



205506

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2019	.	
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The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

**Senate Amendment**

Delete lines 86 - 179  
and insert:

(2) BILL OF RIGHTS.—The department's child welfare system shall operate with the understanding that the rights of children and young adults in out-of-home care are critical to their safety, permanence, and well-being and shall work with all stakeholders to help such children and young adults become knowledgeable about their rights and the resources available to



205506

11 them. A child should be able to remain in the custody of his or  
12 her parents or legal custodians unless a qualified person  
13 exercising competent professional judgment determines that  
14 removal is necessary to protect the child's physical, mental, or  
15 emotional health or safety. Except as otherwise provided in this  
16 chapter, the rights of a child placed in out-of-home care are:

17 (a) To live in a safe, healthy, and comfortable home where  
18 he or she is treated with respect and where the caregiver is  
19 aware of and understands the child's history, needs, and risk  
20 factors.

21 (b) To be free from physical, sexual, emotional, or other  
22 abuse, or corporal punishment. This includes the right to be  
23 placed away from other children or young adults who are known to  
24 pose a threat of harm to him or her because of his or her own  
25 risk factors or those of the other child or young adult.

26 (c) To receive adequate and healthful food, adequate  
27 clothing, and an allowance.

28 (d) To receive medical, dental, vision, and mental health  
29 services, as needed.

30 (e) To be free of the administration of psychotropic  
31 medication or chemical substances, unless authorized by this  
32 chapter.

33 (f) To be able to contact and visit his or her family  
34 members and fictive kin, unless prohibited by court order.

35 (g) To be placed together with his or her siblings who are  
36 under the court's jurisdiction, or to maintain contact with and  
37 visit his or her siblings at least once per week, unless  
38 prohibited by court order.

39 (h) To be able to contact the Florida Children's Ombudsman,



205506

40 as described in s. 39.4086, regarding violations of rights; to  
41 speak to the ombudsman confidentially; and to be free from  
42 threats or punishment for making complaints.

43 (i) To make and receive uncensored telephone calls and to  
44 send and receive unopened mail, unless prohibited by court  
45 order.

46 (j) To attend the religious services and activities of his  
47 or her choice, and to not be compelled to unwillingly attend  
48 religious services or activities.

49 (k) To maintain a bank account and manage personal income,  
50 consistent with his or her age and developmental level, unless  
51 prohibited by the case plan and to be informed about any funds  
52 being held in the master trust on behalf of the child.

53 (l) To not be locked in any room, building, or facility  
54 premises, unless placed in a residential treatment center  
55 pursuant to this chapter.

56 (m) To attend school and participate in extracurricular,  
57 cultural, and personal enrichment activities consistent with his  
58 or her age and developmental level.

59 (n) To work and develop job skills at an age-appropriate  
60 level that is consistent with state law.

61 (o) To have social contact with people outside of the  
62 foster care system such as teachers, church members, mentors,  
63 and friends.

64 (p) To attend independent living program classes and  
65 activities if he or she meets the age requirements.

66 (q) To attend all court hearings and address the court.

67 (r) To have storage space for private use.

68 (s) To participate in creating and reviewing his or her



205506

69 case plan if he or she is 14 years of age or older or, if  
70 younger, is of an appropriate age and capacity to receive  
71 information about his or her out-of-home placement and case  
72 plan, including being told of changes to the plan, and to have  
73 the ability to object to provisions of the case plan.

74 (t) To be free from unreasonable searches of his or her  
75 personal belongings.

76 (u) To the confidentiality of all juvenile court records  
77 consistent with state law.

78 (v) To have fair and equal access to all available  
79 services, placement, care, treatment, and benefits, and to not  
80 be subjected to discrimination or harassment on the basis of  
81 actual or perceived race, ethnic group identification, ancestry,  
82 national origin, color, religion, sex, sexual orientation,  
83 gender identity, mental or physical disability, or HIV status.

84 (w) If he or she is 16 years of age or older, to have  
85 access to existing information regarding the educational and  
86 financial assistance options available to him or her, including,  
87 but not limited to, the coursework necessary for vocational and  
88 postsecondary educational programs, postsecondary educational  
89 services and support, the Keys to Independence program, and the  
90 tuition waiver available under s. 1009.25.

91 (x) To not be moved by the department or a community-based  
92 care lead agency to another out-of-home placement unless the  
93 current home is unsafe or the change is court-ordered and, if  
94 moved, the right to a transition that respects his or her  
95 relationships and property pursuant to s. 409.145.

96 (y) To have a guardian ad litem appointed to represent his  
97 or her best interests and, if appropriate, an attorney ad litem



98 appointed to represent his or her legal interests. The guardian  
99 ad litem and attorney ad litem shall have immediate and  
100 unlimited access to the children they represent.  
101