, is created to
79 read:

80 39.0143 Training on the recognition and treatment of head
81 trauma and brain injury.—Training on the recognition and
82 treatment of head trauma and brain injury in a child from birth
83 to 5 years of age must include, at a minimum, the prevention,
84 symptoms, risks, and treatment of head trauma or brain injuries.

85 Section 5. Paragraph (b) of subsection (2) of section
86 39.8296, Florida Statutes, is amended to read:

87 39.8296 Statewide Guardian Ad Litem Office; legislative

19-01072A-19

2019634__

88 findings and intent; creation; appointment of executive
89 director; duties of office.—

90 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
91 Statewide Guardian Ad Litem Office within the Justice
92 Administrative Commission. The Justice Administrative Commission
93 shall provide administrative support and service to the office
94 to the extent requested by the executive director within the
95 available resources of the commission. The Statewide Guardian Ad
96 Litem Office shall not be subject to control, supervision, or
97 direction by the Justice Administrative Commission in the
98 performance of its duties, but the employees of the office shall
99 be governed by the classification plan and salary and benefits
100 plan approved by the Justice Administrative Commission.

101 (b) The Statewide Guardian Ad Litem Office shall, within
102 available resources, have oversight responsibilities for and
103 provide technical assistance to all guardian ad litem and
104 attorney ad litem programs located within the judicial circuits.

105 1. The office shall identify the resources required to
106 implement methods of collecting, reporting, and tracking
107 reliable and consistent case data.

108 2. The office shall review the current guardian ad litem
109 programs in Florida and other states.

110 3. The office, in consultation with local guardian ad litem
111 offices, shall develop statewide performance measures and
112 standards.

113 4. The office shall develop a guardian ad litem training
114 program, which must include, but not be limited to, the training
115 requirements under s. 39.0143. The office shall establish a
116 curriculum committee to develop the training program specified

19-01072A-19

2019634__

117 in this subparagraph. The curriculum committee shall include,
118 but not be limited to, dependency judges, directors of circuit
119 guardian ad litem programs, active certified guardians ad litem,
120 a mental health professional who specializes in the treatment of
121 children, a member of a child advocacy group, a representative
122 of the Florida Coalition Against Domestic Violence, and a social
123 worker experienced in working with victims and perpetrators of
124 child abuse.

125 5. The office shall review the various methods of funding
126 guardian ad litem programs, shall maximize the use of those
127 funding sources to the extent possible, and shall review the
128 kinds of services being provided by circuit guardian ad litem
129 programs.

130 6. The office shall determine the feasibility or
131 desirability of new concepts of organization, administration,
132 financing, or service delivery designed to preserve the civil
133 and constitutional rights and fulfill other needs of dependent
134 children.

135 7. In an effort to promote normalcy and establish trust
136 between a court-appointed volunteer guardian ad litem and a
137 child alleged to be abused, abandoned, or neglected under this
138 chapter, a guardian ad litem may transport a child. However, a
139 guardian ad litem volunteer may not be required or directed by
140 the program or a court to transport a child.

141 8. The office shall submit to the Governor, the President
142 of the Senate, the Speaker of the House of Representatives, and
143 the Chief Justice of the Supreme Court an interim report
144 describing the progress of the office in meeting the goals as
145 described in this section. The office shall submit to the

19-01072A-19

2019634__

146 Governor, the President of the Senate, the Speaker of the House
147 of Representatives, and the Chief Justice of the Supreme Court a
148 proposed plan including alternatives for meeting the state's
149 guardian ad litem and attorney ad litem needs. This plan may
150 include recommendations for less than the entire state, may
151 include a phase-in system, and shall include estimates of the
152 cost of each of the alternatives. Each year the office shall
153 provide a status report and provide further recommendations to
154 address the need for guardian ad litem services and related
155 issues.

156 Section 6. Subsections (2) and (4) of section 402.402,
157 Florida Statutes, are amended to read:

158 402.402 Child protection and child welfare personnel;
159 attorneys employed by the department.-

160 (2) SPECIALIZED TRAINING.-All child protective
161 investigators and child protective investigation supervisors
162 employed by the department or a sheriff's office must complete
163 the following specialized training:

164 (a) Training that includes the requirements under s.
165 39.0143.

166 (b) Training that is either focused on serving a specific
167 population, including, but not limited to, medically fragile
168 children, sexually exploited children, children under 3 years of
169 age, or families with a history of domestic violence, mental
170 illness, or substance abuse, or focused on performing certain
171 aspects of child protection practice, including, but not limited
172 to, investigation techniques and analysis of family dynamics.
173 ~~The specialized training may be used to fulfill continuing~~
174 ~~education requirements under s. 402.40(3)(e).~~ Individuals hired

19-01072A-19

2019634__

175 ~~before July 1, 2014, shall complete the specialized training by~~
176 ~~June 30, 2016, and individuals hired on or after July 1, 2014,~~
177 shall complete the specialized training required under this
178 paragraph within 2 years after hire. The specialized training
179 may be used to fulfill continuing education requirements under
180 s. 402.40(3)(e). An individual may receive specialized training
181 in multiple areas.

182 (4) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
183 WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose
184 primary responsibility is representing the department in child
185 welfare cases shall, within the first 6 months of employment,
186 receive training in all of the following:

187 (a) The dependency court process, including the attorney's
188 role in preparing and reviewing documents prepared for
189 dependency court for accuracy and completeness. ~~†~~

190 (b) Preparing and presenting child welfare cases, including
191 at least 1 week shadowing an experienced children's legal
192 services attorney preparing and presenting cases. ~~†~~

193 (c) Safety assessment, safety decisionmaking tools, and
194 safety plans. ~~†~~

195 (d) Developing information presented by investigators and
196 case managers to support decisionmaking in the best interest of
197 children. ~~† and~~

198 (e) The experiences and techniques of case managers and
199 investigators, including shadowing an experienced child
200 protective investigator and an experienced case manager for at
201 least 8 hours.

202 (f) The recognition and treatment of head trauma and brain
203 injury in a child from birth to 5 years of age.

19-01072A-19

2019634__

204 Section 7. Subsection (24) of section 409.906, Florida
205 Statutes, is amended to read:

206 409.906 Optional Medicaid services.—Subject to specific
207 appropriations, the agency may make payments for services which
208 are optional to the state under Title XIX of the Social Security
209 Act and are furnished by Medicaid providers to recipients who
210 are determined to be eligible on the dates on which the services
211 were provided. Any optional service that is provided shall be
212 provided only when medically necessary and in accordance with
213 state and federal law. Optional services rendered by providers
214 in mobile units to Medicaid recipients may be restricted or
215 prohibited by the agency. Nothing in this section shall be
216 construed to prevent or limit the agency from adjusting fees,
217 reimbursement rates, lengths of stay, number of visits, or
218 number of services, or making any other adjustments necessary to
219 comply with the availability of moneys and any limitations or
220 directions provided for in the General Appropriations Act or
221 chapter 216. If necessary to safeguard the state's systems of
222 providing services to elderly and disabled persons and subject
223 to the notice and review provisions of s. 216.177, the Governor
224 may direct the Agency for Health Care Administration to amend
225 the Medicaid state plan to delete the optional Medicaid service
226 known as "Intermediate Care Facilities for the Developmentally
227 Disabled." Optional services may include:

228 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for
229 Health Care Administration, in consultation with the Department
230 of Children and Families, may establish a targeted case-
231 management project in those counties identified by the
232 Department of Children and Families and for all counties with a

19-01072A-19

2019634__

233 community-based child welfare project, as authorized under s.
234 409.987 which have been specifically approved by the department.
235 Beginning October 1, 2019, the Agency for Health Care
236 Administration, in consultation with the Department of Children
237 and Families, shall establish a targeted case-management pilot
238 project in the Sixth and Thirteenth Judicial Circuits. The
239 covered group of individuals who are eligible to receive
240 targeted case management include children who are eligible for
241 Medicaid; who are between the ages of birth through 21; and who
242 are under protective supervision or postplacement supervision,
243 under foster-care supervision, or in shelter care or foster
244 care. The number of individuals who are eligible to receive
245 targeted case management is limited to the number for whom the
246 Department of Children and Families has matching funds to cover
247 the costs. The general revenue funds required to match the funds
248 for services provided by the community-based child welfare
249 projects are limited to funds available for services described
250 under s. 409.990. The Department of Children and Families may
251 transfer the general revenue matching funds as billed by the
252 Agency for Health Care Administration.

253 Section 8. Paragraph (f) of subsection (1) and subsection
254 (3) of section 409.988, Florida Statutes, are amended to read:

255 409.988 Lead agency duties; general provisions.—

256 (1) DUTIES.—A lead agency:

257 (f) Shall ensure that all individuals providing care for
258 dependent children receive appropriate training and meet the
259 minimum employment standards established by the department.

260 Appropriate training must include, but is not limited to, the
261 training requirements under s. 39.0143 on the recognition and

19-01072A-19

2019634__

262 treatment of head trauma and brain injury in a child from birth
263 to 5 years of age.

264 (3) SERVICES.—A lead agency must provide dependent children
265 with services that are supported by research or that are
266 recognized as best practices in the child welfare field. The
267 agency shall give priority to the use of services that are
268 evidence-based and trauma-informed and may also provide other
269 innovative services, including, but not limited to, family-
270 centered and cognitive-behavioral interventions designed to
271 mitigate out-of-home placements and intensive family
272 reunification services that combine child welfare and mental
273 health services for families with dependent children up to 5
274 years of age.

275 Section 9. Section 943.17297, Florida Statutes, is created
276 to read:

277 943.17297 Basic skills training in the recognition and
278 treatment of head trauma and brain injury.—The commission shall
279 establish standards, including, but not limited to, the training
280 requirements under s. 39.0143, for the instruction of law
281 enforcement officers in the subject of recognition and treatment
282 of head trauma and brain injury in a child from birth to 5 years
283 of age to aid an officer in the detection of head trauma and
284 brain injury due to child abuse. Each law enforcement officer
285 must successfully complete the training as part of the basic
286 recruit training required for a law enforcement officer to
287 obtain initial certification or as a part of continuing training
288 or education required under s. 943.135(1).

289 Section 10. This act shall take effect July 1, 2019.